



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Details (With Text)

<b>File #:</b>	19-429	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Staff Report	<b>Status:</b>		Public Hearing	
<b>File created:</b>	9/12/2019	<b>In control:</b>		Council	
<b>On agenda:</b>	10/7/2019	<b>Final action:</b>			
<b>Title:</b>	Rezoning Application - 1314-1322 Esquimalt Road, Staff Report DEV-19-089				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Appendix A Bylaw No. 2974, 2. Appendix B Aerial Overview and Zoning Map, 3. Appendix C Letter from Applicant_Redacted, 4. Appendix D Survey, Site Plan, Exterior Photos, 5. Appendix E Parking Rationale, 6. Appendix F Neighbourhood Meeting Synopsis_Redacted, 7. Appendix G Public Hearing Notice				

Date	Ver.	Action By	Action	Result
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## REQUEST FOR DECISION

**DATE:** October 2, 2019

Report No. DEV-19-089

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Tricia deMacedo, Planner II - Policy and Bill Brown, Director of Development Services

**SUBJECT:**

Public Hearing - Rezoning Application: 1314-1322 Esquimalt Road

**RECOMMENDATION:**

That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2974 (Appendix A), which would change the zoning designation of 1314-1322 Esquimalt Road (PID 002-535-939 Lot A, Suburban Lot 38, Esquimalt District Plan 27046), shown cross-hatched on Schedule 'A' of Bylaw No. 2974, from the Core Commercial Zone (C-3) to Comprehensive Development District (CD-125), be forwarded to a future Council meeting for further consideration.

**RELEVANT POLICY:**

*Local Government Act*

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Parking Bylaw, 1992, No. 2011

Development Application Procedures and Fees Bylaw, 2012, No. 2791

Advisory Planning Commission Bylaw, 2012, No. 2792

## **STRATEGIC RELEVANCE:**

This Request for Decision does not directly relate to a specific strategic objective.

## **BACKGROUND:**

Appendix A: Bylaw No. 2974 - Bylaw to Amend Zoning Bylaw 1992, No. 2050

Appendix B: Aerial overview and zoning map

Appendix C: Letter from applicant

Appendix D: Survey, site plan, parking layout, exterior photos

Appendix E: Parking rationale

Appendix F: Neighbourhood meeting synopsis

Appendix G: Notice of Public Hearing

## **Purpose of the Application**

This rezoning application is to allow for the retail sale of cannabis in an existing building. The applicant proposes to rezone the property at 1314-1322 Esquimalt Road to a site specific (CD-125) zone with an additional use of 'Store, Cannabis Sales' along with the existing uses in the C-3 zone.

Evaluation of this application should focus on issues relevant to a change in zoning, such as the appropriateness of the proposed uses, the fit with the neighbourhood, parking, pedestrian and vehicle traffic levels, and consistency with the overall direction contained within the Official Community Plan.

## **Context**

Applicants: Misty Mountain Cannabis Inc.

Owners: 0775462 BC Ltd.

Property Size: 1360 m<sup>2</sup>

Existing Land Use: Twelve rental apartments and five ground floor commercial units

Surrounding Land Uses:

- North: Strata Apartment (RM-4)
- South: Strata Apartment (C-3)
- West: Rental Apartment (RM-4)
- East: Commercial (C-3)

Existing Zoning: Core Commercial (C-3)

Proposed Zoning: Comprehensive Development (CD - 125)

Existing OCP Designation: Commercial/Commercial Mixed Use

## **Timeline**

Application received: April 4, 2019

Neighbourhood meeting: May 21, 2019

APC meeting: June 18, 2019

Council First and Second Reading: August 19, 2019

Public Hearing date: October 7, 2019

## **Official Community Plan**

The Official Community Plan is silent on the subject of cannabis retail operations. However, there are

a number of policies under Economic Development that support the proposal:

16.1 Support economic development that:

- Fosters investment and growth in local businesses, services and facilities that cater to the community.
- Works towards creating a complete community for families and seniors, including banking, medical and support services, daycare, an accessible trail system, public transit and recreational opportunities.
- Recognizes the value of locally owned and small businesses.

16.2 Encourage revitalization of underdeveloped commercial and industrial areas that have been in decline.

Encourage revitalization of commercial areas along Admirals Road, Esquimalt Road, corner of Tillicum and Craigflower Roads, and Head Street.

### **Zoning**

The process for a prospective cannabis retailer in an existing building within Esquimalt is to rezone the entire property to allow for cannabis sales within a specific unit. The table below indicates the major changes from the current zone, to the new CD-125 zone.

	Core Commercial Zone	Proposed Comprehensive Development Zone
Front Setback	0 m	2.8
Rear Setback	3 m	16.7
Side Setback	0 m	1.5
Exterior Side Setback	0 m	1.4
Building Height	13 m	13 m
Off Street Parking	29 spaces	20 spaces

The proposed Comprehensive Development District also includes the following differences from the existing Neighbourhood Commercial zone:

- One Accessory Building is permitted.
- Cannabis Sales Store is a permitted use.
- Only one Cannabis Sales Store is permitted at any time on the property.
- The Cannabis Sales Store is limited to a maximum floor area of 67 m<sup>2</sup>.

The site is at least 500 m away from elementary, middle and secondary schools in Esquimalt. The site is within approximately 100 m of another application for cannabis retail at 524 Admirals Rd.

### **Parking**

The building owner has designed three parking spaces for the sole use of the proposed cannabis retail store. The residential apartments require 1.3 parking spaces per unit and the existing businesses, plus the proposed cannabis store will require 1 space per 25-35 m<sup>2</sup>. The total number of parking spaces required is 29 spaces. Originally, the building was constructed with 30 parking spaces. Using the current standards for parking space dimensions, this is reduced to 26. Refuse bins and storage use an additional 6 spaces leaving 20 spaces available for the entire building. The applicant proposes to mitigate the shortfall in parking by purchasing 6 bicycle racks to install in front

of the building for a total of 12 bike parking spots and would also be providing a voluntary contribution of \$7500 towards the purchase of additional bicycle racks for elsewhere along Esquimalt Road. This voluntary contribution, may only be used towards the purchase and installation of additional bicycle racks along Esquimalt Road. There are also an additional 6 one-hour public parking spots in front of the building.

### **Traffic**

This proposal is not expected to increase the traffic in this area by any measureable level. The space that is proposed for cannabis sales is an existing commercial unit that is currently vacant. The building is located in a walkable commercial area and on three bus routes 15, 26 and 46 with a fourth route, namely 25, approximately 70 m away.

### **Comments from Other Departments**

The plans for this proposal were circulated to other departments and the following comments were received:

**Community Safety Services:** The proposed cannabis retail store is not within 500 m of any schools with the Township, as per Business Licence and Regulation Bylaw, 2013 No. 2810.

**Engineering Services:** Engineering staff have stated that the proposed rezoning of this property will not have an impact on the engineering aspects of this property.

**Fire Services:** Fire Services staff have completed a preliminary review of the proposed plans and have no concerns at this time.

### **Comments from the Advisory Planning Commission (APC)**

This application was considered at the regular meeting of the APC held on June 18, 2019, and the following motion was passed: That the application for rezoning to allow for the operation of a Cannabis Sales Store at 1318A Esquimalt Rd., consistent with the site plan prepared by EDDA Creative, stamped "Received June 7, 2019" be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve as the proposal meets the land use requirements and is a good location.

### **ISSUES:**

#### 1. Rationale for Selected Option

The application is supportable due to the following reasons:

- The location is well suited to customers arriving on foot or by transit.
- The application is for a new retail use within a building that is currently zoned for retail stores.
- Parking at the building has not been a problem in the past, with any previous businesses and the cannabis store has been allocated three spaces for their sole use.
- The applicant proposes to add two additional bicycle racks for customers and residents immediately outside the store, and is voluntarily contributing to the purchase of additional bicycle racks along Esquimalt Road.
- The building is outside of the 'prohibition zone' of 500 m around schools.
- There are currently no other Cannabis Sales Stores in Esquimalt.
- The Advisory Planning Commission has recommended approval of this application.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

Providing services such as cannabis retail locally prevents the need for residents to travel to other municipalities to purchase product legally. The applicant is proposing to add two bicycle racks for the building to improve end of trip facilities for both residents and customers.

5. Communication & Engagement

The applicant held a neighbourhood meeting on May 21, 2019, in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2018, No. 2971.

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres of the subject property on September 24, 2019. Notice of the Public Hearing was included in the September 27 and October 2 editions of the Victoria News. A sign indicating that the property is under consideration for a change in zoning has been installed on the property since April of this year and was updated to include the date, time, and location of the Public Hearing.

**ALTERNATIVES:**

1. Council, upon considering comments made at the Public Hearing, resolve that the application be forwarded to a future Council meeting for further consideration.
2. Council postpone consideration of Zoning Amendment Bylaw No. 2974 pending receipt of additional information. (Note that receipt of new information from the applicant or the public may require a new Public Hearing.)
3. Council defeat Zoning Amendment Bylaw No. 2974