



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

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**Title:** Development Variance Permit Application - 1149 Esquimalt Road, Staff Report No. DEV-20-073  
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**Attachments:** 1. Appendix A - DVP00108 - 1149 Esquimalt Road, 2. Appendix B - Air photo, Sign Bylaw excerpt, Mail notice, 3. Appendix C - Applicants letter & sign drawings

Date	Ver.	Action By	Action	Result
11/16/2020	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** November 10, 2020

Report No. DEV-20-073

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

**FROM:** Karen Hay, Planner and Bill Brown, Director of Development Services

### SUBJECT:

Development Variance Permit - 1149 Esquimalt Road

### RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00108 [Appendix A of staff report DEV-20-073] authorizing an animated (digital) sign, to be used as a menu-board, consistent with the plans provided by Pride Signs, stamped "Received September 16, 2020", and including the following relaxations to Sign Regulations Bylaw, 1996, No. 2252, be approved, and staff be directed to issue the permit and register the notice on the title of the property 1149 Esquimalt Road [PID 001-122-134; Lot A, Section 11, Esquimalt District, Plan 42081];

Vary **Sign Regulation Bylaw, 1996, No. 2252, Part 6 - Prohibitions (6.1)(h) and (k)** To allow an animated (digital) sign board that will have the ability to have animations, changes in colour and copy on more than 30% of the display surface

### RELEVANT POLICY:

Declaration of Climate Emergency  
Official Community Plan Bylaw, 2018, No. 2922 [OCP]  
Sign Regulation Bylaw, 1996, No. 2252

Development Application Procedures and Fees Bylaw, No. 2791, 2012  
Advisory Planning Commission Bylaw, 2012, No. 2792  
Subdivision and Development Control Bylaw, 1997, No. 2175  
*Local Government Act*

## **STRATEGIC RELEVANCE:**

This Request for Decision supports the following specific strategic objective:

Boost investment in the local economy and promote the growth and diversity of businesses.

## **BACKGROUND:**

Appendix A: DVP00108 - 1149 Esquimalt Road  
Appendix B: Air photo, sign bylaw excerpt, mail notice  
Appendix C: Applicants letter & sign drawings

The applicant is proposing to update the McDonald's drive-thru menu-board with a digital version that will change with every customer, and show them the items they have ordered. The Sign Regulation Bylaw 1996, No. 2252 prohibits signs with animation that is able to compromise more than 25% of a sign, and changeable copy on more than 30% of a sign. Therefore, the applicant has requested a variance prior to obtaining a permit to install the new sign.

## **CONTEXT:**

**Applicant:** Isabella Cerelli, Pride Signs Ltd.  
**Owner:** McDonald's Restaurants of Canada  
**Designer:** Pride Signs Ltd.  
**Property Size:** 1,744.85 m<sup>2</sup>  
**OCP Land Use Designation:**

**Current:** Commercial/Commercial Mixed-Use  
**Proposed:** Commercial/Commercial Mixed-Use

**Zone:** Neighbourhood Commercial [C-2]

**Existing Land Use:** Restaurant

**Proposed Land Use:** Restaurant

**Surrounding Land Uses:**

**North:** Residential  
**South:** Public/ Institutional [Sports Centre]  
**East:** Residential  
**West:** Commercial [Retail/ Restaurant/ Liquor Store]

## **Chronology**

September 29, 2020 - DVP application received  
October 20, 2020 - Advisory Planning Commission provides a recommendation  
October 27, 2020 - DVP notice mailed

## **OCP ANALYSIS:**

The proposed commercial digital menu-board sign is similar in size and location to the existing menu-board sign, and is therefore exempt from a Development Permit and in compliance with the Commercial/ Commercial Mixed-Use designation of the subject property.

## **ZONING ANALYSIS:**

The proposed commercial sign will have no impact on the Neighbourhood Commercial [C-2] zone requirements.

As this is a Development Variance Application, Council is adjudicating the application in respect to the impact of the proposed variance. Does the proposed variance conflict with the OCP? Does the proposed variance adversely impact the use and enjoyment of adjacent properties? Does the proposed variance have significant environmental impact? Does the proposed variance thwart the intent of the C-2 zone? Does the proposed variance cause undue negative impacts on the governance of the Township?

## **SIGNAGE ANALYSIS:**

Sign Regulation Bylaw 1996, No. 2252, Part 6 specifically prohibits signage that has animation, can flash, has chasing border effects or automated changes to the copy. Studies of road safety have shown that signs that are animated and have copy that changes frequently can distract drivers when placed next to a roadway or intersection. The proposed sign will not be visible to drivers on Esquimalt Road and would be facing the customers in the drive-thru lane who are moving very slowly, with no oncoming traffic.

## **PARKING ANALYSIS:**

The proposed sign will have no impact on the site's parking requirements.

## **COMMENTS FROM THE ADVISORY PLANNING COMMISSION:**

This application was considered at the regular meeting of the Advisory Planning Commission [APC] held on October 20, 2020. The APC members supported this application and recommended the following:

That the application for a Development Variance Permit authorizing an animated (digital) sign, to be used as a menu-board, and including the following variance be forwarded to Council with a recommendation to approve, as the animation on the digital sign is not a consideration in terms of the sign's location relative to the road.

Vary Sign Regulation Bylaw, 1996, No. 2252, Part 6 - Prohibitions (6.1)(h) and (k) To allow an animated (digital) sign board that will have the ability to have animations, changes in colour and copy on more than 30% of the display surface.

## **ISSUES:**

### 1. Rationale for Selected Option

The sign's location away from the road means the animations will not be a distraction for drivers who are moving at any speed that might cause a hazard to other road users.

The APC has given a recommendation to approve.

### 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

This Request for Decision represents minimal sustainability and environmental implications.

### 5. Communication & Engagement

As this application includes a Development Variance Permit, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. Notices were mailed on October 27, 2020 indicating that Council would be considering the requested Development Variance Permit on November 16, 2020.

## **ALTERNATIVES:**

1. That Council resolves that Development Variance Permit No. DVP00108 [Appendix A] be approved, and staff be directed to issue the permit and register the notice on the title of the property located at 1149 Esquimalt Road [PID 001-122-134; Lot A, Section 11, Esquimalt District, Plan 42081].
2. That Council resolves that Development Variance Permit No. DVP00108 [Appendix A] be approved with conditions, and staff be directed to issue the permit and register the notice on the title.
3. That Council deny Development Variance Permit No. DVP00108 [Appendix A], with reasons.