



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: Rezoning Application – 1209 Lyall Street, Staff Report No.: DEV-22-086

Sponsors:

Indexes:

Code sections:

Attachments: 1. Appendix A - Bylaw No. 3082 - 1209 Lyall Street - micro beverage manufacturer, 2. Appendix B - RS-6 zone, 3. Appendix C - Maps - subject property, ortho, OCP & Zone, 4. Appendix D - BCLS Survey, Building Plans, Landscape Plan, 5. Appendix E - Applicants information about their brewery received Mar 02, 2022, 6. Appendix F - Green Building Checklist and Arborists Report, 7. Appendix G - Neighbourhood consultation

Date	Ver.	Action By	Action	Result
9/26/2022	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: September 20, 2022

Report No. DEV-22-086

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Rezoning Application - proposed Micro Beverage Manufacturer - 1209 Lyall Street

RECOMMENDATION:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3082, attached to Staff Report No. DEV-22-086 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by adding a new use, "Beverage Manufacturer - Micro" and changing the RS-6 zone to allow the new use exclusively at 1209 Lyall Street [PID 004-774-701; Lot 5, Section 11, Esquimalt District, Plan 946] as shown cross hatched on Schedule 'A' of Bylaw No. 3082, be given first and second reading;

2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3082, mail notices, and advertise for same in the local newspaper; and

3. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report No. DEV-22-086, the applicant has voluntarily agreed

to register a Section 219 Covenant on the title of 1209 Lyall Street, [PID 004-774-701; Lot 5, Section 11, Esquimalt District, Plan 946] in favour of the Township of Esquimalt providing the lands shall not be subdivided, built upon, or used (as appropriate to the requirement, as drafted by the Township's solicitor at the applicant's expense) in the absence of all of the following:

- No customers onsite for retail sales of beverage products (This would allow the LCRB license but would restrict sales to offsite locations)
- No group events associated with the business
- Though no unpleasant odors are expected, in the chance that complaints regarding odor are made by two or more neighbours (from different addresses), the owners would work with an air quality specialist and install an appropriate commercial air scrubber system
- Delivery and shipping allowed only between 8:00 a.m. and 6:00 p.m., Monday to Friday
- There would be no distilling of alcohol on the premises

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 3082 to Council for consideration of adoption.

RELEVANT POLICY:

Declaration of Climate Emergency

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Parking Bylaw, 1992, No. 2011

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 objectives:

- Boost investment in the local economy and promote the growth and diversity of businesses.
- Healthy, Liveable and Diverse Community: Support community growth, housing and development consistent with our Official Community Plan.

BACKGROUND:

Appendix A: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3082

Appendix B: RS-6 zone

Appendix C: Maps - subject property, ortho, OCP & Zone

Appendix D: BCLS site plan, building and landscaping plans

Appendix E: Applicant's information about their brewery received March 02, 2022

Appendix F: Green Building Checklist and Arborist's Report

Appendix G: Neighbourhood Consultation

PURPOSE OF APPLICATION:

The applicant/ owners of Howl Brewing Inc. would like to add a small beverage manufacturer (brewery) to their accessory building (garage) at 1209 Lyall Street, without allowing customers to purchase beverage products on site. It is proposed that the new use could be added as a secondary use within the existing RS-6 zone for this location only, with restrictions on size, sales, and general operation further assured through a Section 219 covenant registered on the property title.

Evaluation of this application should focus on issues relevant to zoning, such as the appropriateness of the proposed uses, siting, setbacks, lot coverage, useable open space, parking, how the building relates to surrounding sites, and consistency with the overall policy direction contained within the OCP.

CONTEXT:

Applicant/ Owners/ Designer: Daniel Van Netten and Alayna Briemon

Property Size: 707 m²

OCP Land Use Designation:

Current: Low Density Residential

Proposed: Low Density Residential

Zone: Single Family DADU Residential [RS-6]

Existing Land Use: Single Family Residential

Proposed Land Use: Single Family Residential with Micro-beverage manufacturer (micro-brewery)

Surrounding Land Uses:

North: Single Family Residential with Multiple Family Residential rezoning application in process

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

OFFICIAL COMMUNITY PLAN (OCP) ANALYSIS:

The proposed use would be considered subordinate to the existing Single Family Residential use as a form of home-based business with allowance for one employee from outside the home, and therefore could fit within the Low Density Residential OCP designation.

Policy 3.7 Economic Development - encourages the municipality to work towards a compact community where employees may live near their work to reduce commute times and decrease greenhouse gas emissions.

ZONING ANALYSIS:

It is anticipated that if this rezoning application were approved the principal use would remain Single Family Residential with the micro-brewery being a secondary use like a Home Occupation, and the potential for a secondary suite or a detached accessory dwelling unit would be forfeited. The following chart provides a summary of the zoning regulations:

	RS - 6 zone		Proposal for 1209 Lyall	
	Principal building	DADU	Principal building (Existing)	Micro-beverage manufacturer (micro-brewery)
Minimum Parcel Size	530 m ²		707 m ²	
Floor area ratio (FAR)	0.35		0.33 (House and Brewery)	
Lot coverage	All buildings 30 %	10 %	All buildings 27 %	9 %
Building height	7.3 m	4.2 m	No change	< 3.6 m
Setbacks				
• Front	7.5 m	Behind principal building front	0.53 m	Behind principal building front
• Rear	7.5 m	1.5 m	20 m	22.5 m
• Interior Side	3.0 m & 1.5 m	1.5 m	3.72 m & 0.15 m	0 (existing) 1.55 (proposed addition)
Building separation	NA	2.5 m	NA	1.3 m (existing) 2.1 m (proposed)
Off-street parking	1 space per dwelling unit		0 (Due to age and non-conformity status of existing buildings)	

Beverage Manufacture is a use found in the Light Industrial zone. The amendment bylaw would restrict the volume of production, number of employees, and the covenant would ensure odor control, with no onsite customers.

The buildings at this site are non-conforming in siting and the proposed addition, as shown in Appendix D, is designed to not increase the non-conformity. The house at 1209 Lyall Street is on Esquimalt's Community Heritage Register, was built in 1911, and has a history of being a commercial property, the 'Round the Corner' grocery store.

PARKING ANALYSIS:

There is space in front of the existing "garage" that allows parking for a small car, though it is not of adequate depth to meet the definition of a parking space. The accessory building is too small to house a modern car.

ADVISORY PLANNING COMMISSION:

This application was considered at the regular meeting of the Advisory Planning Commission held on June 21, 2022. The recommendation was to forward to Council for approval as "it is good to see

business return to this location and this business should have minimal impact on the neighbourhood”.

COMMENTS FROM OTHER DEPARTMENTS:

Community Safety Services (Building Inspection): No concerns. Subject to review for Building Code and Bylaw compliance at time of Building Permit application.

Engineering Services: It is the responsibility of the applicant to hire a qualified professional for the design and construction supervision of all Works and Services, including construction costs, engineering fees, administrative fees, and as indicated in Bylaw No. 2175.

Parks: Arborist report is acceptable. Trees that have been planted in the past will not be accepted as replacement trees. The arborist should calculate the value of any removed trees using Esquimalt's Tree Protection bylaw stipulations to determine replacement cost and deposit amount.

One tree will be impacted at the expansion area, and there could be trees impacted from construction traffic and by a staging area for the construction.

ISSUES:

1. Rationale for Selected Option

The owners are proposing a use that would boost investment in the local economy and add to the growth and diversity of local businesses. They have also agreed to covenant terms that are designed to ensure the residential nature of the neighbourhood is preserved with the proposed small brewery being similar to a Home Occupation.

The Advisory Planning Commission has recommended support of the application.

2. Organizational Implications

This Request for Decision has no significant organizational implications.

3. Financial Implications

This Request for Decision has no significant financial implications.

4. Sustainability & Environmental Implications

Providing improved services in Esquimalt means residents can spend less time traveling to businesses outside the municipality, and income is distributed within the community.

5. Communication & Engagement

As this is a rezoning application, should it proceed to a Public Hearing, notices would be mailed to tenants and owners of properties within 100 metres (328ft) of the subject property. A sign indicating that the property is under consideration for a change in zoning have been installed on the Lyall Street frontage. This sign would be updated to include the date, time, and location of the public hearing.

As required by the Development Application Procedures and Fees Bylaw, 2012, No. 2791, the applicant has engaged the public at an onsite meeting held, Tuesday, May 24, 2022, from 5:00 - 7:00 p.m. Summary in Appendix G.

ALTERNATIVES:

1. That Council give first and second reading to Bylaw No. 3082; authorize the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3082 and mail notices and advertise for same in the local newspaper; and direct staff and legal counsel to register a Section 219 Covenant against the property title to secure the items outlined in Staff Report No. DEV-22-086 prior to returning Bylaw No. 3082 to Council for consideration of adoption.
2. That Council postpone consideration of first and second readings to Bylaw No. 3082 pending receipt of additional information.
3. That Council does not give readings to Bylaw No. 3082.