



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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File #: 19-458, Version: 1

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### REQUEST FOR DECISION

**DATE:** October 2, 2019

Report No. DEV-19-090

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

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

**SUBJECT:**

Public Hearing - Rezoning Application: 524 Admirals Road

**RECOMMENDATION:**

That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2976 (Appendix A), which would change the zoning designation of 524 Admirals Road (PID 001-031-066, Lot 179, Suburban Lot 39, Esquimalt District, Plan 2854), shown cross-hatched on Schedule 'A' of Bylaw No. 2976, from the Core Commercial Zone (C-3) to a Comprehensive Development District (CD-127), 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. 2976 - 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 Public engagement

Appendix G Correspondence

Appendix H 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 has applied to rezone the property at 524 Admirals Road to a site specific (CD-127) zone. The proposal is for unit 522 on the ground floor of a mixed use building.

Consideration 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: Mary Anne Emmott, Alternative Aromatics

Owners: Kuntai Holding Inc.

Property Size: 689.4 m<sup>2</sup>

Existing Land Use: One apartment and two commercial units.

Surrounding Land Uses:

North: Multi-family residential (C-3)

South: Multi-family residential (RM-1)

West: Multi-family/Commercial (C-3)

East: Commercial (C-6)

Existing Zoning: Core Commercial (C-3)

Proposed Zoning: Comprehensive Development (CD)

Existing OCP Designation: Commercial/Commercial Mixed Use

### **Timeline**

Application Date: December 17, 2018

Neighbourhood Meeting: April 1, 2019

APC meeting: July 16, 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, 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-127 zone.

	<b>Core Commercial Zone</b>	<b>Proposed Comprehensive Development Zone</b>
Front Setback	0 m	1.3 m
Rear Setback	3 m	17.5 m
Northern Side Setback	3 m	3.0 m
Southern Side Setback	3 m	0.5 m
Building Height	13 m	7.0 m
Off Street Parking	14 spaces	10 spaces

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

- 'Store, Cannabis Sales' 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 120 m<sup>2</sup>.

### **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, but that previously operated as a restaurant. There are four different bus routes that stop within one block of the site and it is in an easily walkable area located near many other services.

### **Parking**

Using the current standards for parking space dimensions, the site requires 14 parking spaces. The current layout of the site will only allow for 10 spaces, once a storage container is removed in the parking area. The applicant proposes to replace the picnic tables in front of the building with bike parking to help alleviate parking requirements.

### **Comments from Other Departments**

**Community Safety Services:** The proposed cannabis retail store is not within 500 m of any schools within the Township, as per Business Licence and Regulation Bylaw No. 2810. During the planning review of the application, it was determined that at some time in the past, the patio on the second storey residential suite was enclosed without benefit of a building permit. The applicant is aware that final approval cannot be granted until there is a successful final inspection from the Senior Building Official.

**Engineering Services:** Engineering staff have completed a preliminary evaluation of the application and 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 evaluation of the application and have stated that the proposed rezoning of this property raises no concerns.

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

This application was considered at the regular meeting of the APC held on July 16, 2019 and the following motion was passed: That the application for rezoning to allow for the operation of a Cannabis Sales Store, consistent with the BC Land Surveyor's certificate prepared by Glen Mitchell, BCLS, stamped "Received June 3, 2019" and the Proposed Parking Reconfiguration for 522 (524) Admirals Road stamped "Received June 3, 2019" be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to deny the application because the location of the building is not appropriate for this business.

### **ISSUES:**

#### 1. Rationale for Selected Option

- 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 commercial use including retail.
- The building is outside of the 'prohibition zone' of 500 m around schools.
- The retail use is not expected to increase traffic in the neighbourhood.
- There are currently no other approved cannabis retail stores in Esquimalt.

#### 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 the product. The location is within the 'downtown' core of Esquimalt, within easy walking distance for many residents.

#### 5. Communication & Engagement

The applicant held a Neighbourhood Meeting (Appendix F) on April 1, 2019 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2018, No. 2971. The applicant has followed up conversations with specific neighbours, in order to address comments made at the Advisory Planning Committee. This engagement is summarized in Appendix F.

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 25, 2019. Notice of the Public Hearing was included in the September 27 and October 2 editions of the Victoria News. The sign indicating that the property is under consideration for a change in zoning has been installed on the property since December of 2018. The sign was updated to include the date, time, and location of the Public Hearing once the date was determined.

**ALTERNATIVES:**

1. Council, upon considering comments made at the Public Hearing, resolves that Zoning Amendment Bylaw No. 2976 be forwarded to a future council meeting for further consideration.
2. Council postpone consideration of Zoning Amendment Bylaw No. 2976 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. 2976