



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

ADVISORY PLANNING COMMISSION

AGENDA

TUESDAY JULY 16, 2019

7:00 P.M.

COUNCIL CHAMBER, MUNICIPAL HALL

-
- I. CALL TO ORDER
 - II. LATE ITEMS
 - III. ADOPTION OF AGENDA
 - IV. ADOPTION OF MINUTES – June 18, 2019
 - V. STAFF REPORTS

- 1) REZONING APPLICATION

524 Admirals Road

PID 001-031-066; Lot 179, Suburban Lot 39, Esquimalt District, Plan 2854

Purpose of 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 524 Admirals Rd. to a site specific (CD) zone in order to operate a cannabis retail store from one of the commercial units in the building.

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.

Recommendation:

The Esquimalt Advisory Planning Commission recommends 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 Admirals Road stamped "Received June 3, 2019" be forwarded to Council with a recommendation to either **approve, approve with conditions, or deny the application; including reasons for the chosen recommendation.**

- 2) ZONING TEXT AMENDMENT

1182 Colville Road – Unit 15

[PID 026-875-683; Strata Lot 15, Section 10, Esquimalt District Strata Plan VIS6147 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V.]

Purpose of the Application:

The applicant is requesting a zoning text amendment to Comprehensive Development District No. 57 which would add the use "Group Children's Day Care Centre" to the existing commercial unit located on the first storey of the building. In addition the zoning text amendment would extend the commercial uses permitted

in the Comprehensive Development District No. 57 to the existing residential unit located on the second storey of the building.

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 and consistency with the overall direction contained within the Official Community Plan.

Recommendation:

The Esquimalt Advisory Planning Commission recommends to Council that the application for a Zoning Text Amendment, authorizing the additional use of “Group Children’s Day Care Centre” to the existing commercial unit and authorizing that commercial uses be extended to the existing residential unit allowing for one combined residential/commercial dwelling or one commercial unit at 1182 Colville Road – Unit 15 [PID 026-875-683, Strata Lot 15, Section 10, Esquimalt District Strata Plan VIS6147 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V], be forwarded to Council with a recommendation to either **approve, approve with conditions, or deny the application; including reasons for the chosen recommendation.**

VI. ADJOURNMENT



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

ADVISORY PLANNING COMMISSION MINUTES OF JUNE 18, 2019 COUNCIL CHAMBERS, MUNICIPAL HALL

PRESENT: Graeme Dempster Helen Edley
 Fil Ferri Chris Munkacsi
 Michael Angrove Marie Fidoe
 Duncan Cavens

STAFF: Bill Brown, Director of Development Services, Staff Liaison
 Trevor Parkes, Senior Planner
 Tricia deMacedo, Planner
 Janany Nagulan, Planner
 Pearl Barnard, Recording Secretary

COUNCIL LIAISON: Councillor Meagan Brame
 Councilor Jacob Helliwell

I. CALL TO ORDER

Graeme Dempster, Chair, called the Advisory Planning Commission meeting to order at 7:02 p.m.

II. LATE ITEMS

- 1) Pertaining to Agenda Item VI. STAFF REPORTS 4) Rezoning Application – 829 Admirals Road
 - Revised parking layout received June 17, 2019 - Number of parking stalls increased to 25
- 2) Add to Agenda Item VI. STAFF REPORTS as Item 6) Development Variance Permit Application - 614 Grenville Avenue
 - Staff Report for a parking variance

III. APPROVAL OF THE AGENDA

Moved by Marie Fidoe, seconded by Chris Munkacsi: That the agenda be approved as amended with the inclusion of the late items. **Carried Unanimously**

IV. ADOPTION OF MINUTES

Moved by Helen Edley seconded by Marie Fidoe: That the minutes of May 21, 2019, be adopted as circulated. **Carried Unanimously**

V. STAFF REPORTS

1) REZONING APPLICATION 1072 Colville Road

Mike Angrove declared a conflict of interest as he has a family member who lives next door. Mr. Angrove left the Council Chambers at 7:10 p.m.

RECOMMENDATION:

Moved by Graeme Dempster, seconded by Marie Fidoe: That the application for rezoning, authorizing one new duplex on the property in accordance with Site Plan prepared by

Mcllvaney Riley Land Surveying Inc. stamped “Received May 10, 2019” and be consistent with architectural plans provided by Adapt Design stamped “Received April 17, 2019” for the proposed development to be located at 1072 Colville Road [PID 005-541-885, Lot 13, Block 12, Section 10, Esquimalt District, Plan 5241] **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the setbacks and floor area ratio are reasonable and appropriate given the size of the property. The proposal is a good infill design and is consistent with the Official Community Plan. Carried Unanimously**

Denise Kors, Kors Development Services, provided an overview of the Rezoning Applications for 1072 Colville Road.

Commission comments and questions included (Staff and Applicant’s response in italics):

- Will the existing homes be moved or demolished? *To be determined.*
- Appreciate the effort that was made to differentiate the two dwellings
- Like that it is a duplex project, low density and is maximizing the use of the property
- Good design will be a nice addition to the neighbourhood.
- Number of parking spaces was questioned. *Staff clarified the parking spaces behind the front face of the building are only considered in the total number of parking spaces.*
- Setbacks and floor area are reasonable and appropriate given the size of the property.

**2) REZONING APPLICATION
1076 Colville Road**

Denise Kors, Kors Development Services, provided an overview of the Rezoning Applications for 1076 Colville Road.

Commission comments and questions included (Staff and Applicant’s response in italics):

- Will the existing homes be moved or demolished? *To be determined.*
- Appreciate the effort that was made to differentiate the two dwellings
- Like that it is a duplex project, low density and is maximizing the use of the property
- Good design will be a nice addition to the neighbourhood.
- Number of parking spaces was questioned. *Staff clarified the parking spaces behind the front face of the building are only considered in the total number of parking spaces.*
- Setbacks and floor area are reasonable and appropriate given the size of the property.

RECOMMENDATION:

Moved by Graeme Dempster, seconded by Helen Edley: That the application for rezoning, authorizing one new duplex on the property in accordance with Site Plan prepared by prepared by Mcllvaney Riley Land Surveying Inc. stamped “Received May 10, 2019” and be consistent with architectural plans provided by Adapt Design stamped “Received April 17, 2019” for the proposed development to be located at 1076 Colville Road [PID 000-716-901, Lot 12 Block 12 Section 10 Esquimalt District Plan 5241] **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the setbacks and floor area ratio are reasonable and appropriate given the size of the property. The proposal is a good infill design and is consistent with the Official Community Plan. Carried Unanimously**

Mike Angrove returned to Council Chambers at 7:30 p.m.

3) **REZONING APPLICATION**
1048 Tillicum Road

David Yamamoto, Zebra Design, provided an overview of Rezoning Application for 1048 Tillicum Road.

Commission comments and questions included (Staff and Applicant's response in italics):

- What is the Statutory Right of Way for? *Provides physical access to the municipal services for the houses on Gosper Crescent.*
- Concerns with the garage size. *Garages are 6.25m long x 2.9m wide. Any standard vehicle will fit.*
- Will the garages have rough in for electric vehicle charging? *Yes*
- Are there any standards or requirements for bioswale to ensure that they actual work and are functional for long term stormwater management. Staff advised that *stormwater requirements are not prescriptive within the Official Community Plan.*
- Concerns with left turns in and out of the development. *Staff asked the applicant to consider undertaking a traffic management review.*
- Concerns the windows on the south side of Building B overlook the neighbouring property to the south. *Yes, there are overlooks, could raise the window sills or make the windows smaller. A bedroom window is required.*
- The proposal is consistent with the pattern of redevelopment on the street
- The setbacks could be better addressed through design improvements
- Suggestion was that the patio doors on Building A that faces Tillicum Road appear more like front doors to the units
- Concerns with using natural gas as a heating source
- No crosswalks in the area

RECOMMENDATION:

Moved by Mike Angrove, seconded by Duncan Cavens: That the application for rezoning to authorize development of five (5) Townhouse Residential units as sited on the survey plan prepared by Glen Mitchel Land Surveying Inc. and incorporating the height and massing consistent with the architectural plans provided by Zebra Design, both stamped "Received May 9, 2019", detailing the development proposed to be located at 1048 Tillicum Road [Lot D, Section 10, Esquimalt District, Plan 11683], **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; with the following conditions:**

1. Reconsideration of the design of windows on the south side of Building B to address overlook of neighbouring property to the south.
2. Reconsideration of the design of the patio doors on Building A that face Tillicum Road to appear more like front doors to the units
Reason – the proposed design is complimentary and consistent with the pattern of redevelopment on the street and the reduced setbacks could be better addressed through design improvements.

Moved by Graeme Dempster, seconded by Chris Munkacsi to amend the Main Motion to add the following two conditions:

3. Consideration be given to amending the site plan to provide access to the rear yard Statutory Right of Way
4. Consideration be given to addressing traffic management concerns particularly regarding the left turn for this proposed development. **Carried Unanimously**

The vote was called on the Main Motion as amended and declared. **Carried Unanimously.**

4) **REZONING APPLICATION**
829 Admirals Road

Jasween Gujral and Akash Plaha, Joint Family Inc., provided an overview of the Rezoning Application for 829 Admirals Road.

Commission comments and questions included (Staff and Applicant's response in italics):

- Do you have your Provincial License yet? *No, getting municipal approval first. Staff advised that there is no advantage to apply for a license now, the first step is to get local government recommendation*
- Does Esquimalt have any regulations on how far apart the stores can be from each other? *Esquimalt has created a map with a 500 metre exclusion zone from schools.*
- Will edibles or oil be sold? *No, these products are not legal at this time.*
- Admirals Road is a busy road especially during rush hour. Access needs to be addressed.

RECOMMENDATION:

Moved by Mike Angrove, seconded by Chris Mukacsi: That the application for rezoning to allow for the operation of a Cannabis Sales Store at 829 Admirals Road, consistent with the site plan prepared by JE Anderson and Associates, stamped "Received May 6, 2019" **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission** to approve as the proposal meets the requirements of the Zoning Bylaw and the Business Licence Regulation Bylaw. **Carried Unanimously**

5) **REZONING APPLICATION**
1314-1322 Esquimalt Road

Marc Pinkoski, Misty Mountain Cannabis Inc., provided an overview of the Rezoning Application for 1314-1322 Esquimalt Road.

Commission comments and questions included (Staff and Applicant's response in italics):

- What were the concerns of the business owners next door? *There was concerns regarding odour and that people would be smoking inside. There will be no consumption in the store.*
- How loud will the business be? *We have already renovated the space to help address the transfer of noise between units.*
- Will there be security in place? *Everything has to be secure according to regulations there will also be video cameras, motion detectors and an alarm system.*
- Are there any plans to make a buffer between Cannabis stores? *Staff advised that Council has chosen with the advice of staff to use the rezoning process exclusively, so every site is done on its own merits.*
- Is the rezoning granted for the applicant or location? *Staff advised that zoning is with the land. The CD Zone would specify 66 metres square is the maximum extent for a cannabis retail store at this location.*
- Are the hours of operation regulated through the zoning bylaw? *Staff advised the hours of operation are regulated through the Business Bylaw, which states that Cannabis retail stores are limited to 9am to 6pm, to stay open until 8pm an amendment would be required to the Business Bylaw.*
- Fine with the parking relaxation, high walking score, close to transit
- Great location, having it open later will help add vibrancy to the street
- Will increase traffic in that area, hope people walk or bike

RECOMMENDATION:

Moved by Duncan Cavens, seconded by Helen Edley: 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. **Carried** (Graeme Dempster opposed)

**6) DEVELOPMENT VARIANCE PERMIT APPLICATION
614 Grenville Avenue**

Paul Silletta, Applicant/Owner, provided an overview of the Development Variance Permit Application for 614 Grenville Avenue.

Commission comments and questions included (*response in italics*):

- The parking lot is rarely full
- Consider a patio on the street frontage, would be great to have more activity and attract people to the front as well. *Would be great to have a patio out front, unfortunately, it would eliminate two more parking spot. If parking could be reduced, it could be considered.*
- If a patio was created out front would the reduced parking be an issue? *Will look at it, could be tight. Needs access for a cube truck to exit the property.*
- *Is there any parking in back? There were originally two spots. You could get a car in there but you would never back it up.*

RECOMMENDATION:

Moved by Duncan Cavens, seconded by Fil Ferri: That the application for a Development Variance Permit, permitting the reduction of required parking as illustrated on the "Proposed Parking Plan" prepared by Steller Architectural Consulting and stamped "Received June 17, 2019" and to include the following variances to the Parking Bylaw, 1992, No. 2011 as amended for the property located at 614 Grenville Avenue [PID 000-756-962] [Lot 221, Suburban Lot 42, Esquimalt District, Plan 2854, excepting that part lying north of the southerly boundary of Lot A, Plan 19331] **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission** to approve, as it has no impact on the neighbourhood. Note: The APC encourages the applicant to also explore the option of having a patio in the front by removing two additional parking stalls.

Parking Bylaw, 1992, No. 2011, Section 13 (1) Minimum Number of Parking Spaces reduced from 23 to 12 (i.e. a reduction of 11 Parking Spaces). Carried Unanimously

VI. ADJOURNMENT

The meeting adjourned 9:30 p.m.

CERTIFIED CORRECT



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

APC Meeting: July 16, 2019

STAFF REPORT

DATE: July 11, 2019

TO: Chair and Members of the Advisory Planning Commission

FROM: Tricia deMacedo, Policy Planner
Bill Brown, Director of Development Services

SUBJECT: REZONING APPLICATION
524 Admirals Road
PID 001-031-066; Lot 179, Suburban Lot 39, Esquimalt District, Plan 2854

RECOMMENDATION:

The Esquimalt Advisory Planning Commission recommends 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 Admirals Road stamped "Received June 3, 2019" be forwarded to Council with a recommendation to either **approve, approve with conditions, or deny the application; including reasons for the chosen recommendation.**

BACKGROUND:

Description of the Proposal

This rezoning application is to allow for the retail sale of cannabis in an existing building. The applicant proposes to rezone the property at 524 Admirals Rd. to a site specific (CD) zone in order to operate a cannabis retail store from one of the commercial units in the building.

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:** Mary Anne Emmott.**Owners:** Xueling Zhao, Kuntai Holding Inc.**Property Size:** 689.4 m²**Existing Land Use:** Two ground floor commercial units, and one apartment.**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**Cannabis Regulations**

The production, sale and consumption of non-medical cannabis was legalized on October 17, 2018 under the federal *Cannabis Act*. Along with regulations for health and safety, product quality etc, the *Act* also authorizes people to possess, sell or distribute cannabis so long as they have been authorized to sell cannabis under a provincial act. In British Columbia, this legislation is the *Cannabis Control and Licencing Act*. Under this *Act*, the province has established a retail licencing regime similar to the current licencing regime for liquor. The Liquor and Cannabis Regulation Branch (LCRB) will be responsible for licensing non-medical cannabis private stores and monitoring the non-medical cannabis retail sector. The Liquor Distribution Branch (LDB) will be B.C.'s wholesale distributor of non-medical cannabis.

Local governments have the following powers in respect of cannabis retail store licences:

- Impose restrictions in the Zoning Bylaw regarding the location of cannabis retail stores
- Regulate business by terms and conditions in municipal business licencing bylaw
- Charge applicant fees if choosing to assess a licence application to the province.

On June 11, 2018, Esquimalt Council adopted a series of Zoning Bylaw amendments to regulate the production, sale and consumption of recreational and medical cannabis in the Township. The zoning bylaw amendments prohibit the retail sale of cannabis unless the location is specifically rezoned to allow a 'Cannabis Sales Store'. In addition, changes were made to the Business Licence and Regulation Bylaw to limit the hours of operation of a cannabis sales store to between 9 am and 6 pm and establish a prohibition zone for cannabis retail within 500 m of all schools.

Official Community Plan

The Official Community Plan is silent on the subject of cannabis retail operations. There are 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.

Recognize 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.

	Core Commercial Zone (C-3)	Proposed Comprehensive Development Zone
Front Setback	0 m	1.3 m
Rear Setback (abutting residential)	3 m	17.5
Northern Side Setback (abutting residential)	3 m	3 m
Southern Side Setback (abutting residential)	3 m	0.5 m
Building Height	13	7 m
Off Street Parking	14	10

The proposed Comprehensive Development District would include the following differences from the existing zone:

- Setbacks and height would be as per existing building
- Cannabis Sales Store would be a permitted use
- Only one Cannabis Sales Store would be permitted at any time on the property
- The Cannabis Sales Store would be limited to a maximum floor area of 120.0 m²

Traffic

This proposal is not expected to increase traffic in the area by any measureable level. The space has been an existing commercial unit for years, previously operating 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

Under the existing parking bylaw, the two existing commercial units require a total of 12.4 spaces and the residential apartment requires 1.3 parking spaces per unit, for a total of 14 spaces.

The applicant is proposing to provide 10 vehicle spaces by removing a large storage container in the rear parking area, and to add a bicycle rack to the front of building to improve end of trip facilities for bicyclists.

Business Licence and Regulation Bylaw

The Business Licence and Regulation Bylaw No. 2810 has four provisions related to cannabis sales in Section 24:

- No cannabis sales within a 0.5 km radius of any elementary, middle or high school property.
- No cannabis or drug paraphernalia displayed where it can be seen from the street.
- No sales to any person under 19 years of age.
- Store hours are limited to the hours between 9 am and 6 pm.

The site is outside the 0.5 km radius of the specified schools. The second two provisions will be checked through the provincial licencing system. The applicant would prefer to operate the store from 9 am until 8 pm, but is prepared to adhere to the business licencing regulations or apply for a variance at a later date.

Comments from Other Departments

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

Community Safety Services: The proposed cannabis retail store is not within 500 m of any schools in the Township, as per the Business Regulation Bylaw. Staff have identified that work has been conducted on the building in the past without benefit of a building permit. If the application is forwarded to Council, staff will recommend that the project does not proceed past second reading of the amending bylaw until such time as the owner of the property receives an occupancy permit for the unpermitted work. The applicant has already made an application for a demolition permit for the unpermitted work.

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 has completed a preliminary review of the proposed plans and have no concerns at this time.

Police: The application was referred to Victoria Police who had no comments pertaining to the store layout or crime in the area.

Public Notification

As this is a rezoning application, should it proceed to a Public Hearing, notice would be mailed to tenants and owners of properties within 100m of the subject property. A sign indicating that the property is under consideration for a change in zoning has been placed on the Admirals Road frontage of the property and would be updated to reflect the date, time and location of the Public Hearing. Additionally, notice of the Public Hearing would be placed in two editions of the Victoria News.

Applicant's submission**ALTERNATIVES:**

1. Forward the application for Rezoning to Council with a **recommendation of approval including reasons for the recommendation.**
2. Forward the application for Rezoning to Council with a **recommendation of approval including specific conditions and including reasons for the recommendation.**

3. Forward the application for Rezoning to Council with a **recommendation of denial including reasons for the recommendation.**

Attachments:

Appendix A	Aerial overview map
Appendix B	Subject property map
Appendix C	Zoning map
Appendix D	Letter from applicant
Appendix E	Survey and parking layout
Appendix F	Unit floor plan
Appendix G	Exterior Photos



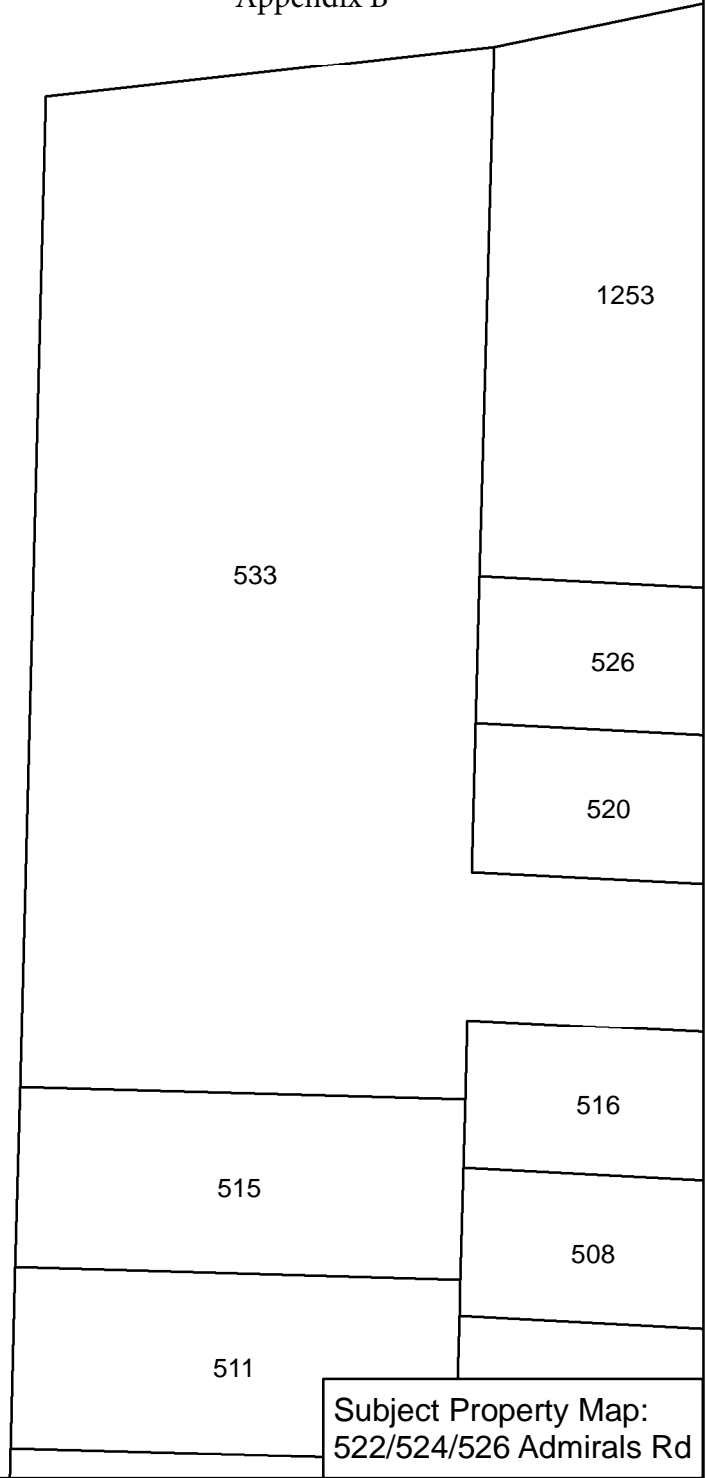
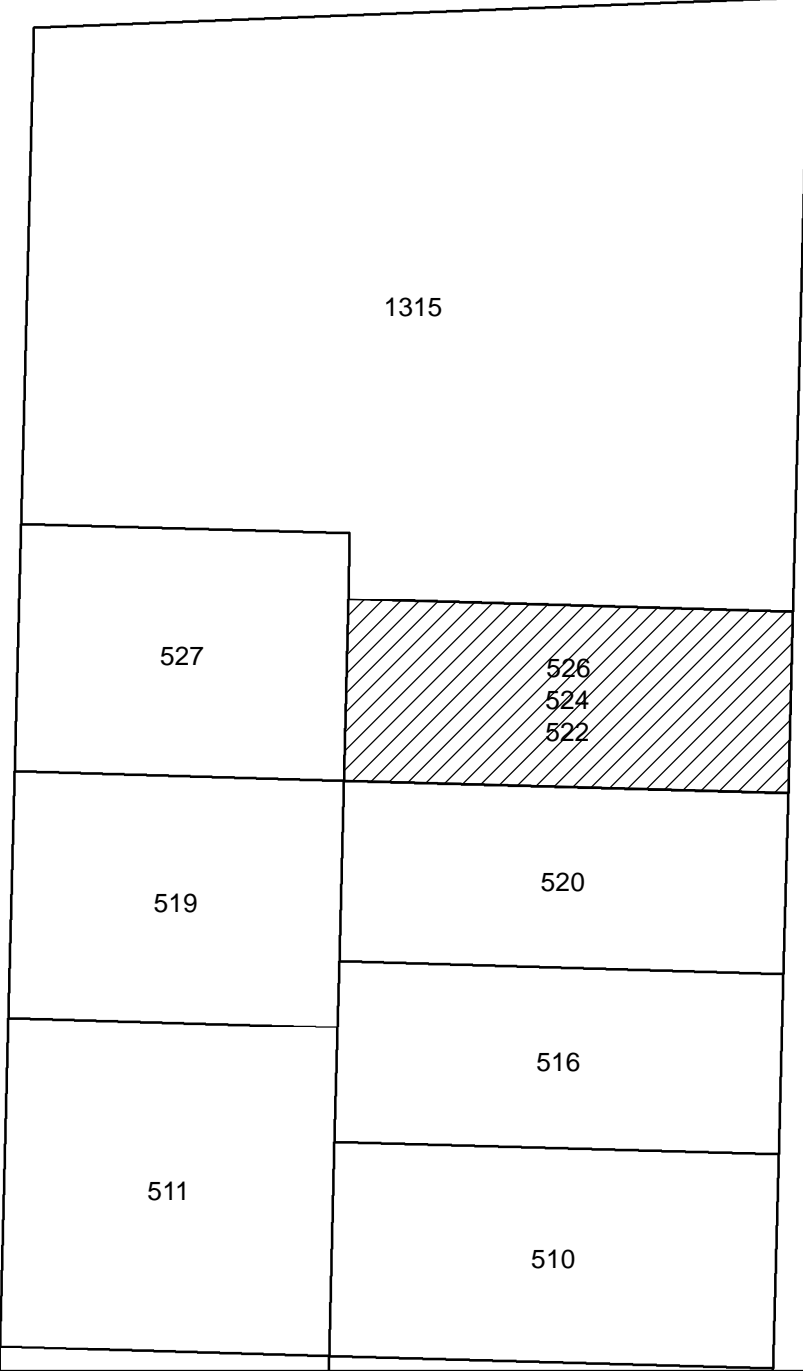
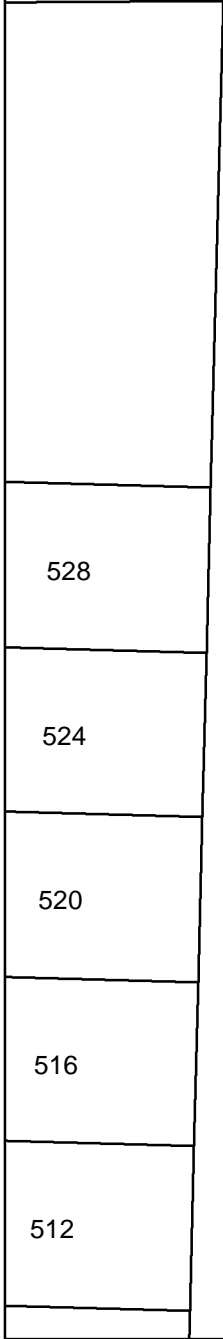


Esquimalt Rd

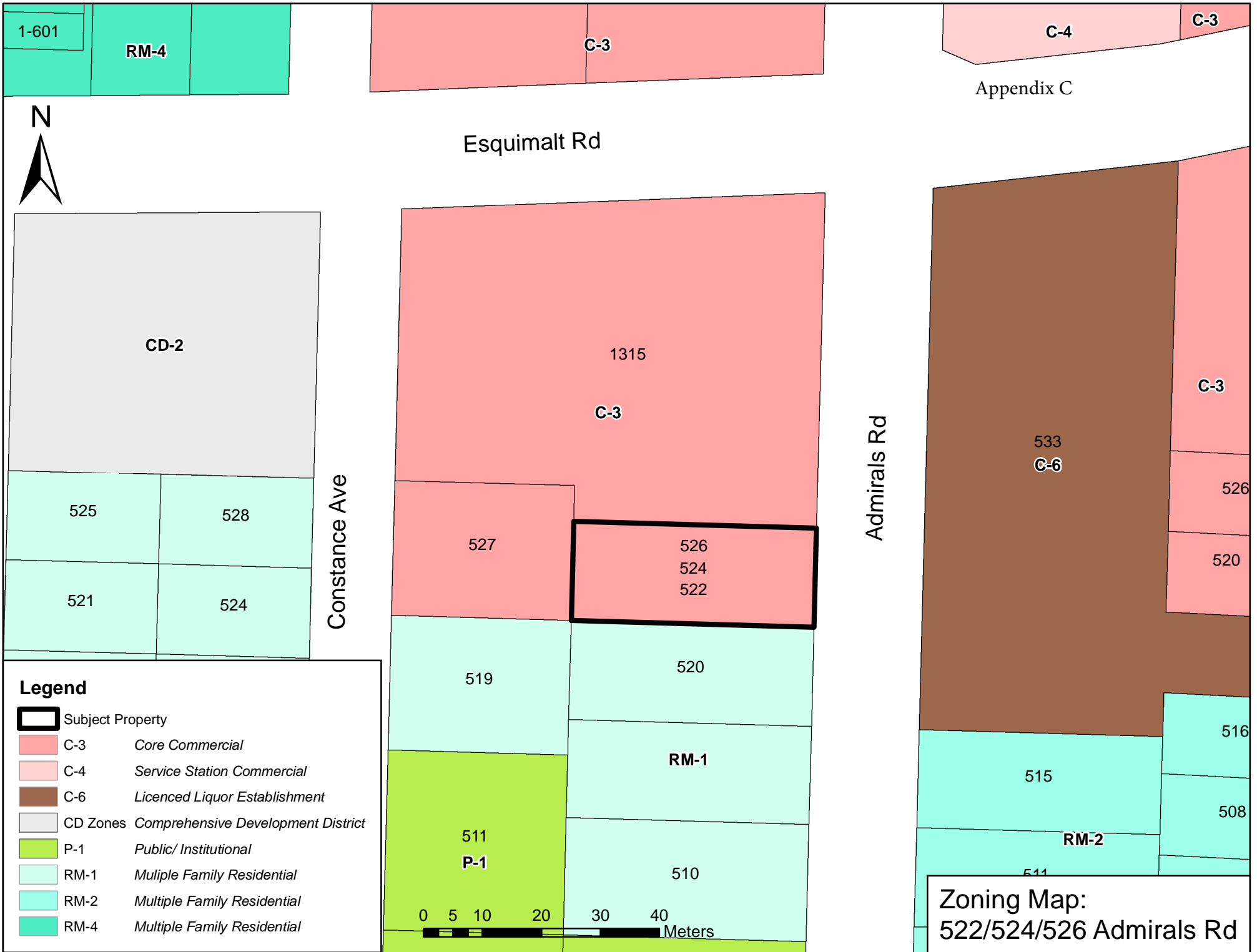
Appendix B

Constance Ave

Admirals Rd



Subject Property Map:
522/524/526 Admirals Rd



1-601

RM-4

C-3

C-4

C-3

Appendix C

N

Esquimalt Rd

CD-2

1315

C-3

C-3

Constance Ave

Admirals Rd

525

528

533

C-6

526

521

524

527

526

524

522

520

519

520

RM-1

516

Legend

- Subject Property
- C-3 *Core Commercial*
- C-4 *Service Station Commercial*
- C-6 *Licensed Liquor Establishment*
- CD Zones *Comprehensive Development District*
- P-1 *Public/ Institutional*
- RM-1 *Multiple Family Residential*
- RM-2 *Multiple Family Residential*
- RM-4 *Multiple Family Residential*

511

P-1

510

508

RM-2

515

511



Zoning Map:
522/524/526 Admirals Rd

December 17, 2018

Mr Bill Brown
Director of Development Services
Township of Esquimalt, BC

Re: Rezoning Application for Cannabis Retail Store
522 Admirals Road
Esquimalt BC V9A 2N4



Dear Mr Brown,

I wish to submit an application to rezone the property at 522 Admirals Road in the Township of Esquimalt to facilitate a cannabis retail store.

Ownership

Alternative Aromatics Ltd., a corporation registered in the Province of British Columbia, wholly and exclusively owned by myself, Mary Anne Emmott, will own and operate the store. Corporate documents are attached.

Alternative Aromatics Ltd. and Mary Anne Emmott currently have a cannabis business license for AAA Dispensary in the City of Victoria. My application for a cannabis retailer license is currently being processed by the Province of British Columbia. (New Non-Medical Cannabis Retail Store Application - Alternative Aromatics Ltd - job # 001272)

Property

The premises at 522 Admirals Road is one of two, two-storey, commercial bays in the building on the property, sharing a common wall. It was formerly a restaurant and has been closed for some time. The property is outside the mandated exclusion zone.

The premises measure 1250 square feet on two floors. The main floor consists of a shop area, a storage area, a second, smaller area that will become a secure strongroom for cannabis storage, a washroom and a staircase to the second floor, totalling about 1000 sq ft. The second floor measures about 240 square feet and consists of a storage room and a second washroom, accessible only by the interior staircase.

The other bay is occupied by a restaurant, Vietnam Garden, operated by Xueling Zhao, who owns Kuntai Holdings, which owns the building and granted the lease for #522 to Mary Anne Emmott. Ms Zhao fully supports my application.

A copy of the lease acknowledging use of the premises for cannabis retail sales and owner permission to seek rezoning are attached.

If my application for rezoning is successful I will undertake interior renovations as detailed in the attached drawing.

The property has 7 parking stalls at the rear of the building and on street parking directly in front on both sides of the street.

Security

The following measures will be implemented:

a. Facility

- Monitored security and fire alarm systems and 24-hour video surveillance cameras
- Motion detectors engaged after hours.
- Window bars or a retractable metal security gate.
- Alarmed doors with deadbolt locks, the same smashproof security film used on the RCMP building and a jimmy-proof steel panel on the outside
- Well-lit store with frosted windows as required by Provincial guidelines

b. All managers and keyholders required to submit to police record checks.

c. Product

- Product displayed in locked cases during opening hours
- All product other than that displayed in the retail cases secured in a fortified strongroom fitted with a steel door and secured with a pair of coded deadbolt locks, one of which is locked at all times. Staff members have individual codes for one lock allowing access during working hours.
- After hours, all product is moved to the strongroom and a second deadbolt is engaged, for which only managers have a code.

Store Practices

- No one under 19 years of age will be permitted in the store and signs to that effect will be prominently displayed
- Customers must provide government-issued photo ID proof of legal age in order to purchase product.
- Staff are required to refuse to sell cannabis to anyone whom they suspect is underage and/or who is unable to produce appropriate ID when requested to do so.
- Product displayed in showcases but accessible only by staff.
- Product released to customers only after age has been verified and payment has been made.
- Cash skimmed throughout the day and dropped in safe in strongroom.
- No other businesses or activities are permitted on the premises
-

Neighbourhood Impact

- Air filtration exhaust system employing charcoal filters to minimize odours
- Secondary internal air scrubber with charcoal filters
- No cannabis use permitted on or near the premises.
- No loitering or panhandling permitted on the property. No disturbances to public order tolerated
- Staff trained in measures to manage disruptive behaviours

Staff

Provincial regulations require a minimum of two staff on at all times.

Hours of Operation

Hours of operation will be 9am until 9pm daily, seven days per week. While provincial regulations allow opening until 11pm, our experience indicates that 9pm closing avoids potential late night excess.

Product Delivery

Due to a lack of information from the Province regarding procedures, at this time I am unable to state how product will arrive at the store. Supply, delivery and wholesale price are the exclusive domain of the Province.

Cannabis Retail Experience

I opened AAA Dispensary at 2641 Quadra Street on October 27, 2015, after applying for a business licence from the City of Victoria. The premises had been leased from the landlord with the express purpose of housing a cannabis retail operation, as specified in the lease contract. I received a business license from the City of Victoria in November, 2017.

I report all sales, remit GST and source deductions for all employees, and have done so since opening. Today, after more than 3 years, I have ten employees who enjoy wages well above local retail rates and employee insurance benefits. Most of my staff have health issues that have negatively impacted their ability to work in other industries. Here, they are valued for their product knowledge and proficiency at managing pain. As an independent retailer, I can accommodate employees who have health-related requirements involving physical restrictions, hours of work, duties, time off for medical treatments, etc.

Security is a top priority of AAA Dispensary. We have experienced no break-ins or unwanted activity on the premises at any point.

I enjoy a cordial and supportive relationship with Victoria police. On several occasions I have been visited by members of the Victoria Police Department and the Saanich Police Department who were doing "welfare checks" - searching for people known to frequent the area who had fallen out of contact with friends and family and were the object of concern. I always co-operate fully with such requests, to the extent of reviewing weeks of surveillance footage in an attempt to help.

Police have never attended my business regarding a complaint of any kind.

CONCLUSION

Alternative Aromatics Ltd. and its principal, Mary Anne Emmott, offer experience, resources, and a solid performance history as an honest operator, a good employer and good corporate citizen. I am confident Alternative Aromatics will prove a responsible and useful addition to our community.

Regards,



Mary Anne Emmott
Owner, Alternative Aromatics Ltd.

#606 – 924 Esquimalt Road
Esquimalt BC V9A 3M8
maryanne.emmott@gmail.com
(250) 857-3342

AAA Dispensary
2641 Quadra St
Victoria BC V8T 4E3
(250) 384-6686
alternativearomaticapothecary@gmail.com

B.C. Land Surveyor's
Building Location Certificate of:

Lot 179, Suburban Lot 39,
Esquimalt District, Plan 2854

Civic address: 522/524/526 Admirals Road
Victoria, B.C.

Parcel Identifier Number 001-031-066

Site area = 689.4 sq. metres



Scale 1:100
All distances are in metres

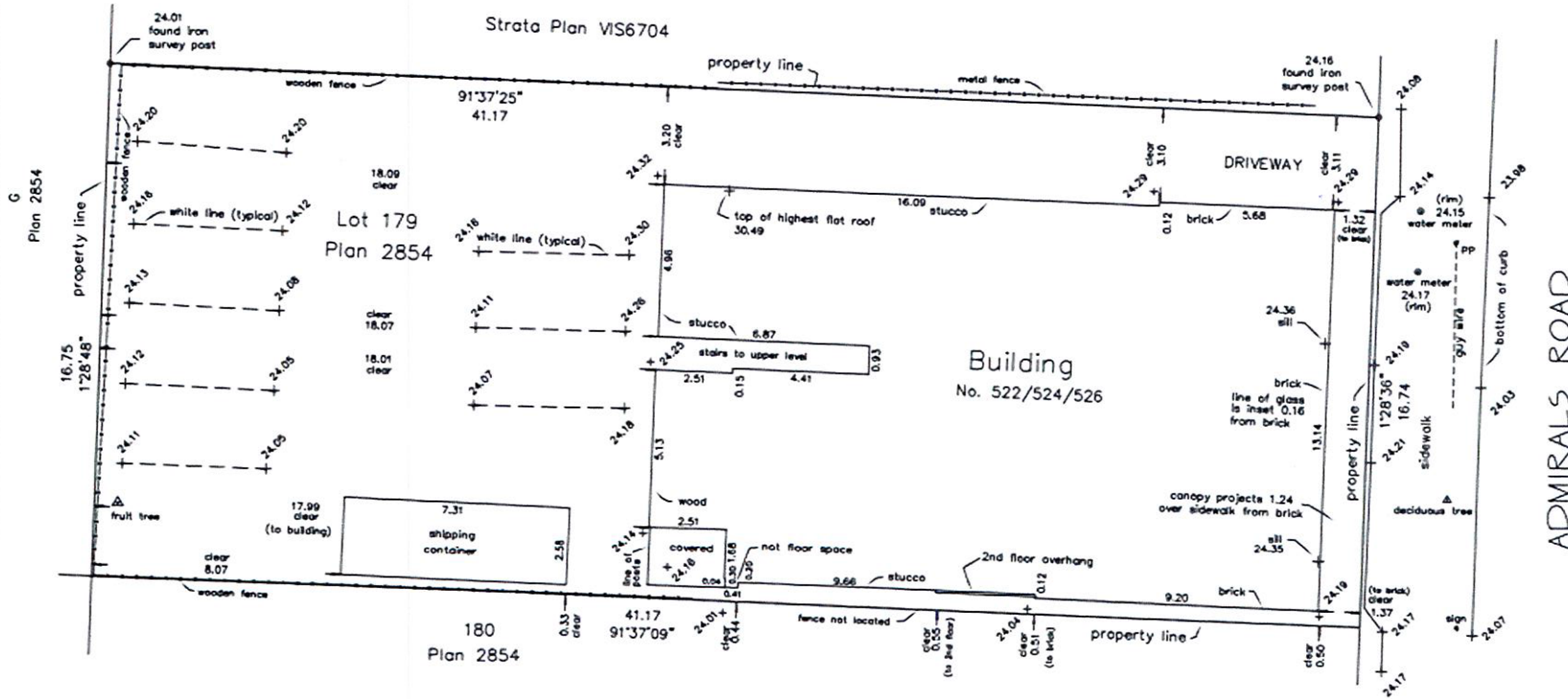
Legend

- Denotes spot elevation + 0.00
- Denotes utility pole . PP
- Denotes tree & species Δ tree
(trees not plotted to scale)

Buildings are measured to the exterior
of exterior walls unless indicated otherwise

Fence locations are approximate

Elevations are derived from a Geodetic datum



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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

This plan was prepared for mortgage and/or municipal purposes and is for the exclusive use of our client.

Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
Tel 250-365-1712
email glen@mitchellsurvey.co

fb 291 file 19-19-9147



This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

Certified correct this 14th day of February, 2019



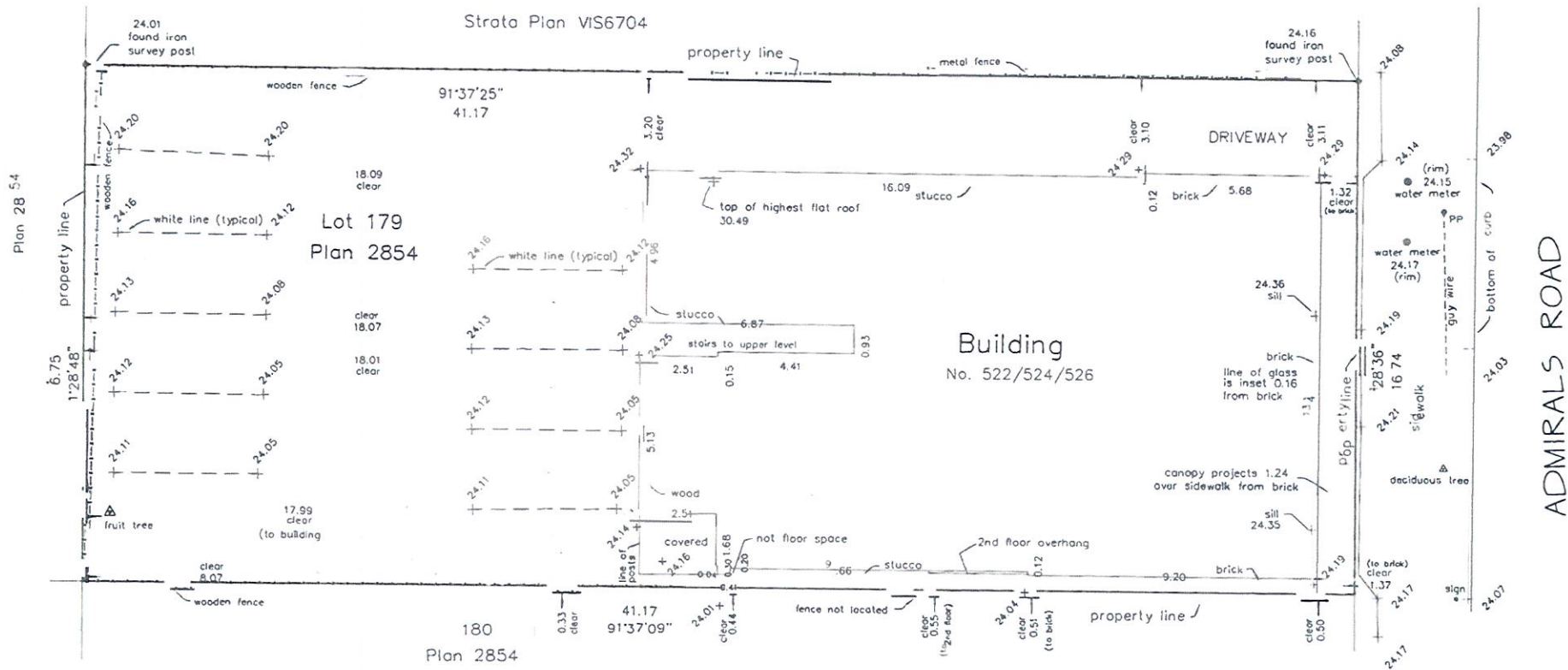
Glen Mitchell
QS7591

1-800-467-4674
B.C. Land Surveyor
www.bclandsurveyors.ca
1-800-467-4674

B.C.L.S.

This document is not valid unless originally signed and sealed or electronic signature is attached.

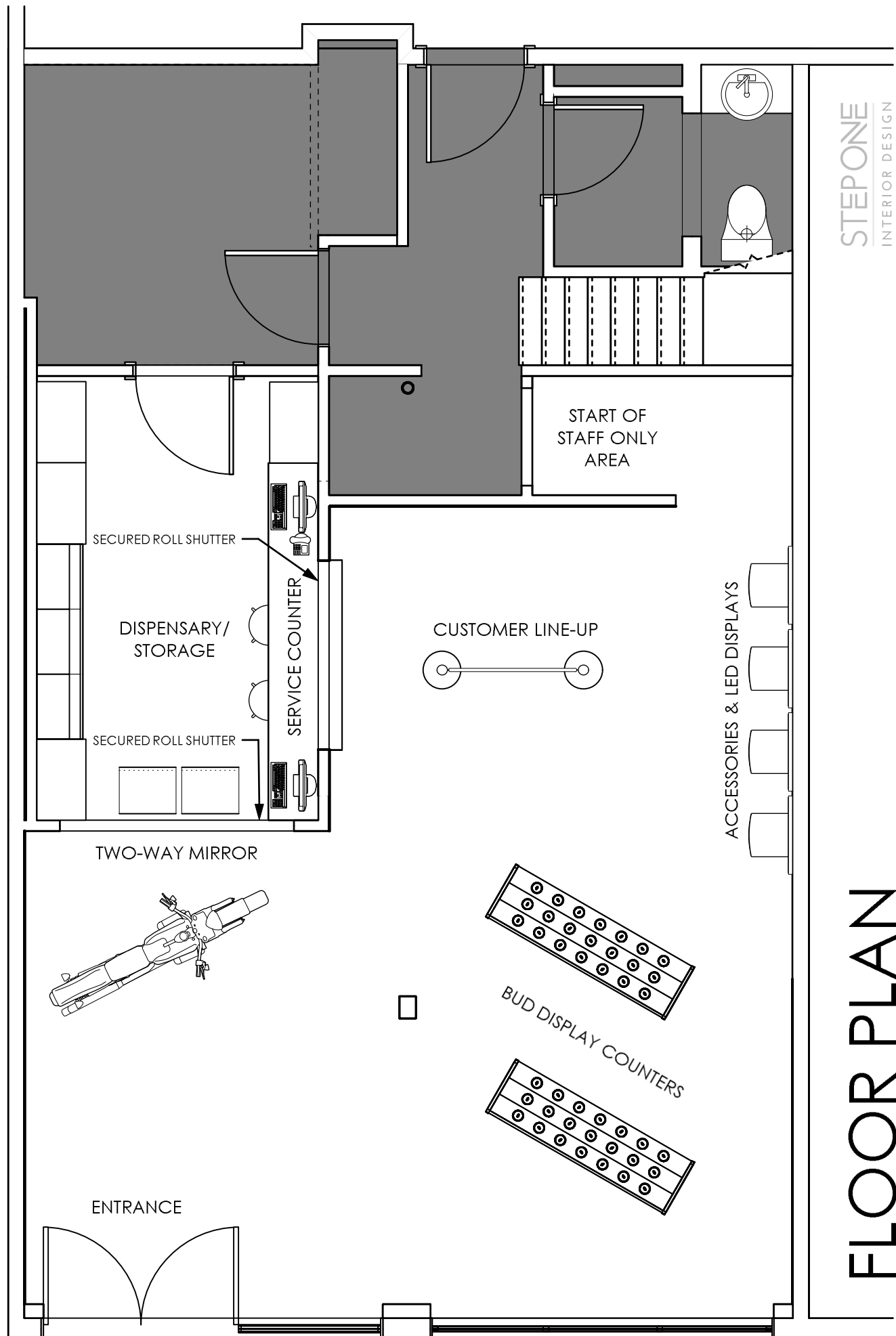
- Alternative Aromatics Application for Parking Variance



ADMIRALS ROAD

522 Admirals Road Lot 179 Plan 2854
 Proposed parking reconfiguration: removal of storage container to allow 10 parking spaces





TWO-WAY MIRROR - TO PROVIDE STAFF WITH A VIEW OF FRONT ENTRANCE TO ENSURE SAFETY OF STAFF AND CUSTOMERS. TO PROVIDE STAFF THE ABILITY TO GIVE PROPER CUSTOMER SERVICE AND MAKE CUSTOMERS FEEL COMFORTABLE AND WELCOME.

DISPENSARY / STORAGE - WHERE STOCK WILL BE HELD IN A LOCKED AND SECURE SPACE IN HEAVY DUTY LOCKED METAL STORAGE UNITS. DOORS LEADING TO THIS SPACE WILL BE SECURE AS WELL AS A ROLL DOWN LOCKABLE DOOR AT OPENING OF SERVICE COUNTER.

SERVICE COUNTER - WHERE STAFF WILL BE STATIONED TO PROVIDE EFFICIENT SERVICE TO CUSTOMERS WHILE MAKING PURCHASES.

CUSTOMER LINE-UP - A CLEAR SPACE FOR CUSTOMERS TO LINE-UP TO MAKE THEIR PURCHASES.

ACCESSORIES & LED DISPLAYS - LED DISPLAYS SHOWING INFORMATIONAL VIDEOS FOR CUSTOMERS TO WATCH WHILE BROWSING AND WAITING IN LINE. ACCESSORY CASES WITH FROSTED/TINTED SIDES TO ENSURE ACCESSORIES CAN NOT BE SEEN FROM OUTSIDE THE STORE.

BUD DISPLAY COUNTERS - DISPLAY COUNTERS WITH SECURED BUD DISPLAYS FOR CUSTOMERS TO SMELL AND EXAMINE STOCK BEFORE PURCHASING. DISPLAYS WILL HAVE HIGH SIDES AND FRONTS TO SHIELD THE PRODUCT FROM STREET VIEW.





CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

APC Meeting: July 16, 2019

STAFF REPORT

DATE: July 12, 2019

TO: Chair and Members of the Advisory Planning Commission

FROM: Janany Nagulan, Planner
Bill Brown, Director of Development Services

SUBJECT: **Zoning Text Amendment -**
1182 Colville Road – Unit 15 [PID 026-875-683; Strata Lot 15, Section 10, Esquimalt District Strata Plan VIS6147 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V.]

RECOMMENDATION:

The Esquimalt Advisory Planning Commission recommends to Council that the application for a Zoning Text Amendment, authorizing the additional use of “Group Children’s Day Care Centre” to the existing commercial unit and authorizing that commercial uses be extended to the existing residential unit allowing for one combined residential/commercial dwelling or one commercial unit at 1182 Colville Road – Unit 15 [PID 026-875-683, Strata Lot 15, Section 10, Esquimalt District Strata Plan VIS6147 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V], be forwarded to Council with a recommendation to either **approve, approve with conditions, or deny the application; including reasons for the chosen recommendation.**

BACKGROUND:

Purpose of the Application

The applicant is requesting a zoning text amendment to Comprehensive Development District No. 57 which would add the use “Group Children’s Day Care Centre” to the existing commercial unit located on the first storey of the building. In addition the zoning text amendment would extend the commercial uses permitted in the Comprehensive Development District No. 57 to the existing residential unit located on the second storey of the building.

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 and consistency with the overall direction contained within the Official Community Plan.

Context

Applicant/ Owners : Heather Boulding / Elyssa Lefurgey-Smith

Existing Land Use: Art and Wellness Teaching Centre with Dwelling Unit above

Floor Area: Metric: 182 m² Imperial: 1959 ft²

Surrounding Land Uses:

North: Single Family and Multiple Family Residential [part of CD-57]

South: Single Family Residential [zoned RS-1]

West: DND (ball fields) [zoned P-1]

East: Single Family Residential [part of CD-57]

Existing Zoning: Comprehensive Development District No. 57

Proposed Zoning: Comprehensive Development District No. 57 with amended text

Existing OCP Designation: Neighbourhood Commercial Mixed-Use [No change required]

Zoning

The subject property is located within Comprehensive Development District No.57 [CD-57] zone. CD-57 was created in 2006 to allow for the consolidation of two properties and the construction of 15 single family residences with one containing a convince store. In July 2018, a text amendment was made which permitted for alternate commercial uses within CD-57 including Arts and Wellness Teaching Centre, Business and Professional Office, Personal Service Establishment, and Retail Store.

Parking

Comprehensive Development District No.57 outlines that 3 parking spaces shall be provided for a Combined Commercial/ Residential Building. Currently there are two onsite parking spaces for the commercial unit and one for the residential unit. In addition there are two parking spaces directly in front of the building allowing for 15 minute parking.

If commercial uses are to be used on both storeys of the building then per Parking Bylaw, 1992, No. 2011, a commercial unit of this size would require a maximum of 7 parking spaces.

Official Community Plan

The 'Present' and the 'Proposed' Land used Designation of the subject property is Neighbourhood Commercial Mixed Use.

The objective of Section 6.4 Neighbourhood Commercial Mixed Use is "to encourage the development of a series of neighbourhood commercial mixed –use nodes throughout Esquimalt that will primarily serve the daily needs of the surrounding neighbourhood but may also include destination uses."

Public Notification

As this is a rezoning application, should it proceed to a Public Hearing, notices will be mailed to tenants and owners of properties within 100m (328 ft.) of the subject property. One sign on the property indicating that the property is under consideration for a change in zoning will be put up before the application is considered by council. The sign will be updated to include the date, time, and location of the Public Hearing.

Applicant's Neighbourhood Meeting

The applicants have scheduled the required neighbourhood meeting for Thursday, July 18, 2019.

Questions for Consideration

The applicant is requesting to extend commercial uses to be permitted on the second storey of the building which is currently a residential unit. Does the Committee agree with permitting both commercial and residential uses in one unit? What does the Committee think the potential impact of having a complete commercial building in the area?

ALTERNATIVES:

1. Forward the application for Rezoning to Council with a **recommendation of approval including reasons for the recommendation.**
2. Forward the application for Rezoning to Council with a **recommendation of approval including specific conditions and including reasons for the recommendation.**
3. Forward the application for Rezoning to Council with a **recommendation of denial including reasons for the recommendation.**



1180

1156

14-1182 13-1182 11-1182 9-1182 7-1182 5-1182 1-1182

15-1182 12-1182 10-1182 8-1182 6-1182 4-1182 3-1182 2-1182

Colville Rd

Hutchinson Ave

1143

1135

1131

1127

1123

1119

1115

1111

unnamed lane

67.45 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 57 [CD No. 57]

In that Zone designated as CD No. 57 (Comprehensive Development District No. 57), no Building of Structure or part thereof shall be erected, constructed, placed, maintained or used and no land shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this Part.

(1) Permitted Uses

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Multiple Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw
- (f) The following commercial uses located on the First Storey at 1182 Colville Road – Unit 15 (PID 026-865-683; Strata Lot 15 Section 10 Esquimalt District Strata Plan VIS6147)
 - (i) Arts and wellness Teaching Centre
 - (ii) Business and Professional Office
 - (iii) Convenience Store
 - (iv) Personal Service Establishment
 - (v) Retail Store

(2) Commercial Space

The Minimum Floor Area dedicated to Commercial Uses shall not be less than 80 square metres.

(3) Parcel Size

The Minimum Parcel size of fee simple parcels created by subdivision shall be 2,700 square metres.

(4) Building Height

- (a) No Principal Building shall exceed a Height of 15.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) Lot Coverage

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 38% of the combined Area of Lots A, B and C, Section 10, Esquimalt District, Plan VIP78136 and Lot 1, Section 10, Esquimalt District, Plan 6987.

(6) Floor Area Ratio

The combined Floor Area Ratio of all Apartment Dwelling Units and Single Family Dwelling Units shall not exceed 1.2.

(7) **Number of Dwelling Units**

The maximum number of Dwelling Units shall not exceed:

108	Apartment Dwellings
14	Single Family Dwellings
<u>1</u>	<u>Combined Commercial / Residential Dwelling Unit</u>
123	Total Dwelling Units

(8) **Siting Requirements**

- (a) Front Setback: No Principal Building shall be located within 1.8 metres of any Front Lot Line.
- (b) Side Setbacks: No Principal Building shall be located within 1.5 metres of any Interior Lot Line.
- (c) Rear Setback: No Principal Building shall be located within 1.8 metres of any Rear Lot Line.
- (d) Building Separation: No Principal Building shall be located within 3 metres of any other Principal Building.

(9) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building fronting onto Colville Road.

(10) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans prepared by Lombard North Group and included as Schedule "B" of Development Permit No. 09/2004 and Schedule "B" of Development Permit 22/2005.

(11) **Off Street Parking**

Notwithstanding Section 13(1) of the Parking Bylaw, 1992, No. 2011 (as amended), the number of off street parking stalls shall be provided in the following ratios:

- (a) 1.5 stalls for each Single Family Dwelling Unit
- (b) 1.3 stalls for each Multiple Family Dwelling Unit
- (c) 3 spaces for the Combined Commercial / Residential Dwelling Unit.

June 24, 2019

Dear Ms. Desjardins and Esquimalt City Councillors,

My name is Heather Bowness. My colleague Elyssa Lefurgey-Smith and I are both professional violinists and music teachers in Victoria.

Last year we bought a property (15-1182 Colville Street) that was currently zoned as a mixed-use residential and commercial property. At the time a convenience store was run out of the commercial space. Last summer we applied for (and was approved for) a zoning text amendment so that we could turn the downstairs convenience store into a community and collaborative arts space for children and youth providing music lessons for acoustic/classical instruments, Suzuki strings programmes and baby and tot music and movement classes. We renovated the interior of the building, making it feel warm and inclusive.

This year, the commercial space was filled by both music and yoga programming and is currently almost at full capacity. As well, we were approached by a preschool, which was looking to run a licenced preschool and was struggling to find affordable space to rent. When we contacted the city about this, we found out that unfortunately we weren't zoned for a preschool. Consequently we are now requesting amending the current zoning to include "group children's daycare center." As well, in order to make space for the preschool in the commercial space downstairs, we will need to move some of our music programs upstairs into the residential unit. So we are also asking that the space be text amended to "one combined commercial/residential dwelling OR one commercial unit." We have also talked to the strata the building is included in. They are aware of our intended use and have given us a approval to continue this process.

We look forward to working with you all through the zoning amendment process and continue to grow and be a part of the vibrant community of Esquimalt.

Sincerely,



Heather Bowness and Elyssa Lefurgey-Smith

