

File No.: 04-1000-20-2019-117

March 12, 2019

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of February 20, 2019 for:

The Director of Planning has Refused DP-2018-01053 on February 7, 2019, for the following reason(s): Refusal 1 – Non-compliance – Regulations; the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site; Refusal 2 – Unsatisfactory – Condition Use Design; the proposed design with regard to this conditional approval use is unsatisfactory at this location; Refusal 3 – Objections Received; objections have been received from neighbouring property owners.

Request is for copies of the objections for the above mentioned DP from December 6, 2018 until February 7, 2019.

All responsive records are attached. Some information in the records has been severed, (blacked out), under s.22(1) of the Act. You can read or download this section here: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2019-117); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,



Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4

*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:pm

s.22(1)

January 2, 2019

Ms. Claudia Hicks
City of Vancouver
453 West 12th Avenue
Vancouver, B.C. V5Y 1V4

Dear Ms. Hicks:

RE: 1208 Davie Street (DP-2018-01053)

I previously wrote to you on December 17, 2018 voicing my concerns regarding the change in use of the retail store at 1162 Bute Street (DP-2018-00971) to a Cannabis Retail Store. Today, I found out that there is yet another application to change the use of another retail store to a Cannabis Retail Store.

s.22(1)

s.22(1) 1162 Bute Street. As indicated in my last letter, I am in opposition to the City granting the change in use of the above two properties to a Cannabis Retail Store.

s.22(1)

Already, the noise created from the plaza from bands, performances and people in "high spirit" has affected the "peace and quiet enjoyment" of s.22(1)

If the proposed stores are changed to Cannabis retail stores, the customers to the stores will be using the cannabis in the Jimmy Deva plaza. In addition to the noise, the smell from the Cannabis will s.22(1)

s.22(1)

how can we achieve our goal? s.22(1)

Please consider our situation as you make your decision.

Thank you for your understanding.

Regards

s.22(1)

Hicks, Claudia

1208 Davie St DP-2018-01053

From: s.22(1)
Sent: Thursday, December 13, 2018 10:52 AM
To: Hicks, Claudia
Subject: 1208 Davie St DP-2018-01053

Re above application for Cannabis store at 1208 Davie St.,
I am very much OPPOSED to it !!
Please see my comments in previous e-mail re same application.
Thank you,

s.22(1)

s.22(1)

A ✓

Hicks, Claudia

From: s.22(1)
Sent: Friday, December 21, 2018 10:55 AM
To: Hicks, Claudia
Subject: 1208 Davie Street; DP 2018-01053

Good morning,

We are in receipt of the Notice of Development Application for 1208 Davie Street, DP 2018-01053 to open the Canadian Cannabis Retail Store.

We do not support this application for three reasons:

1. There are several cannabis shops in the area and on Davie Street. We are aware of the one located at 1182 Thurlow Street. Do you really need a cannabis shop on r try street corner?
2. The City of Vancouver has a number of existing cannabis shops in Vancouver that they have not issued a permit so why would you approve another entity if only a limited number will be ultimately approved. Why not approved those that already exist?
3. The province has not sorted their approvals yet. So why create "hope" with a new entity when the existing rules are so fluid?

We do not/not support the change of use from the existing Beauty Salon to a Cannabis Retail on 1208 Davie Street.

Email from s.22(1)

Sent from
s.22(1)

AV

Blackmore, Jessica

From: So, Mandy on behalf of Hicks, Claudia
Sent: Wednesday, January 30, 2019 10:30 AM
To: Blackmore, Jessica
Subject: FW: Comments on DP-2018-00971 - 1208 Davie St
Attachments: s.22(1)
Importance: Low

From: s.22(1)
Sent: Saturday, January 05, 2019 3:41 PM
To: Hicks, Claudia
Subject: Comments on DP-2018-00971 - 1208 Davie St
Importance: Low

Attached please find comments on DP-2018-00971 – 1208 Davie St, approved and signed by s.22(1).
They have given me permission to email them to you.

Please let me know that you have received this letter.

If you have any questions, please do not hesitate to contact me.

s.22(1)



January 04, 2019

Claudia Hicks
Project Coordinator
City of Vancouver
by email: claudia.hicks@vancouver.ca

Comments: Canadian Cannabis Media Corporation DP-2018-01053, 1208 Davie St.

s.22(1) the Canadian Cannabis Media Corporation (CCMC) proposed cannabis retail store at 1290 Davie Street. We do not support the change in use at this location from beauty salon to cannabis retail and we object to CCMC operating in my neighbourhood. We do not support the approval of DP-2018-01053.

Our objections are for the following reasons.

1. **We Object:** CCMC operated at 1208 Davie Street illegally without a City of Vancouver (City) business licence for many months prior to October 17, 2018 and were still open on October 17, 2018. CCMC wants to operate their business within 300 m of a school (Lord Roberts School Annex), a community centre / neighbourhood house (Qmunity) and another cannabis retail operation at 1162 Bute St.
2. **CCMC does not speak for us:** On page 2 of their Operational Letter to the City, CCMC states "The West End warmly welcomes CCMC". This is not accurate. We have been residents of the West End for s.22(1) and CCMC does not speak for us. We do not warmly welcome CCMC to our neighbourhood. We object that CCMC says that we as West End Residents, welcome them into our neighbourhood.
3. **"Away from playgrounds and parks":** On page 2 of their Operational Letter to the City, CCMC states their proposed location is "away from playgrounds and parks". This is not accurate.
 - **Jim Deva Plaza:** 1208 Davie Street is located less than 70 m from Jim Deva Plaza. This distance is not "away from playground and parks" as CCMC states. When approving Jim Deva Plaza, the City determined that, among other things, it should be clean, safe, and a welcoming and

inviting destination in the West End for residents of all ages

(Administrative Report to Council, July 10, 2015. RTS No. 11023).

Unfortunately, Jim Deva Plaza is not always clean and safe, nor is it always a welcoming and inviting destination. The activities taking place in this plaza includes smoking marijuana and cigarettes, parties and drinking, as well as other drug use, including needle use. The activities do not appear to be monitored nor are the laws prohibiting these activities enforced. The location of the BC Liquor Store, which is 100 m from the plaza at 768 Bute Street, already encourages partying in the plaza. The operation of a cannabis retail store, which would operate from 10:00 a.m. to 10:00 p.m. seven days a week, and located less than 70 m from the plaza, would make worse the unwanted, unsafe and illegal behaviour that already takes place in the plaza.

- **Jervis Street Parkette:** 1280 Davie Street is located approximately 150 m from the Jervis Street Parkette. This distance is not "away from playground and parks" as CCMC states. This parkette is a walk through parkette, with benches and lighting for people to enjoy and use. As with all parks within the City, no smoking is allowed. The laws related to smoking are not enforced and people smoke both cigarettes and marijuana regularly in the park. The operation of a cannabis retail store, which would operate from 10:00 a.m. to 10:00 p.m., seven days a week, and which would be 150 m from the parkette, would make worse the unwanted and illegal behaviour that already takes place in the parkette.
- **Nelson Street Park:** 1280 Davie Street is located approximately 300 m from the Nelson Street Park. This distance is not "away from playground and parks" as CCMC states.

4. Lord Roberts School Annex: We do not support CCMC's request a by-law relaxation with respect to distance from schools.

- CCMC measures the distance from their proposed location to the front door of the school, while Section 11.28.2 of the City of Vancouver Zoning and Development By-law requires the distance to be measured to "...the nearest property line of a site containing a School - Elementary or Secondary". In contravention of Section 11.28 of the City's, CCMC's proposed location is within 300 m of Lord Roberts School Annex.

5. **Qmunity:** 1208 Davie St. is approximately 80 m from Qmunity Resource Centre, located at 1170 Bute St. Qmunity provides a variety of services, including to vulnerable youth. Section 11.28.2 of the City's Zoning and Development By-law states that a Cannabis Store is not permitted within 300 m of a Community Centre or Neighbourhood House. Qmunity Resource Centre is a valued Community Centre / Neighbourhood House in Davie Village. In its Operational Letter, CCMC does not mention the fact it would be located within 80 m of a facility that serves vulnerable youth.

To summarize, we oppose CCMC's Development Application DP-2018-01053, 1208 Davie Street for the following reasons:

- CCMC have previously operated at this location without a licence and operated on October 17, 2018.
- CCMC is located too close to Jim Deva Plaza, Jervis Street Parkette and Nelson Street Park. A Cannabis Retail Store opened between 10:00 a.m. and 10:00 p.m. will exacerbate the existing unsafe and illegal behavior that already occurs in these locations.
- In contravention to Section 11.28 of the City of Vancouver Zoning and Development By-law, CCMC would be located within 300 m of Lord Roberts School Annex and Qmunity Resource Centre.
- CCMC has misrepresented their support in the West End Community. We do not "warmly welcome" CCMC into my neighbourhood as they state we do.

s.22(1)



Blackmore, Jessica

From: So, Mandy on behalf of Hicks, Claudia
Sent: Wednesday, January 30, 2019 10:26 AM
To: Blackmore, Jessica
Subject: FW: West End Cannabis Dispensaries

-----Original Message-----

From: s.22(1)
Sent: Friday, January 04, 2019 10:18 AM
To: Hicks, Claudia
Subject: West End Cannabis Dispensaries

Good morning, Ms. Hicks,

s.22(1) have been in contact with you to express their concerns about the cannabis dispensaries on Davie and on Bute. s.22(1) gave me authorization to quote their names and their writings.

Frankly, I'm too busy at the moment to get into a long diatribe about this issue and I'm sure you have plenty of emails on the subject as it is. I do just wish to say that I am in full agreement with what my neighbours have stated. We are not by nature "NIMBY'ish" people but we love the West End and we see the area worsening. We totally support any and all endeavours which seek to make the West End better and more accessible to all including a higher number of social housing units and various resources like Gordon Neighbourhood House, QMUNITY, etc... These are all good, positive moves for the West End. The two cannabis dispensaries is not for all the reasons my neighbours mentioned.

One of the points they covered was what Jim Deva Plaza was supposed to be and what it has actually turned out to be. s.22(1) this great open space where neighbours could congregate and chat or just relax, attend various events etc... The city sold us on an idea that was supposed to be welcoming, inclusive and generate positivity for the West End. Instead, it has become an area that s.22(1) quickly enough most days or s.22(1). This has become a plaza where people drink, smoke and shoot-up drugs. It's a sad state of affairs and what the city is proposing now on the cannabis front is a huge mistake which will only serve to fuel what is already a significant problem. This problem will likely persist either way but can't we work towards making it better rather than making decisions that will surely make it worse? At the very least, do we really need TWO dispensaries within blocks of each other? I could live with one.

s.22(1) Regardless of what type of business a person is running, when the s.22(1) as is the case here, this worries me. No resident of any neighbourhood wants that type of element.

I appreciate your time.

s.22(1)

Blackmore, Jessica

From: So, Mandy on behalf of Hicks, Claudia
Sent: Wednesday, January 30, 2019 10:39 AM
To: Blackmore, Jessica
Subject: FW: DP-2018-01053

From: s.22(1)
Sent: Sunday, January 13, 2019 4:46 PM
To: Hicks, Claudia
Subject: DP-2018-01053

Attention: Claudia Hicks

To the city of Vancouver s.22(1)

I am writing to respond regarding DP-2018-01053, as a resident in this neighbourhood I DO NOT support this development permit.

I would hate to see this area especially the beautiful lighted up community area on Bute street being loitered by these type of customers as I know they will not be able to control this from happening.

I feel there are much better places that require this type of business, and this area is NOT one.

As a citizen and a person s.22(1) who will be affected by this I want to be valued and understood as this is my right and should be considered carefully by approving this type of business here.

Thank you for your time and consideration, I look forward to seeing this Permit DENIED!

Sincerely,

s.22(1)

Get Outlook for Android



Hicks, Claudia

From: s.22(1)
Sent: Saturday, December 29, 2018 11:03 AM
To: Hicks, Claudia
Subject: Comments - DP-2018-01053 - 1208 Davie St.
Attachments: Comments 1280 Davie DP-2018-000971.pdf

Attached please find my comments on DP – 2018-01053 – 1208 Davie St.

Please let me know that you have received this letter. If you have any questions, please do not hesitate to contact me.

s.22(1)



A ✓

December 29, 2018

Claudia Hicks
Project Coordinator
City of Vancouver
by email: claudia.hicks@vancouver.ca

Comments: Canadian Cannabis Media Corporation DP-2018-01053, 1208 Davie St.

s.22(1) from the Canadian Cannabis Media Corporation (CCMC) proposed cannabis retail store at 1290 Davie Street. I do not support the change in use at this location from beauty salon to cannabis retail and I object to CCMC operating in my neighbourhood. I do not support the approval of DP-2018-01053.

My objections are for the following reasons.

1. **Previous Complaints:** CCMC operated at 1208 Davie Street illegally without a City of Vancouver (City) business licence for many months prior to October 17, 2018 and were still open on October 17, 2018. In the late winter 2018, I noticed CCMC had opened a store at 1208 Davie Street. s.22(1)

Contrary to the "knowledgeable, compassionate and educated staff (that) are highly motivated to nurture and protect the ones that need it the most" as described by CCMC in their Operational Letter, s.22(1)

s.22(1)

they were operating without a licence, and that they were located within 300 m of a school (Lord Roberts School Annex), a community centre / neighbourhood house (Qmunity) and another illegally operating cannabis retail operation at 1162 Bute St. s.22(1)

confirmed that CCMC was less than 300 m from Lord Roberts School Annex, Qmunity, and another illegally operating cannabis retail store located at 1162 Bute St. s.22(1)

2. **CCMC does not speak for me:** On page 2 of their operation letter to the City, CCMC states "The West End warmly welcomes CCMC". This is not accurate. I am a long term resident of the West End, and CCMC does not speak for me. s.22(1)

I do not warmly welcome CCMC to my neighbourhood. I object that CCME intimates that I, as a West End Resident, welcome them into my neighbourhood.

3. **"Away from playgrounds and parks":** On page 2 of their Operational Letter to the City, CCMC states their proposed location is "away from playgrounds and parks". This is not accurate.

- **Jim Deva Plaza:** 1208 Davie Street is located less than 70 m from Jim Deva Plaza. This distance is not "away from playground and parks" as CCMC states. The City describes Jim Deva Plaza as "a community serving gathering space and home to a variety of events and activities." When approving Jim Deva Plaza, the City determined that, among other things, it should be clean, safe, and a welcoming and inviting destination in the West End for residents of all ages (Administrative Report to Council, July 10, 2015. RTS No. 11023). Unfortunately, Jim Deva Plaza is not always clean and safe, nor is it always a welcoming and inviting destination. Although the City strives to keep it safe and welcoming, for instance by establishing no smoking signs and ensuring it is swept regularly, the activities taking place in this plaza includes smoking dope and cigarettes, parties and drinking, as well as other drug use, including needle use. The activities related to drug use, smoking of marijuana and cigarettes, and drinking do not appear to be monitored nor are the laws prohibiting these activities enforced. Members of the public do not always use this space in the way the City intended and hoped it would be used. The location of the BC Liquor Store, which is 100 m from the plaza at 768 Bute Street, already encourages partying in the plaza. The operation of a cannabis retail store, which would operate from 10:00 a.m. to 10:00 p.m. seven days a week, and located less than 70 m from the plaza, would further exacerbate the unwanted, unsafe and illegal behaviour that already takes place in the plaza.
- **Jervis Street Parkette:** 1280 Davie Street is located approximately 150 m from the Jervis Street Parkette. This distance is not "away from playground and parks" as CCMC states. This parkette is a walk through parkette, with benches and lighting for people to enjoy and use. As with all parks within the City, no smoking is allowed. In addition to providing a lovely break walking uphill from Sunset Beach to Davie Street, the Jervis Street Parkette also provides a place to sit down and smoke, both cigarettes and marijuana. As has already been described with the use of the Jim Deva Plaza, people use this space in the way they want to, not necessarily how it is intended. The laws related to smoking are not enforced s.22(1)

s.22(1)

The operation of a cannabis retail store, which would operate from 10:00 a.m. to 10:00 p.m., seven days a week, and which would be 150 m from the parkette, would further exacerbate the unwanted and illegal behaviour that already takes place in the parkette.

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4. **Lord Roberts School Annex:** I do not support CCMC's request a by-law relaxation with respect to distance from schools.

- CCMC measures the distance from their proposed location to the front door of the school, while Section 11.28.2 of the City of Vancouver Zoning and Development By-law requires the distance to be measured to "...the nearest property line of a site containing a School - Elementary or Secondary". In contravention of Section 11.28 of the City's c, CCME's proposed location is within 300 m of Lord Roberts School Annex.
- CCMC states that Lord Roberts School Annex is "not a formal secondary or primary school". This is not true. Lord Roberts School Annex is budgeted through the Vancouver District School Board, has a School Plan developed by the School Board, a Mission Statement, Staff Directory, a web site and a Parent Advisory Committee. Clearly Lord Roberts School Annex is a school, and any statements to the contrary made by CCMC must not be considered in their application.

5. **Qmunity:** 1208 Davie St. is approximately 80 m from Qmunity Resource Centre, located at 1170 Bute St. Qmunity provides a variety of services, including counselling, youth services and support group services for the LGBTQ/2S people and their allies, including vulnerable youth. Section 11.28.2 of the City's Zoning and Development By-law states that a Cannabis Store is not permitted within 300 m of a Community Centre or Neighbourhood House. Qmunity Resource Centre is a valued Community Centre / Neighbourhood House in Davie Village. In its Operational Letter, CCMC is completely silent on the fact it would be located within 80 m of a facility that serves vulnerable youth.

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any neighbourhood. s.22(1)

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s.22(1)

Hicks, Claudia

From: s.22(1)
Sent: Sunday, December 30, 2018 10:46 AM
To: Hicks, Claudia
Subject: Comments - DP-2018-01053 - 1208 Davie St.
Attachments: s.22(1)

Importance: Low

Attached please find my comments on DP – 2018-01053 – 1208 Davie St.

Please let me know that you have received this letter.

If you have any questions, please do not hesitate to contact me.

s.22(1)



December 30, 2018

Claudia Hicks
Project Coordinator
City of Vancouver
by email: claudia.hicks@vancouver.ca

Comments: Canadian Cannabis Media Corporation DP-2018-01053, 1208 Davie St.

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s.22(1)

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