

File No.: 04-1000-20-2019-543

September 24, 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 August 26, 2019 for:

**Records related to the refusal of DP-2019-00203 at 5486 and 5496  
Victoria Drive, from March 1, 2019 to August 15, 2019:**

1. **Support and objection letters; and**
2. **Record of rationale outlining why the proposed site is unsatisfactory.**

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](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](mailto: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 (#04-1000-20-2019-543); 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](mailto:Barbara.vanfraassen@vancouver.ca)  
453 W. 12th Avenue Vancouver BC V5Y 1V4

\*If you have any questions, please email us at [foi@vancouver.ca](mailto: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

Hicks, Claudia

5486 Victoria Dr.

From: s.22(1)  
Sent: Sunday, June 16, 2019 1:36 AM  
To: Hicks, Claudia  
Subject: 5486/5496 Victoria Drive -DP - 2019-00203

Hi Claudia,

I am writing to you outlining reasons against rezoning the above location for Retail cannabis use.

- As with other retail marijuana stores, they bring on unwanted clients and unscrupulous burglars from other neighbourhoods & cities. We know all our neighbours, this retail cannabis store does not belong in our neighbourhood.
- There are already several other cannabis shops on Victoria Drive between 33rd and 41st. The community does not need another one.
- All of the retail stores in the neighbourhood close at 6pm or 7 at the latest with the exception of some restaurants and London Drugs. This retail store is requesting to open hours bringing in additional foot traffic as we attempt to put our kids to sleep.

This retail cannabis store is not a good fit in our neighbourhood!!!

Thank you for your consideration,

s.22(1)

s.22(1)

A

Hicks, Claudia

5486 Victoria Dr

From: s.22(1)  
Sent: Friday, May 31, 2019 11:22 PM  
To: Hicks, Claudia  
Subject: Notice of Development Application at 5486 Victoria Drive (Specific: 5496 Victoria Drive) - DP-2019-00203  
Attachments: Victoria Drive.jpg

Hi Claudia,

I am contacting you in regards to a postcard that I received in the mail for a Notice of Development Application at 5486 Victoria Drive (Specific: 5496 Victoria Drive) for a change of use to a Retail Cannabis store. DP-2019-00203.

s.22(1) are strongly opposed to a Retail Cannabis store opening at this location. The proposed business location of the retail store at 5496 Victoria Drive is approximately **38 metres away from** s.22(1) Penpals Montessori Children's House located at 5395 Victoria Drive. This is substantially less than and doesn't meet the 300 metre zoning requirements set by the City of Vancouver.

Penpals Montessori Children's House is a school catering to children ages 2.5 to 6 years old. They operate on a Monday to Friday schedule with both morning and afternoon classes starting at 8:30 am and ending at 3:45pm. Here's a link to the school's website for more information: <http://www.penpalsmontessori.ca/>

We are extremely worried and concerned about this development application and do not want this type of retail store opening up and operating in our neighbourhood. We are especially concerned that this would be located so close (approx 38 metres) to a preschool with young children.

Google map (or see attached):

<https://www.google.com/maps/dir/5496+Victoria+Dr,+Vancouver,+BC+V5P+3V8/5395+Victoria+Drive,+Vancouver,+BC/@49.2352641,-123.0657985,19z/data=!4m14!4m13!1m5!1m1!1s0x5486741fb77f9d27:0xf0a4b1824a1a0698!2m2!1d-123.0651761!2d49.2350847!1m5!1m1!1s0x5486741fb59c7333:0x879f1319a9fbb401!2m2!1d-123.0656859!2d49.2354312!3e0>

I hope you will take our concerns seriously. If you have any questions or would like to speak more on this, please feel free to contact me. You can reach me at this email s.22(1) or by phone at s.22(1) s.22(1)

Could you please keep us updated on the progress of this development application?

Thank you,  
s.22(1)

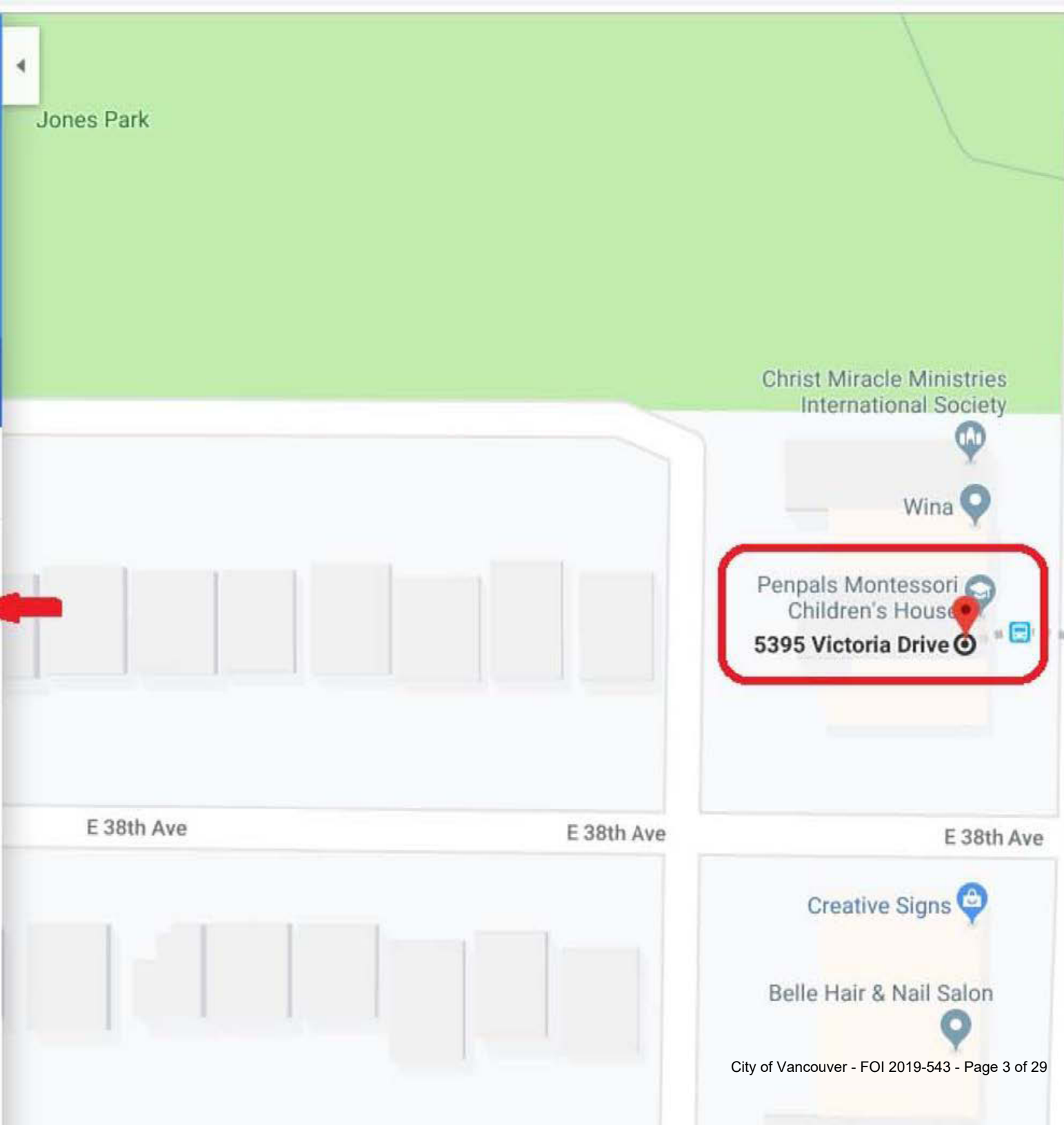
s.22(1)



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ver, BC V5P 3V

OPTIONS



Victoria Dr

Victoria Dr

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Victoria Dr

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Hicks, Claudia

5486 Victoria Dr.

**From:** s.22(1)  
**Sent:** Sunday, June 16, 2019 12:48 AM  
**To:** Hicks, Claudia  
**Subject:** 5486/5496 Victoria Drive DP-2019-00203

Hi Claudia,

I realize I am writing past the target date on providing comments but as a working mother with s.22(1) I am taking time to address what is important to me and my family.

I want to outline reasons against approving the above location for a retail cannabis store.

1. This location is across the street from a daycare, a block away from Jones Park, 2 blocks away from Tecumseh elementary on the south and 3 blocks away from Cunningham to the east, and diagonally across the street from Penpals Montessori.
2. This neighbourhood consists of multi generational families with seniors and children regularly walking past Victoria and 39th avenue.
3. Seniors and children will be subject to unwelcome and unavoidable second hand marijuana smoke while on their daily activities.
4. As highlighted in other medical marijuana stores, it is subject to robbery and seniors and children are at increased risk in the case of a robbery.
5. It is a waste resources to survey the neighbourhood almost 2 years to the day the last time the development for the previous medical marijuana store at the exact same location.

While recreational marijuana has since become legal, it is still not a good fit in our neighbourhood!!!

Thank you for your consideration.

s.22(1)

Sent from my iPhone

s.22(1)

✓  
A

Hicks, Claudia

5486 Victoria Dr

From: s.22(1)  
Sent: Tuesday, June 04, 2019 2:22 PM  
To: Hicks, Claudia  
Subject: 5496 Victoria Drive (DP-2019-00203)

Hello Claudia,

Recently I received a Notice of Development Application card in the mail for a retail cannabis store at 5496 Victoria Drive (DP-2019-00203).

As a resident in the neighbourhood, I am writing to object strongly to have a retail cannabis store in my neighbourhood.

There are two elementary schools (Cunningham Elementary School and Tecumseh Elementary School) within walking distance of 5496 Victoria Dr. In addition, there is also Montessori Le Soleil School 650 metres from the proposed cannabis store. My concern is about the community safety and well being. On a typical day you would see elderly people and children from the community go grocery shopping or eating out along Victoria Drive from 33rd to 43rd Avenue. Do we want to bring up children to say it's OK to buy marijuana even though it's legal? School age children have a high curiosity drive thus having a cannabis store in the area would not be a good idea. According to City of Vancouver 2016 statistics, 15.6% is 19 year old and under and 15.5% 65 years old and over in Kensington-Cedar Cottage.

As a former s.22(1) the community safety is my upmost priority. A retail cannabis store does not belong in a family oriented neighbourhood with three schools within walking distance of the proposed location. There are many other commercial or industrial area in Vancouver that the cannabis store can setup.

I hope the Director of Planning for the City of Vancouver does not approve the permit.

Thank you for allowing me to comment.

Regards,

s.22(1)

A.

Hicks, Claudia

5486 Victoria Dr.

**From:** s.22(1)  
**Sent:** Friday, May 31, 2019 10:43 PM  
**To:** Hicks, Claudia  
**Subject:** DP-2019-00203

Good evening Ms Hicks,

I received your notification regarding DP-2019-00203, delivered to our home. Why is a Retail Cannabis Store being permitted in such close proximity to parks, playgrounds, and schools? We already have enough problems with drug related activity in our neighbourhood. Our house is a s.22(1) and thefts and break-ins have been increasing for us; and we really don't appreciate the increased drug activity that all of our children are being continually exposed to. The aggressive nature of some individuals is becoming increasingly problematic. Why would the city allow more drug activity in our neighbourhood?

s.22(1)

s.22(1)



Hicks, Claudia

5486 Victoria Dr.

**From:** s.22(1)  
**Sent:** Monday, June 10, 2019 7:58 AM  
**To:** Hicks, Claudia  
**Subject:** 5496 Victoria Drive DP-2007-00070 DP-2019-00203

My name is s.22(1) and I am the owner of s.22(1). This email is regards to the Notice of Development Application 5496 Victoria Drive DP-2007-00070.

The area proposed for this marijuana development is a family neighbourhood with many children. We feel it is unconscionable to allow dedicated marijuana stores to open in such areas. Unless the strictist enforcement of compliance and anti-loitering can be imposed, dispensaries are better off integrated within larger existing stores such as large pharmacies (SDM or LD) or BC Liquor Stores.

Please take this under consideration before making your decision.

Thank you

s.22(1)

s.22(1)



5486 Victoria Dr

June 11, 2019

Claudia Hicks  
Project Coordinator  
City of Vancouver

Re: Notice of Development Application DP-2019-00203

Dear Ms. Hicks,

Our family is opposed to the application to change the use of 5496 Victoria Drive to a Retail Cannabis Store. s.22(1) from this property. There are already a number of other cannabis and vaping related stores in this area. We have s.22(1) s.22(1) as do some of our neighbours and we are concerned about the safety of our neighbourhood and children.

The upcoming redevelopment of Jones Park will bring many more children into the close proximity of 5496 Victoria Drive. This family friendly neighborhood is not an appropriate location for this type of business.

We are also concerned about the proposed hours of operation. Opening from 10:00 am – 8:00 pm seven days a week (excluding December 25) is excessive. Other retail businesses in this neighbourhood operate within regular business hours. The additional traffic will impact the already challenging parking situation.

Furthermore I am bothered by the fact that we voiced our opposition to a similar proposal in 2017 and attended the public hearing. I know of many other residents and parents in this neighborhood that share the same concerns as we do. I would like you to take this into consideration when deciding whether to allow this application to go through.

Sincerely,

s.22(1)



Hicks, Claudia

5486 Victoria Dr

**From:** s.22(1)  
**Sent:** Sunday, June 02, 2019 3:02 PM  
**To:** Hicks, Claudia  
**Subject:** Development application 5486 Victoria drive.

Hello Claudia.

I would like to express my support for the proposed change of use for 5486 Victoria drive. DP-2019-00203 I approve of the proposed retail cannabis store. Thank you.

s.22(1)

F.

Hicks, Claudia

5486 Victoria Dr.

To: s.22(1)  
Subject: RE: Notice of development application on 5486 Victoria Drive

Hi s.22(1)

Thank you for your comments. They will be considered as part of this application's review.

**Claudia Hicks**  
**Project Coordinator - Development Review Branch**  
Development, Buildings & Licensing  
604.871.6083



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From: s.22(1)  
Sent: Thursday, June 06, 2019 11:56 AM  
To: Hicks, Claudia  
Subject: Notice of development application on 5486 Victoria Drive

I live in that area where they are proposing the opening of a retail cannabis store.

I am against the opening of such store as I am afraid it will affect the value of my property and might affect the behaviour of my future kids.

Thanks.

s.22(1)

✓  
A.



Hicks, Claudia

5486 Victoria Dr

From: s.22(1)  
Sent: Tuesday, May 16, 2017 5:56 PM  
To: Hicks, Claudia  
Subject: Weed Shop

Hi,  
I live at s.22(1)  
s.22(1)

While I am a proponent for ethical , medical cannabis ,  
I feel another shop in this area is not welcome by myself and most residents in this neighbourhood.

Sincerely

s.22(1)

s.22(1)

A

Hicks, Claudia

5486 Victoria Dr

From: s.22(1)  
Sent: Wednesday, May 24, 2017 10:43 AM  
To: Hicks, Claudia  
Subject: Re: Development application for 5496 Victoria Drive

s.22(1)

Sent from my iPhone

> On May 24, 2017, at 10:14 AM, Hicks, Claudia <[claudia.hicks@vancouver.ca](mailto:claudia.hicks@vancouver.ca)> wrote:

>

> Hi s.22(1)

> Thank you for your comments, they will be considered as part of this applications' review. Could you please also include your address? All comments are confidential.

>

> Claudia Hicks

> Project Coordinator - Development Review Branch Development, Buildings

> & Licensing

> 604.871.6083

>

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> -----Original Message-----

> From: s.22(1)

> Sent: Friday, May 19, 2017 4:58 PM

> To: Hicks, Claudia

> Subject: Development application for 5496 Victoria Drive

>

> Dear Ms. Hicks,

>

> I write to inform you that I strongly object the application of Eden Medicinal to change the retail use of 5496 Victoria Drive, Vancouver to a medical marijuana-related use.

>

> I am a resident of the Victoria Drive neighbourhood and I do not wish the neighbourhood to be more frequently visited by marijuana-consuming people if the change of use is permitted.

>

> Thank you,

> s.22(1)

s.22(1)

>

> Sent from my iPho

Hicks, Claudia

5486 Victoria Dr

**From:** s.22(1)  
**Sent:** Thursday, May 30, 2019 11:27 AM  
**To:** Hicks, Claudia  
**Subject:** Notice of development application-5486 Victoria drive(specific : 5496 Victoria Drive )

Hi Claudia .

We received the notice of development application for 5486 Victoria drive, change of use from a commercial retail store to a retail Cannabis Store;

I am totally against it. Because this area is a family oriented. have a School with in block .

Thank you.

s.22(1)



A.

**From:** s.22(1)  
**Sent:** Monday, June 03, 2019 3:51 PM  
**To:** Hicks, Claudia  
**Subject:** DP-2018-00203 Application at 5486 Victoria Drive - Oppose

Hi Claudia:

I am writing this email opposing the captioned application to change its use to Retail Cannabis Store. I own a condo unit located at s.22(1).

This location is s.22(1) from my unit. It is also very close to an elementary school. A Cannabis store over there will devalue my property. It will bring unsafe drivers close to my unit and will make my community less safe. There are already several Cannabis store along Victoria drive. which I hate very much. No more Cannabis store is necessary near my neighbourhood.

Thanks,

--

s.22(1)



Hicks, Claudia

5486 Victoria Dr

**From:** s.22(1)  
**Sent:** Sunday, July 07, 2019 8:55 AM  
**To:** Hicks, Claudia  
**Subject:** Oppose to Cannabis shop on 5486 Victoria Drive (Specific: 5496 Victoria Drive) - DP-2019-00203 development application

Dear Ms Hicks,

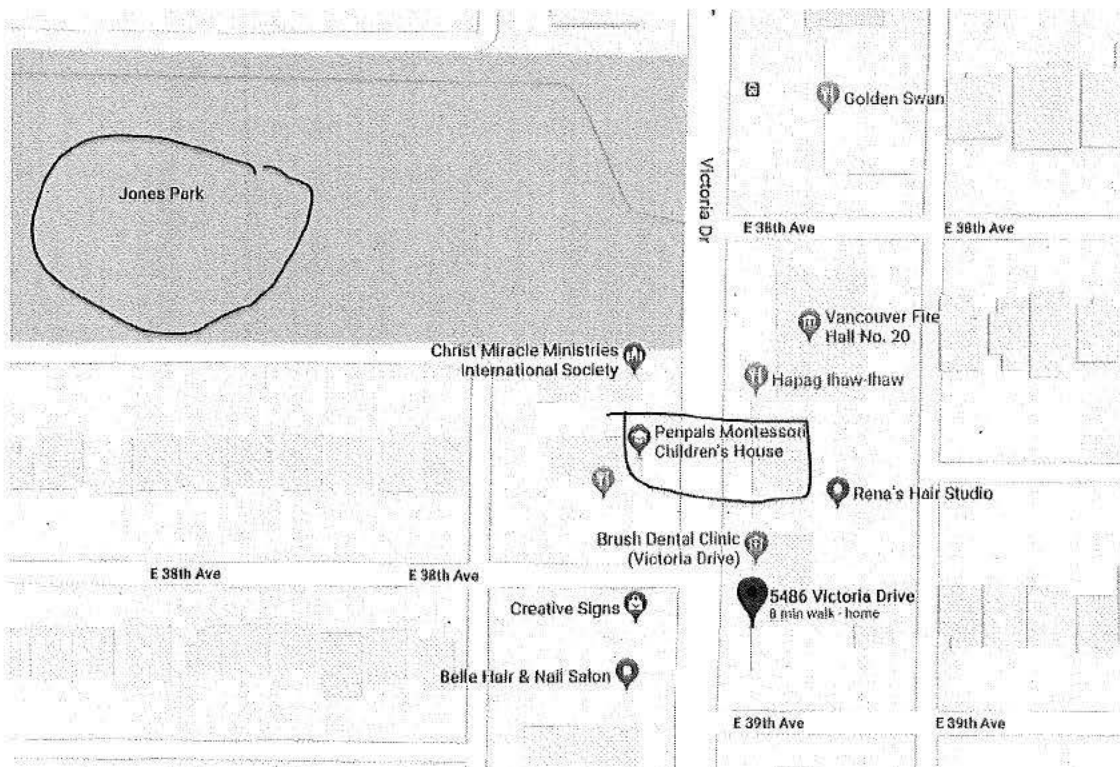
As a citizen of Vancouver and a resident in Victoria Drive community, I would like to oppose the development of Cannabis shop on 5486 Victoria drive.

Although Cannabis is now legal in Canada, children should not be exposed to the substance at all. I found that in this area, there is Jones Park which is just a 350m away from the proposed shop.

Jones Parks is one of the parks that most families in this area bring their young kids to play every day including s.22(1). Also, 140m away from the development application, there is Penpals Montessori Children's House, 5395 Victoria Dr, Vancouver, BC V5P 3V8. Again Children is going there to received proper child care.

Besides, there is already another development application for Cannabis shop not far away in this area, 6528 Victoria Drive - DP-2019-00392. Do we need that many Cannabis shops just about ten blocks away? By the way, 6528 Victoria Drive development application, there is a South Vancouver Neighborhood house just 88m away. that would be another issue.

Please kindly reconsider the development application for 5486 Victoria Drive (Specific: 5496 Victoria Drive) - DP-2019-00203.



**MAIL FOR**

TO: Claudia Hicks  
Recipient's Name

FROM: s.22(1)

PHONE #: s.22(1)

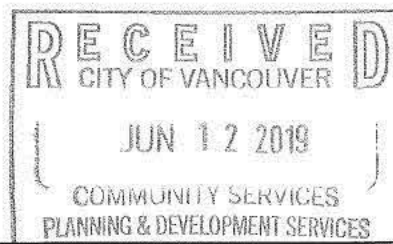
PROJECT ADDRESS: 5486 Victoria Dr.

PERMIT NO. DP. 2019-00203

Drawings/Documents Submitted: \_\_\_\_\_

more than 80 person to sign for  
rejust for 5486 and 5496 to be  
change the zone for cannibins.  
we against to sell that in  
this place.

RECEIVED STAMP





P

June8, 2019

Response to Notice of Development Application 5486 Victoria Drive (Specific:5496 Victoria Drive)

DP-2019-00203

We are writing as local resident to object strongly to the above application on the following grounds.

There are child day care facilities (Penpals Montessori Children's house, address: 5395 Victoria Dr.) and a playground in the area (Jones Park) which children and families use on a constant basis including an elementary school in close proximity to the proposed address. Potential increase in criminal activity related to the high-profile nature of marijuana stores in the following ways. Violent crimes, loitering, break and entering which would have a significant impact on families and vulnerable sector residents, seniors and children. Increased garbage and waste discarding in the area with the potential to reduce property values. Negative impact to community morale and efforts for proactive community policing to create a safer area for families. The use and consumption of marijuana whether to medical rationale or not is a gateway drug for many people in this community who are already marginalized. The negative optics of such a storefront creates additional risk to young children who may be in proximity or passing by thus placing them at highest risk.

We formally and strongly protest this development proposal.

Best regards

Name	address.	Signature
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s.22(1)

s.22(1)

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Name	Address	Signature
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s.22(1)

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June8, 2019

Response to Notice of Development Application 5486 Victoria Drive (Specific:5496 Victoria Drive)

DP-2019-00203

We are writing as local resident to object strongly to the above application on the following grounds.

There are child day care facilities (Penpals Montessori Children's house, address: 5395 Victoria Dr.) and a playground in the area (Jones Park) which children and families use on a constant basis including an elementary school in close proximity to the proposed address. Potential increase in criminal activity related to the high-profile nature of marijuana stores in the following ways. Violent crimes, loitering, break and entering which would have a significant impact on families and vulnerable sector residents, seniors and children. Increased garbage and waste discarding in the area with the potential to reduce property values. Negative impact to community morale and efforts for proactive community policing to create a safer area for families. The use and consumption of marijuana whether to medical rationale or not is a gateway drug for many people in this community who are already marginalized. The negative optics of such a storefront creates additional risk to young children who may be in proximity or passing by thus placing them at highest risk.

We formally and strongly protest this development proposal.

Best regards

s.22(1)

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June8, 2019

Response to Notice of Development Application 5486 Victoria Drive (Specific:5496 Victoria Drive)

DP-2019-00203

We are writing as local resident to object strongly to the above application on the following grounds.

There are child day care facilities (Penpals Montessori Children's house, address: 5395 Victoria Dr.) and a playground in the area (Jones Park) which children and families use on a constant basis including an elementary school in close proximity to the proposed address. Potential increase in criminal activity related to the high-profile nature of marijuana stores in the following ways. Violent crimes, loitering, break and entering which would have a significant impact on families and vulnerable sector residents, seniors and children. Increased garbage and waste discarding in the area with the potential to reduce property values. Negative impact to community morale and efforts for proactive community policing to create a safer area for families. The use and consumption of marijuana whether to medical rationale or not is a gateway drug for many people in this community who are already marginalized. The negative optics of such a storefront creates additional risk to young children who may be in proximity or passing by thus placing them at highest risk.

s.22(1)

We formally and strongly protest this development proposal.

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**From:** "vdbia Coordinator" <[vdbia@telus.net](mailto:vdbia@telus.net)>  
**To:** "Hicks, Claudia" <[claudia.hicks@vancouver.ca](mailto:claudia.hicks@vancouver.ca)>  
**Date:** 5/28/2019 11:45:06 AM  
**Subject:** RE: Notice of Development Application for cannabis shop

Thank you Claudia.

*Monique Koningstein*

Coordinator

Victoria Drive BIA

Suite 2, 5608 Victoria Drive

Vancouver, BC

V5P 3W4

604.323.2301

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**From:** Hicks, Claudia <[claudia.hicks@vancouver.ca](mailto:claudia.hicks@vancouver.ca)>  
**Sent:** May 27, 2019 3:23 PM  
**To:** vdbia Coordinator <[vdbia@telus.net](mailto:vdbia@telus.net)>  
**Subject:** RE: Notice of Development Application for cannabis shop

Hi Monique,  
Thank you for your comments. They will be considered as part of this application's review.

**Claudia Hicks**

**Project Coordinator - Development Review Branch**

Development, Buildings & Licensing

604.871.6083



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**From:** vdbia Coordinator [<mailto:vdbia@telus.net>]  
**Sent:** Monday, May 27, 2019 3:08 PM  
**To:** Hicks, Claudia  
**Subject:** RE: Notice of Development Application for cannabis shop

Hello Claudia,

This email is in response to the notification sent regarding the proposed opening of another cannabis shop on Victoria Drive.

As the laws have now changed, I am unfamiliar of what the process/criteria are now for new applications and whether or not a type of Board of Variance still even exists.

But I do want to bring up what happened with the last application not too far away from this new proposed at 5486 Victoria Drive.

You probably remember the refused Development Application Number DP-2017-00070 of 5496 Victoria Drive as

determined at the BOV meeting.

It was refused on June 1<sup>st</sup> 2017 for two reasons:

objections received from neighbouring property owners and from unsatisfactory proposed use at this location. This new site is not too far away.

At this BOV Meeting there was strong opposition from:

1. The nearby Penpals Montessori School 5395 Victoria Drive -school age children
2. Christ Miracle Ministries 5381 Victoria Drive - Youth groups
3. Tecumseth Elementary School 41<sup>st</sup> and Victoria Drive
4. A nearby Doctor's office
5. Wina Beauty salon 5391 Victoria Drive
6. The VDBIA -5608 Victoria Drive

Also, I remember it was determined youth and children were at risk for the nearby Jones Park (38<sup>th</sup> and Victoria Drive) with a children's playground

and the fear of not enough adults being around to supervise due to the lack of amenities there for adults.

The terms as a "hardship" or a "spiritual" disturbance were also used in opposition.

The VDBIA stance is against these types of shops opening, as it is not seen as a good fit in a family shopping and residential area already dealing with methadone clinics, homeless issues and folks who live or work in the area who are generally vulnerable.

Please pass on the above comments to whom it may concern and thanks for any consideration.

Regards,

*Monique Koningstein*

Coordinator

Victoria Drive BIA

Suite 2, 5608 Victoria Drive

Vancouver, BC

V5P 3W4

604.323.2301

## **RECOMMENDATION TO DOP**

**ADDRESS: 5486 Victoria Drive**

**PERMIT NUMBER: DP-2019-00203**

**RECOMMENDATION TO:** Manager: M. So      Date: July 16, 2019      Staff: C. Hicks

### **RECOMMENDATION SUMMARY:**

I would recommend REFUSAL to change the use from Retail Dealer (Electronics) to a Retail Cannabis Store.

### **Special Notes from various departments:**

1. Cleared by Social Policy
2. Cursory building code comments sent to applicant
3. Cleared by Engineering

### **NOTIFICATION SUMMARY: Yes**

Site Sign: Yes

Sign Installation Confirmed On: June 1/19

Letter: Yes

Date Sent: May 27/19

Expiry Date: June 12/19

### **Results of Notification:**

NOTIFIED: 799

RESPONSES: 15

PETITIONS: 1 (74 signatures)

OBJECTIONS: 14

(64 within the area)

IN FAVOUR: 1 (outside of notification area)

### **SUMMARY OF RESPONSES:**

- Too close to Schools, Cunningham and Tecumseh Elementary daycares, (Penpals Montessori Childrens House) and Jones Park
- Increased criminal activity
- Other Cannabis stores already on Victoria Drive (5053 Victoria Drive (issued on Nov 30/16 - DP-2016-00692), and 1357 E 41st (issued May 3/16 DE419407)
- Already been refused previously for neighbourhood objections
- Support the Store in the area

### **SUMMARY OF COMMENTS RECV'D FROM RECOGNIZED NEIGHBORHOOD GROUPS:**

Objection received from the Victoria Drive BIA:

"At the previous BOV meeting there was strong opposition from:

1. The Penpals Montessori School (5395 Victoria Drive – School Age children).
2. Christ Miracle Ministries (5381 Victoria Drive) – Youth Groups
3. Tecumseth Elementary School (41<sup>st</sup> and Victoria Drive)

4. Nearby Doctors Office
5. Wina Beauty Salon (5391 Victoria Drive)
6. The VDBIA (5608 Victoria Drive)

#### **HISTORY :**

##### **BU456146 – issued Jan 28/13**

Interior alterations to provide improvements for new retail tenant by adding a partition wall and minor interior alterations at 5496 Victoria Drive in this existing commercial/residential building as well as removal of unapproved cover over the existing deck at the rear, remove the cantilevered cover over the parking space at lane, and restore the parking and loading to what was approved under previous building permits, DP205708 & BP207344.

##### **DE403651 – issued Oct 28/98**

To change the use of approximately 1,130 square feet from retail to health care office in this existing retail/residential building in accordance with the decision of the Board of Variance, Appeal No. Z29679, dated October 14, 1998.

##### **DE416759 – issued May10/13**

To change the use of this existing beauty salon to a beauty salon in conjunction with a beauty and wellness center at 5492 Victoria Drive on the 1st floor. The beauty salon is in the front portion of the tenant space with shared reception, the two rear storage rooms are being converted to treatment rooms for facials, waxing and slimming only as per the operational letter dated April 23, 2013 submitted by Ms San Mei Li and Ms Ka Wai Wai.

##### **DP-2017-00070 – Refused Jun 1/17**

Including the Letter of Operation submitted by Graham Stephen DBA: Eden Medicinals, and stamped "RECEIVED" by this department on January 23rd 2017, to provide interior alterations and change of use from commercial retail unit to a Medical Marijuana-Related Use in this existing mixed-use building on this site.

**\*\*Refusal upheld by the BOV Sept 20/17**

#### **PERMIT / APPLICATION DETAILS:**

**Previous proposal (DP-2017-00070)** for a Cannabis Store (MMRU) was refused due to neighbourhood objections. Applicants appealed at the BOV on Sep 20/17 and the appeal was disallowed. Notification Summary under DP-2017-00070:

Neighbourhood notification was conducted within a 2 block radius of the site, (site sign has been up for several months (see Posse for confirmation e-mail). Approximately 1284 neighbours were notified with 50 single objections received, including from the Victoria Drive BIA. Two petitions were received, one from the Tecumseh Elementary School (PAC and Pacific Immigrant Resource Society) with 49 signatures, and one from the residents of the multiple dwelling at 5555 Victoria Drive with 36 signatures, all opposed. No letters of support received. Neighbours have indicated that there is PenPals Montessori (business license current – Private school) at 5395 Victoria Dr (approx. 44m from 5486 Victoria Dr)

#### **TECHNICAL REVIEW:**

Retail Cannabis conditional use in C-2



**Evaluate Potential MMRU**

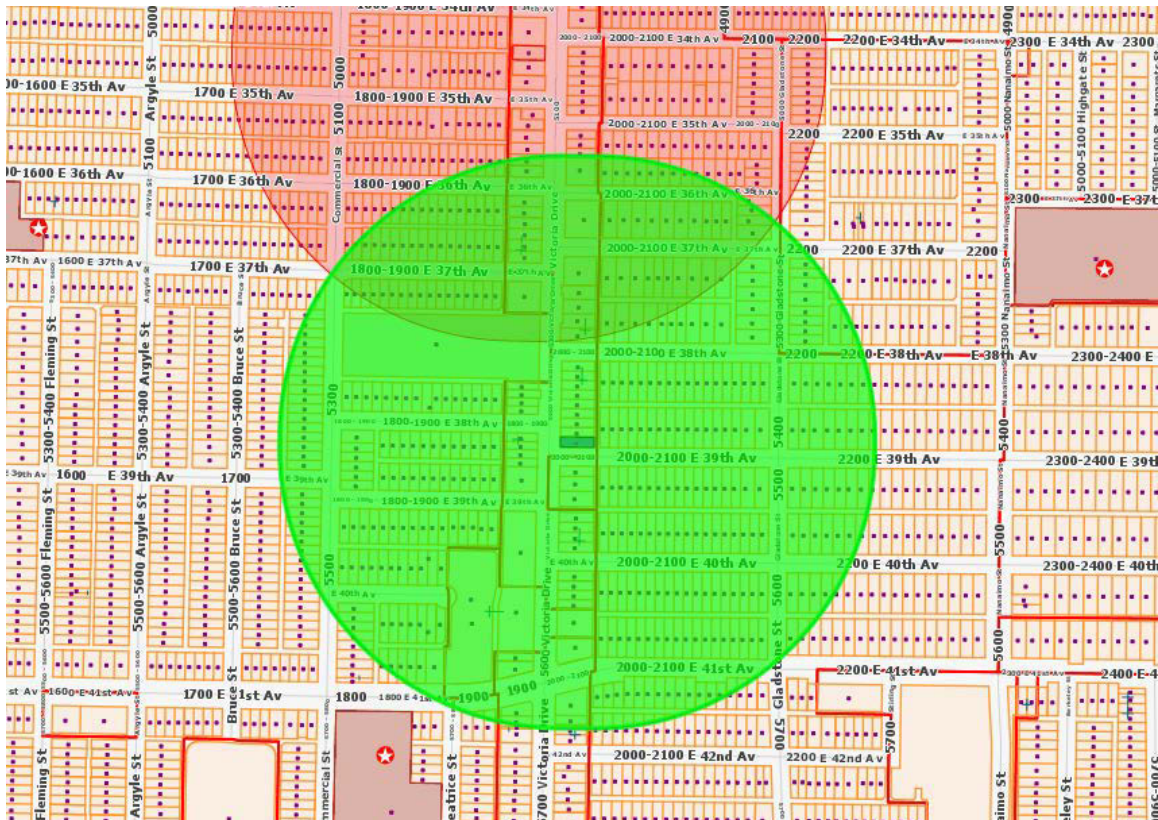
Number:  Street Name:  ▼

Search Print

**Address Queried: 5486 Victoria Drive**

**Results:**

**Zone: C-2, in the permitted zone**



RELAXATIONS: None

**PARKING & LOADING & BICYCLE CALCULATION DETAILS:**

Residential = ( 2 units) = 2 spaces

Beauty Salon and Retail Cannabis = 2 spaces

Required = 4 spaces

Existing = 2 spaces

Proposed = 2 spaces

Previously approved with 3 spaces – (last approved plans show a parking space in the lane)

Relaxation required, as per applicant the 2 required residential spaces are no longer being provided, and the residential units are using the street parking on East 39<sup>th</sup> Avenue. No change in parking requirements for this change of use.

Parking/Access...	Development	Class 13	0.000	0.000	0.000		
Parking/Access...	Parking		4.000	0.000	0.000		
Development Use:	Development Unit:			25,400.000	25,400.000	Req. Excl.	27 units @ 0.93629 req. fl...
Retail Use:	Commercial Office			0.000.000	0.000.000	Req. Excl.	
Retail Use:	Retail Office			0.000.000	0.000.000	Req. Excl.	

#### **APPLICABLE SECTION 10 & 11 REGULATIONS:**

Section 11.28 Cannabis Store

#### **GUIDELINES:**

Guidelines for Retail Dealer – Medical Marijuana-Related Uses Near Youth Facilities

APPLICABLE: Yes

Advised applicant via phone call on Mar 28/19 (Brayden) to do some neighbourhood outreach prior to notification – (applicant advised that they will be conducting neighbourhood outreach) Previously refused due to neighbourhood opposition - Location meets Guidelines and Section 11 of the Zoning and Development By-law.

Would recommend **REFUSAL**:

- **Refusal 1 – Objections Received;** objections have been received from neighbouring property owners;

Due to neighbourhood opposition, would recommend REFUSAL for this proposal.