

File No.: 04-1000-20-2019-759

January 22, 2020

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 December 9, 2019 for:

Board of Variance documentation related to the following cannabis application, from October 17, 2018 to December 9, 2019:

1. DP-2016-00684 at 1182 Thurlow Street;
2. DP-2018-01053 at 1208 Davie Street; and
3. DP-2018-00688 at 1238 Burrard Street.

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.

Please note that there were no responsive records regarding 1182 Thurlow Street. Additionally, addresses other than those specified in your request have been redacted in the Board of Variance minutes in order to maintain the personal privacy of the other meeting attendees.

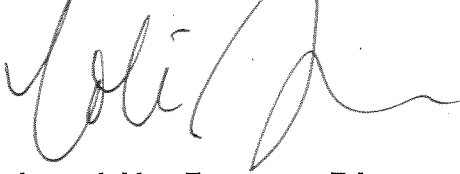
Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, 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 assigned to your request (#04-1000-20-2019-759); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at foi@vancouver.ca if you have any questions.

Yours truly,

Cobi Falconer, Acting Director, ATIP, for

A handwritten signature in black ink, appearing to read 'Cobi', with a long horizontal flourish extending to the right.

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.

:kt

APRIL 09/2019
* TUESDAY

SCHEDULE A

NOTICE OF APPEAL

To: The Secretary
Board of Variance/Parking Variance Board
Vancouver City Hall
453 West 12th Avenue
Vancouver, B.C. V5Y 1V4
(604) 873-7723

I/We file an Appeal to the Board of Variance/Parking Variance Board.

The Property

Address: 1208 DAVIE STREET

Legal Description: LOT 1, BLOCK 33, DL 185 AND PLAN VAP 92-6

Type of Appeal

BOARD OF VARIANCE
Appeal for Variance

☒ Vancouver Charter, s.573(1)(b)

Zoning and Development By-law, section(s) S11.20

Sign By-law, section(s) _____

☐ Vancouver Charter
s. 573(1)(f)(ii)

Private Property Tree By-law, s. _____

SEE ATTACHED VANCOUVER CHARTER PROVISIONS

Appeal of Decision

☒ Decision of Director of Planning
Vancouver Charter, s. 573(1)(a)

Development Application No. DP-2018-01053

☒ Appealing refusal
☐ Appealing approval
☐ Appealing condition(s) of approval

☐ Decision of Development Permit Board
Vancouver Charter, s. 573(1)(e)

Development Application No. _____

☐ Appealing refusal
☐ Appealing approval
☐ Appealing condition(s) of approval

☐ Refusal of Tree Cutting/Removal Permit
Vancouver Charter, s. 573(1)(f)(i)

SEE ATTACHED VANCOUVER CHARTER PROVISIONS



Non-Conformity

- ☐ Extension of Discontinued Non-conforming Use
Vancouver Charter, s. 57(1)(c), s. 568(3)
- ☐ Additions/Structural Alterations to Non-conforming Building
Vancouver Charter, s. 573(1)(d), s. 568(4)(a)
- ☐ Fire Damaged Non-conforming Building
Vancouver Charter, s. 573(1)(d), s. 568(5)(a)

SEE ATTACHED VANCOUVER CHARTER PROVISIONS

PARKING VARIANCE BOARD

- ☐ Decision of Director of Planning
Building Board of Appeal By-law, s. 7.3

Parking By-law, Section(s) _____

SEE ATTACHED VANCOUVER CHARTER PROVISIONS

This Appeal is based on the following grounds (please print or type, attaching additional pages if required): See attached submission (to follow)

NOTE: YOU MUST STATE ALL GROUNDS OF APPEAL THAT YOU INTEND TO RAISE AT THE HEARING OF THE APPEAL. INTRODUCING NEW GROUNDS OF APPEAL AT THE HEARING MAY RESULT IN AN ADJOURNMENT OF THE HEARING BY THE BOARD.

The following material is attached and made part of this Appeal: see attached submissions (to follow)

NOTE: ALL WRITTEN MATERIAL YOU INTEND TO SUBMIT TO THE BOARD OF VARIANCE MUST BE ATTACHED TO THIS NOTICE OF APPEAL. YOU MAY PRODUCE OTHER SUPPORTING MATERIALS, INCLUDING PHOTOGRAPHS, PLANS OR DIAGRAMS AT THE APPEAL HEARING.

I/WE declare that the statements contained in this Notice of Appeal and all attachments are, to the best of my/our belief, true and correct in all respects.

I/WE acknowledge that this Notice of Appeal and all attachments are available to the public.



Signature(s) of Appellants: X Iman Seif

Name(s) of Appellant(s) (please print): Iman Seif

Name of Company (if applicable): Canadian Cannabis Media Corporation

Mailing address: 1208 Davie St
Vancouver, BC
V6E 1N3

Telephone: (778) 999 8838

Fax: _____

Email: imanseifi@gmail.com



TO BE TO BE COMPLETED BY STAFF

DATE: _____

APPEAL: _____

235453

SIGNATURE: _____



February 7, 2019

Iman Seifi
1208 Davie Street
Vancouver, BC V6E 1N3

RE 1208 DAVIE STREET, Vancouver, BC
Development Application Number DP-2018-01053

Please be advised that 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.

You may be eligible to appeal this decision to the Board of Variance within 30 days of the date of this letter. For more information please contact the writer.

Yours truly,
Jessica Blackmore
Project Coordinator II
E-mail: jessica.blackmore@vancouver.ca
Phone: 604.873.7216



March 6, 2019

Board of Variance
Vancouver City Hall
Room 112, 1st Floor
453 West 12th Ave
Vancouver, BC V5Y 1R3

RE 1208 DAVIE STREET, Vancouver, BC
Appeal To Board of Variance Re Development Application Number DP-2018-01053

We are writing to appeal the decision by the City of Vancouver of February 7, 2019, in which the Director of Planning Refused DP-2018-01053.

On behalf of the Applicant, Iman Seifi, we would like to present for the Board of Variance's consideration, an appeal based on grounds of hardship. We will elaborate during our presentation to the Board several grounds of hardship.

In particular, we will address the hardship regarding the non-compliance with the distance requirement for a cannabis store to not be within 300 meters of a Physical School Location. Iman Seifi has had two Surveys done, which will be presented to the Board, which show:

- (i) on one Survey, a distance, from 1208 Davie Street to Lord Roberts School Annex, of 305 meters
- (ii) on the second Survey, a distance, from 1208 Davie Street to Lord Roberts School Annex: front door to front door, walking: 452.5 meters, and
front door to front door, direct: 340.0 meters

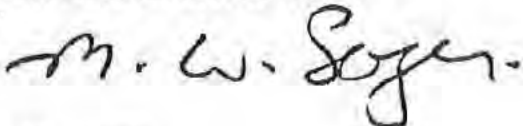
We would also like to point out that the school is scheduled to be replaced resulting in new boundaries which would render the 1208 Davie Street location in full compliance with distance.

With respect to the City of Vancouver's refusal based on objections received from neighbouring property owners, any opposition is no greater than the opposition received by every applicant.

Yours truly,

SAGER LEGAL ADVISORS LLP

Per



Mark W. Sager



Applicant: IMAN SEIFI

Operations: Ashley Hughes

Zoning BY-LAW Legal: Mark Sager

Cannabis Legal: Sarah Leamon

Canadian Cannabis Media Corp

Address: 1208 Davie Street Vancouver BC

RE: DP 2018-01053

Property Owner:

Davie and Bute Nominee Ltd., INC NO BC1172671

Change of use from BEAUTY SALON to CANNABIS RETAIL (permitted use area)

Legal description of property: Parcel Identifier: 015-740-765

Legal desc: THE NORTH 1/2 OF LOT 1 BLOCK 33 DISTRICT LOT 185 PLAN 92

- Dimensions and area of the site - *attached*
- Zoning of the site - *attached*
- Outline of decision or aspect being appealed - DP-2018-01053 Refusal

Notation of the Section(s) of the Vancouver Charter and bylaw(s) under which the appeal is to be considered (where applicable).

- **Regarding Vancouver Charter Section 573 (1) (b) re: 11.28.2 (a)**
- **Appeal Decision of Director of Planning**

Description of the grounds upon which appeal is based, including any hardship - **see attached**

Multiple Hardships:

Locations

Hardship #1 - Another Offer to Lease 1320 which clears distancing, but needs to be rezoned.

1208 Davie St zoned permitted use

Distance

Hardship #2 - Cannabis store may not be within 300 meters of *Physical School Location*

(relaxation rationale)

1208 Davie St Cannabis Store premises exceeds 300 meters walking distance (450)

- Hardship attached with land surveyor

SCHOOL BEING TORN DOWN - Section 11. 28. A will be n/a

Have to cross street and all k-3 children at school must be accompanied by adult

Distance to non-existing CANNABIS STORE

Hardship #3 - May not be within 300 meters of licensed Cannabis Store Establishment (NO

OTHER LICENSED CANNABIS STORES WITHIN 300 m as date of Feb 7, 2018

Define CANNABIS RETAIL STORE - means a licensed establishment that is authorized to sell non-medical dried cannabis, cannabis oils, and cannabis for non-medical use in BC

SUPPORT LETTERS - Attached

Contains:

- Submission Letter
- Drawings
- Refusal Letter
- Support Letters
- Photo Evidence



February 7, 2019

Iman Seifi
1208 Davie Street
Vancouver, BC V6E 1N3

RE 1208 DAVIE STREET, Vancouver, BC
Development Application Number DP-2018-01053

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- Refusal 3 – Objections Received; objections have been received from neighbouring property owners.

You may be eligible to appeal this decision to the Board of Variance within 30 days of the date of this letter. For more information please contact the writer.

Yours truly,
Jessica Blackmore
Project Coordinator II
E-mail: jessica.blackmore@vancouver.ca
Phone: 604.873.7216

[Home](#) [Apply](#) [Search](#) [Pay](#) [My Payments](#)

Development Permit DP-2018-01053

Refused

Application Date: Nov 19, 2018
Issue Date:
Completed Date: Feb 7, 2019
Expiration Date:

Next Action

[Renew Permit](#) [Request Change](#)
[Provide Additional Information](#) [Withdraw Permit](#)
[Respond to Prior to Condition](#) [Pay Fees](#)
[Provide Plan Review Response](#) [Request Refund](#)

My Reference Number:

[Save](#)[Details](#)[Project Activity](#)[Documents](#)[Inspections](#)

Details

Primary Location: 1208 DAVIE STREET, Vancouver, BC

Specific Location:

Work Description: To provide interior alterations and to change the use of approximately 1,040.0 square feet from Beauty Salon to Cannabis Store.

Type of Work: Addition / Alteration

Related Information

Type	Description
Zoning Code	C-5
Customer	Iman Selfi Phone: (778) 999-8838 Address: 1208 Davie st Vancouver, BC V6E1N3

Parcels

Parcel ID	Address	Folio Number
015-740-765	1202 DAVIE STREET, Vancouver, BC	612-117-94-0000

Fees

Date	Description	Amount	Balance	View Receipt
Nov 19, 2018	04(b) - Alt or Change Use Non 1/2 FD - Conditional	\$1,856.00	\$0.00	

Use Code

Use Code	Occupancy Type
Barber Shop or Beauty Salon - Service Uses	(None)
Cannabis Store - Retail Uses	(None)

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

Glossary

"the Branch" means the Liquor and Cannabis Regulation Branch, the provincial government agency that administers the private retail sales of non-medical cannabis.

Revised Feb. 2019 "cannabis retail store" or "non-medical cannabis retail store" means a licensed establishment that is authorized to sell non-medical dried cannabis, cannabis oil, and cannabis seeds for non-medical use in B.C.

Revised Oct. 2018 "federal producer, or federally licensed producer" means a person who produces cannabis under a licence under the Cannabis Act (Canada)

"general manager" refers to the general manager appointed under section 4 of the Cannabis Control and Licensing Act, who has legislative authority to make decisions regarding cannabis licensing in British Columbia.

Revised Feb. 2019 "licensee" refers to any individual, partnership, corporation or Indigenous nation that holds a British Columbia cannabis licence. Any person appointed by the licensee to act in the licensee's place or with the licensee's authority, such as a manager, authorized representative, or person in charge of the licensee's cannabis retail store will be required to ensure the requirements, terms and conditions of the licence are met and the licensee will be accountable for the actions of any such persons..

"marketer" refers to a person that holds a marketing licence and is hired by a cannabis producer to represent/promote their cannabis products, solicit/receive/take order for the sale or purchase of cannabis, or act as an agent for the sale or purchase of cannabis

"peace officer" means an officer as defined in the Police Act, or a member of the Royal Canadian Mounted Police who is deemed to be a provincial constable under section 14 (2) (b) of the Police Act;

Revised Oct. 2018 "security verification" means a verification provided by the general manager to an individual stating that the individual has passed a security screening under the Cannabis Control and Licensing Act.

Canadian Cannabis Media Corp (CCMC) intends to launch its Cannabis Showroom (The Honeypot Shop) at location 1208 Davie st in Vancouver.

Canadian Cannabis Media Corp markets the benefits of government approved HEMP and Cannabis (CBD/THC) in multiple varieties and mediums; by oils, creams, tinctures, teas, tarts, ointments, salves, soaks, menstrual products, massage oils, seeds, soaps, décor and all other possibilities with the flowers, leaves, stems, roots, fiber, paper and construction benefits. There is a need in the industry to ensure that the products sold are actually from the sources indicated, and customers deserve the opportunity to examine the items prior to purchasing or ingesting. This non-partisan retail environment is the perfect "testing" ground for emerging technology and data research in the cannabis industry. Licensed Producers can get feedback on the products they are bringing to market, while we host informative sales sessions by educators and doctors, dieticians and veterinarians in a relaxed, upscale environment to promote open minds, eager learning, and safe consumption practises.

CCMC's Retail Cannabis Store hours will be 10 am until 10 pm, 7 days a week. The retail showroom can handle upwards of 100 customers a day, and has created line up queues and identification checks, as well as a security upgrades and video monitoring. Staffing includes 10 full-time members, with part time "experts in their field" on call. The revolving "experts" provide knowledge from industry compliance, safe edible consumption, business best practices, and veterinary advice for ailing animals, mental health workers and elderly care workers. This open concept showroom was designed to be wheelchair accessible, and our knowledgeable, compassionate and educated staff are highly motivated to nurture and protect the ones that need it most. No minors or children are allowed in the store. Loitering is not permitted and the educational sessions would not impact any noise violations. The CCMC retail showroom has offsite secure garbage and recycling, a dedicated parking spot, as well as back doors opening onto the parking lot – for easy and secure loading and unloading. We have worksafe, and carry insurance for our premises.

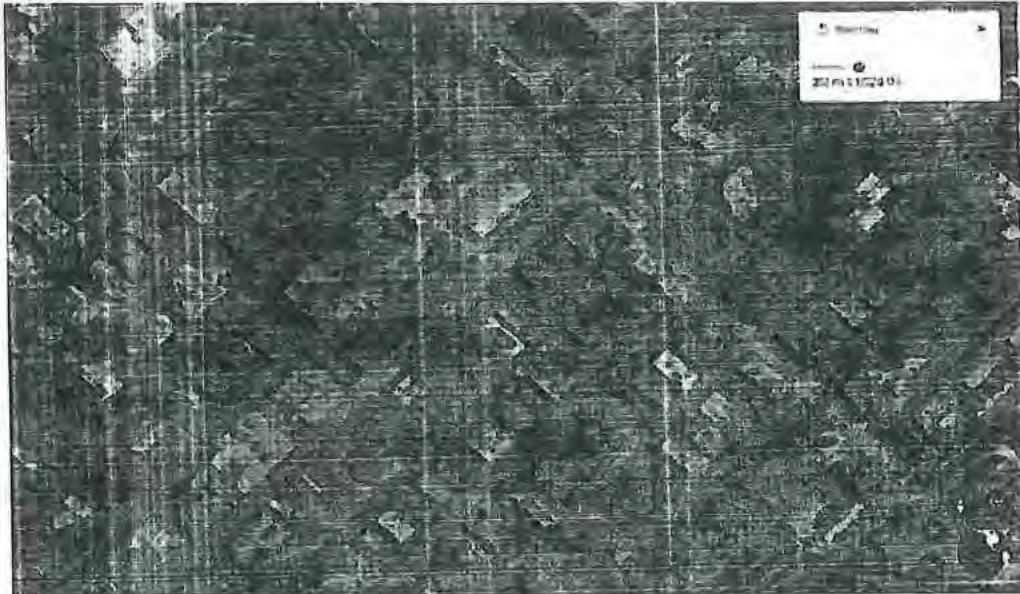
The cannabis showroom would sell rotating products, seasonal promotions or holiday décor, educational information and presentations, marketing and magazine development to assist in showcasing premium products, private educational sessions, heavy drug substitution educators, and health / wellness seminars. The retail display showcases are to be filled on a rotating basis, highlighting unique benefits, displaying educational materials, directions and usage questions answered, and allowing customers to actually see the product before they purchase from us. Brochures, marketing materials, social media campaigns, 3d printed items and magazines will be used to promote the unique benefits of these plants. We have wearable technology and OLED tvs to stream videos and online marketing / media, interactive demos and safety lessons. The diverse clientele varies from recreational users, disabled or chronic pain sufferers, tourists, recovering addicts, natural health practitioners, government workers, athletes treating pain, celebrities treating anxiety, pets (including dogs, rats, cats and horses) to elderly who can't afford pharmaceutical drugs.

CCMC is situated in the heart of the lively and internationally renowned Davie Street, seamlessly fitting into the community style and adding character to area like the groundbreaking and innovative neighborhood leaders before us. This brightly colored neighborhood takes pride on being independent, free of "big box" stores and large international chains and plays host to an array of groundbreaking shop ideas. The community has a chilled out vibe during the day, which quickly erupts into music and lights with a wide variety of entertainment for all adults at night, (providing us with a large quantity of support letters). The West End warmly welcomes CCMC - with its adult nightlife scene, community activism and outreach centers all working together to care for the neighborhood inhabitants. They even expressed gratitude for the progressive idea and execution of a responsible and informative, education based retail outlet like CCMC.

Away from playgrounds and parks, CCMC's cannabis retail outlet coexists with a small group of businesses in a stand-alone non-strata building, with its own parking and loading and secure video monitored exits. There are no residents living above or in the commercial zoned area, and the bylaws treat this area as an entertainment district with adult-themed entertainment (sex shops, liquor stores, short term money lending, nightclubs). The closest school, Lord Roberts Annex is a kindergarten to grade three school annex - set to be demolished in the upcoming year for an underground substation - to be re-built in 2023. An annex is defined as a separate structure added to the School District, as it is not a formal Primary or Secondary School. All 160 children attending the school are all accompanied by an adult arriving and leaving the school from its main north facing school entrance.

Although the premise at 1208 Davie clears the property line in distance to the nearest schools, the City of Vancouver relies on the "as the crow flies" or property line to the adjacent business, versus the actual location of Canadian Cannabis Media Corp. As the crow flies is defined as the most direct path between two points (similar to a beeline), including going through ditches, hedges, buildings, fences, and walls.. We find an undue hardship to occur by proclaiming that these children will go through fences, buildings and walls to get to the "as the crow flies" distance from the front door of 1208 Davie st to the schools fully enclosed chained fence.

The walking distance from the location from 1208 Davie St to Lord Roberts Annex , is 452 meters +/- door to door. To eliminate human error for any distance questions, we utilized technology, and have attached google satellite images to show distancing and measuring of 312 meters +/-, and attached the 340 meters +/- "as the crow flies" door-to-door as per a BC Land Surveyor's certificate of location. In the case of any distance misconceptions, CCMC is requesting a by-law relaxation and asks for the standing requirements clarification to be re-considered and approved on this case by case basis. There are a multitude of unnecessary hardships that occur from an Annex School (of kindergarten to grade 3 - where all children must be accompanied by an adult), that is set to be demolished, with a north facing entrance and door to door walking distance of 452 m +/-.



Front Door to Front Door Distance: DIRECT : 340 m WALKING : 452 m

***GOOGLE SATELLITE IMAGERY ATTACHED TO COMPENSATE FOR HUMAN ERROR**

CCMC is uniquely positioned as there are no other retail cannabis outlets approved yet in Vancouver, and there is one government approved store and one private store in the entire province as of the date of this letter. As per the city of Vancouver website dated November 1, 2018, compassion clubs are allowed to offer and advocate cannabis services, yet not sell the cannabis product on premise. We are a private, independently owned retail cannabis dealer that sells non-medical cannabis, with a different business model and type of clientele than a compassion club (i.e., medicine vs tourism). Our opportunity to set another precedent and make a little more history for the city - as it is almost a prerequisite to "fit in" on Davie St. - is unique and well suited.

Canadian Cannabis Media Corp has applied as a new member to join the Global Cannabis Partnership. This honor bears a large responsibility, and CCMC must demonstrate leadership within the cannabis industry - including a commitment to operating in a socially responsible manner and adhering to a Responsible Cannabis Framework, a worldwide social responsibility standard. This standard is developed by sharing of best practices, research, thought leadership and networking. CCMC does not take this duty lightly, and is grateful for the opportunity to create a safe, educational, and socially responsible environment for the community of the West End, Vancouver and Canada wide.

Thank you for your time and consideration.



Subject line: Referral of a Non-Medical Cannabis Retail Store Application - Canadian Cannabis Media Corp. Job #001421

Johns, Paige LCLB:EX <Paige.Johns@gov.bc.ca>
To: "Kathryn.Holm@vancouver.ca" <Kathryn.Holm@vancouver.ca>
Cc: "Imanseifi@gmail.com" <Imanseifi@gmail.com>

Wed, Jan 30, 2019 at 7:39 AM

Good Morning,

Please find attached a letter requesting the City of Vancouver consider the above-noted application and provide the Liquor & Cannabis Regulation Branch with a written recommendation with respect to the application.

Note that the "fit and proper" assessments referenced in the attached letter will only be initiated once the city has confirmed acceptance of this application for consideration.

Please reply to this email to confirm if the city is accepting this application for consideration.

Please contact me if you have any questions.

Thank you,

Paige Johns | Senior Licensing Analyst
Liquor and Cannabis Regulation Branch
645 Tyee Road | Victoria BC
P: 778-698-5417 | www.gov.bc.ca/liquorregulationandlicensing

Due to security concerns, Liquor Control and Licensing Branch will not accept electronically transmitted applications containing credit card information.



Job #001421

January 30, 2019

Kathryn Holm
City of Vancouver
Kathryn.Holm@vancouver.ca

Dear Kathryn:

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: Canadian Cannabis Media Corp.
Proposed Establishment Name: Canadian Cannabis media Corporation
Proposed Establishment Location: 1208 Davie Street

The Applicant, Canadian Cannabis Media Corp, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at the above-noted address. The applicant is requesting operating hours from 10:00AM to 10:00PM, seven days a week. The applicant contact is Iman Seifi, and can be reached at 778 999 8838 or via email at Imanseifi@gmail.com.

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the *Cannabis Control and Licensing Act* prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

The LCRB is requesting the City of Vancouver to consider the application and provide the LCRB with a written recommendation with respect to the application. To assist with your assessment of the application, a site map of the proposed cannabis retail store is attached. The following link opens a document which provides specific and important information and instructions on your role in the CRS licensing process, including requirements for gathering the views of residents.

Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores

OR

Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores

The LCRB will initiate an applicant suitability assessment regarding this CRS application, also known as a "fit and proper" assessment, which is comprised of financial integrity checks and security screenings of the applicant and persons associated with the applicant. Once the

Liquor and Cannabis
Regulation Branch

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8

Location:
645 Tye Road
Victoria BC V9A 6X5
Phone: 250 952-5787
Facsimile: 250 952-7066

Website:
[www.gov.bc.ca/cannabisregulation
andlicensing](http://www.gov.bc.ca/cannabisregulationandlicensing)

assessment is complete, you will be notified of the LCRB's determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant's suitability.

If you choose not to make any recommendation regarding this application, please contact the LCRB at the earliest convenience. Please note that a Cannabis Retail Store Licence cannot be issued unless the LCRB receives a positive recommendation from the local government or Indigenous nation. Similarly, if a local government or Indigenous nation decides not to make any recommendation, the LCRB will not consider the application any further.

If you have any questions regarding this application please contact me at 778 698 5417 or paige.johns@gov.bc.ca.

Sincerely,

Paige Johns
Senior Licensing Analyst

Attachment

copy: Canadian Cannabis Media Corp



NOTE:
FEATURES AND DISTANCES DERIVED
FROM RTK GPS OBSERVATIONS -
ACCURATE TO 0.05m±

WALKING ROUTE DERIVED FROM
COMBINATION OF RTK GPS AND
GIS DATA - ACCURATE TO 2m±

SCALE 1 : 1500



**BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION OF SCHOOL ADJACENT TO
THE NORTH 1/2 OF LOT 1 BLOCK 38 DISTRICT LOT 185 PLAN 92**

THIS LOCATION CERTIFICATE IS CERTIFIED CORRECT THIS 11th DAY OF OCTOBER, 2018	DIMENSIONS DERIVED FROM FIELD SURVEY PID NO. 015-740-765	PREPARED FOR: CANADIAN CANNABIS MEDIA CORP.	CMC ADDRESS: 1208 DAVIE STREET, VANCOUVER
© _____, B.C.L.S. GARGY BANERJEE THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED	THIS PLAN WAS PREPARED FOR MUNICIPAL AND OR MORTGAGE PURPOSES AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT. 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. ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE, TRANSMIT OR ALTER THIS DOCUMENT IN WHOLE OR IN PART WITHOUT THE CONSENT OF THE SIGNATORY. 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.		

TERRA PACIFIC LAND SURVEYING LTD.

106 - 1661 WELCH STREET
NORTH VANCOUVER, B.C. V7P 1B7
PHONE: (604) 987-7772

JOB: NV18-159 FB: SEE FILE FILE: L171-26 COMP: NV18-159CERT_R3

DEVELOPMENT APPLICATION

1208 Davie Street
DP-2018-01053

DETAILS

Under the site's existing C-5 zoning, the application is conditional to change the use to Retail Cannabis consisting of:

- Change the use from a Beauty Salon to a Retail Cannabis Store;
- Proposed hours of operation from 10:00 a.m. to 10:00 p.m., seven (7) days a week;
- Approximately 1040.0 square feet.

APPLICANT: Canadian Cannabis Media Corp.
1208 Davie Street
Vancouver, BC V6E 1N3



EXISTING LOCATION



LOCATION

What's happening:

Development application
submitted on November 12, 2018

Application review by
City staff

PUBLIC
INPUT

Decision by Director
of Planning

For details or to offer input:
vancouver.ca/devapps
or phone the Project Coordinator
at 604.871.6083





LICENCE OFFICE

515 West 10th Avenue

Vancouver, BC Canada V5Z 4A8

Within Vancouver, phone: 3-1-1

Outside Vancouver, phone: 604-873-7000

Canadian Cannabis Media Corporation
108 DAVIE ST
Vancouver, BC CAN V6E 1N3

2019

Licence # 19-140181

BUSINESS LICENCE

Issued December 04, 2018

Expires December 31, 2019

Licence Holder:

Canadian Cannabis Media Corporation

Business Type: OF - Office

Subtype: Other

Located At: 1208 DAVIE ST

BL Renewal Fee	\$151.00
Total Fee Paid	\$151.00

OFFICE USE ONLY - SHARED SPACE

MARKETING & PROMOTION OF CANNABIS RELATED PRODUCTS ONLY.
RETAIL SALES NOT PERMITTED WITH THIS LICENCE TYPE.

SALES OF CANNABIS PRODUCTS NOT PERMITTED.

The person named is hereby licensed to carry on the business, trade, profession or other occupation stated herein. In issuing this licence the City does not represent or warrant compliance with other City of Vancouver by-laws. The licensee is responsible for ensuring compliance with all relevant by-laws of the City and additional approvals may be required provincially or federally. If this licence has been issued in conjunction with a time-limited Development Permit, this licence will not be valid if the Development Permit has expired and has not been extended. This licence must be used only upon the licensed premise and is valid at this address only.



CANADIAN CANNABIS
MEDIA CORPORATION

www.canadiancannabismedia.com

(604) 662-2262

Feb 6th 2019

To whom it may concern,

DAVIE VILLAGE NEEDS Canadian Cannabis Media Corp

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Name (please print)

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Signature

Organization (if applicable)

Address



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Signature

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Signature

Organization (if applicable)

tourist, WANT TO COME
BACK

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Address



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Feb 6th 2019

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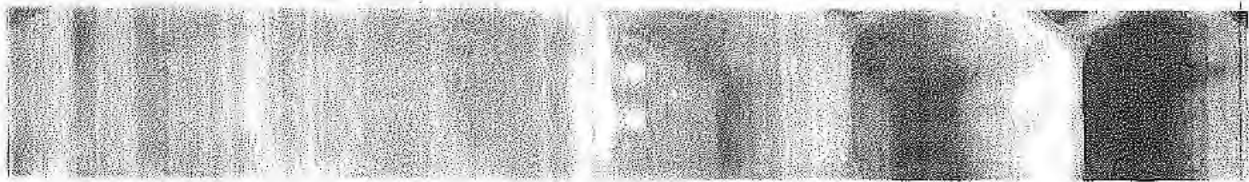
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Sign

*I live in WestEnd ♡
and this is my fave spot to
Shop.*

Nov. 25/18
DATE

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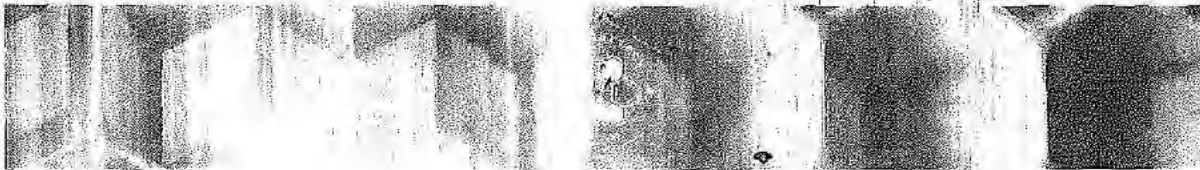
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Sign

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Organization (if applicable)

Nov 23
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Vancouver B.C VGG 159

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[Redacted Signature]

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Oct 17th 2018

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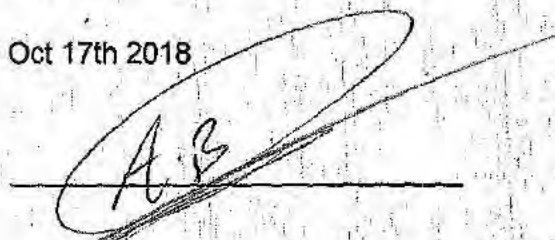
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A handwritten signature in black ink, appearing to read 'A.B.', is written over a horizontal line.

Armin Bahmanpour
Name

Owner of Fit Camp Foods (1107 Davie St)

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I am supportive of the HONEYPOT SHOP / CCMC operating in the West End of Vancouver, BC.

Date:

Oct 17th 2019

s.22(1)



Dear City of Vancouver,

Access to Medical Cannabis is a constitutional right for all Canadians.
HONEYPOT SHOP / CCMC will follow very strict regulations and guidelines to ensure that patients who need their medicine will receive it safely.

During this time, HONEYPOT SHOP / CCMC is currently going through the process of becoming a Licensed Retail Store.

We're requesting that patients, family and friends would take the time to sign this waiver, to show the City of Vancouver that the community and businesses around the store support and acknowledge we're a key part of the community, and helping those that need Medical Cannabis as a alternative medicine.

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Date: Nov 3/2018

Oct 17th 2018

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Date:

Oct 17th 2018

s.22(1)

s.22(1)

Name

BOARD OF VARIANCE/PARKING VARIANCE BOARD
MINUTES

DATE: Tuesday, April 9th, 2019

TIME: 1:15 PM

PLACE: City Hall, Main Floor in Townhall

-CONTENTS-

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A meeting of the Board of Variance/Parking Variance Board was held on **Tuesday, April 09th, 2019 at 1:15 P.M. in Townhall, Main Floor, City Hall**, as provided for under Section 573 of the Vancouver Charter and Section 3.2.3 of the Parking By-law.

PRESENT: Gilbert Tan – Board Chair
Simona Tudor
Namtez Sohal
Denise Brennan
Jasmean Toor

ABSENT:

SECRETARY: Louis Ng

**ACTING
RECORDING
SECRETARY:** Carmen Lau

ALSO PRESENT: J. Bosnjak, Supervisor
(Appeal #16)
T. Chen, Manager
(Appeals #11, #12)
S. Erichsen, Manager
(Appeals #7, #8, #9)
D. Brown, Landscape Specialist
(Appeal #2)

APPEAL NOS: Z35386, Z35455, Z35370, Z35457, Z35441, Z35369
Z35361, Z35437, Z35451, Z35456, Z35461, Z35459
Z35452, Z35454, Z35396, Z35453

SITES VISITED: On **April 8th, 2019**, the Members of the Board visited the following sites:
Z35455, Z35361, Z35437, Z35451, Z35456, Z35461, Z35459
Z35453

1. **Z35386** - s.22(1)

Appeal Section: 573(1)(a) Appeal of Decision - Density, DD Zone
Legal Description: s.22(1)
Lot Size: Irregular site
Zone: DD
Related By-Law Clause: Section 3(4) (Density) and Section 7(b)(i) – Transfer of Density Policy and Procedure.

Adjournment required: The appellants are requesting an adjournment **from April 09th, 2019 to July 04th, 2019** to allow time for appellants to review the Board's legal-opinion.

This appeal was adjourned from February 26th, 2019 to April 09th, 2019 at the request of the Board's Legal Counsel (requiring additional time to complete the legal-opinion).

This appeal was adjourned from December 04th, 2018 to February 26th, 2019 at the request of the Board of Variance to seek legal opinion (or review) prior to the Board of Variance making a decision on this DD District Zone with respect to Density (and a proposal for a Heritage density transfer from a donor site at 40 Powell Street).

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2016-00653, and requesting interior alterations and to provide an addition to the second floor and thereby increasing the number of dwelling units from 88 units to 90 units within this existing mixed- use building site.

Note: There is a proposed Heritage density transfer from a donor site at 40 Powell Street.

Development Application No. DP-2016-00653 was refused for the following reasons:

- As a consequence of this application not meeting the standards set out in the Official Development Plan regarding FSR, the application cannot be referred to the Director of Planning for a decision

Board of Variance History:

On December 12th, 2017 the Board of Variance Struck this appeal from the record.

No Board decision was rendered at this appeal hearing of December 12th, 2017. Appeal No. Z35203, was relating to appealing to the Board of Variance and requesting the Director of Planning to continue with the permit review relating to DP-2016-00653, and a development application has been submitted and to permit interior alterations and to provide an addition on the second floor thereby increasing the total number of dwelling units from 88 to 90 within this existing mixed-use building.

ADJOURNMENT is required to July 04th, 2019 at the request of the Appellants - and to allow time for the owners (appellants) to review the Board's recent legal-opinion.

- MOVED by Mr. Sohal
 - SECONDED by Ms. Tudor

- carried

THAT the Board adjourn this appeal and to be heard on July 04th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

2. Z35455 - s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation – Amendment Request
Legal Description: s.22(1)
Lot Size: Irregular site
Zone: RM-3
Related By-Law Clause:

Appeal Description:

Requesting permission to replace three (3) existing Linden trees with three (3) new Dogwood trees on this site (Note: The Strata Council for s.22(1), is in full support of the proposed replacement trees, and the related permit file is under TR-2018-0000586).

Note to Board Members: The appellants are requesting an amendment for Condition #2.

“(2) that the Strata-Owners of s.22(1) must have a proper maintenance plan to look after / maintain the existing three (3) Linden Trees in accordance with the Board’s decision on November 06th, 2018;...”

Proposed Condition #2:

“(2) that permission be granted to replace the existing three (3) Linden Trees with three (3) new Dogwood Trees at this site. Note: The Strata-Owners of s.22(1) must have a proper maintenance plan to look after all the trees on this site...”

Board of Variance History:

On November 06th, 2018 the Board of Variance ALLOWED IN PART Appeal No. Z35374, and overturning and modified the decision of the Director of Planning who refused Tree-Removal Application No. TR-2018-0000586 and approved the request and permit the removal of TWO (2) Linden Trees in total from this site, and subject to the following conditions:

(1) that an updated Landscaping Plan (Site Plan) must be submitted showing the REMOVAL of TWO (2) Linden Trees that are closest to the building and must include two (2) new replacement trees and shall be to the satisfaction of the Director of Planning;

(2) that the Strata-Owners of s.22(1) must have a proper maintenance plan to look after / maintain the existing three (3) Linden Trees in accordance with the Board’s decision on November 06th, 2018; and

(3) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

Discussion:

s.22(1) was present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) initial comments were that this had been a frustrating process. He had experienced many delays from the City. They’re seeking a permit to remove the Linden trees which is causing personal harm to the elderly in the building. They’re looking to restore the original landscape, which is to have Dogwood trees.

The Director of Planning's Representative

Mr. Brown's initial comments were that the Board has already ruled that the trees will have to be retained. They're asking for the Board to retain the Linden trees.

The Board Chair stated that the Board's site office received one (1) letter in Support and no (0) letter in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

s.22(1)

) is in support of the appeal

et) is in support of the appeal

in support of the appeal

Final Comments:

Mr. Brown's final comments were that they're looking to have the trees being removed, to be replaced. The replacement trees have to be submitted into the landscaping department to be approved.

s.22(1)

final comments were that the City won't guarantee that they'll approve what they recommend. He would like clarity as to what they're allow to plant.

This appeal was heard by the Board of Variance **on April 09th, 2019 and was ALLOWED**, thereby amended the previous decision (deleted condition #2), and granting permission to replace three (3) existing Linden trees with three (3) new Dogwood trees on this site (Note: The Strata Council for s.22(1) is in full support of the proposed replacement trees, and the related permit file is under TR-2018-0000586), and subject to the following conditions:

(1) that an updated Landscaping Plan (Site Plan) must be submitted showing the REMOVAL of FIVE (5) existing Linden Trees and an approval by the Board of Variance to replace the five (5) existing Linden Trees with FIVE (5) Dogwood Trees on this site, and shall be to the satisfaction of the Director of Planning; and

(2) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

3. **Z35370** - s.22(1)

Appeal Section: 573(1)(a) Appeal of Decision & Regulation
Legal Description: s.22(1)
Lot Size: Lot Area = 6,529.0 sq. feet).
Zone: RT-6
Related By-Law Clause:

Adjournment(s): This appeal was adjourned **from November 20th, 2018 to April 09th, 2019** at the request of the Director of Planning's Rep. (Ben Ostrander).

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. s.22(1) and to permit interior and exterior alterations, and the conversion of an existing one-family dwelling to a three-storey, three (3) unit multiple conversion dwelling and to develop a new two-storey one-family infill building at the rear of this site, and providing three (3) surface parking spaces with vehicular access from s.22(1).

ADJOURNMENT is required to June 18th, 2019 at the request of the Appellants - and to allow time for the owners (appellants) meet with City's Development Planner and to resolve the outstanding design issues. Once resolved, the appellants will withdraw their appeal prior to June 2019.

- **MOVED** by Ms. Tudor
- **SECONDED** by Mr. Sohal

- **carried**

THAT the Board adjourn this appeal and to be heard on June 18th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

4. Z35457 - s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - WWOP Additions
Legal Description: s.22(1) .
Lot Size: 50.0 ft. x 65.98 ft. (Lot Area = 3,299 sq. feet).
Zone: RT-5
Related By-Law Clause: 4.7 (FSR)

ADJOURNMENT is required to July 16th, 2019 to allow time for the owners to submit a Development Application (so that the City can complete a full-technical review), prior to a Board of Variance decision.

Appeal Description:

Requesting a relaxation of the Floor Space Ratio regulations of the RT-5 District Schedule and a request to retain interior and exterior alterations already completed (additional floor area) including requesting to retain the three (3) dwelling units at this existing non-conforming site.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

ADJOURNMENT is required to July 16th, 2019 at the request of the Director of Planning - and to allow time for the owners/operators to submit a Development Application prior to a Board of Variance decision.

- **MOVED** by Ms. Brennan
- **SECONDED** by Ms. Tudor

- **carried**

THAT the Board adjourn this appeal and to be heard on July 16th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

5. Z35441 - s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - WWOP Additions
Legal Description: s.22(1)
Lot Size: Lot Area = 3,801.02 sq. feet.
Zone: RT-5
Related By-Law Clause: 4.7 (FSR), 4.8 (Site Coverage), 4.16 (Building Depth) and Section 4.9 of the Parking By-law.

ADJOURNMENT is required to July 16th, 2019 to allow time for the owners to submit a Development Application (so that the City can complete a full-technical review), prior to a Board of Variance decision.

Appeal Description:

Requesting relaxations of the Floor Space Ratio, Site Coverage, Building Depth and Parking By-law (Section 4.9) regulations of the RT-5 District Schedule and a request to retain interior and exterior alterations already completed (additional floor area added to this site) including the conversion of the existing garage area into new habitable floor area, with a proposed addition connecting the main house to the garage, and also a request to convert the existing attic area into new living space at this two-family dwelling site.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

ADJOURNMENT is required to July 16th, 2019 at the request of the Director of Planning - and to allow time for the owners/operators to submit a Development Application prior to a Board of Variance decision.

- **MOVED** by Mr. Sohal
- **SECONDED** by Ms. Tudor

- **carried**

THAT the Board adjourn this appeal and to be heard on July 16th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

6. **Z35369** - s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation – Renovation, FSR
Legal Description: s.22(1)

Lot Size: Lot Area = 3,879.0 sq. feet.
Zone: RS-1
Related By-Law Clause: 4.7 (FSR)

ADJOURNMENT is required to June 18th, 2019 to allow time for **City staff to complete a full-technical review** prior to a Board of Variance decision. Owners recently submitted a DP-Application in February 2019.

Appeal Description:

Requesting a relaxation of the Floor Space Ratio regulations of the RS-1 District Schedule and a request to permit interior and exterior alterations and adding additional floor area with interior layout changes to this existing One-Family dwelling site.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

ADJOURNMENT is required to June 18th, 2019 at the request of the Director of Planning - and to allow time for City staff to complete the technical review of the Development Application prior to a Board of Variance decision.

- **MOVED** by Ms. Tudor
- **SECONDED** by Mr. Sohal

- **carried**

THAT the Board adjourn this appeal and to be heard on June 18th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

7. **Z35361** - s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - WWOP Additions
Legal Description: s.22(1)

Lot Size: Lot Area = 3,033.0 sq. feet.
Zone: RS-1
Related By-Law Clause: Sections 4.6 (Rear Yard), 4.7 (FSR) and 4.16 (Building Depth)

Appeal Description:

Requesting relaxations of the Rear Yard, Floor Space Ratio and Building Depth regulations of the RS-1 District Schedule to permit interior and exterior alterations and a request to retain a cover over the existing rear sundeck (already built), and a request to convert the existing carport into an enclosed garage at this existing One-Family dwelling with a proposed Secondary Suite at this site.

Technical Information:

Permitted FSR: 0.60 (1,820 sq. ft.)
 Existing non-conforming: 0.72 (2,197 sq. ft.) [Excludes the attached carport FSR.]
 Proposed: 0.83 (2,517 sq. ft.)

697 sq. ft. or 38 % over maximum permitted

320 sq. ft. or 15 % over existing [Note: the attached carport enclosure is approx. 205 sq. feet and the sundeck cover is approx. 105 sq. feet.]

Permitted above-grade FSR: 1,820 sq. ft.
 Existing non-conforming: 2,197 sq. ft. [Excludes the attached carport FSR.]
 Proposed: 2,517 sq. ft.

697 sq. ft. or 38 % over maximum permitted

320 sq. ft. or 15 % over existing [Note: the attached carport enclosure is approx. 205 sq. feet and the sundeck cover is approx. 105 sq. feet.]

Permitted Building Depth: 32.14 feet
 Existing non-conforming: 52.50 feet
 Proposed: 52.50 feet

Required Rear Yard: 41.31 feet
 Existing non-conforming: 21.90 feet
 Proposed: 21.90 feet

Discussion:

s.22(1) and s.22(1) were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) **initial comments were that** they had received four letters in support from their neighbours. His client would like their privacy, hence why they would like an enclosed garage instead of a carport.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of floor area, rear yard, and building depth. This is an existing Vancouver Special. This was the original home, but the plan they have on file are not the same. The Director Of Planning is unable to support the appeal, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received four (4) letters in Support and no (0) letter in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

There were no comments.

Final Comments:

Ms. Erichsen had no final comments.

s.22(1) **final comments were that** they would like the Board to approve this appeal.

This appeal was heard by the Board of Variance **on April 09th, 2019 and was ALLOWED**, thereby granting relaxations of the Rear Yard, Floor Space Ratio and Building depth regulations of the RS-1 District Schedule and approved interior and exterior alterations and a request to retain a cover over the existing rear sundeck (already built), and a request to convert the existing carport into an enclosed garage at this existing One-Family dwelling with a proposed Secondary Suite site, and subject to the following condition:

(1) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723

8. Z35437 – s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - Secondary Suite
Legal Description: s.22(1)
Lot Size: Lot Area = 8,510.06 sq. feet.
Zone: RS-3
Related By-Law Clause: Section 10.15
(Living Accommodation below-grade regulations)

Appeal Description:

Requesting a relaxation of Section 10.15 (Living Accommodation below-grade regulations) of the Zoning & Development By-law and a request to permit interior alterations to the cellar-floor with a proposed new Secondary suite at this existing one-family dwelling site.

Additional information:

This is an appeal of regulation and the Board of Variance will be considering the following Zoning relaxation.

10.15 Living Accommodation Below Finished Grade**10.15.1 Living accommodation may be permitted below finished grade, subject to the following:**

- (a) the floor must be no more than 0.8 m below the finished grade of the adjoining ground, except that if the Director of Planning, on the advice of the Chief Building Official, is satisfied about:
 - (i) the provision of adequate damp proofing, lighting, ventilation, heating and secondary access, the Director of Planning may increase this dimension to 1.5 m, or
 - (ii) in the case of a one-family dwelling or a one-family dwelling with secondary suite, the same considerations as (i) above and the overall relationship of the resulting living accommodation to the surrounding grade, the Director of Planning may increase this dimension to 1.83 m (5.90 feet).

Discussion:

s.22(1) was present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) had no initial comments.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of livability finish grade. They're looking to put in a secondary suite. Enforcement had been monitoring this property since 2015. This suite is below grade, and the Director Of Planning is not in support of the appeal.

The Board Chair stated that the Board's site office received no (0) letter in Support and one (1) letter in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

There were no comments.

Final Comments:

Ms. Erichsen's final comments were that the Director Of Planning is not in support of the appeal.

s.22(1) **final comments were that** they're trying to create a livable space to provide for Vancouver's living accommodations.

This appeal was heard by the Board of Variance **on April 09th, 2019 and was ALLOWED**, thereby granting a relaxation of Section 10.15 (Living Accommodation below-grade regulations) of the Zoning & Development By-law and approved interior alterations to the cellar-floor with a proposed new Secondary suite at this existing one-family dwelling site, and subject to the following condition:

(1) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

9. Z35451 – s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - Secondary Suite
Legal Description: s.22(1)
Lot Size: Lot Area = 6,054.01 sq. feet.
Zone: RS-1
Related By-Law Clause: Section 10.15
(Living Accommodation below-grade regulations).

Appeal Description:

Requesting a relaxation of Section 10.15 (Living Accommodation below-grade regulations) of the Zoning & Development By-law and a request to permit interior alterations to the cellar-floor with a proposed new Secondary suite at this existing one-family dwelling site.

Additional information:

This is an appeal of regulation and the Board of Variance will be considering the following Zoning relaxation.

10.15 Living Accommodation Below Finished Grade

10.15.1 Living accommodation may be permitted below finished grade, subject to the following:

- (a) the floor must be no more than 0.8 m below the finished grade of the adjoining ground, except that if the Director of Planning, on the advice of the Chief Building Official, is satisfied about:
 - (i) the provision of adequate damp proofing, lighting, ventilation, heating and secondary access, the Director of Planning may increase this dimension to 1.5 m, or
 - (ii) in the case of a one-family dwelling or a one-family dwelling with secondary suite, the same considerations as (i) above and the overall relationship of the resulting living accommodation to the surrounding grade, the Director of Planning may increase this dimension to 1.83 m (5.90 feet).

Discussion:

s.22(1) and s.22(1) were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) **initial comments were that** this property was built in 2015. They're looking to obtain a secondary suite in the existing one family dwelling.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is in regards of livability. There was an opportunity to build a main floor because this is a new built. The Director Of Planning cannot support the appeal.

The Board Chair stated that the Board's site office received no (0) letter in Support and no (0) letter in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

There were no comments.

Final Comments:

Ms. Erichsen had no final comments.

s.22(1) had no final comments.

This appeal was heard by the Board of Variance **on April 09th, 2019 and was ALLOWED**, thereby granting a relaxation of Section 10.15 (Living Accommodation below-grade regulations) of the Zoning & Development By-law and approved interior alterations to the cellar-floor with a proposed new Secondary suite at this existing one-family dwelling site, and subject to the following condition:

(1) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

10. Z35456 – s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - Laneway House
Legal Description: s.22(1)
Lot Size: Irregular site
Zone: CD-1 (213)
Related By-Law Clause: Section 11.24 (Laneway House Provisions)

Appeal Description:

Requesting a relaxation of Section 11.24 (Laneway House regulations) of the Zoning & Development By-law and a request to construct a new Laneway House at this existing one-family dwelling site (Note: This is CD-1 site).

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

This appeal was NOT heard and was Struck from the Record.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

11. Z35461 – s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - Laneway House
Legal Description: s.22(1)
Lot Size: Lot Area = 3,621 sq. feet.
Zone: RS-1
Related By-Law Clause: 4.8 (Site Coverage)

Appeal Description:

Requesting a relaxation of Site Coverage regulations of the RS-1 District Schedule and a request to construct a new Laneway House at this existing one-family dwelling site.

Technical Information:

Permitted Site Coverage: 0.40 (1,448 sq. ft.)
Proposed: 0.42 (1,485 sq. ft.)

37 sq. ft. or 2.5 % over maximum permitted

Discussion:

s.22(1) was present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) had no initial comments.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal of regulation of site coverage for a laneway house in the RS1 zone. This is for a one and a half storey laneway house where the existing garage is. The main property was built in 2006, with the garage built to the minimum size. The amount of overage is just under 37 square feet. The Director Of Planning notes that this is a small sized lot, and they cannot support the appeal due to neighbourhood oppositions.

The Board Chair stated that the Board's site office received no (0) letter in Support and four (4) letters in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

There were no comments.

Final Comments:

Mr. Chen had no final comments.

s.22(1) **final comments were that** his clients purchased the property as is. The four complaints were about the built and not the relaxation. They are willing to work with the City and they would like the approval for the 37 square feet.

This appeal was heard by the Board of Variance **on April 09th, 2019 and was ALLOWED**, thereby granting a relaxation of Site Coverage regulations of the RS-1 District Schedule and approved the construction of a new Laneway House at this existing one-family dwelling site, and subject to the following conditions:

- (1) that the site must be in compliance with the Site Impermeability regulations (and shall meet the permitted allowance 0.60) in accordance with the Board's decision on April 09th, 2019; and
- (2) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

12. Z35459 - s.22(1)**Appeal Section:** 573(1)(b) Appeal of Regulation - Side Door**Legal Description:** s.22(1)**Lot Size:** Irregular site**Zone:** RS-1**Related By-Law Clause:** 4.17.3 (External Design, Side Door)**Appeal Description:**

Requesting a relaxation of External Design (Side Door) regulations of the RS-1 District Schedule and a request to permit interior and exterior alterations by adding a new proposed Secondary suite to this existing one-family dwelling site

Technical Information:

External Design provisions permit side entrances at min. 5.0m / 16.40 ft. to the property line.
Proposed: 1 Door at 3.20 feet to the East Property line.

Discussion:

s.22(1) was present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) **initial comments were that** this house is approximately 55 years old. They would like to legalize the secondary suite, and they have approval from their immediate neighbours. They already have a tenant awaiting to move in.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is in regards to a side door in the RS 1 zone. This was built in 1968, with various work without permits. The appellant did come to the City for advice in November of 2018 and they have been working with the City in regards to the work without permit. The Director Of Planning cannot support a side door to a secondary suite due to the bylaw.

The Board Chair stated that the Board's site office received two (2) letters in Support and no (0) letter in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

There were no comments.

Final Comments:

Mr. Chen's final comments were that there is floor area that has been added over the years that was never approved. The Director Of Planning cannot support the appeal.

s.22(1) **final comments were that** he will obtain all permits necessary if his appeal is approved.

This appeal was heard by the Board of Variance **on April 09th, 2019 and was ALLOWED**, thereby granting relaxations of the Floor Space Ratio (FSR) and the External Design (Side Door) regulations of the RS-1 District Schedule and approved interior and exterior alterations by adding a new proposed Secondary suite to this existing one-family dwelling site, and subject to the following conditions:

- (1) that the Board of Variance also granted a Floor Space Ratio (FSR) relaxation to 0.68 FSR (as presented by Mr. Tony Chen, Director of Planning's rep.), and the Board of Variance approved the FSR as presented by Mr. Chen on April 09th, 2019; and
- (2) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

13. Z35452 - s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - WWOP Additions
Legal Description: s.22(1)
Lot Size: Irregular site
Zone: RS-1
Related By-Law Clause: 4.7 (FSR)

Adjournment is required: The appellants are requesting an adjournment from April 09th, 2019 to June 18th, 2019 to allow time for appellants to complete their written submission and also to submitted updated (new) Architectural drawings.

Appeal Description:

Requesting a relaxation of Floor Space Ratio regulations of the RS-1 District Schedule and a request to permit interior and exterior alterations by retaining a rear addition (deck enclosure) and a covered sundeck, and the conversion of the existing garage area into new habitable area at to this existing one-family dwelling site

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

ADJOURNMENT is required to June 18th, 2019 at the request of the Director of Planning - and to allow time for City staff to complete the technical review of the Development Application prior to a Board of Variance decision.

- **MOVED** by Ms. Brennan
- **SECONDED** by Ms. Tudor

- **carried**

THAT the Board adjourn this appeal and to be heard on June 18th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

14. Z35454 - s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - Amendment Appeal
Legal Description: s.22(1)
Lot Size: Lot Area = 4,033.60 sq. feet.
Zone: RS-1
Related By-Law Clause: 4.7 (FSR)

Adjournment is required: The appellants are requesting an adjournment from April 09th, 2019 to July 16th, 2019 to allow time for appellants to complete their written submission and also to submitted updated (new) Architectural drawings.

Appeal Description

Requesting a relaxation of Floor Space Ratio regulations of the RS-1 District Schedule and requesting to retain a rear addition (sundeck enclosure) as new habitable area and the owners will 'remove' the cover over the parking pad and also 'remove' the addition beneath the enclosed sundeck at to this existing one-family dwelling site.

Note to Board Members: Owners are proposing a new design of the enclosed sundeck with glazing-walls (more transparent with glazing and less bulk - massing)

Board of Variance History:

On January 23rd, 2019 the Board of Variance ALLOWED IN PART Appeal No. Z35391, *thereby granting relaxations of the Floor Space Ratio (FSR) and the External Design (Side Door) regulations of the RS-1 District Schedule and approved a covered rear sundeck and a lower floor enclosure (directly beneath the approved covered sundeck) at this existing one-family dwelling site, subject to the following conditions:*

- (1) that the Board approved a 'covered rear sundeck' and the walls of the WWOP enclosure must be removed in accordance with the Board's decision on January 23rd, 2019;*
- (2) that the Board approved a 'lower floor enclosure' (located directly beneath the approved covered sundeck) in accordance with the Board's decision on January 23rd, 2019;*
- (3) that the Board did NOT approve the aluminum 'Carport' cover' (WWOP cover) over the parking pad and must be removed, AND the concrete parking pad adjacent to the detached two-car garage must be removed and shall be converted with new 'paving stones' (Board approved pavers / paving stones, and the owners can install with any acceptable permeable materials) in accordance with the Board's decision on January 23rd, 2019; and*
- (4) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.*

ADJOURNMENT is required to July 16th, 2019 at the request of the appellants – to allow time to complete the written submission and to submit revised (new) Architectural drawings.

- **MOVED by Ms. Toor**
 - **SECONDED by Ms. Brennan**

- **carried**

THAT the Board adjourn this appeal and to be heard on July 16th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

15. Z35396 – s.22(1)

Appeal Section: 573(1)(a) Appeal of Decision – Mezzanine Floor Area
Legal Description: s.22(1)
Lot Size: Irregular Site
Zone: I-2
Related By-Law Clause:

NOTE: This appeal has been WITHDRAWN prior to the meeting.

Appeal Description:

Appealing to delete one prior-to condition issued under Development Application No. s.22(1) and a request to permit interior o perform a change of use from Manufacturing to Artist Studio - Class B with ancillary Retail and to add a mezzanine to s.22(1) of this existing mixed-use building.

Appealing to delete Condition #1.1: Condition 1.1 states that the applicant must resubmit a revised proposal with design development to be in compliance with Section 2.2C of the I-2 District Schedule. (Note to Applicant: The addition of a mezzanine is limited to no more than 10-percent of the existing floor area of the unit.).

This appeal has been WITHDRAWN prior to the meeting.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

16. Z35453 - 1208 Davie Street (Cannabis Retail Store)

Appeal Section: 573(1)(a) Appeal of Decision - Cannabis Retail Store
Legal Description: Lot 1, Block 33, District Lot 185 and Plan VAP92.
Lot Size: Irregular site
Zone: C-5
Related By-Law Clause: Sections 11.28(a) and 11.28(b)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2018-01053 - and a request to permit interior alterations and to change the use of approximately 1,040.0 square feet from Beauty Salon to new Cannabis Retail Store at 1208 Davie Street.

Development Application No. DP-2018-01053 was refused for the following reasons:

- the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site;
- the proposed design with regard to this conditional approval use is unsatisfactory at this location.
- objections have been received from neighbouring property owners.

Discussion:

Mr. Iman Seifi, Mr. Mark Sager, and Ms. Ashley Hughes were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

Mr. Seifi's initial comments were that they are situated on Davie Street, away from playgrounds and Schools. There are no residents living above this commercial area. They have over 500 letters of support.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is in regards to provide interior and exterior alteration from a change of use from a beauty salon to a Cannabis Retail Store. They are within 244 meters from another dispensary, as well as within the buffer zone of a School. They do measure from the property line to the property line as the crow flies. This was also refused due to objections received. The Director Of Planning cannot support the appeal.

The Board Chair stated that the Board's site office received no (0) letter in Support and four (4) letters in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

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Final Comments:

Mr. Bosnjak's final comments were that if the City is not in favor of Cannabis use, nobody would be able to have a cannabis store in Vancouver. They refused this due to distancing to a School, which is 280 meters away, and another dispensary that is 244 meters away. They have also received objection letters, in which the Director Of Planning cannot support the appeal.

Ms. Hughes's final comments were that they had offers to lease in three different places. They had turned it down because it was too close to a School. They have also looked at other City approved dispensaries that are currently operational, even though they do not have a license. They heard that the School was going to be torn down. They're looking to grow into a recreational store. They have over 400 letters of support.

This appeal was heard by the Board of Variance on **April 09th, 2019 and was ALLOWED**, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2018-01053 - and approved interior alterations and a change of use of approximately 1,040.0 square feet from Beauty Salon to new Cannabis Retail Store at 1208 Davie Street, and subject to the following condition:

(1) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

ADJOURNMENT

The meeting ended at **5:25pm.**

The Chair

MARCH 2019

13

SCHEDULE A

NOTICE OF APPEAL

To: The Secretary
Board of Variance/Parking Variance Board
Vancouver City Hall
453 West 12th Avenue
Vancouver, B.C. V5Y 1V4
(604) 873-7723

I/We file an Appeal to the Board of Variance/Parking Variance Board.

The Property

Address: 1232 BURLAND STREET

Legal Description: STRATA LOT 2, DL 541 AND STRATA PLAN BC5478

Type of Appeal

BOARD OF VARIANCE

Appeal for Variance

☒ Vancouver Charter, s. 573(1)(b)

Zoning and Development By-law, section(s) 11.20

Sign By-law, section(s)

☐ Vancouver Charter
s. 573(1)(f)(ii)

Private Property Tree By-law, s.

SEE ATTACHED VANCOUVER CHARTER PROVISIONS

CANNABIS
RETAIL
STORE
BY-LAW

Appeal of Decision

☒ Decision of Director of Planning
Vancouver Charter, s. 573(1)(a)

Development Application No. DP-2018-00688

☒ Appealing refusal
☐ Appealing approval
☐ Appealing condition(s) of approval

REFUSED

ON
DEC 4 / 2018

☐ Decision of Development Permit Board
Vancouver Charter, s. 573(1)(e)

Development Application No.

☐ Appealing refusal
☐ Appealing approval
☐ Appealing condition(s) of approval

☐ Refusal of Tree Cutting/Removal Permit
Vancouver Charter, s. 573(1)(f)(i)

SEE ATTACHED VANCOUVER CHARTER PROVISIONS



Non-Conformity

- ☐ Extension of Discontinued Non-conforming Use
Vancouver Charter, s. 57(1)(c), s. 568(3)
- ☐ Additions/Structural Alterations to Non-conforming Building
Vancouver Charter, s. 573(1)(d), s. 568(4)(a)
- ☐ Fire Damaged Non-conforming Building
Vancouver Charter, s. 573(1)(d), s. 568(5)(a)

SEE ATTACHED VANCOUVER CHARTER PROVISIONS

PARKING VARIANCE BOARD

- ☐ Decision of Director of Planning
Building Board of Appeal By-law, s. 7.3
- Parking By-law, Section(s) _____

SEE ATTACHED VANCOUVER CHARTER PROVISIONS

This Appeal is based on the following grounds (please print or type, attaching additional pages if required):

Will submit at a later time
• support letters
• written submission to follow

NOTE: YOU MUST STATE ALL GROUNDS OF APPEAL THAT YOU INTEND TO RAISE AT THE HEARING OF THE APPEAL. INTRODUCING NEW GROUNDS OF APPEAL AT THE HEARING MAY RESULT IN AN ADJOURNMENT OF THE HEARING BY THE BOARD.

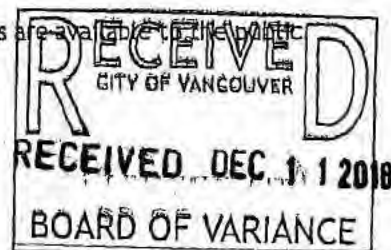
The following material is attached and made part of this Appeal: _____

• see above

NOTE: ALL WRITTEN MATERIAL YOU INTEND TO SUBMIT TO THE BOARD OF VARIANCE MUST BE ATTACHED TO THIS NOTICE OF APPEAL. YOU MAY PRODUCE OTHER SUPPORTING MATERIALS, INCLUDING PHOTOGRAPHS, PLANS OR DIAGRAMS AT THE APPEAL HEARING.

I/WE declare that the statements contained in this Notice of Appeal and all attachments are, to the best of my/our belief, true and correct in all respects.

I/WE acknowledge that this Notice of Appeal and all attachments are available to the public.



Signature(s) of Appellants: [Signature]

Name(s) of Appellant(s) (please print): Jettana Darcus

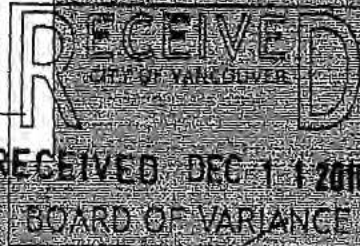
Name of Company (if applicable): LIT Cannabis Boutique

Mailing address: 1232 Burrard St
Vancouver, BC
V6Z 1Z1
Canada

Telephone: (604) 603-0431

Fax: _____

Email: jettana.darcus@gmail.com



TO BE COMPLETED BY STAFF

DATE: _____

APPEAL

235417

SIGNATURE: [Signature]



DEVELOPMENT BUILDINGS AND LICENSING
Development Services Division
Development Review Branch

13

December 4, 2018

Heshmet Hosseini-Nejad
1232 Burrard Street
Vancouver, BC
V6Z 1Z1

RE 1232 Burrard Street
Development Application Number DP-2018-00688

CANNABIS
RETAIL STORE

Please be advised that the Director of Planning has Refused DP-2018-00688 on December 4, 2018, 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 – Non-Compliance – Policies and Guidelines; the proposed development does not satisfactorily comply with the policies or guidelines that affect this site;
- Refusal 3 – Objections Received; objections have been received from neighbouring property owners; and
- Refusal 4 – Unsatisfactory – Proposed Use; the proposed use is unsatisfactory at this location.

You may be eligible to appeal this decision to the Board of Variance within 30 days of the date of this letter. For more information please contact the writer.

Yours truly,

Claudia Hicks
Project Coordinator
claudia.hicks@vancouver.ca
604.871.6083



CH/II

City of Vancouver, Development, Buildings and Licensing
Development Services Division – Development Review Branch
453 West 12th Avenue
Vancouver, British Columbia V5Y 1V4 Canada
tel: 604.873.7611 fax: 604.873.7060
website: vancouver.ca





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Mr. Louis Ng, Secretary
VANCOUVER BOARD OF VARIANCE
Room 112, 1st Floor, City Hall
453 West 12th Ave
Vancouver, B.C., V5Y 1R3
bov@vancouver.ca | 604-873-7723

Our ref: (2239 – 001) BOV

February 7, 2019

Dear Secretary Ng:

RE: Green City Gift & Décor Ltd. Doing Business As Green City Cannabis Dispensary (1232 Burrard Street, Vancouver, B.C., V6Z 1Z1, Canada) – Development Permit Application Number: DP-2018-00688) – (Written Arguments) for BOV Appearance for Greencity on Tuesday March 12, 2019 (Greencity).

I have recently been retained as legal counsel to represent Green City Gift & Décor Ltd., a medical cannabis dispensary located at 1232 Burrard Street, Vancouver, B.C., V6Z 1Z1, Canada, (the “Dispensary” or “Greencity”), or the “Appellant” with respect to their Board of Variance proceedings with the City of Vancouver, under Board of Variance By-Law No. 10200. As agreed, the deadline for providing written submissions for this application is February 11, 2019. Please accept this document as an overview and introduction to Green City Gift & Décor Ltd.

I have been retained on behalf of Green City Gift & Décor Ltd. (the “Appellant”) to assist their executive team, front office staff and their wonderful patients with preparing and taking the necessary appeal hearing preparations to the Board of Variance (the “Board of Variance” or “BOV”) regarding the above captioned matter and corresponding development application number.

Rule 3.1 (b) of Board of Variance By-law 10200 states “all written material such person intends to submit to the Board at the hearing.” Thank you for your confirmation that the Board of Variance will accept documents in support of application at a on the evening of the BOV appeal hearing.

Further, I reserve the right to follow or depart from these points of argument during the Board of Variance hearing as new information regarding the client’s situation comes to light or as my client directs me accordingly. Please note (and apologies in advance) but my client and I will be taking our time to present our case on March 12, 2019. At this time I do not have a time estimate for our presentation and we will assume that the Board of Variance is not familiar with any of the site-specific facts of this case. Hence the need to take time and care during our presentation to ensure the Board is fully aware of the situation at Green City Gift & Décor Ltd.

As there is no set time limit for the length of time an applicant or appellant has to present a matter before the Board of Variance, my client has instructed me that she expects to take full advantage of the opportunity to present her case. Plus, given the volume of Green City Gift & Décor Ltd. members who are signing up to attend and express their views as part of presenting site specific grounds of hardship.

Please note, we will be expecting large numbers of supporters to attend the Green City Gift & Décor Ltd. hearing on March 12, 2019. We are expecting numbers similar to the BOV applications of the BCCCS (the “BC Compassion Club” by Hillary Black and John W. Conroy Q.C. on April 20, 2016) and the Vancouver Dispensary Society by Ms. Dori Dempster and Mr. Kirk I. Tousaw on May 4, 2016). I am instructed as well that Green City Gift & Décor Ltd. management and staff will be attending to speak and discuss site-specific grounds of hardship. Mr. Mark Haden, Associate Professor of the UBC School of Population Studies and Executive Director of the Multi-Disciplinary Association of Psychedelic Studies (MAPS) Canada has confirmed she will be attending and assisting my client and legal team with presenting Green City Gift & Décor Ltd. grounds of hardship.

SUMMARY OF WRITTEN ARGUMENT

It is the understanding by Green City Gift & Décor Ltd. that the City of Vancouver requires medical marihuana related businesses to be located more than 300 meters from the nearest school or community centre facility (i.e. within 300m to Anchor Point Montessori and is located within 300m to a youth facility to allegedly limit exposure to cannabis in young adults, children and vulnerable persons.

Green City Gift & Décor Ltd. supports this endeavour, and respects the motives for this zoning requirement of disallowing minors and vulnerable persons from entering or working in dispensaries. However, Green City Gift & Décor Ltd. management and member patients believe that Green City Gift & Décor Ltd. should be permitted to remain in its current location, coexisting and working together with surrounding facilities, including to Anchor Point Montessori and to the youth facility located at 1138 Burrard Street. There have been no issues involving the VPD, children access or problems in the community. Green City Gift & Décor Ltd. has been in this location for many months with no incident.

Green City Gift & Décor Ltd. was advised by the City of Vancouver that its Development Permit Application for a MMRU business was rejected on the ground that the dispensary is situated and located at a distance within 300m from Anchor Point Montessori and to the youth facility located at 1138 Burrard Street. according to the City methodology for measuring distances (i.e. building-to-building or as the crow flies).

According to the distances calculated by the City of Vancouver, it would appear that Anchor Point Montessori and to the youth facility located at 1138 Burrard Street, is uniquely located exactly equidistant between two facilities in the middle of a busy downtown neighbourhood.

300 Meters is a Arbitrary Measurement

What is an approximate measurement? Green City Gift & Décor Ltd. In Vancouver the number of Cannabis retail outlets doubled each year between 2013 and 2015. In response to this growth, in June 2015, Vancouver council decided to regulate the medical marijuana-related businesses, limiting them to commercial zones and setting out necessary distances from schools, community centres and youth facilities, based on best practice from Colorado and Washington State.

The MMRU regime provides for annual licensing fees of \$1,000.00 for compassion clubs and \$30,000.00 for medical marijuana retail dealers (MMRU) and a development permit process is required for all of the MMRU businesses, with community notification, and the signing of the of the 'good neighbour' agreement.

The Vancouver Charter accords Council the authority to regulate land use and businesses such as retail shops (s. 272) and the MMRU rules provide that with respect to Land Use and Distancing Regulations, a Medical Marijuana-Related Use (MMRU) would be allowed to be established in any commercial-

retail district, provided the site is not within 300 meters of a school or community center or 300 meters of another Medical Marijuana Related Use.

The City of Vancouver relies on the License By-law No. 4450 (the “License Bylaw”) section 3(1) which states:

“No person shall carry on within the City any business, trade, profession or other occupation without holding a subsisting City license therefor.”

Section 11.28.2 of the Zoning and Development Bylaw No. 3735 (the “Zoning Bylaw”) states that:

A Medical Marijuana-related Use is not permitted:

- a. within 300 meters of the nearest property line of a site containing another Medical Marijuana-related use;***
- b. within 300 meters of the nearest property line of a site containing a School – Elementary or Secondary School, Community Centre or Neighborhood House***

On April 21, 2015, the Chief Licensing Inspector and the General Manager of Planning and Development Services produced a Policy Report on Health to Vancouver City Council regarding and entitled the “Regulation of Retail Dealers – Medical Marijuana-Related Uses”. The MMRU’s have since been replaced by the Cannabis Store Retail Provisions. According to the City of Vancouver report (Regulation of Retail Dealers), the MMRU regulations aim to achieve a careful balance between ensuring adequate availability of medical marijuana for those in need with community health, safety, security, aesthetics, equity, and enjoyment of property.

The report (Regulation of Retail Dealers), recommends regulations for an emerging sector of retail business related to the provision of advice for medical marijuana. Dispensaries, including the Client (Green City Gift & Décor Ltd.), submit that the reason the City of Vancouver did not issue business licenses to them because of the City’s refusal to issue a development permit for the dispensary under the City’s MMRU Regulatory Regime.

300 Meter Distancing is based on Arbitrary Measurements

The strict application of the 300meter rule as applied in Vancouver effectively rendered 80 to 90 per cent of the 100 existing dispensaries, including Green City Gift & Décor Ltd. ineligible to participate in the MMRU licensing scheme. At Appendix A of the Regulation of Retail Dealers document, there is a table that says “Best Practice” with respect to “minimum distancing from sensitive uses” and included Washington and Colorado. Specifically it is stated:

- “Washington State requires 1,000 ft (300m) from school, playground, recreation centre, library or game arcade.”***

- *“Colorado requires 1,000 ft (300m) from school, preschool, day care establishment, medical marijuana centre or alcohol or drug treatment facility.”*
- *“City of Vancouver requires 150m between liquor retail and a church, park, school, community centre or neighborhood house.”*

At Appendix A of the Regulation of Retail Dealers document, the “Declustering requirements” the City of Vancouver maintains are based on best practice from Colorado whereby Colorado requires minimum of 1,000ft (300m) between retail marijuana stores. At the time the 1,000-foot buffer zone was being proposed for Colorado’s initial medical cannabis program in 2010, one of the primary reasons for this setback was to avoid the potential risks of federal enforcement. There was a legitimate concern that permitting medical cannabis dispensaries to open up within 1,000 feet of a school could entice the state U.S. Attorney in the state of Colorado to bring enforcement actions as had occurred for years with unregulated cannabis businesses in California that were within a 1,000 feet of a school.

In fact, this concern was realized in January of 2012, before the state passed adult-use legalization later that year, when then U.S. Attorney for the state of Colorado John Walsh sent letters to 23 dispensaries located within 1,000 feet of a school that instructed them to close or relocate within 45 days or face criminal prosecution and asset forfeiture proceedings.¹ A limited number of dispensaries that existed before applicable state and local laws were finalized had been permitted to remain within 1,000 feet of a school based their grandfathered status at the local level. The U.S. Attorney clearly explained that this enforcement action was based on the desire to enforce federal Drug-Free Zone Laws. “One of those interests, without question, is protecting drug-free zones around schools,” he said.²

United States federal law known as “Drug-Free Zone Laws”, passed during the War on Drugs, increase penalties for those caught distributing, possessing with intent to distribute, or manufacturing a controlled substance on or within one thousand feet of a school.³ Colorado was one of the first states to regulated medical marijuana businesses. As such, legislators were exercising an abundance of caution in an attempt to prevent new establishments from opening within these areas and discourage federal enforcement against the state’s newly established medical cannabis regulatory system.

The Problem with “Drug Free Zone” Laws (As Applied by the City of Vancouver to Dispensaries)

Drug-Free Zone Laws at the state and federal level increase penalties or establish mandatory minimum penalties for those caught distributing, possessing with intent to distribute, or manufacturing illegal drugs within a set distance to schools, playgrounds, housing facilities, youth centers, and other places where children often congregate. These laws, which differ amongst the states and federal government,

¹ <https://www.denverpost.com/2012/01/12/feds-colorado-medical-marijuana-dispensaries-within-1000-feet-of-a-school-must-close/>

² <https://www.denverpost.com/2012/01/19/u-s-attorney-john-walsh-justifies-federal-crackdown-on-medical-marijuana-shops-2/>

³ 21 U.S.C. § 860

were passed during a time in the United States when politicians and prosecutors were concerned with ways to increase penalties for drug related activity. This period, often referred to as the “height of the Drug War”, sought to address the issues of drug addiction by being “tough on crime”.

By the 2009 and 2010 when the state of Colorado was first establishing its state and local medical marijuana regulatory structures, much of the 1980’s drug war concerns had calmed. But these punitive provisions still existed in federal law and similar provisions had previously been enacted at the state level.⁴ Although federal and state Drug-Free Zone laws were never designed as business zoning ordinances, their existence influenced legislators to establish greater setback restrictions for medical dispensaries than occurred in the state at the time for liquor stores, bars or other regulated industries.

For minority populations in dense urban areas with a large number of schools, playgrounds, and other sensitive use areas, the negative effects of Drug-Free Zone laws have been particularly burdensome. In Connecticut, where the setback restriction for drug-free zones extend to 1,500 feet, over 90% of residents in the City of Bridgeport live within a drug free zone.⁵ For the less densely town of Bridgewater, just eight percent of residents lived within these zones.

The results have been devastating for poor minority communities that are more likely to live within urban centers. In Tennessee, Drug-Free Zone laws meant that a first-time offender caught with less than a gram of cocaine with intent to sell can be charged at the same felony level as someone who committed second degree murder. The main difference is that the individual charged with murder would have eligibility for parole while the minor drug offender would face a mandatory minimum sentence.

According to a former narcotics prosecutor, and current Massachusetts State Senator William Brownsberger, who has studied and reported on this issue, Drug-Free Zone laws have been overly punitive and ineffective. “Did the presence of school zones move drug dealing away from the schools? The answer to that question is clearly no. It’s not a deterrent. If every place is a school zone, then no place is a school zone.”⁶ In response to the issues of over-criminalization and density of Drug-Free Zones in urban areas, multiple states have passed reforms to exempt private residences and juvenile defendants. Other states have exempted small quantities of marijuana or established time restrictions so that Drug-Free Zone laws only apply when children are present, according to a briefing paper written published by The Sentencing Project in 2013.⁷

In New Jersey, where a state commission to review criminal sentencing found that 96% of all defendants convicted in drug-free zones in the state were black or Latino, former Governor Jon Corzine signed a law that eliminated mandatory minimum sentences for Drug-Free Zone violations⁸.

⁴ C.R.S. § 18-18-407 (2)(a)

⁵ According to a 2014 study from the Prison Policy Initiative as reported by Pew Charitable Trusts <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/09/15/why-states-are-taking-a-fresh-look-at-drug-free-zones>

⁶ Ibid.

⁷ <https://sentencingproject.org/wp-content/uploads/2015/12/Drug-Free-Zone-Laws.pdf>

⁸ Ibid.

Is this “Best Practice” as Applied to the City of Vancouver?

300 meter, approximately 1,000-feet, distance requirement as applied by the City of Vancouver is not a best practice and the Board of Variance process has been used as an elimination strategy by the Department of License of Planning. In both Colorado and Washington, the 1,000-foot setbacks are not a state-wide requirement. As previously mentioned Washington amended the 1,000-foot setback in 2015 by allowing local governments to establish shorter distance restriction.

In Colorado, HB 1284 permitted local governments to continue licensing existing dispensaries that had been operating within 1,000 feet of sensitive use since before the law passed, and always permitted a local government to pass an ordinance or resolution to vary the distance restrictions or eliminate types of schools or other facilities from the list of sensitive uses. This is unlike the situation in Vancouver.

In Massachusetts, which legalized cannabis for adults 21 years of age and older in 2016, there is a 500-foot setback from pre-existing schools and cities and towns are permitted to adopt local laws that reduce this distance requirement.⁹

In California, which similarly passed a cannabis legalization initiative in 2016, adopted a 600-foot setback between cannabis businesses and schools, day care centers, and youth centers. But just like in Colorado, Washington, and Massachusetts, an exemption exists for local jurisdictions to specify a different setback requirement.¹⁰ Claiming that a universal 1,000-foot setback from schools and other sensitive use areas at the local level is based on “best practice” from the state-level in Colorado and Washington, or Massachusetts and California, would be incorrect. This is exactly what the City of Vancouver has done.

Unlike the City of Vancouver, all four states (California, Washington, Colorado and Massachusetts) recognize the need for zoning variability to be established at the local level as urban and rural differences across states can be significant. An actual best practice for setback restrictions from sensitive uses such as schools or child-care centers would be one that appreciates and considers the density and character of each city or town. Large setback restrictions that prevent the majority of medical dispensaries within a city from operating act not as best practice for zoning but as de-facto prohibitions.

Site Specific Hardship Created by the 300 Meter Zoning Restriction.

Despite the better judgement of the City of Vancouver, a 300 meter, or 1,000-foot, standardized setback restrictions for enhanced criminal penalties, as well as those restricting the placement of a licensed medical marijuana dispensary, do not account for the differences in zoning and density

⁹ MA ST 94G § 5 (b)(3)

¹⁰ CA BUS & PROF § 26054 (b)

between rural and urban areas. Green City Gift & Décor Ltd. is caught in the middle of the untenable policy decisions. In an urban area the density of all activities and sensitive use areas are concentrated. Schools, parks, daycares, and other areas where children congregate are both more frequent and consolidated. As such, cities often become one large Drug-Free Zone. Finding a location for regulated dispensaries to provide convenient access to patients becomes almost impossible, which is the situation created by the City of Vancouver.

If an individual does not know they are within a Drug-Free Zone or a physical barrier, such as a building or highway, blocks their way and would place them further than 1,000-feet if walked by a route of direct pedestrian access, the buffer should not apply. The City of Vancouver has set up a system designed to fail from the outset and Green City Gift & Décor Ltd. is doing its best to stay alive in the process in order to obtain a license.

Rural areas and city areas must be zoned in different ways because zoning regulations are tied directly to the character and makeup of the area they regulate. Establishing a uniform statewide restriction for setbacks from schools and other sensitive use areas that does not allow for local variation is inappropriate for both rural and urban areas. A 300meter could be considered too close to a school in a rural farming community where only an open space separates the two uses. Conversely, 300 meters could be considered impractical in an urban area where four city blocks and a dozen high-rise buildings block not only direct pedestrian access but also any visibility between the school and dispensary.

For these reasons, the state of Colorado permitted local variability and exemptions to the 1,000-foot buffer restriction from schools and other sensitive use areas when it first regulated its existing medical marijuana dispensaries in 2010 with the passage of House Bill 10-1284 (“HB 1284”). As passed, Colorado HB 1284 permitted the local licensing authority of a city or county to vary the distance restrictions or eliminate one or more of the sensitive use designations for the state 1,000-foot setback from schools.¹¹

Why did Vancouver adopt a 300meter buffer? Because such, according to the City of Vancouver, is “best practice” adopted from Washington and Colorado. As the above suggests, the 300meter buffer adopted by the City of Vancouver as applied against dispensaries is anything but best practice.

Is the 300 meter distancing requirement of Section 11.28.2 of the Zoning and Development Bylaw No. 3735 unduly restrictive as applies to Green City Gift & Décor Ltd.?

Yes. Vancouver is the most density-populated city in Canada with 5,493 people per square kilometer.¹² Although I am not an expert on Vancouver land-use and geography, prohibiting a Medical Marijuana-Related Use within 300 meters of the nearest property line of another Medical Marijuana-Related Use, school, community center or Neighborhood House, as required by Section 11.28.2 of the Zoning and

¹¹ HB 1284 section 12-43.3-208 (1)(d)(1)

¹² <https://biv.com/article/2017/02/vancouver-has-highest-population-density-canada-ce>

Development Bylaw No. 3735, likely limits the number of storefront locations for medical marijuana to such an extent as to put patients access in jeopardy.

In Boston Massachusetts, which has a 2016 city population of 672,840 and a nearly identical population density of 5,381 people per square kilometer, city elected officials established a shorter 500-foot setback (152.4 meters) from pre-existing schools. Cannabis is used as a medicine by over two hundred thousand Canadians. If cannabis for medical purposes is not readily accessible in convenient locations throughout the city, patients will continue to obtain their supply from black and grey market actors that may not provide tested and safe cannabis products.

As the federal and provincial governments are modernizing their medical and adult-use cannabis laws following the passage of C-45, it is essential that progressive local governments such as Vancouver lead the way to ensure that regulated cannabis establishments have a fighting chance against the existing black market. Without the necessary changes, patients will likely continue to cultivate or purchase from their existing unregulated connections within areas much closer than 300 meters from a school or other sensitive use.

Is the 300 meter rule or land use requirement in your opinion be unduly restrictive in its application to dispensaries in Vancouver, including Green City Gift & Décor Ltd.?

Patients are often mobility impaired and instituting 300 meter setback requirements has been shown in Cities like Denver to push cannabis dispensaries into industrial areas that are further from public transportation and more difficult to access generally. This has been the indirect result of the 300meter buffer introduced by the City of Vancouver. Although medical cannabis in Canada can be accessed through delivery, the relationship between a patient and the representative at a medical cannabis dispensary, such as Green City Gift & Décor Ltd., is valuable for learning about the effects of different products and how to safely consume them.

According to the City of Vancouver's analysis¹³ there were approximately 19 medical marijuana related retail dealers and compassion clubs with both a development permit and business license at or about June 2018. Another 21 businesses have a development permit but no business license. But there are also sixty locations operating without City permission and subject to enforcement. Out of approximately 100 dispensaries in Vancouver, 60% are slated for closure, including Green City Gift & Décor Ltd. because of the untenable licensing system introduced by the City of Vancouver. These establishments, including Green City Gift & Décor Ltd., exist because patients visit them, and their services are demanded in the community.

Based on volume of demand alone, it impossible to eliminate over half of the medical marijuana dispensary and compassion clubs without negatively affecting patient access. If dispensaries are only permitted in inconvenient and remote areas of the city, patients are more likely to purchase from

¹³ <http://vancouver.ca/doing-business/medical-marijuana-related-business-licence.aspx>

existing grey market connections. This will harm public health outcomes, increase the quantity of cannabis cultivated in residential environments, and further the lack of trust and regulatory buy-in from current and potential medical cannabis patients, who frequent dispensaries such as Green City Gift & Décor Ltd.

Land use restrictions and distance requirements directly effect where dispensaries can be located because when patients seek to purchase medical cannabis, they have historically been concerned with quality, selection, convenience, and price. Land use and setback regulations will affect whether dispensaries will be permitted and in dense urban residential areas or nearby transition stations. If requirements are instituted that force dispensaries, like Green City Gift & Décor Ltd. to be far from the places where current and potential patients can conveniently access, then it is likely that patients will factor this into their decisions as to whether to purchase cannabis from the legal channels or the more convenient black market.

Why have American jurisdictions amended or changed the 300 meter or 1000 foot boundary?

Unlike the City of Vancouver, who has had since 2015 to amend the 300meter buffer, many states have amended or changed their 1,000-foot Drug Free Zone laws as they pertain to enhanced and or mandatory penalties for drug violations. In many cases these amendments were in response to state justice commissions or studies that shows severely disincorporate impacts against minority racial groups.

A Sentencing Project report states that both liberal and conservative status including: Connecticut, Delaware, Indiana, Kentucky, Massachusetts, New Jersey and South Carolina. These states have modified their restrictions in different ways to reduce their scope and punishment. Some states have reduced the distance from 1,000-feet to 300-feet while others have limited their hours of applicability or required an individual to have knowledge that they were within the restricted area with the intention of selling a controlled substance.

For cannabis businesses, in 2015 the State of Washington passed House Bill 2136,¹⁴ which amended their adult-use marijuana regulatory initiative I-502 to permit local governments to ease the existing 1,000-foot setback restriction. Washington's initial cannabis legalization law set a 1,000-foot setback restriction for all cannabis businesses and any school, playground, recreation center, child care center, public park, public transit center, library, or any game arcade admission not restricted to individuals twenty-one years or older.

This provision was particularly problematic for the City of Seattle, which had very few permissible locations for cannabis businesses to operate. The altered provision allows a local city, county, or town to permit cannabis businesses within 1,000 feet, but not less than 100 feet, of the above sensitive use areas with the exception of schools and playgrounds. The Seattle Mayor's office responded positively to this change in state law and moved to amend the City's land use rules to permit cannabis businesses

¹⁴ WA House Bill 2136

within 500 feet of the permitted sensitive use areas. “The new rule would establish an additional 1,650 acres for retail locations to be sited in Seattle.”¹⁵

The 300 Meter Buffer is Arbitrary – Comparison to City of Vancouver Alcohol Regulation

However, unlike Cannabis, under the Liquor Store Guidelines:

“No liquor store should be located within 150m of a church, park, elementary or secondary school, community centre or neighborhood house.”

The City of Vancouver indicates in the Regulation of Retail Dealers document that alcohol is a more harmful drug than cannabis. Unlike cannabis, which has a 300meter zoning restriction, liquor retail in Vancouver is subject to a 150meter zoning guideline. Marijuana or medical cannabis is not sold legally in Colorado or Washington States and is accessible under a recreational model, contrary to United States federal criminal law and the 300meter distancing requirement is based, in part, on a concept known as “Drug-Free Zone Laws”.

As at June 2018 the City of Vancouver has issued development permits and business licenses to operate in Vancouver to roughly 19 dispensaries out of the 100 plus dispensaries that were in existence and operating at that time.

Power and Authority of the Board of Variance

Section 573 of the Vancouver Charter [SBC 1953], Chapter 55, Part XXVII) is the guiding section pertaining to appeals to the Board of Variance and is stated as follows:

573. (1) The Board shall hear and determine appeals:

- a) by any person aggrieved by a decision on a question of zoning by any official charged with the enforcement of a zoning by-law;*
- b) by any person who alleges that the enforcement of a zoning by-law with regard to siting, size, shape, or design of a building would cause him undue or unnecessary hardship arising out of peculiarities in the site or special circumstances connected with the development. In any such case the Board may, to the extent necessary to give effect to its determination, exempt the applicant from the applicable provisions of the zoning by-law;*
- c) by any person who alleges that due to special circumstances or conditions the provisions of subsection (3) of section 568 will result in undue or unnecessary hardship to him;*

¹⁵ <http://murray.seattle.gov/mayor-introduces-new-land-use-rules-to-accommodate-upcoming-increase-of-state-licensed-marijuana-stores/>
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- d) with respect to matters arising under subsections (4) and (5) of section 568;*
- e) by any person aggrieved by a decision by any board or tribunal to whom Council has delegated power to relax the provisions of a zoning by-law.*

Bearing the above Vancouver Charter Section 573, the applicant wishes to make an application to the City of Vancouver Board of Variance, under the Board of Variance By-Law No. 10200 and file a Notice of Appeal and state, in a simple manner, the following grounds of appeal:

1. Section 573(1)(a) – An appeal by any person aggrieved by a decision on a question of zoning by any official charged with the enforcement of a zoning by-law;
2. Section 573(1)(b) – An appeal by any person who alleges that the enforcement of a zoning by-law with regard to siting, siting, size, shape or design of a building would cause him undue or unnecessary hardship arising out of peculiarities in the site or special circumstances connected with the development.
3. Section 573(1)(c) – An appeal by any person who alleged that due to special circumstances or conditions the provisions of subsection (3) of section 568 will result in undue of unnecessary hardship to him;
4. Section 573(1)(e) – An appeal by any person aggrieved by a decision by any board of tribunal to who Council has delegated power to relax the provision of a zoning by-law.

Please consider the following points regarding Green City Gift & Décor Ltd. Site Specific hardship.

Green City Gift & Décor Ltd. – Commitment to Patients

Green City Gift & Décor Ltd. has been in operation for a number of years prior to the City of Vancouver's recent decision and plan to regulate the growing the number of cannabis dispensaries operating throughout the municipality. Green City Gift & Décor Ltd. pride themselves on providing reasonable dignified patient access to cannabis in the community, especially at a time with heighten enforcement against a backdrop of extremely limited patient access to medical cannabis.

Since the beginning of operating in the neighbourhood, Green City Gift & Décor Ltd. has built a very positive rapport with the businesses and residents in close proximity to it. At present, with all the dispensary closures, more patients in Vancouver and across Canada regularly rely on Green City Gift & Décor Ltd. for a consistent supply of safe, high-quality botanical medicine. To adequately cater to these patients, Green City Gift & Décor Ltd. employs nearly a dozen full and part-time staff that strives to build meaningful relationships with the patients and surrounding community partners.

Green City Gift & Décor Ltd. is located in a highly populated area on Burrard Street, not far from Davie and Burrard in the heart of Vancouver's famous Davie Village or affectionately known by Vancouverite's as simply "Davie Street", in the peripherals of the City, where no other dispensaries or compassion clubs are currently allowed to operate. Many of the Green City Gift & Décor Ltd. patients are from a nearby low-income housing unit, and unfortunately most of them do not have full mobility, access to personal transportation, and are very limited financially. Green City Gift & Décor Ltd. provides for this along with products, such as concentrates, edibles and topical creams that are currently illegal and not provided for under Canada's legal cannabis framework.

The lack of possibility of finding an alternative medical marijuana source that provides the same products and types of service they receive at Green City Gift & Décor Ltd. is a ground of hardship. Will the patients and member find similar products to that which they use at Green City Gift & Décor Ltd.?

Green City Gift & Décor Ltd. medicinal products are unique and cannot be found at other dispensaries. Members cannot simply go down the road and find Green City Gift & Décor Ltd. products (as they are not distributed to other dispensaries). Green City Gift & Décor Ltd. products are exclusive to the Green City Gift & Décor Ltd. dispensary. Other manufacturers/producers do not have the same quality, potency or purity. These members will not be able to receive the same medicine that they find effective.

Will Green City Gift & Décor Ltd. patients find the same member support or product knowledge at the alternative source? No is the short answer. The staff at Green City Gift & Décor Ltd., have developed personal relationships with members so medical and personal needs are better understood. Such a process is uniquely site specific and cannot be easily replaced. A closure of Green City Gift & Décor Ltd. at the current location on Burrard Street will leave some of the more venerable members left alone without the product support or additional assistance/information they need.

Further, Green City Gift & Décor Ltd. has endeavoured to build and maintain a strong relationship with these valued patients by offering them cannabis products at a reduced rate, thereby making access to their medicine more financially attainable. Removing Green City Gift & Décor Ltd. from this location will not only make it much more difficult for these patients to access their medicine, but would also significantly decrease the amount of dispensary membership if Green City Gift & Décor Ltd. is obliged to relocate. There is no correlation between dispensary closures and the stated goals of City Hall to protect youth and other vulnerable people. Further, there is no evidence to support that marijuana-related businesses negatively impact neighbourhood aesthetics and impact local economy.

Green City Gift & Décor Ltd. – Financial and Relationship Investments:

Green City Gift & Décor Ltd. has provided significant investments into the current property to ensure the needs of patients are met. If Green City Gift & Décor Ltd. is obliged to relocate, a great majority of these investments will be lost and Green City Gift & Décor Ltd. may not have the ability to financially

recover. Further, Green City Gift & Décor Ltd. has fostered an excellent relationship with its landlord, which is difficult to establish because more often than not, landlords have little interest in the company activities and do not appreciate the extra considerations a medical cannabis retail dispensary club must take.

Green City Gift & Décor Ltd.'s Devotion to the Public:

Green City Gift & Décor Ltd. has never allowed minors to enter the store, and does NOT allow smoking, including “vaping” in or around the facility as per Vancouver’s new By-Law, and will continue to adhere to all future municipal regulations. Green City Gift & Décor Ltd. does not advertise directly to the public, and always ensures the storefront is discrete and professional.

Green City Gift & Décor Ltd. has taken a proactive approach by consulting with the stakeholders of Anchor Point Montessori and the surrounding community to mutually agree on terms regarding Green City Gift & Décor Ltd.’s business practices and security systems to better enhance the safety of the community. Green City Gift & Décor Ltd. welcomes future meetings with all stakeholders to address any concerns they may have.

Adoption of Best Practices:

In conclusion, the patients and management of Green City Gift & Décor Ltd. are asking the City of Vancouver to grant their variance because, among other things, Green City Gift & Décor Ltd. has thousands of sick and disabled patients nearby that rely on Green City Gift & Décor Ltd. for safe and reliable access to alternative medicine. As of the date of this letter, Green City Gift & Décor Ltd. is in the process for applying for trade membership to join the Canadian Association of Medical Cannabis Dispensaries (CAMCD).

Further, Green City Gift & Décor Ltd. has built a positive role in the community by catering to the specific needs of patients and consulting with nearby businesses to increase the safety of the community. In addition, Green City Gift & Décor Ltd. meets all of the zoning regulations of a Green City Gift & Décor Ltd. business and ensures all regulations are closely followed. I kindly ask the City of Vancouver Board of Variance to grant a variance for Green City Gift & Décor Ltd.

Patients, staff and Green City Gift & Décor Ltd. management are confident that the granting of the variance will not be detrimental to the public welfare, or injurious to other property or improvements in the neighbourhood in which the business is currently located. The proposed variance will not impair the public health, safety, comfort, morals or general welfare of the inhabitants of the neighborhood, or the City at large.

Please feel free to contact me, with any questions the Board of Variance may have regarding the appeal application from Green City Gift & Décor Ltd. Again, further documentation will be provided on the

evening of the variance appeal hearing and sufficient copies handed up so the board and members of the public at large can follow my client's hardship appeal presentation.

Sincerely,

Robert W.E. Laurie

President, AD LUCEM LAW CORPORATION

Barrister & Solicitor British Columbia, Solicitor England & Wales

M.A. Juris. (Hons) Oxford (Oxon), B.A. Poli Sci/IR (Hons) UBC.

BOARD OF VARIANCE/PARKING VARIANCE BOARD
MINUTES

DATE: Tuesday, March 12th, 2019

TIME: 1:15 PM

PLACE: City Hall, Main Floor in Townhall

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A meeting of the Board of Variance/Parking Variance Board was held on **Tuesday, March 12th, 2019 at 1:15 P.M. in Townhall, Main Floor, City Hall**, as provided for under Section 573 of the Vancouver Charter and Section 3.2.3 of the Parking By-law.

PRESENT: Gilbert Tan – Board Chair
Simona Tudor
Namtez Sohal
Denise Brennan
Jasmean Toor

ABSENT:

SECRETARY: Louis Ng

**ACTING
RECORDING
SECRETARY:** Carmen Lau

ALSO PRESENT: H. Czypionka, Landscape Specialist
(Appeal #1)
J. Bosnjak, Supervisor
(Appeals #2, #3, #13)
S. Erichsen, Manager
(Appeals #6, #8)

APPEAL NOS: Z35385, Z35443, Z35447, Z35440, Z35364, Z35442, Z35264
Z35431, Z35387, Z35198, Z35261, Z35344, Z35417

SITES VISITED: On **March 11th, 2019**, the Members of the Board visited the following sites:
Z35385, Z35443, Z35447, Z35442, Z35431, Z35417

1. **Z35385 –** s.22(1)

Appeal Section: 573(1)(a) Appeal of Decision - Tree Removal Appeal
Legal Description: s.22(1)
Lot Size: Irregular site
Zone: RS-1
Related By-Law Clause:

Adjournment(s): This appeal was adjourned from January 09th, 2019 **to March 12th, 2019** at the request of the Board of Variance to allow time for the owners to contact the Parks Board for more information.

Appeal Description:

Appealing the decision of the Director of Planning who refused Tree Application No. TR-2018-00857 to permit the removal a tree from this site.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

Discussion:

s.22(1) and s.22(1) were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) **initial comments were that** their previous appeal was adjourned due to not having enough information. The day after the appeal, they called 311, in which the City said the tree is not a part of their property.

The Director of Planning's Representative

Mr. Czypionka's initial comments were that the information they submitted is correct; it is not part of the City's inventory. They sent out an inspector determined that it wasn't going to be in the inventory. This is considered a private tree.

The Board Chair stated that the Board's site office received no (0) letter in Support and no (0) letter in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

There were no comments.

Final Comments:

Mr. Czypionka had no final comments.

s.22(1) **had no final comments.**

This appeal was heard by the Board of Variance **on March 12th, 2019 and was ALLOWED**, thereby overturning the decision of the Director of Planning who refused Tree Application No. TR-2018-00857 and approved the removal of the existing tree located in the front yard, and subject to the following conditions:

- (1) that the Board of Variance approved the removal of the existing tree located in the front yard, and a replacement tree must be planted that is acceptable by the Director of Planning; and
- (2) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

2. Z35443 – s.22(1)

Appeal Section: 573(1)(a) Appeal of Decision - FSR, Solarium Addition
Legal Description: s.22(1)
Lot Size: Lot Area = 38,332.80 sq. feet.
Zone: CD-1
Related By-Law Clause: Section 3 (FSR, Density)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. s.22(1) and a request to construct a new solarium for s.22(1) at this existing high-rise Multiple Dwelling (proposal to reconstruct a work without permit solarium that had to be removed per DB-2018-01584).

Development Application No. s.22(1) was refused for the following reason:

- As a consequence of this application not meeting the standards set out in the Zoning and Development By-law regarding CD-1 Schedule, Section 3 - "Floor Areas", the application cannot be referred to the Director of Planning for a decision.

Technical Information:

Permitted FSR (CD-1): 1.33 (50,241 sq. feet) [Section 3, FSR.]
Proposed: 1.34 (51,308 sq. feet) [As per s.22(1)]

1,067 sq. ft. or 2 % over maximum permitted

Discussion:

s.22(1), s.22(1) and s.22(1) were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) initial comments were that this building is in the CD1 zone. The existing building in the zone utilizes all the square footage. The building was built in 1960, and the solarium was built in 1970. His client purchased the property in 2000. They're looking to relax the maximum square footage to allow for the solarium. The den space is used as a second bedroom for the client.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is to refuse the permit to add a solarium to an existing building. There is a specific bylaw for certain sites. In the last ten years, there has been some rezoning around the Oakridge area. There was some work without permits done in this building. The Director Of Planning does not see any site specific hardship, and cannot support the appeal.

The Board Chair stated that the Board's site office received three (3) letters in Support and four (4) letters in opposition, and a petition with thirty two (32) signatures not in support of this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

s.22(1) [REDACTED] is not in support of the appeal
[REDACTED] (eet) is not in support of the appeal
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Final Comments:

Mr. Bosnjak's final comments were that it is clear that the Board should either strike the appeal or uphold the decision.

s.22(1) [REDACTED] **final comments were that** his client purchased this shareholders agreement with the fact that he used to have a solarium, in which it was taken down, and he would like to have it back.

This appeal was heard by the Board of Variance **on March 12th, 2019 and was DISALLOWED.**

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

3. Z35447 – s.22(1)

Appeal Section: 573(1)(a) Appeal of Decision - Parking Relaxation
Legal Description: s.22(1)
Lot Size: Irregular site
Zone: C-1
Related By-Law Clause: Sections 4.2.5.1 and 4.2.5.1 (Parking By-law)

Appeal Description:

Appealing the decision of the Director of Planning who REFUSED Development Application No. s.22(1) - and a request to change the use from an existing Retail-Food into a Restaurant - Class 1 (at s.22(1) at this existing mixed-use building.

Development Application No. s.22(1) was refused for the following reason:

-The proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site: Sections 4.2.5.1 and 4.2.5.1 (Parking By-law).

Technical Information:

Required Parking (on-site): 15 spaces
Existing non-conforming: 0 spaces
Proposed: 0 spaces [As per s.22(1)]

Required Loading: 2 spaces
Existing non-conforming: 0 spaces
Proposed: 0 spaces [As per s.22(1)]

Discussion:

s.22(1) was present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) **initial comments were that** the address in question was built in 1920. The space has been a restaurant for over 20 years. They're busy during lunch time and many clients want them to obtain a liquor license for dinner time. They've been losing clients due to not being able to serve liquor.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is for a change of use from retail to restaurant. The Director Of Planning refused this due to the increase of parking spaces requirements.

The Board Chair stated that the Board's site office received no (0) letter in Support and no (0) letter in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

s.22(1) **is in support of the appeal**

Final Comments:

Mr. Bosnjak had no final comments.

s.22(1) **final comments were that** there are lots of places for loading.

This appeal was heard by the Board of Variance **on March 12th, 2019 and was ALLOWED**, thereby overturning the decision of the Director of Planning who refused Development Application No. s.22(1) - and approved the change of use from an existing Retail-Food into a Restaurant - Class 1 at this existing mixed-use building, subject to the following conditions:

- (1) that the approval is for the exclusive use of s.22(1) **operating the business as** s.22(1) and
- (2) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

4. Z35440 - 703 Terminal Avenue (Vancouver Flea Market)

Appeal Section: 573(1)(a) Appeal of Decision – Amendment Request
Legal Description: Lot 4, Block G, District Lot 2037 and Plan 7609.
Lot Size: Irregular site.
Zone: I-2
Related By-Law Clause:

Adjournment request to June 2019:

The City is requesting adjournment so that City staff can complete the technical and design review for this development proposal.

Appeal Description:

Requesting permission to amend the existing use of the building as a public flea Market (The Vancouver Public Flea Market) to include an Artist Studio use seven (7) days a week at this site.

Board of Variance History:

On December 04th, 2018 the Board of Variance ALLOWED Appeal No. Z35389, thereby granting permission to retain the use of the building as a public flea Market (The Vancouver Public Flea Market) for the life of the building and on a permanent basis, and subject to the following conditions:

- (1) that the approval is for the exclusive use of the Vancouver Flea Market (2013) Ltd.;
- (2) that the Vancouver Flea Market shall be limited to Saturday, Sunday, and holiday operations; and
- (3) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

On December 04th, 2013 the Board of Variance ALLOWED Appeal No. Z34237, thereby granting permission to retain the use of the building as a public flea Market (The Vancouver Public Flea Market) for a further period of time at this site, subject to the following conditions:

- (1) that the approval is for the exclusive use of the Vancouver Flea Market (2013) Ltd.;
- (2) that the approval is for a limited period of time expiring December 31st, 2018;
- (3) that the Vancouver Flea Market shall be limited to Saturday, Sunday, and holiday operations;
- (4) that the appellant submit to the City Building Inspector an Irrevocable Letter of Credit in the amount of \$5,000.00 as insurance that the building will be removed or vacated and boarded up on or before December 31st, 2018;
- (5) that the Board may grant an extension to the time limit on or before December 31st, 2018; and
- (6) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

ADJOURNMENT is required to June 04th, 2019 at the request of the Director of Planning - and to allow time for the owners/operators to submit a Development Application prior to a Board of Variance decision.

- **MOVED** by Mr. Sohal
- **SECONDED** by Ms. Toor

- **carried**

THAT the Board adjourn this appeal and to be heard on June 04th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

5. Z35364 - 1214 Commercial Drive (1212 Commercial Drive)

Appeal Section: 573(1)(a) Appeal of Decision - Parking Relaxation
Legal Description: Lots J & H, Block 44, District Lot 264A and Plan 5829.
Lot Size: Irregular site
Zone: C-2C1
Related By-Law Clause:

Adjournment request to June 2019:

The City is requesting adjournment so that City staff can complete the technical and design review for this development proposal.

Appeal Description:

Requesting a relaxation of parking at this site to zero (0) on-site parking at the rear of this existing two-storey Theatre (60 seats) / (Retail) Art Gallery/with Ancillary Office/General Office building.

Board of Variance History:

On May 16th, 2017 the Board of Variance ALLOWED Appeal No. Z35075, thereby permission to retain this existing two-storey Theatre (60 seats)/(Retail) Art Gallery/with Ancillary Office/General Office building at this site, subject to the following conditions:

(1) that the approval is for the exclusive use of s.22(1) operating the business as Havana Enterprises Inc.

(2) that the approval is on a permanent basis and/or for the life of the building (and for the exclusive use of s.22(1) operating the business as Havana Enterprises Inc.) in accordance with the Board of Variance's decision on May 16th, 2017; and

(3) that an information display sign shall be installed and posted at the customer parking area (where the two existing parking stalls are located), and this new signage must advise patrons where additional parking is located including the hours of available parking; and that a customer parking sign be posted at the two (2) on site parking spaces accessed from the lane and that these be available (open) during business operation hours; and

(4) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

ADJOURNMENT is required to May 07th, 2019 at the request of the Director of Planning - and to allow time for the owners/operators to complete the Development Application prior to a Board of Variance decision.

- MOVED by Mr. Sohal
 - SECONDED by Ms. Toor

- carried

THAT the Board adjourn this appeal and to be heard on May 07th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

6. **Z35442 - s.22(1)****ADDENDUM**

Appeal Section: 573(1)(a) Appeal of Decision & Regulation
Zone: RS-7
Related By-Law Clause: 4.3 (Height, Number of Stories), 4.7 (FSR), and 4.16 (Building Depth).

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. s.22(1) and requesting relaxations Height (Number of Stories), Floor Space Ratio and Building Depth regulations of the RS-7 District Schedule to permit interior and exterior alterations by adding additional floor area including interior layout changes, and adding a two-bedroom, Secondary suite to the lower floor of this existing one-family dwelling site.

Development Application No. s.22(1) was refused for the following reasons:

-the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site:

- (i) Exceeds allowable height of 2 ½ storey as per Section 4.3.1 of the RS-7 District Schedule
- (ii) Floor Space Ratio exceeds allowable per RS-7 District Schedule 4.7 of 75% for Character
- (iii) Building depth exceeds allowable per RS-7 District Schedule 4.16 Building Depth.

-the proposed development does not comply with the intent statement set out in the District Schedule of the Zoning and Development By-law. The extended Dormers are contrary to the intent of Character retention.

-As a consequence of this application not meeting the standards set out in the Zoning and Development By-law regarding Floor Space the application cannot be referred to the Director of Planning for a decision.

Technical Information:

Permitted FSR (Conditional): 0.75 (3,019 sq. ft.) [Section 4.7.1(e), permits 0.75 FSR.]
Existing: 0.61 (2,443 sq. ft.)
Proposed: 0.77 (3,101 sq. ft.) [As per s.22(1)]

82 sq. ft. or 3 % over maximum permitted
 658 sq. ft. or 27 % over existing

Permitted Building Depth: 48.80 feet
Existing non-conforming: 54.43 feet
Proposed: 59.15 feet [As per s.22(1)]

Discussion:

s.22(1) and s.22(1) were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) **initial comments were that** her family is growing out of the house. They would like to stay in the neighbourhood, and they're looking to create an extra bedroom and bathroom upstairs, as well as a dining room. They have a suite downstairs that came with the house; they don't believe it's legal so they would like to legalize it. The house was built in 1912 and it is quite narrow. This is also a heritage house.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of decision. It is a 1912 home with character merit. The Director Of Planning can allow an increase of floor area. However, the house is already beyond what the Director Of Planning can grant. The main floor is significantly high off the ground. There is no basement in this property. The Director Of Planning is not in support of the appeal.

The Board Chair stated that the Board's site office received no (0) letter in Support and no (0) letter in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

There were no comments.

Final Comments:

Ms. Erichsen's final comments were that the Director Of Planning doesn't see any site specific hardship, and cannot support the appeal.

s.22(1) **final comments were that** they would remove the enclosed front porch to make up for the additional floor area.

This appeal was heard by the Board of Variance **on March 12th, 2019 and was ALLOWED**, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2019-00018 and approved interior and exterior alterations by adding additional floor area including interior layout changes, and adding a two-bedroom, Secondary suite to the lower floor of this existing one-family dwelling site, subject to the following conditions:

- (1) that the Board of Variance approved a maximum FSR (Floor Space Ratio) to 0.75 FSR. The owners are required to re-design the proposed floor plans to meet the maximum allowance of 0.75 FSR for this site; and
- (2) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

7. Z35264 – s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - Garage Conversion, FSR
Legal Description: s.22(1)
Lot Size: Irregular site (Lot Area = 5,398.31 sq. feet).
Zone: RS-1
Related By-Law Clause: Sections 4.7 (FSR) and 4.8.5 (Site Impermeability)

NOTE: This appeal has been WITHDRAWN prior to the meeting.

Appeal Description:

Requesting relaxations of the Floor Space Ratio and Site Coverage (Site Impermeability) regulations of the RS-1 District Schedule and a request to convert the existing attached two-car garage into new habitable floor area (a new hobby room addition, and removing the garage doors and adding new windows) at the rear of the lower floor within this existing one-family dwelling site.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

This appeal was **NOT** heard by the Board of Variance on March 12th, 2019 and this appeal was **WITHDRAWN** prior to the meeting.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723

8. Z35431 – s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - Site Impermeability
Legal Description: s.22(1)
Lot Size: Irregular site (Lot Area = 4,450.43 sq. feet).
Zone: RS-1
Related By-Law Clause: 4.8.5 (Site Impermeability)

Appeal Description:

Requesting a relaxation of the Site Coverage (Site Impermeability) regulations of the RS-1 District Schedule and a request to retain (already built) paving stones in the front yard, and retaining additional concrete to the rear of this existing one-family dwelling site.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

Technical Information:

Permitted Site Impermeability: 0.60 (2,670 sq. ft.)
Existing (non-conforming): 0.61 (2,732 sq. ft.)
Proposed: 0.92 (4,090 sq. ft.) [See notes below: 1,358 sf added.]

1,420 sq. ft. or 53 % over maximum permitted
1,358 sq. ft. or 50 % over existing

Additional information:

Front Yard pavers: 512 sq. feet
Rear Yard concrete: 846 sq. feet

Total (new) impermeable area added: 1,358 sq. feet (Extra 30% added to the site).

Discussion:

s.22(1) and s.22(1) were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

s.22(1) **initial comments were that** this hospital was built in 2001. They would like to add paving stones in the front and concrete in the back.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this was brought to attention from a complaint. Back in 2013, the Board heard the appeal for several things, in which they were able to facilitate a basement suite. The owners were advised to reduce the concrete. The Director Of Planning is not in support of the appeal, and will look for the Board to uphold the decision.

The Board Chair stated that the Board's site office received no (0) letter in Support and no (0) letter in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

There were no comments.

Final Comments:

Ms. Erichsen's final comments were that the Director Of Planning is not in support of the appeal, and will ask the Board to uphold the decision.

s.22(1) had no final comments.

This appeal was heard by the Board of Variance **on March 12th, 2019 and was DISALLOWED.**

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

9. **Z35387** - s.22(1)**Appeal Section:** 573(1)(b) Appeal of Regulation**Legal Description:** s.22(1)**Lot Size:** Lot Area = 6,268.0 sq. feet**Zone:** RT-7**Related By-Law Clause:** 4.7 (FSR)**Adjournment request:**

The City is requesting an adjournment so that a complete technical and design review can be completed (first) before providing any comments on this application.

Adjournment request to July 2019.**Appeal Description:**

Requesting a relaxation of the Floor Space Ratio regulations of the RT-7 District Schedule to permit interior and exterior alterations and adding new floor area (additional FSR) to this existing one-family dwelling site.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

ADJOURNMENT is required to July 16th, 2019 at the request of the Director of Planning - and to allow time for the owners to submit a Development Application prior to a Board of Variance decision.

- **MOVED** by Ms. Toor

- **SECONDED** by Ms. Brennan

- **carried**

THAT the Board adjourn this appeal and to be heard on July 16th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

10. Z35198 – s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - Crawlspace Conversion
Legal Description: s.22(1)
Lot Size: Lot Area = 5,174.04 sq. feet.
Zone: RS-1
Related By-Law Clause: 4.7 (FSR, for a Secondary Suite)

NOTE: **The appellant is seeking an adjournment to May 23rd, 2019.** The appellants submitted a Development Application and waiting for the Director of Planning's decision.

The appellants are requesting an adjournment from August 28th, 2018 **to January 23rd, 2019.** The owner is s.22(1) and require additional time to prepare the appeal submission.

Appeal Description:

Requesting a relaxation of the Floor Space Ratio regulations of the RS-1 District Schedule to permit interior alterations by converting the existing crawlspace area into new living space within this existing one-family dwelling site with a proposed Secondary Suite.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

ADJOURNMENT is required to May 23rd, 2019 at the request of the owners so that they can complete their Development Application review process at the City.

- **MOVED** by Mr. Sohal
- **SECONDED** by Ms. Brennan

- **carried**

THAT the Board adjourn this appeal and to be heard on May 23rd, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

11. Z35261 - s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - Covered Roof-Deck
Legal Description: s.22(1)
Lot Size: Lot Area = 6,100.0 sq. feet.
Zone: RS-1
Related By-Law Clause: 4.3 (Height)

Adjournment request:

The Appellants are requesting an adjournment **from March 12th, 2019 to August 2019** in order in order to submit the entire written submission and updated Architectural drawings **(and the owners** s.22(1) **)**.

Appeal Description:

Requesting a relaxation of the Height regulations of the RS-1 District Schedule and a request to permit interior alterations by adding a cover over the roof-decks stairs (stairs to the upper roof-deck) at this existing one-family dwelling site.

ADJOURNMENT is required to August 08th, 2019 at the request of the owners are away (and out of the country) until late-July 2019.

- **MOVED** by **Mr. Sohal**
- **SECONDED** by **Ms. Brennan**

- **carried**

THAT the Board adjourn this appeal and to be heard on August 08th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

12. Z35344 - s.22(1)

Appeal Section: 573(1)(b) Appeal of Regulation - New Construction
Legal Description: s.22(1)
Lot Size: Lot Area = 11,790.0sq. feet.
Zone: RS-5
Related By-Law Clause: 4.7 (FSR)

Adjournment request:

The City is requesting an adjournment so that a complete technical and design review can be completed (first) before providing any comments on this application.

Adjournment request to June 2019.**Appeal Description:**

Requesting a relaxation of the Floor Space Ratio regulations of the RS-5 District Schedule and a request to construct a new two-storey plus basement one-family dwelling at this site.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

ADJOURNMENT is required to June 04th, 2019 at the request of the Director of Planning - and to allow time for the owners/operators to complete their Development Application prior to a Board of Variance decision.

- **MOVED** by Ms. Toor
- **SECONDED** by Mr. Sohal

- **carried**

THAT the Board adjourn this appeal and to be heard on June 04th, 2019.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

13. Z35417 - 1232 Burrard Street (Cannabis Retail Store)

Appeal Section: 573(1)(a) Appeal of Decision (Cannabis Retail Store)
Legal Description: Strata Lot 2, District Lot #541 and Strata Plan BCS478.
Lot Size: Irregular site
Zone: C-1
Related By-Law Clause: 11.28 (Cannabis Retail Store By-law)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2018-00688 - and a request to permit a change the use of approximately 700.0 sq. feet of interior space from an existing commercial Retail Store, (grocery store), and into a new Retail Cannabis Store at this existing mixed-use building on this site.

Development Application No. DP-2018-00688 was refused for the following reasons:

- The proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.
- The proposed development does not satisfactorily comply with the policies or guidelines that affect this site.
- Objections have been received from neighbouring property owners.
- The proposed use is unsatisfactory at this location.

Discussion:

Mr. Robert Laurie, Mr. Michael Shekohi, Mr. Mark Haden, and Ms. Jettana Darcus were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

Mr. Laurie's initial comments were that there have been difficulties with the disclosure of this file with letters and information with city prosecutors. His client is different from the previous business owners. They are within 300 meters from another dispensary, as the crow flies. There are no complaints from neighbours.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this appeal is to change from a retail store to a cannabis store. This dispensary is within 206 meters from another dispensary that has a permit and operational. It is 97 meters away from an independent school. The youth facility is about 150 meters from the dispensary. They have also received 16 letters in opposition, as well as people from within the building not being in support of the appeal. The Director Of Planning cannot support the appeal.

The Board Chair stated that the Board's site office received no (0) letter in Support and four (4) letters in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

s.22(1)

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Final Comments:

Mr. Bosnjak's final comments were that the Director Of Planning refused this due to distancing with another dispensary, a school, and a youth facility.

Mr. Laurie's final comments were that the City designed a scheme where it's null and void. They haven't received complaints from the youth facility or the school.

This appeal was heard by the Board of Variance **on March 12th, 2019 and was ALLOWED**, thereby **overturning** the decision of the Director of Planning who refused Development Application No. DP-2018-00688 - and a request to permit a change the use of approximately 700.0 sq. feet of interior space from an existing commercial Retail Store, (grocery store), and into a new Retail Cannabis Store at this existing mixed-use building on this site, and subject to the following conditions:

- (1) that the approval is for the exclusive use of Jettana Darcus operating the business as "LIT CANNABIS BOUTIQUE";
- (2) that the approval is for one (1) year and expiring on March 12th, 2020; and
- (3) that the Board may grant an extension to the time limit on or before March 12th, 2020; and
- (4) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

ADJOURNMENT

The meeting ended at **5:18pm.**

The Chair