

File No.: 04-1000-20-2020-663

January 15, 2021

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 1, 2020 for:

**All records related to the refusal of DP-2020-00344 at 321 West Pender Street, specifically:**

- 1) All objection and support letters related to this proposed development.**
- 2) Rationale for why the proposed use is unsatisfactory at this location.**
- 3) Documents that note the measured distances from the proposed location to any schools, community centres, neighbourhood houses or locations serving vulnerable youth.**

**Date range: May 1, 2020 to December 1, 2020.**

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

Under section 52 of the Act 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](mailto:info@oipc.bc.ca) or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2020-663); 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](mailto:foi@vancouver.ca) if you have any questions.

Yours truly,

[Signature on file]

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

[Barbara.vanfraassen@vancouver.ca](mailto:Barbara.vanfraassen@vancouver.ca)  
453 W. 12th Avenue Vancouver BC V5Y 1V4

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

Encl.

:kt

**From:** s.22(1)  
**To:** [Casidy, Bryce](#)  
**Subject:** [EXT] 321 West Pender St DP-2020-00344  
**Date:** Thursday, July 23, 2020 8:40:41 PM

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Hello,

I am opposed to the alterations and change of use from Retail store to Cannabis Store.

Regards,

s.22(1)

**From:** s.22(1)  
**To:** [Casidy, Bryce](#)  
**Subject:** [EXT] Fwd: Dp-2020-00344  
**Date:** Tuesday, August 4, 2020 4:30:55 PM

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See below

----- Forwarded message -----

**From:** s.22(1)  
**Date:** Aug 4, 2020 1:47 PM  
**Subject:** Dp-2020-00344  
**To:** bryce.cassidy@vancouver.ca  
**Cc:**

Re: 321 west Pender street

Hi there

I object to a cannabis store in the area. The area just started doing a good job of cleaning up and I feel bringing this store in will destroy the efforts. Also many schools in area with students and with this store around encourages them to use it.

**From:** [Aryo Falakrou](#)  
**To:** [Casidy Bryce](#)  
**Cc:** [Thiago De Sa Freire](#); **S.22(1)**  
**Subject:** [EXT] Fwd: Letter in Support of Application DP-2020-00344 - 321 W PENDER STREET Vancouver, BC  
**Date:** Monday, May 25, 2020 2:23:20 PM  
**Attachments:** [image002.png](#)

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Good afternoon Bryce,  
I trust you had a good weekend.

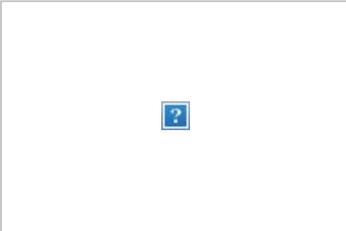
Please find below a supporting letter for the development application for 321 West Pender Street written by one of the neighbouring property owners for your review and submission along with the rest of the documents.

Regards,

**Aryo Falakrou** (Arch Tech AIBC, ASTTBC)

President  
Myhomedesigner.com Ltd.  
Phone: 604-929-6696  
[Schedule a meeting or phone call \[calendly.com\]](#)  
[www.myhomedesigner.com](http://www.myhomedesigner.com) [[myhomedesigner.com](http://myhomedesigner.com)]

Mailing Address:  
200-100 Park Royal S.  
West Vancouver, BC V7T 1A2 Canada



----- Forwarded message -----

**From:** **Thiago De Sa Freire** <[thiago@yaodesa.co](mailto:thiago@yaodesa.co)>  
**Date:** Mon, May 25, 2020 at 2:11 PM  
**Subject:** Letter in Support of Application DP-2020-00344 - 321 W PENDER STREET Vancouver, BC  
**To:** Aryo Falakrou <[aryo@myhomedesigner.com](mailto:aryo@myhomedesigner.com)>

Aryo, good afternoon,

Please find under the letter of support by a stakeholder to the neighbouring area of Victory Square as well as a respected figure in the community. Matthew has been kind enough to write this letter urging the city to approve our development application and given a very thorough description of what is currently being at play in the neighbouring areas to our space.

Please forward this letter to City Staff for consideration together with our DP-Application,

Best regards,

Thiago,

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**From:** Matthew Greenwood <[mrg@strataassembly.com](mailto:mrg@strataassembly.com)>  
**Sent:** May-22-20 10:00 AM  
**To:** Christina Beehler <[christina@risingtideconsultants.ca](mailto:christina@risingtideconsultants.ca)>  
**Cc:** Bert Hick <[bert@risingtideconsultants.ca](mailto:bert@risingtideconsultants.ca)>  
**Subject:** Thiago letter

Hi All,

Here is the text for my letter for Thiago.

To Whom it may Concern,

Please accept this letter in support of the development application for 321 West Pender Street to allow for the tenant to be a licenced cannabis retailer. We own an apartment at s.22(1) as well as being a partner in a Cannabis Retail operation located at 258 West Broadway in Vancouver, BC.

The arguments put forward around Cannabis being a gateway drug or that access to a safe supply is unnecessary is a flawed and ill-informed argument, especially when considering the current landscape of cannabis retail in Downtown Vancouver. At the time of writing, there are two regulated stores currently operating with one coming online in the next three months. The Downtown Core needs more points of sale for regulated Cannabis, especially in this area which has been consistently serviced by the unregulated market for more than thirty years.

The regulated Cannabis market requires additional points of sale to ensure that consumers switch from their usual source to the current, Health Canada regulated, source. It does not make sense to deny the applicant this land-use as we need to provide Vancouver consumer's convenience and the current landscape in Vancouver does not allow for it. The argument that within three hundred meters (300) there is a competing store is a moot-point. The competing store (Marigolds Cannabis on Abbott Street) shows no signs of opening. Marigolds do not appear anywhere on the Provincial Government Cannabis licencing website, and the Marigolds website has not been updated with any progress in months. Once approved from a land-use basis, this applicant will move through the provincial licencing process quickly and will be open before the competing store within the buffer.

Please approve this application as it provides additional points of access to a safe supply of Cannabis that will help bring an end to the open-air unregulated drug market that operates daily in Victory Square and the multiple corners surrounding it.

Sincerely,

Matthew R. Greenwood

**Matthew R. Greenwood**

Associate Vice President  
RE/MAX Commercial Advantage

**C: 778.389.0422** (Pacific Standard Time)

**E: mrg@strataassembly.com**

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VAN CRE  
COMMERCIAL REAL ESTATE

STRATA ASSEMBLY

RE/MAX  
COMMERCIAL

O: 604.899.9293 • F: 604.899.1293 • #501-889 W Pender St. Vancouver, BC

**MOBILE:** 778 389 0422

Please Visit: [strataassembly.com](http://strataassembly.com) [[strataassembly.com](http://strataassembly.com)] | [vancre.ca](http://vancre.ca) [[vancre.ca](http://vancre.ca)] | [itsupin smoke.com](http://itsupin smoke.com) [[itsupin smoke.com](http://itsupin smoke.com)] | [risingtideconsultants.ca](http://risingtideconsultants.ca) [[risingtideconsultants.ca](http://risingtideconsultants.ca)] | [accres.ca](http://accres.ca) [[accres.ca](http://accres.ca)] | [canadianclubvancouver.com](http://canadianclubvancouver.com) [[canadianclubvancouver.com](http://canadianclubvancouver.com)]

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From: s.22(1)  
To: [Casidy, Bryce](#)  
Subject: [EXT] Re: development DP-2020-00344  
Date: Thursday, July 23, 2020 10:22:06 AM

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Good Day,

I am writing to provide my comments on the notice of development for 321 West Pender St.

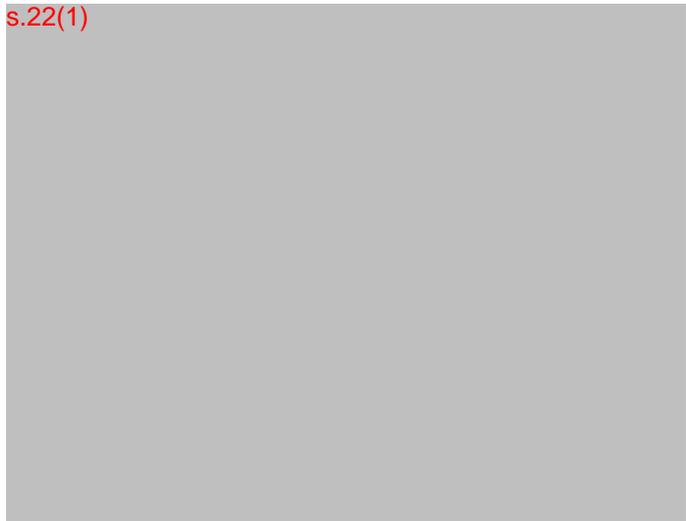
I do not believe an increase of Cannabis Stores have direct positive contribution economically and socially. I suggest for the city to review a proximity restriction on such businesses such as those restricting daycares. Restricting the number of businesses within an area will provide better business competitiveness as well as retail balance. Although the Substance Act has changed, I do not believe having a high concentration of Cannabis stores in downtown Vancouver is a healthy image to our society.

Thank you,

s.22(1)

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s.22(1)



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Any distribution, use or copying of this e-mail or the information it contains without the sender's consent or by other than an intended recipient is unauthorized. If you received this e-mail in error, please notify the sender immediately. Thank you.

**RECOMMENDATION TO DOP**

August 7, 2020

ACCEPT ---  REFUSE ---

**ADDRESS:**

**PERMIT NUMBER:**

**RECOMMENDATION TO:**  **FROM:**   
Manager/Supervisor Name Staff Initials

**RECOMMENDATION SUMMARY:**

I would recommend REFUSAL to perform a change of use from retail to cannabis store.

Non-compliant with Section 11.6 of the Zoning and Development By-law as follows:

11.6.2(a) Cannabis Stores located within 300 m:

233 Abbott St – DP-2017-00529 (278.37 m)

555 Dunsmuir St – DP-2019-00947 (249.37 m)

11.6.2(b) Neighbourhood Houses supporting vulnerable youth within 300 m:

Pacific Coast Apartments – 337 W Pender St (0 m – next door)

Covenant House – 326 W Pender St (20 m – directly across the street)

11.6.3(c) Within the area where Cannabis stores are not permitted:



**SPECIAL DEPARTMENTAL NOTES:**

| Department | Note | Condition Reference |
|------------|------|---------------------|
|            |      |                     |



**Parking:**

|                 | <b>Standard</b> | <b>Small</b> | <b>Accessible</b> |
|-----------------|-----------------|--------------|-------------------|
| <b>Required</b> | ##              | ##           | ##                |
| <b>Existing</b> | ##              | ##           | ##                |
| <b>Proposed</b> | ##              | ##           | ##                |

**Loading:**

|                 | <b>Class A</b> | <b>Class B</b> | <b>Class C</b> |
|-----------------|----------------|----------------|----------------|
| <b>Required</b> | ##             | ##             | ##             |
| <b>Existing</b> | ##             | ##             | ##             |
| <b>Proposed</b> | ##             | ##             | ##             |

**Bicycle:**

|                 | <b>Class A</b> | <b>Class B</b> |
|-----------------|----------------|----------------|
| <b>Required</b> | ##             | ##             |
| <b>Existing</b> | ##             | ##             |
| <b>Proposed</b> | ##             | ##             |

**APPLICABLE SECTION 10 & 11 REGULATIONS:**

<DETAILS>

**ADDITIONAL REGULATIONS & REQUIREMENTS:**

Bonus Density: *Select*

Covenants: *Select*

<DETAILS>

Guidelines: *Select*

<DETAILS>

**TECHNICAL CALCULATION DETAILS:**

<TECH TABLE>

August 7, 2020

Aryo Falakrou DBA: MyHomeDesigner.com Ltd  
MY HOME DESIGN LTD  
200-100 Park Royal  
West Vancouver, BC V7T 1A2

**RE 321 W PENDER STREET, Vancouver, BC  
Development Application Number DP-2020-00344**

Please be advised that the Director of Planning has Refused DP-2020-00344 on August 7, 2020, for the following reason(s):

- Non-compliance with Section 11.6.2(a), 11.6.2(b), and 11.6.2(c) of the Zoning and Development By-law.

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,



Bryce Casidy  
bryce.casidy@vancouver.ca  
(604) 871-6707