

438 Richards Street – Board Minutes and Decisions

Appeal Section:	573(1)(a) - Appeal of Decision (<u>Cannabis Retail Store</u>)
Legal Description:	Parcel 1, Block 25, District Lot 541, Group 1, NWD and Plan 521
Lot Size:	Irregular Lot Area.
Zone:	DD
Related By-Law Clause:	Section 11.6

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00016, and a request to permit interior alterations with a change of use of approx. 617 sq. ft. from a Tattoo parlour into a new Cannabis Retail Store on the first floor at this existing mixed-use building site.

Development Application No. DP-2022-00016 was refused for the following reasons:

- The proposed development does not comply with the regulations in Section 11.6.2 of the Zoning and Development By-law that affect the site as follow:
 - 11.6.2 (a) - A cannabis store is not permitted within 300 m of the nearest property line of a site containing another cannabis store.
 - 11.6.2 (b) - A cannabis store is not permitted within 300 m of the nearest property line of a site containing a school – elementary or secondary, or community centre or neighbourhood house.
 - 11.6.2 (c) - A cannabis store is not permitted within the area outlined on the map.

Discussion:

Mr. Sean Hayes and Mr. Aaron Sinnathamby 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.

The appellant's initial comments were that they're located in the Downtown Eastside. They're looking to increase local employment, help with vacant store front, and help reduce black market sales. There is only one legal Cannabis store that is opened in the Downtown Eastside currently. They are within 300 meters from three schools, but this area is meant for commercial use.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is an appeal for the change of use to a Cannabis store. They were refused due to regulations and distancing within Schools and Cannabis stores. They're within 300 meters from three Independent Schools, as well as three Cannabis Stores. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The Board Chair stated that the Board's site office received no (0) letter in Support and three (3) 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. Bosnjak 's final comments were that the application was refused due to being 300 meters from three Independent Schools, as well as three Cannabis Stores. Since they're not located on Main Street or Hastings Street, the Director of Planning cannot support the appeal.

The appellant's final comments were that they believe that protecting lives is important, and the public is currently going to their dealers because there aren't enough Cannabis stores in the Downtown Eastside. This area is not a place where children will frequent. They would like the Board to give them a chance by giving them a probation period.

This appeal was heard by the Board of Variance on May 17th, 2022 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00016, and approved interior alterations with a change of use of approx. 617 sq. ft. from a Tattoo parlour into a new Cannabis Retail Store on the first floor at this existing mixed-use building site, and subject to the following conditions:

- (1) the approval is for the exclusive use of "ARCANNABIS ENTERPRISES (BC) INC." and shall be operated by Aaron Sinnathamby and Joe Dul Le and doing business as (DBA): "ARCANNABIS STORE".
- (2) the Board granted a limited-time approval for one (1) year and expires on: May 17th, 2023;
- (3) the Board may grant an extension on/or before the expiry date: May 17th, 2023;
- (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.

Board's summary and decision based on the following:

- The Board Members voted (3-1) in support of the appeal – and supported this new Cannabis Retail Store to serve a higher density (populated) area in the City's Downtown District. Majority of the Board Members were in support of citizens living in that area to have access to cannabis.
- The Board's site office notified over 350+ property owners in the surrounding area and received only 3-letters in opposition to the proposed cannabis retail store at this location (at 438 Richards Street). Other neighbours did not respond and/or remained neutral to this new Cannabis Store.
- The Board Members were in support of the development proposal to proceed and imposed a limited-time approval of one-year, and the Cannabis operators must obtain Provincial approval and obtain all the City's required permits and licenses before they can operate / open for business.

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

March 23, 2022

[REDACTED] Arcannabis Enterprises (BC) Inc.
[REDACTED]
[REDACTED]

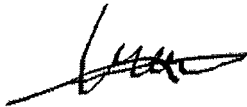
RE 438 RICHARDS STREET, Vancouver, BC
Development Application Number DP-2022-00016

Please be advised that the Director of Planning has Refused DP-2022-00016 on March 23, 2022, for the following reason(s):

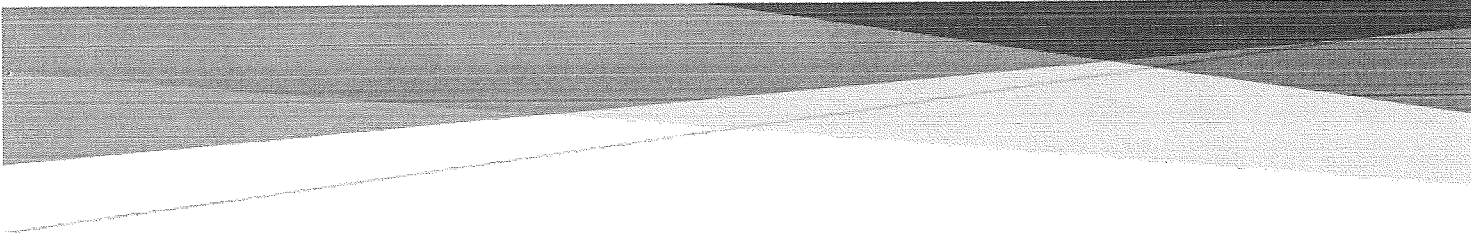
- Non-compliance – Regulations; the proposed development does not comply with the regulations in Section 11.6.2 of the Zoning and Development By-law that affect the site as follow:
 - 11.6.2 (a) - A cannabis store is not permitted within 300 m of the nearest property line of a site containing another cannabis store;
 - 11.6.2 (b) - A cannabis store is not permitted within 300 m of the nearest property line of a site containing a school – elementary or secondary, or community centre or neighbourhood house;
 - 11.6.2 (c) - A cannabis store is not permitted within the area outlined on the map attached to section 11 as Figure 1, except for sites with a property line on Hastings Street or Main Street;

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,



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ARCANNABIS BOV

Appeal Submission for DP2022-00016

Sean Bruce-Hayes
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PART I Introduction

- 1) The Applicant respectfully asks the Board to overturn the decision of the Director of Planning on Development Permit number 2022-00016, change of use for cannabis retail:
 - i. The undue & unnecessary hardship arises from circumstances applying to the applicant’s property only.
 - ii. The location does not comply with the strict regulations of the zoning bylaw specification under section 11.6.2. The strict application of the provisions of the bylaw imposes an unreasonable restraint and unnecessary hardship on the use of the property which is inconsistent with the general purpose and intent of the zoning bylaw. The development is very consistent with the general purpose and intent of the zoning bylaw, specifically the City Plan and Official Development plans and city policies.
 - iii. The allowance of the appeal will not disrupt the official development plan, but it will help build on the vision and goals of the official development plan.

PART II Non-Compliance – Regulations

- 2) The Director of Planning refused the development permit because it does not comply with the regulations of the Zoning and Development Bylaw that affects the site.
 - i. Section 11.28.2 (a) – A cannabis store is not permitted within 300 m of the nearest property line of a site containing another cannabis store
 - ii. Section 11.28.2 (b) – A cannabis store is not permitted within 300 meters of the nearest property line of a site containing a School-Elementary or Secondary, Community Centre or Neighborhood House.

- iii. Section 11.28.2 (c) – A cannabis store is not permitted within the area outlined on the map attached to section 11 as Figure 1, except for sited with a property line on Hastings Street or Main Street.
- 3) When making a decision the Director must consider all applicable council policies and guidelines under section 11.28.1 (c)¹. Additionally, under the Vancouver Charter Part XXVII Section 573 (2) *“The Board shall not allow any appeal solely on the ground that if allowed the land or buildings in questions can be put to a more profitable use nor unless the following conditions exist: ... (b)– The strict application of the provisions of the bylaw imposes an unreasonable restraint or unnecessary hardship on the use of the property which is inconsistent with the general purpose and intent of the zoning by-law.*

I. Purpose and Intent of Zoning Bylaw and Application of Council Policies

- 4) With one of the conditions to allow an appeal relate to the general purpose and intent of the zoning bylaw, it is important to try and define what that would be in relation to this development permit.
 - i. Section 1 outlines the purpose and intent of the zoning and development bylaw². *A By-law to regulate, within the City of Vancouver, the development of land, as defined herein, with respect to the use of the same, and the location, design, construction, and use of buildings and structures for residence, commerce, trade, industry, recreation, culture, and other purposes; to regulate and limit the height, number of stories and the size of buildings and other structures to be erected hereafter or the alterations of existing yards, courts and other open spaces; to prescribe building lines, to regulate and limit the density of population; to conserve and stabilize the value of property; to provide adequate open spaces for light and air; to protect and improve amenity; to lessen congestion on streets; to promote health, safety and the general welfare; and for all or any of the said purposes to divide the City into districts of such number, shape and area as may be deemed best suited to carry out these regulations in accordance with a Town Plan and to provide for the granting or refusal of development permits in accordance therewith including where necessary the imposition of conditions relative to the granting of such permits, and to provide for the enforcement of this By-law and to prescribe penalties for the violation of its provisions.*
- 5) The regulation of the zoning bylaw are to be carried out in accordance with the Town Plan which is assumed to be the City Plan: Directions for Vancouver (1995)³. However, in July 2019, City Council voted to approve the general planning direction and engagement process for a new city plan called *The Vancouver Plan 2050*⁴. A draft Vancouver plan has been created and released to gather feedback for City Council’s final vote in June, 2022. Although the plan is not finalized, we do not anticipate

¹ <https://bylaws.vancouver.ca/zoning/zoning-by-law-section-11.pdf>

² <https://bylaws.vancouver.ca/zoning/zoning-by-law-section-1.pdf>

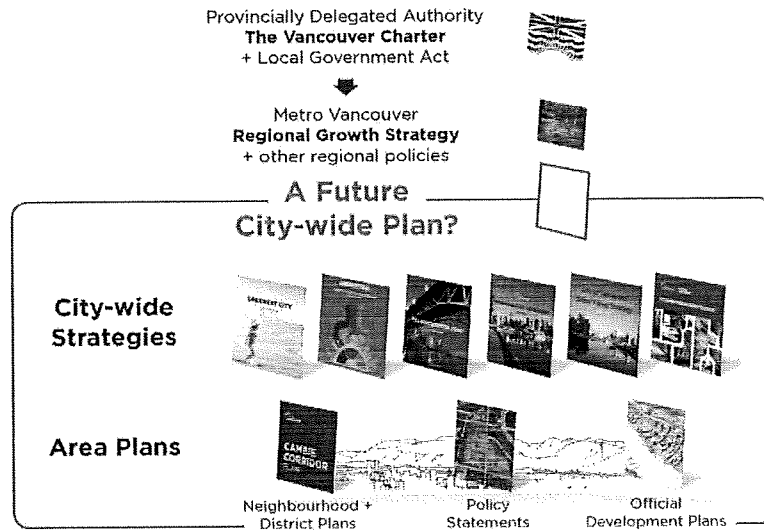
³ <https://guidelines.vancouver.ca/C029.pdf>.

⁴ <https://council.vancouver.ca/20190709/documents/rr1.pdf>

massive changes to the plan considering the amount of public consultation that has been done to date. We see the new draft Vancouver Plan as a better document for reference as it incorporates already established city planning documents and policies shown in Figure 1 below. The new plan and Figure 1 below demonstrates the importance of city planning documents when establishing how to carry out the regulations in accordance with the City Plan. The new plan was also developed during the COVID-19 pandemic so it reflects changes that have happened both socially and economically.

Figure 1 highlights all the documents used to help draft the new Vancouver Plan which helps define the purpose and intent of the zoning bylaw and is a framework for policy directions. The Vancouver Plan and other policy documents can also help guide decisions by the BOV when determining whether the strict provisions of the bylaw are creating undue hardship inconsistent with the purpose and intent of the zoning bylaw.

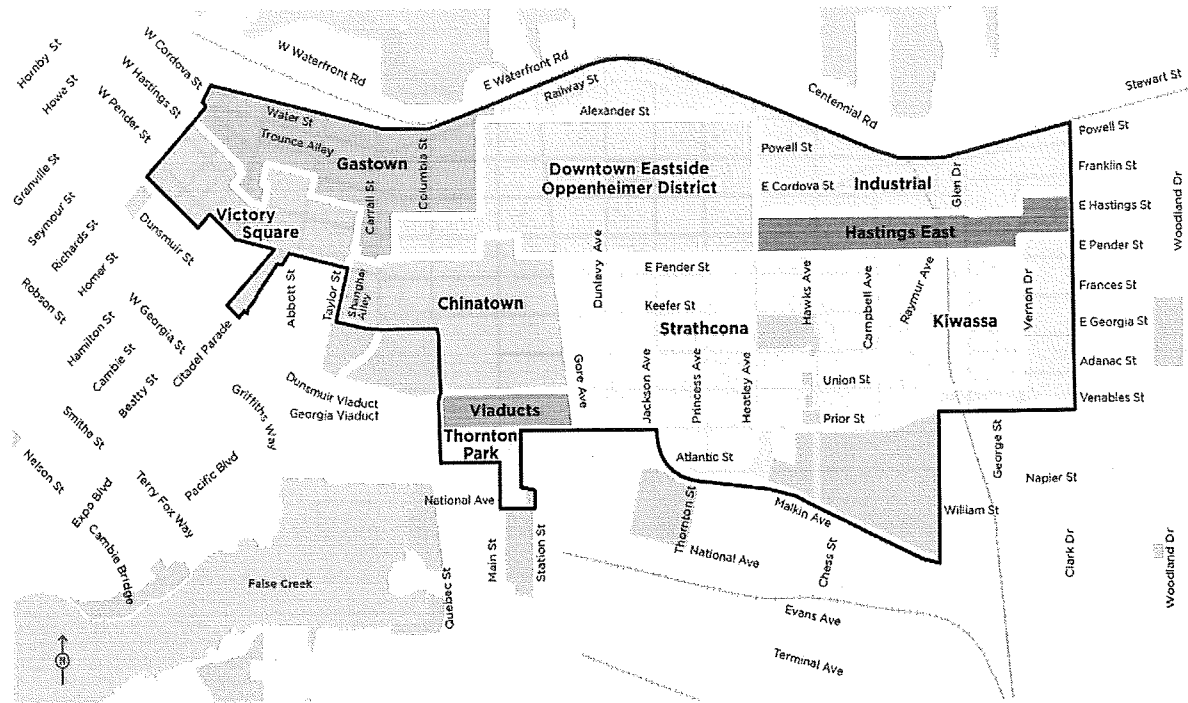
Figure 1: Desired Frame for the new City-Wide Plan



- 6) The proposed location is on the border of the Downtown East Side and Downtown. It is included in the DTES Local area plan and is part of the Hastings Crossing BIA area. However, the zoning is regulated by the Downtown District so the Downtown Official Development plan is still relevant

Figure 2 below shows the Downtown East Side sub-areas and neighbourhoods. The proposed location is located in the Victory Square sub-area

Map 6.1: Downtown Eastside Sub-Areas and Neighbourhoods



A. Downtown Eastside Local Area Plan

- 7) The DTES plan has seven principles and a legal cannabis store will help support these principles. The new store will help support **the local needs and local livelihoods of residents**. Many residents rely on cannabis for medicinal reasons including opioid use, alcohol addiction, less harmful alternative to pharmaceuticals, arthritis, anxiety,

Principle 3 – Local Economy

Planning in the DTES strives to ensure that:

- The formal economy connects to local needs and local livelihoods;
- Community economic development is encouraged and supported;
- Retail and mixed-use centres serving local needs are encouraged;
- Local business is supported and barriers to establishing business are reduced;
- Residents are given opportunities to earn a living that at a minimum, pays for their basic needs;
- Social enterprises are encouraged;
- Local hiring and social purchasing policies are a priority;

seasonal affective disorder, pain relief and sleep,⁵ according to a 2019 report to city council. However, the report also discusses access has been difficult for residents and many are not able to obtain medicinal cannabis and must purchase it from retail stores as medicinal cannabis is only sold online. Overturning the decision of the director of planning and approving this location will align with principle 3, which is to **support local business and reduce barriers to establishing business**. ARCannabis is also going to employ local residents and give them the opportunity to earn a living that pays for their basic needs

- i. One of the commitments in the draft Vancouver plan is to, "...improve access to basic needs for all." For some residents of the DTES, cannabis is a basic need and city reports have shown access is an issue⁶.
- 8) The DTES plan has action items, shown below in figure 3, that focus on improving the local economy. The action items align with solving problems around high vacancy rates and loss of local businesses, establishing more retail options and increasing employment opportunities. Adding a legal retail cannabis store will help with achieving some of these actions items.

Figure 3 from page 191 of the DTES Plan outlining some action items from the plan and the focus areas of action.

• Work with VEC and BIAs to attract suitable new enterprises with retail strategies.	QS	VEC, BIAs, CoV
• Establish new neighbourhood retail centres (e.g. focus areas of Powell Street (Japantown), Hastings Crossing, Main Street and Hastings East) to serve local needs.	M/L	CoV, BIAs
• Increase local employment (a target of at least 1,500 jobs over 10 years) encouraging inclusive local hiring opportunities.	S	CoV, BIAs
• Assist BIAs to enhance the local business environment and attract new businesses at a 10-year target rate of 3 to 5% growth.	S	CoV, BIAs
• Achieve a 50% reduction in vacant storefronts through the development of retail strategies.	S	CoV, BIAs

B. Victory Square Policy Plan

- 9) The proposed store is located in the Victory Square sub-area. Victory Square has a Policy Plan adopted by City Council in 2005 and amended in February or 2022. Chapter 7 of the policy plan discusses economic revitalization with key opportunities and challenges including: improving safety and security conditions, facilitating commercial and retail activities, delivering skill and employment training for low-income residents; and strengthening the growing arts, cultural and education sectors. A legal retail cannabis store aligns with these goals and can help achieve the first two opportunities.

⁵ <https://council.vancouver.ca/20201020/documents/r1.pdf>

⁶ <https://council.vancouver.ca/20201020/documents/r1.pdf>

- i. Under safety and security the Victory Square policy plan states, “Addressing safety and security concerns and dismantling the underground drug related company are top priorities under the Vancouver agreement. Significant efforts has gone into addressing safety and security issues in Victory Square, particularly in the blocks east of Cambie where the current retail vacancy is still high.”

Focus Areas for Action



A. A legal cannabis store will help with the security concerns and help to reduce underground drug related activities. Legal cannabis has been shown to reduce underground drug related activity.

B. Under commercial revitalization and facilitating commercial and retail activities, on page 35, the plans states, “Victory Square has a well-established retail base, especially the blocks west of Cambie street.”

C. The proposed store location is in the area west of Cambie outlined in the plan that calls for facilitating additional retail activity. This area is also part of the **Hastings Crossings BIA which is currently sitting at a 22% commercial vacancy**⁷

C. City of Vancouver Contributions to Covid-19 Recovery and CCRC (Council COVID Recovery Committee)

10) On April 14th, 2020, Council approved the establishment of the Council Covid-19 Recovery Committee (CCRC). One of the core questions for the committee was, “What steps can the City of Vancouver take to support businesses re-opening and residents returning to work and play in the city?”⁸ On April 27th, 2021 the CoV provided an update with multiple reports. One of the reports titled, “Retail-Commercial Small Business Study⁹” focuses on retail shopping centres and provided recommendations to assist in recovery efforts. Highlighted below is one recommendation under the title, “Be Flexible, Adaptable and Accommodating.”

- i. This report was important because it highlighted a problem of higher retail vacancy that was building prior to COVID and was made worse during the pandemic. There have been a major shift in retail from brick and mortar stores to online stores. This has had an impact on vacancy rates. Cutting red tape at city hall and allowing variances that makes sense can help with this problem

⁷ <https://vancouversun.com/news/local-news/troubling-trend-as-more-of-vancouver-retail-spaces-sit-empty>

⁸ <https://vancouver.ca/news-calendar/one-year-after-start-of-pandemic-vancouver-remains-focused-on-economic-and-community-recovery.aspx>

⁹ <https://vancouver.ca/files/cov/city-of-vancouver-small-business-study-executive-summary-feb-2021.pdf>

¹⁰ <https://www.google.com/url?q=https://vancouver.ca/files/cov/city-of-vancouver-small-business-study-2020.pdf&sa=D&source=docs&ust=1649998816143797&usg=AOvVaw3DXvFM1WYtNiMRUxzvcc9>

Figure 3 below is from the Retail-Commercial Small Business Study. Highlighted is a recommendation that would support allowing a cannabis store at the proposed location. Being responsive with zoning includes relaxations that would permit more uses and opportunities that would help with COVID recovery efforts.

Be Flexible, Adaptable and Accommodating

The City should consider the following in support of LSA health and vitality:

- Consider building code updates that would assist both short-term conversion of existing retail stock for temporary retail uses, and more permanent changes of use.
- Provide a simplified permitting route for small businesses, that might include a small business ombudsperson or point of contact within City permitting, licensing and development functions that could help small businesses from first contact to business opening.
- Ensure that zoning is responsive to rapid changes in the retail landscape. This may include broader allowance in local shopping areas for combination businesses and functions (e.g., production, consumption, retail sales), business co-locations, and other non-traditional uses, with consideration to their urban design and transportation implications. The principal use may not always be retail. This flexibility will be critical for meeting changing business and consumer needs.

II. Proximity to Schools

- 11) The Director of Planning refused this application due to the proximity to schools. The proposed location is located within 300m, as the crow flies, from Alexander Academy (191m), Columbia Academy (192m) and Sino Bright School BC (206m).
- 12) Hardship arises in this scenario because the DD (Downtown District) zoning is much different than any other zoning in the city.
 - i. Opening Statement from the Downtown Official Development Plan states, "***The Downtown district is the regional center of commercial development. It contains the greatest concentration of the working and shopping public within the region.***"¹¹ This statement aligns with the clustering of shops, services, offices and schools. The separation distances between the downtown district and other Vancouver communities cannot be treated equally. Hardship arises because the 300m separation distance in the bylaw is inconsistent with the purpose and intent of the Downtown Official Development plan which guides the zoning bylaw.
- 13) Hardship also arises as the area surrounding the store is much different than other areas in the city. The opioid epidemic has taken a serious toll on the lives of individuals in the DTES. Unfortunately, this has led to increases crime in the area, open drug use, nuisance behaviour and other hazards on the streets. This area is not a safe area for children to frequent alone. An additional 115m buffer between the proposed location and the schools in the area is not going to protect any children or make any difference in how they develop going to school downtown.

¹¹ <https://bylaws.vancouver.ca/odp/odp-downtown.pdf>

- 14) The walking distances to Sino Bright School is 280m and 260m to Columbia Academy. Alexander Academy is 200m walking distance from the proposed location but much closer to DP2019-00718 which is located right next to the school. Given the dense nature of downtown, the other commercial uses, existing proximity to other cannabis locations and other hazards in the community and other hardships, a relaxation of the bylaw would align with the requirements set out in the Vancouver Charter.

II. Municipal Reports and Intent on Distancing Requirements

- 1) Marijuana-Related Used: Questions, Answers and a Correction (June 19, 2015), also had information on distancing requirements on page 6, question 15¹²
- i. *Q - "What are the specific harms regarding being located within 300 metres of a school or community centre especially in comparison to liquor establishments?"*
 - ii. *A - "The 300m distancing recommendation addresses risks and impacts by
 - i. *Making it more difficult for youth to access marijuana related uses*
 - ii. *Reducing the visibility of marijuana messaging to youth*
 - iii. *Addressing parents' and schools' desire to provide a buffer between marijuana-related uses and youth*
 - iv. *Capping the total number of marijuana related uses in Vancouver to a reasonable level**
- "Liquor-retailing establishments are required to be 150m away from schools and community centres and 1 kilometer away from other liquor - retailing establishments"*
- 2) The intentions behind the distancing requirement in the bylaw were broad. A lot has changed since then with federal and provincial legislation that needs to be accounted for. Each point listed above will be discussed below:
- i. The Federal and Provincial governments have made it exceedingly difficult for youth to access cannabis and the penalties for selling to youth are very strict. The original bylaw did not have the support of federal and provincial legislation. Due to lack of legal cannabis in the DTES and high demand, it is much easier for youth to acquire cannabis from black market dealers. Allowing more legal stores will help prevent that.
 - ii. Visibility and messaging has also been dealt with by the Federal and provincial government. Both realized it would be impossible to shield youth from seeing store fronts, so instead, they made strict regulation on what can be displayed to the public on a store front and what can be advertised. This restriction is better than any distancing requirement as it limits the ability of a store to send any messaging to youth. Additionally, as already discussed, the DTES has much worse dangers for youth than messaging from a cannabis store.

¹² <https://council.vancouver.ca/20150610/documents/phea1memoDatedJune19.pdf>

- iii. A buffer between youth and cannabis stores is important. However, there needs to be a balance between the core objectives around cannabis legalization and the strict application of the bylaws. In this scenario, the community is in desperate need, therefore, by allowing the sale of legal cannabis in the community, it will help the community eliminate unscrupulous black-market providers and provide access to a clean, quality assured cannabis supply that reduces the risks of consumption and the sale to minors.
- iv. This does not align with more important policy for the DTES. There is a shortage of cannabis stores within short walking distance for residents. A higher density of cannabis stores in the DTES will help save lives. The legislation that was put in place to cap stores in the DTES is outdated and does not align with new policy direction designed around harm reduction and helping those with accessing what they need for basic needs.

III. Proximity to other Cannabis Stores & DTES Restrictions

- 3) 438 Richards street was also refused by the Director of Planning for the proximity to other cannabis stores. The proposed location is 160m from DP2019-0094, 167m from DP2019-00718 and 187m from DP2020-00777. 438 Richards is also located inside the boundaries of the DTES which is not permitted in the zoning bylaw unless the store is located on Hastings or Main street.
- 4) Hardship arises again in this scenario because the Downtown District is supposed to hold the densest concentration of the working and shopping public in the region. Convenience items such as cannabis, liquor, tobacco sales, etc. are in much higher density downtown. The purpose and intent of designing the DD was to concentrate everything into a small area, so applying the bylaw to such a strict degree in does not align with the plan for the area.

III. Cannabis as an Alternative to Opiates and More Dangerous Drugs on the Downtown

- 1) In 2019 City Council directed to staff to provide options for people to access cannabis in the DTES to help in harm reductions. Recent research, outlined in the 2019 report titled "*Cannabis as an Alternative to Opiates and More Dangerous Drugs on the Downtown*¹³", suggested cannabis played a significant role in harm reduction related to substance use, including reducing the use of illicit drugs causing so many overdose deaths. The goal of the report was to increase access and amending the land use bylaw was discussed as an option.
- 2) The report stressed the importance of a diversity of stores required in the DTES. The report also said the biggest issues right now for DTES getting cannabis is access and price.

¹³ <https://council.vancouver.ca/20201020/documents/r1.pdf>

- i. Currently there is only one open legal store in the DTES and the grey market stores and stores operating without provincial approval have been shut down by the provincial government. There is a massive need right now for more cannabis access to help with the opioid epidemic. Overdose deaths have exceeded 1500 lives lost in Vancouver since 2016, with half are estimated from the DTES.¹⁴ **Approving a store at this location could help save human lives in the community which should be one of our most important goals.**
 - ii. Price was another major barrier for residents accessing cannabis. Back in 2019, legal cannabis stores did not have a lot product and licenced producers were still developing the most cost effective practises. Therefore, legal cannabis was much more expensive than black or grey market cannabis. Today, there are many inexpensive cannabis products that are priced similar to current black-market pricing. Additionally, ARCannabis is committed to carrying inexpensive products to best serve the community.
- 3) Consultation was done in the community members and other community groups. Participants shared that a diversity of stores were needed in the DTES. People wanted to stay within two-three blocks from where they live to access cannabis and do not want to leave their community.
- 4) The report did not recommend changing city bylaws for three main reasons.
 - i. The belief that legal cannabis options were not affordable for community members
 - ii. The community did not want “big corporations” opening more stores in the community
 - iii. Changing section 11.6.2(c) would only allow 2 more additional stores without changing additional setbacks. The Board of Variance was already approving stores and had the ability to approve additional stores if the applicants could show undue or unnecessary hardship (which the report clearly demonstrates). This would be a more cost effective model than spending large amounts of time and money to change the land use bylaw.
- 5) Although the proposed location is located within 300m of three other cannabis stores, this location is inside the boundaries of the DTES, which is in desperate need of more affordable access to cannabis. ARCannabis is committed to providing affordable legal cannabis options to the community. The DTES community does not want “big corporations” and two of the three stores located within 300m are large national cannabis brands. ARCannabis is a local small business with founders living in and from Vancouver. They care about the community and want to make a positive change in the DTES community.

¹⁴ BC Coroners Service, Illicit Drug Toxicity Deaths in BC through August 31, 2020.

PART III Community Consultation and Input

- 1) ARCannabis conducted community consultation speaking with business owners and community members. Letters of support from business owners and residents of the community are included in this submission. There was also community consultation done by the city for the report to council about bylaw the amendments. The community consulted was very supportive of the plan to add more cannabis stores for harm reduction.

PART IV Conclusion

- 6) The Vancouver Charter under section 573 (2) outlines conditions that must exist for the Board to allow an appeal
- 7) *573 (2) The Board shall not allow any appeal solely on the ground that if allowed the land or buildings in questions can be put to a more profitable use nor unless the following conditions exist: -*
 - i. *(a) The undue or necessary hardship arises from circumstances applying to the applicants property only:*
 - A. This appeal only applies to the applicants property
 - ii. *(b) The strict application of the bylaw would impose an unreasonable restraint or unnecessary hardship on the use of the property inconsistent with the general purpose and intent of the zoning by-law: and*
 - A. Evidence has been shown how this development is very consistent with the general purpose and intent of the zoning bylaw. The purpose and intent of the zoning bylaw was outlined as being in accordance with the Town Plan. The new Vancouver City Plan outlined a commitment to helping everyone meet basic needs. Cannabis is a basic need for residents of the DTES and there are not enough stores.
 - B. Both the DTES and Victory Square planning documents discuss reducing vacancy and focusing on employment for residents. A store will help with both of those commitments and goals.
 - iii. *(c) The allowance of the appeal will not disrupt the official development plan*
 - A. Evidence was presented that the development will not disrupt the official development plan and aligns well with other policies for the area. The development would be very much supportive and inline with the ODP.
- 8) The community is very supportive of more access to legal and safe cannabis. This was observed with out own consultation and also consultation done by the CoV.
- 9) The applicant respectfully asks the Board to overturn the decision of the Director of Planning.