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**BOARD OF VARIANCE / PARKING VARIANCE BOARD  
APPEAL DECISION**

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**Appeal No. Z35918 - 3596 Kingsway (Cannabis Appeal)**

**Appeal Section:** 573(1)(a) Appeal of Decision - Cannabis Appeal  
**Legal Description:** Lot 2 of A, Block 12, District Lot 49 and Plan VAP11999  
**Lot Size:** Irregular Lot.  
**Zone:** C-2  
**Related By-Law Clause:** Section 11.6

**Appeal Description:**

Appealing the decision of the Director of Planning who refused Development Application No. DP-2021-00784 and a request to permit interior alterations and to change the use of approximately 1,085.0 square feet from Commercial Retail to a new Cannabis Retail Store in this existing mixed-use building on this site.

**Development Application No. DP-2021-00784 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.
- Objections have been received from neighbouring property owners.

**Name of Appellant(s):** Mark Okoth  
Craft Greenery Cannabis  
3596 Kingsway  
Vancouver, B.C.  
V5R 5L7

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This appeal was heard by the Board of Variance on February 22nd, 2022 and was ALLOWED with conditions, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2021-00784 and a request to permit interior alterations and to change the use of approximately 1,085.0 square feet from Commercial Retail to a new Cannabis Retail Store in this existing mixed-use building on this site, and subject to the following conditions:

- (1) that the approval is for the exclusive use of the three (3) operators Mark Ochieng Okoth, Dennis Young-Joon Park, and Terry Craig and operating under "Craft Greenery Cannabis, and 1248627 BC LTD.", and doing-business-as (DBA): "Craft Greenery Cannabis"
- (2) that the Board granted a limited-time approval of one (1) year and expires on February 22nd, 2023 and the Board may grant an extension to the time limit on or before February 22nd, 2023; 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.

**NOTE: The Board accepted the operators' hours of operation from 10:00 am to 9:00 pm (Seven Days a week) at 3596 Kingsway.**

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**Legal Description:** Lot 2 of A, Block 12, District Lot 49 and Plan VAP11999  
**Lot Size:** Irregular Lot.  
**Zone:** C-2  
**Related By-Law Clause:** Section 11.6

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**Board's summary and decision based on the following:**

- The Board relaxed the by-law (300m distance) and approved this Cannabis Store that is located approx. 274m away (from property line to property line - or from 3596 Kingsway to the Collingwood Neighbourhood House, Annex). The Site Survey confirmed that the distance to the building (from 3596 Kingsway's store to the building entrance at the Collingwood Neighbourhood House Annex) is approx. 306m, and with a walking distance of approx. 450m away.
- The Board reviewed the Cannabis By-law and confirmed with the City's Director of Planning's Rep. at the meeting, and that "Daycare Centres" are no part of the 300m distancing requirements in the by-law.
- The Board also supported the proposed location and confirmed with the City's Director of Planning's Rep. at the meeting, and that there are no other Cannabis stores approved within the 300m distance from 3596 Kingsway, and also the Board approved this location in this part of the City to serve a growing population (a higher density area).
- The Board accepted the operator's proposed store hours from 10:00 am to 9:00 pm, seven (7) days a week.
- The Board's decision was 5-0 votes in support of the appeal thereby overturning the City's decision (overturned Development Application No, DP-2021-00784).
- The Board Members approved a 'one-year limited-time approval' and the operators are required to obtain the Provincial approval, all the City's required permits (Building and License permits) before they can operate at this location.

**\*\*\* IMPORTANT NOTE to the Appellants:**

**The Board's decision is valid for one-year** and the Owner(s) are required to obtain the City's Development-Building Permit **by February 22nd, 2023.** Once the Board's decision expires, then the Owners are required to appeal (again) to request an extension.

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**Note:** Unless otherwise ordered by the Chief Building Official in writing, the owner(s) **must obtain a Development & Building Permit(s) within one-year from the hearing date** (on successful appeals / allowed appeals).

Signed: \_\_\_\_\_

Secretary to the Board of Variance

*Appeal No. Z35918 - 3596 Kingsway (Cannabis Appeal)*

**3596 Kingsway**

**Appeal Section:** 573(1)(a) - Appeal of Decision (Cannabis Retail Store)  
**Legal Description:** Lot 2 of A, Block 12, District Lot 49 and Plan VAP11999  
**Lot Size:** Irregular Lot.  
**Zone:** C-2  
**Related By-Law Clause:** Section 11.6

**Appeal Description:**

Appealing the decision of the Director of Planning who refused Development Application No. DP-2021-00784 and a request to permit interior alterations and to change the use of approximately 1,085.0 square feet from Commercial Retail to a new Cannabis Retail Store in this existing mixed-use building on this site.

**Development Application No. DP-2021-00784 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.
- Objections have been received from neighbouring property owners.

**Discussion:**

**Mr. Mark Okoth** 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.

**Mr. Okoth's initial comments** were that he had been a retail owner for over 29 years. He is the owner of the building and he also lives upstairs. They have their own parking lot, so the public will not have to use street parking. Their windows are frosted, and they'll have staff that will check IDs. They are looking to comply with the bylaws.

**The Director of Planning's Representative**

**Mr. Bosnjak's initial comments** were that this appeal was refused due to regulations. This space is within 274 meters away from Collingwood Neighbourhood House. They have also received letters of objection due to being within 300 meters from Collingwood Neighbourhood House. 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 eleven (11) 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.

*SPEAKERS' NAMES REDACTED*

\_\_\_\_\_ is in support of the appeal  
 \_\_\_\_\_ is in support of the appeal  
 \_\_\_\_\_ is in support of the appeal

**Final Comments:**

**Mr. Bosnjak's final comments** were that this cannabis store is within 274 meters away from Collingwood Neighbourhood House. They have also received oppositions from neighbours, and cannot support the appeal.

**Mr. Okoth's final comments were that** this location is not visible to the Neighbourhood House. They would like to professionally run the business, and work with the City and neighbourhood.

This appeal was heard by the Board of Variance on February 22<sup>nd</sup>, 2022 and was ALLOWED with conditions, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2021-00784 and a request to permit interior alterations and to change the use of approximately 1,085.0 square feet from Commercial Retail to a new Cannabis Retail Store in this existing mixed-use building on this site, and subject to the following conditions:

- (1) that the approval is for the exclusive use of the three (3) operators Mark Ochieng Okoth, Dennis Young-Joon Park, and Terry Craig and operating under "Craft Greenery Cannabis, and 1248627 BC LTD.", and doing-business-as (DBA): "Craft Greenery Cannabis "
- (2) that the Board granted a limited-time approval of one (1) year and expires on February 22<sup>nd</sup>, 2023 and the Board may grant an extension to the time limit on or before February 22<sup>nd</sup>, 2023; 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.

NOTE: The Board accepted the operators' hours of operation from 10:00 am to 9:00 pm (Seven Days a week) at 3596 Kingsway.

Board's summary and decision based on the following:

-The Board relaxed the by-law (300m distance) and approved this Cannabis Store that is located approx. 274m away (from property line to property line - or from 3596 Kingsway to the Collingwood Neighbourhood House, Annex). The Site Survey confirmed that the distance to the building (from 3596 Kingsway's store to the building entrance at the Collingwood Neighbourhood House Annex) is approx. 306m, and with a walking distance of approx. 450m away.

-The Board reviewed the Cannabis By-law and confirmed with the City's Director of Planning's Rep. at the meeting, and that "Daycare Centres" are no part of the 300m distancing requirements in the by-law.

-The Board also supported the proposed location and confirmed with the City's Director of Planning's Rep. at the meeting, and that there are no other Cannabis stores approved within the 300m distance from 3596 Kingsway, and also the Board approved this location in this part of the City to serve a growing population (a higher density area).

-The Board accepted the operator's proposed store hours from 10:00 am to 9:00 pm, seven (7) days a week.

-The Board's decision was 5-0 votes in support of the appeal thereby overturning the City's decision (overturned Development Application No. DP-2021-00784).

-The Board Members approved a 'one-year limited-time approval' and the operators are required to obtain the Provincial approval, all the City's required permits (Building and License permits) before they can operate at this location.

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

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#### ADJOURNMENT

The meeting ended at 2:36pm.

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The Chair



November 25, 2021

Robin Plessl  
505 Sargent Road (PO Box 514)  
Gibsons BC V0N 1V0

**RE 3596 Kingsway  
Development Application Number DP-2021-00784**

Please be advised that the Director of Planning has Refused DP-2021-00784 on November 24, 2021, 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 – 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,

A handwritten signature in black ink, appearing to read "Claudia Hicks".

Claudia Hicks  
claudia.hicks@vancouver.ca  
(604) 871-6083



File No.: 04-1000-20-2021-625

January 17, 2022

Mark Okoth  
**By Email:** mark@craftgreenery.com

Dear Mark:

**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 6, 2021 under the *Freedom of Information and Protection of Privacy Act, (the Act)*, for:

**Records related to Craft Greenery Cannabis's development permit application (DP-2021-00784) for a Cannabis Retail Store at 102-3596 Kingsway, specifically:**

- 1. Submissions made by the applicant;**
- 2. Parking and other by-law relaxations;**
- 3. Undue hardship claims;**
- 4. Letters of support and objections;**
- 5. Reasons for refusal.**

**Date range: September 28, 2021 to October 14, 2021.**

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)

**Please note:** Permit application documents are routinely available on a fee for service basis from the Property Research section of the By-law and Compliance Administration branch, Development, Building & Licensing Department. To access these records please contact Property Research at [property.research@vancouver.ca](mailto:property.research@vancouver.ca).

Permits can also be searched online at the following link: [www.vancouver.ca/permit-search](http://www.vancouver.ca/permit-search)

Please see the following link which also provides more information on obtaining property records:

<https://vancouver.ca/home-property-development/request-property-research-and-copies-of-permits.aspx>

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

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2021-625); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

*[Signed by Cobi Falconer]*

**Cobi Falconer, MAS, MLIS, CIPP/C**  
**Director, Access to Information & Privacy**  
[cobi.falconer@vancouver.ca](mailto:cobi.falconer@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 Acting FOI Case Manager at 604-873-7407.

Encl. (Response package)

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# CRAFT GREENERY CANNABIS

City of Vancouver  
Planning & Development Services  
515 W 10<sup>th</sup> Ave,  
Vancouver BC V5Z 4A8

December 10, 2020

***Operational Letter for 3596 Kingsway, Cannabis Retail Store Application***  
**1248627 BC Ltd DBA Craft Greenery Cannabis Ltd.**

To Whom It May Concern:

1248627 BC Ltd. DBA Craft Greenery Cannabis is a Vancouver based company applying for cannabis primary retail in the Collingwood area of East Vancouver. Our plan is to provide access to adult use cannabis in a safe, secure and friendly environment that promotes consumer education. Craft Greenery Cannabis is focused on providing an excellent guest and shopping experience to build consumer and community trust in our curation of cannabis products and business practices.

We, Craft Greenery Cannabis, are seeking approval from the City of Vancouver with respect to a development permit for the purpose of opening a cannabis retail store at 3596 Kingsway Vancouver, BC V5R 5L7. We are dedicated to compliance and public safety and our continued participation in the local business community as this new retail iteration in this space.

#### Hours of Operations

Craft Greenery Cannabis will have hours of operation, that fall within the provincial guidelines, of 10am to 9pm, seven (7) days a week.

#### Name of Operator

1248627 BC Ltd DBA Craft Greenery Cannabis is owned and operated by shareholders Mark Okoth, Dennis Park and Terry Craig. The owners may be contacted at 604.908.0992 or by email at [mark@abantu.com](mailto:mark@abantu.com).

#### Employees / Staff

Craft Greenery Cannabis will employ approximately eight (8) to ten (10) employees at the facility comprising one senior manager, one assistant-manager and six to eight budtenders. (full and part time). Store managers will take the lead for security matters and will schedule bud tenders in shifts throughout the day to provide excellent customer service and allow for more opportunities to increase consumer knowledge as they shop in a relaxed environment.

# CRAFT GREENERY CANNABIS

## Security Plan

Patrons must be 19+ to enter the store. Anyone under the age of nineteen will not be permitted in the retail store. Craft Greenery Cannabis will implement a strict ID system on-site to verify age and ensure all patrons are of legal age and to eliminate the possibility of any youth entering the premises. Our intent is to provide security and safety while also allowing the patrons to not feel as if they are being strictly monitored.

Our layout plans for an open, well-lit space that is welcoming and encourages patrons to browse within the space in a comfortable shopping environment. Glass cases along the wall and floating islands in the main space will be locked and will require employee-only access. Please find enclosed within this application an in-depth security plan entitled, Craft Greenery Cannabis Security Plan.

## Parking and Loading Strategy

The standalone location is wheelchair accessible and will be renovated to meet all municipal and provincial requirements for a cannabis primary retail location. There is parking adjacent to the standalone location and has ample street parking along Kingsway, nearby transit stops for local bus lines, as well as bike and walking access. All loading will be done via the front entrance way.

## Line-ups

Craft Greenery Cannabis does not anticipate line ups outside the building or within its store. Patrons will enter through the front door and move around the open layout front section where they can peruse the available products located within locked, glass displays along the interior walls and floating island areas.

This layout will allow for budtenders to engage with customers, assist their search, answer questions and educate the consumer. We believe this creates a more relaxed shopping environment where consumers can discover at their own pace, ask assistance at their leisure and patrons who may already know what they want or are doing in-store pick up can be helped without requiring everyone to line up to be served first.

Orders can be placed at the POS terminal and paid for and in-store pick ups can be quickly facilitated. A staff member will then package the purchase allowing the customer to then leave the retail store in a timely manner.

We thank you for your consideration of our application for a cannabis primary non-medicinal retail at 3596 Kingsway, Vancouver BC V5R 5L7. We believe we are well suited and well-intended in our desire to operate a compliant, successful cannabis primary retail in the Collingwood community. If you require any further details or information, please do not hesitate to contact us at any time. We look forward to hearing from you.

## **CRAFT GREENERY CANNABIS**

Sincerely,

Dennis Young-Joon Park  
Craft Greenery Cannabis, Chief Operating Officer

# Craft Greenery Cannabis Supplemental Geographic Information

## Locations of Other Operating/Proposed Cannabis Retailers Nearby

The screenshot below is from Google Maps and indicates all the addresses of operational and seemingly stalled/in process applicant proposal locations from the respondent feedback. In it, we believe that the proximity to other cannabis retailers has been properly managed and that some of the other addresses listed seem to be of previous applicants whose applications may have stalled. The list is represented below in relation with our proposed location. An interactive version of this map can be [found by clicking here](#). They are as follows:

1. Craft Greenery Cannabis @ Abantu Beauty Products 3596 Kingsway
2. 4Twenty Cannabis at 3441 Kingsway
3. Sunrise Cannabis at 2943 Kingsway
4. Development Permit Issued DP-2019-00041 at 2580 Kingsway
5. Development Permit Issued DP-2020-000191 at 2983 Rupert St
6. Development Permit issued DP-2017-000213 at 2267 Kingsway
7. Development Permit issued DP-2019-000585 at 2076 Kingsway
8. Kingsway Cannabis at 2140 Kingsway
9. A bud Above Craft Boutique at 4914 Victoria drive
10. Affinity cannabis store at 5403 Victoria drive

### Proximity of Cannabis Retailers & Applicants

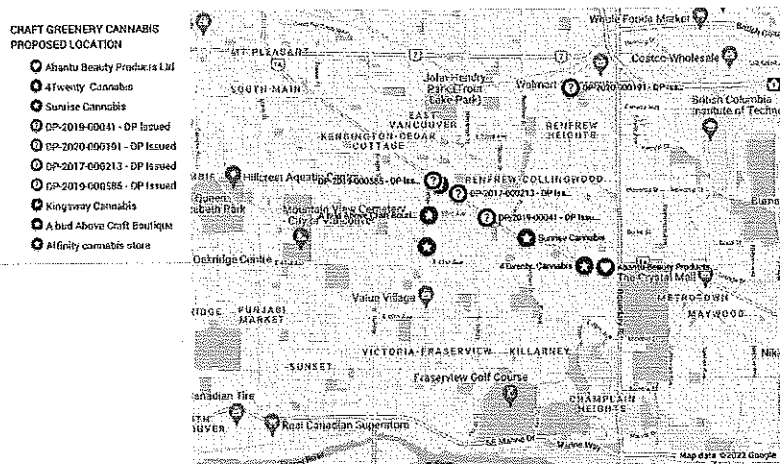


Fig 1. Proximity of cannabis retail locations and applications to Craft Greenery Cannabis proposed location

# Traveling Distances to Collingwood Neighborhood House From Proposed Location

Below are screenshots from Google Maps indicating the following distances; as the crow flies from location to location, legal walking paths respecting traffic laws, illegal/jaywalking walking paths between locations. We will also be submitting documentation from a surveying entity to officially measure the distances from the location's front door to both a) the Collingwood Neighborhood House's official main entrance on VanNess and the commonly used entrance on Ormidale. This will be delivered at the later, agreed upon deadline.

## Distance As The Crow Flies

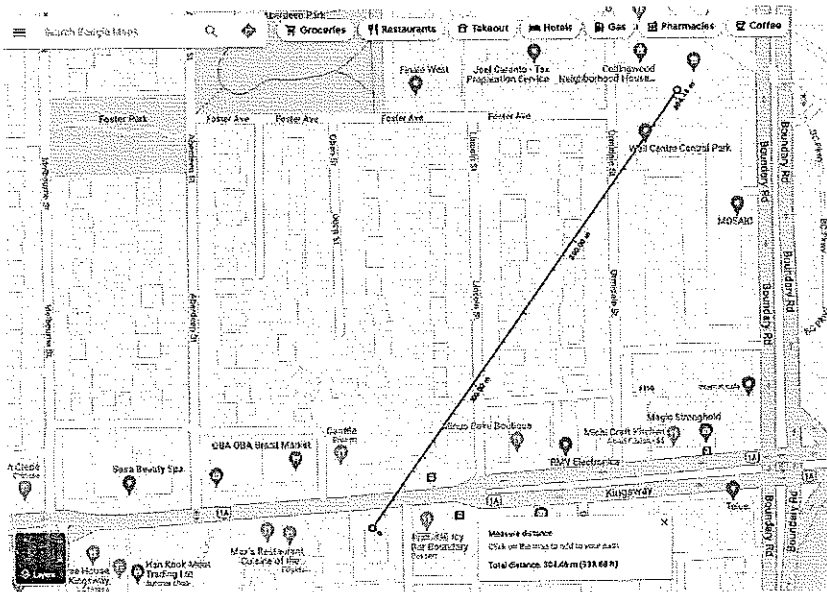


Fig 2. Distance 304.46m

# Distance Traveling Illegally (Jay-walking)

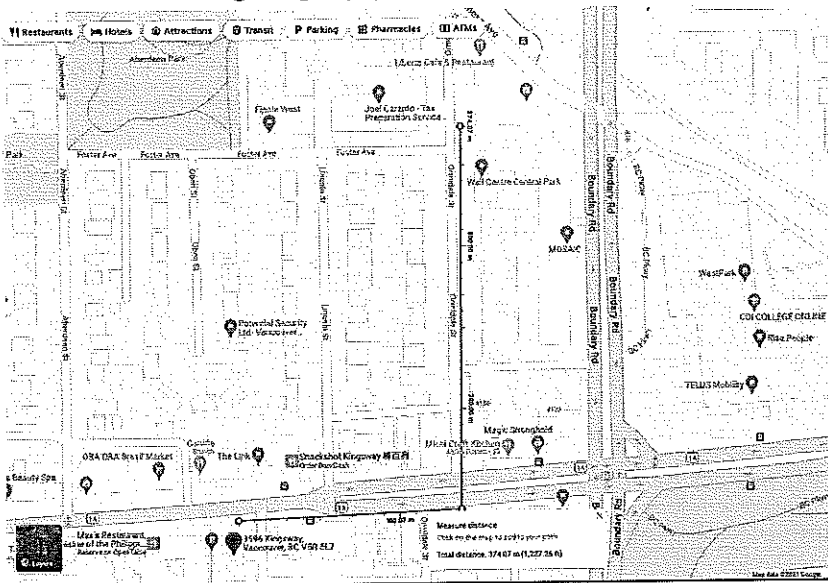


Fig 3. Distance 374.07m

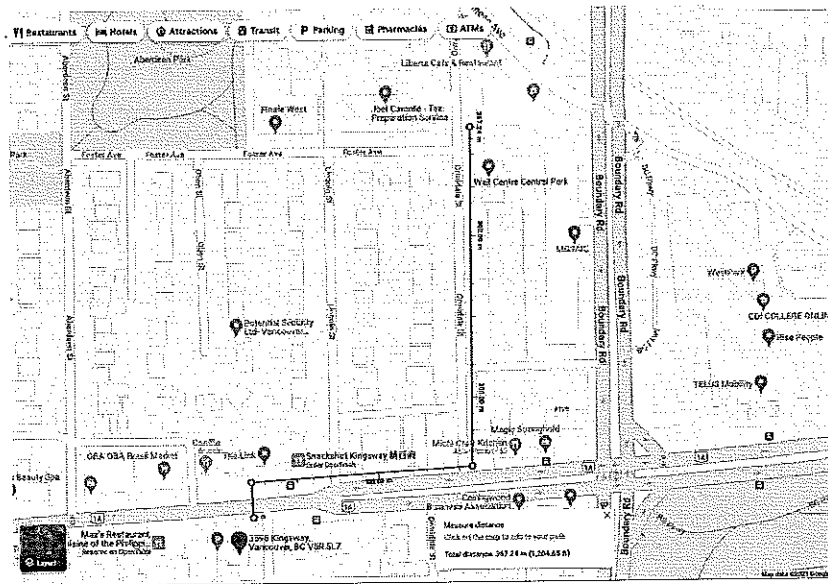


Fig 4. Distance 367.24m

# Distance Traveling Legally

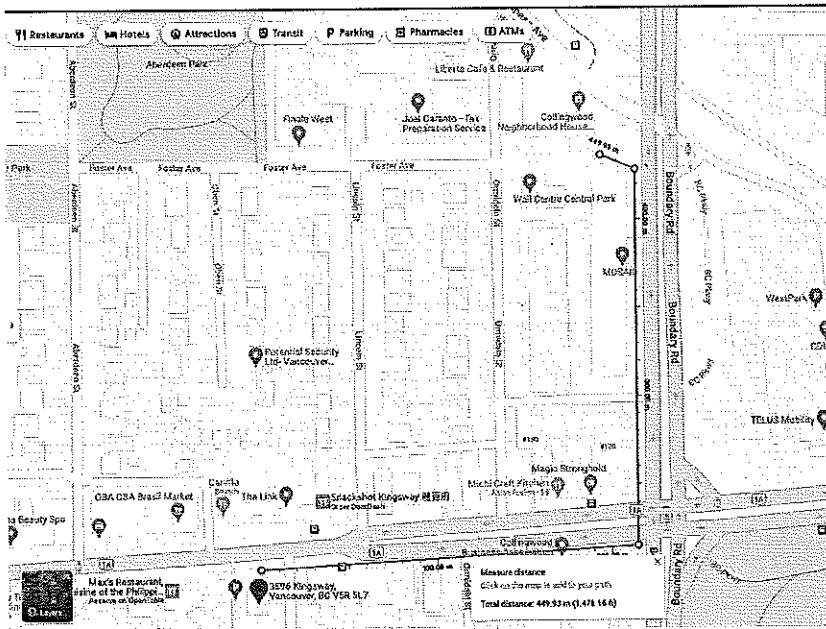


Fig 5. Distance 449.93m

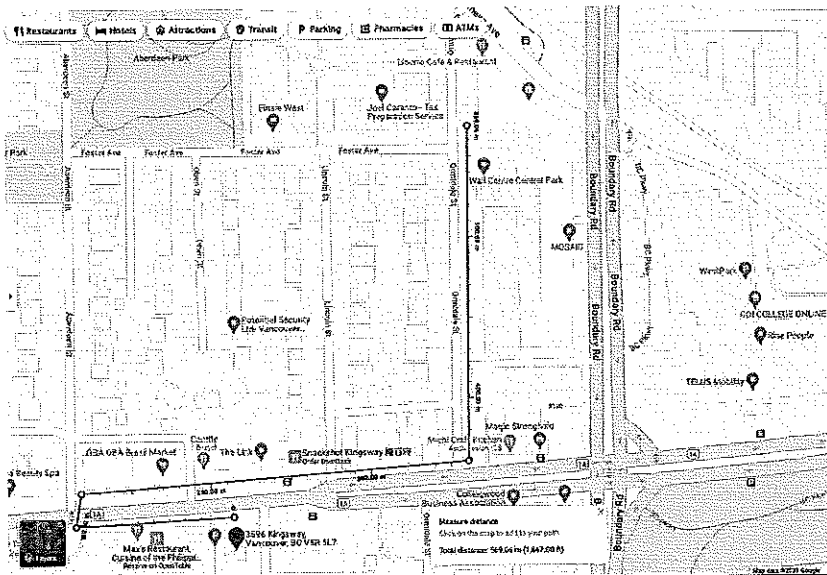


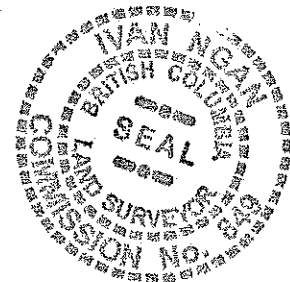
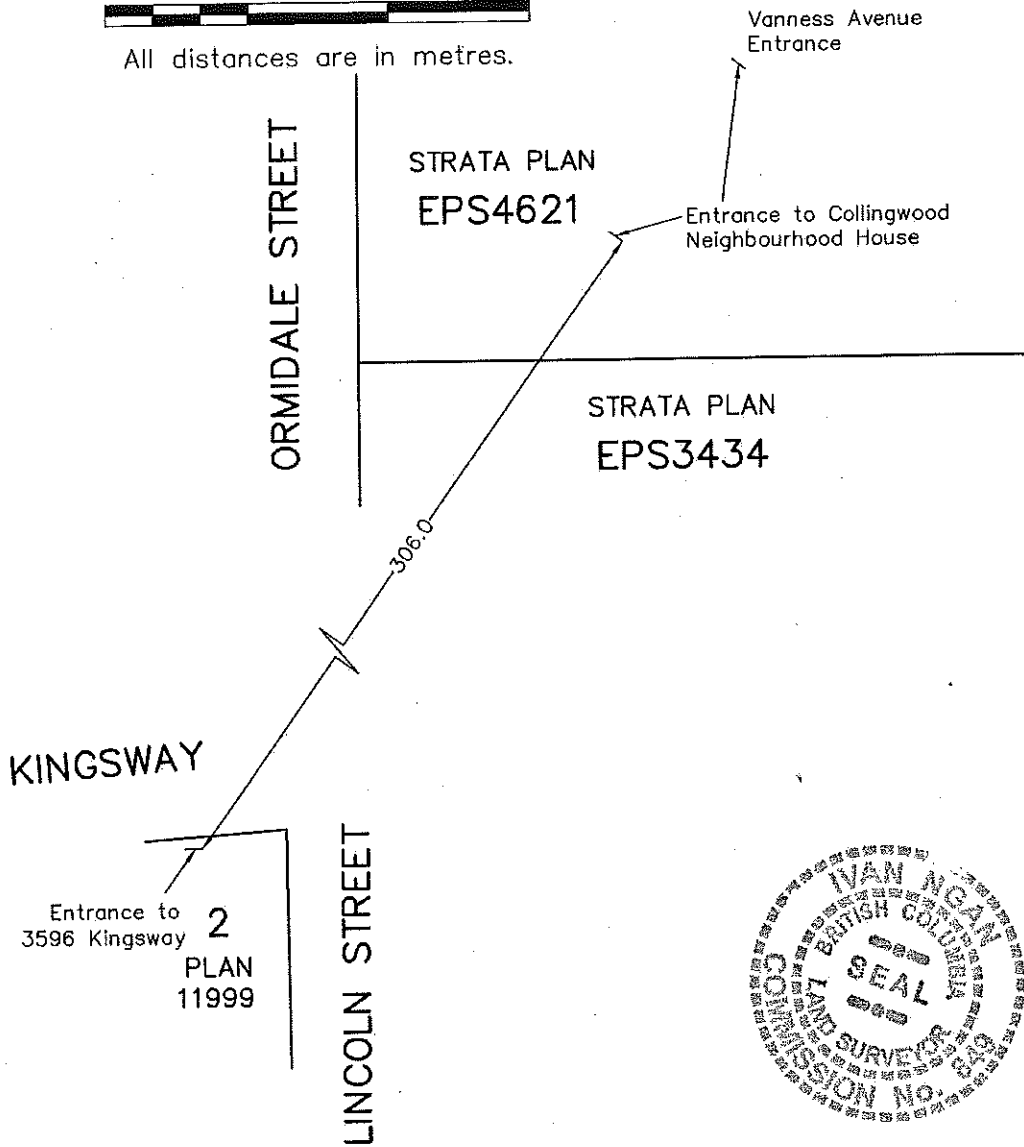
Fig 6. Distance 569.06m

# B.C. LAND SURVEYOR'S CERTIFICATE SHOWING ENTRANCE TO ENTRANCE DISTANCE

SCALE 1 : 750



All distances are in metres.



**CIVIC ADDRESS**  
3596 KINGSWAY  
VANCOUVER, B.C.

**NOTE:**

1. Distances shown are horizontal ground level distances.
2. All measurements are to exterior faces unless otherwise noted.
3. This document shall not be used to define property lines or property corners.

CERTIFIED CORRECT.

DATED THIS 8TH DAY OF FEBRUARY, 2022

**IVAN NGAN**

**B.C.L.S.**

This document is not valid unless originally signed and sealed

**L N L S**

**METRO VANCOUVER  
LAND SURVEYORS**

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OUR FILE: 20711\_01MS

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