



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, January 16th, 2024
TIME: 1:15 PM
PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair
Rakshin Kandola
Peter Gee
Alexander Ray
Namtez Sohal

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Joe Bosnjak, Manager (Director of Planning’s Representative)

42 West 8th Avenue – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (DP Refusal)
Legal Description:	Lot 4, Block 43, District Lot 200A and Plan 197
Lot Size:	Irregular site
Zone:	I-1 Zone
Related By-Law Clause:	Section 4.7 (FSR) and Parking requirements

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00030 and a request to permit interior alterations and to change the use of the south portion of the 2nd floor and the entire 3rd floor from Manufacturing Use to Club use.

Development Application No. DP-2023-00030 was refused for the following reasons:

- The proposed development does not comply with the regulation of the Zoning and Development By-law that affect the site.
- There are insufficient peculiarities of site or development to warrant the relaxation of the off-street parking facilities.

Discussion:

Craig Mercs, Allan Diamond, Jaime Viruete, Makiko Suzuki, and Masako Arima 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 their location is easily accessible by transit. They have a wide range of volunteers. The center is located where the future Broadway line will be. They currently have class A parking, but will have to reconfigure to get class B parking.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is in regards to preform interior alterations to change the use of the second floor and the entire third floor from Manufacturing Use to Club Use. They require 40 parking spaces, but only have 5 on site. The Director of Planning defers to the Board for their decision.

The Board Chair stated that the Board's site office received five (5) 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. Bosnjak's final comments were that the Director of Planning refused this based on parking, and will defer to the Board for their decisions.

The appellant's final comments were that they have no letter of opposition and this will benefit the public.

This appeal was heard by the Board of Variance on January 16th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00030 and approved interior alterations and to change the use of the south portion of the 2nd floor and the entire 3rd floor from Manufacturing Use to Club use, and subject to the following conditions:

- (1) that the approval is for the exclusive use of Tonari Gumi (the main-operator) and operating the 'Japanese Community Volunteers Association' (Non-Profit Society); 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.

Board's summary and decision based on the following:

-The Board did find site hardship to support the proposed 'change of use' development and granting a parking relaxation with five (5) on-site parking spaces at 42 West 8th Avenue. The Board members were in an agreement with the Appellants' submission – and that majority of the visitors are seniors and there are nearby transit stations and a future sky-train station to be located at Main Street & East Broadway, and all within a walking distance to the Japanese Community Association.

-The Board's site office received five (5) letters in total, with five (5) support letters from the neighbourhood in support and no (0) opposition letters.

-The Appellants also confirmed that they will continue to work with the City – and obtain all the City permits including meeting the requirements of the Vancouver Building By-law & Building Codes to the satisfaction of the Director of Planning.

307 (303) West Hastings Street – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (New Cannabis Store)
Legal Description:	Lots 15 & 16, Parcel B, Block 11, District Lot 541 and Plan 210
Lot Size:	Irregular lot
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-2023-00661 and a request to permit a change of use of approximately 4,198.52 sq. ft. from Retail to a new Cannabis Store at this existing mixed-used building site.

Development Application No. DP-2023-00661 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.

Discussion:

Jodie Giesz-Ramsay and Jack Lloyd 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 there are 3 cannabis stores within 300 meters of this property. They all acknowledged that this owner had been in operation prior to them obtaining a permit. The BIA is in support of the appeal, along with 700 people that have signed a petition. There is a bus stop directly outside so they have a lot of people taking transit to get there.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is in regards to provide a change of use from retail to Cannabis store use. They are within 300 meters from 3 Cannabis stores and 1 School. 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 two (2) letters 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.

Mark Brand (Resident in the area) is in support of the appeal

Linda Trang Ly (Resident in the area) is in support of the appeal

Cullin David (Resident in the area) is in support of the appeal

Erak Sinclair (Resident in the area) is NOT in support of the appeal

Final Comments:

Mr. Bosnjak's final comments were that this permit is for a change of use. The Director of Planning refused this due to being within 300 meters from 3 cannabis stores and 1 High school. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The appellant's final comments were that the client has been there for a long time, nobody will be surprised to find that this has been given a permit. It would cause no hardship to anyone if they're licensed.

This appeal was heard by the Board of Variance on January 16th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00661 and APPROVED a change of use of approximately 4,198.52 sq. ft. from retail to a new Cannabis Store at this existing mixed-used building site, and subject to the following conditions:

- (1) that the approval is for the exclusive use of Jodie Giesz-Ramsay operating the business as 'Cannabis Culture Headquarters' – and doing business as (DBA) "Cannabis Culture";
- (2) that the approval is for two (2) years and expiring on January 16th, 2026;
- (3) that the Board may grant an extension to the time-limit on or before January 16th, 2026;
- (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 City’s Director of Planning representative explained to the board that this is the ‘first-time’ this appellant has filed an appeal with the Board of Variance and requesting a cannabis land-use at the site.

-the board members considered the appellants’ cannabis-related business history at the site, including its current location and at proximity to three (3) other approved cannabis stores within 300m from 307 West Hastings Street. In response to questions from the board, the City explained that all the other approved cannabis stores were before the board for consideration, and were all approved by the Board of Variance at different times from 2016 to date.

-The board’s site office received over 750+ letters and petitions with signatures in support of the appeal (and included in the appellants’ appeal submission package and as presented to the board on January 16th, 2024). As well, and the board also received a total of seven (7) letters from the board’s neighbourhood notification - and the board’s site office received 2-Letters in support of the appeal and 5-letters in opposition to the appeal prior to the meeting. Noting that one of the support letters received was from the local BIA - Hastings Crossing. In addition to the letters received prior to the appeal hearing, a total of four (4) residents and business owners/operators attended and spoke at the appeal hearing (3-nearby business owners spoke in support of the appeal, and 1-resident spoke in opposition to the appeal).

-The Board (voted 4-0 in support of the appeal – with a limited time approval of two years with conditions). The Cannabis operators MUST obtain the Provincial approval and all City’s required permits (including the City’s Cannabis License to operate).

On January 16th, 2024 - The following board decisions were UPDATED with new board extensions / renewals approved (as requested by the City – in order to obtain new City permits, a requirement).

- 2639 Kingsway (The ‘Vancouver Bottle Depot’ store) was granted with an extension / and was approved for a further period of time as required by the Licensing department)

- 950 West Broadway (Unit 102) (Cannabis land-use extension approved as required by the Licensing department)

- 6528 Victoria Drive (Cannabis land-use extension approved as required by the Licensing department)

- 2257 – 2267 Kingsway (Cannabis land-use extension approved as required by the Licensing department)

On January 16th, 2024 - The following site (appeal) was NOT heard and the Director of Planning requested the board “to strike the appeal” from the record. The board were all in an agreement and the appeal was ‘struck from the record’ (board’s final decision was NOT to hear the appeal).

-5839 Prince Albert Street