

## **BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES**

DATE: Tuesday, May 17<sup>th</sup>, 2022

TIME: 1:15 PM

PLACE: Online Meeting (Web-Ex Platform)

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PRESENT: Gilbert Tan – Board Chair

Rakshin Kandola

Matthew Naylor

Namtez Sohal

ABSENT: Simona Tudor

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Sonia Erichsen, Manager

Tony Chen, Manager

Joe Bosnjak, Supervisor

## **3219 Point Grey Road – Board Minutes and Decision**

Appeal Section:	573(1)(b) - Appeal of Regulation (Building Line)
Legal Description:	Lot 21, Block 4, District Lot 540 and Plan VAP229
Lot Size:	Irregular Lot Area.
Zone:	RS-2
Related By-Law Clause:	Section 14.3

### Appeal Description:

Requesting a zoning relaxation of Section 14.3 (Building Line) and the appellants are requesting permission to provide new landscaping (new stepped terrace areas and new landscaping) including slope stabilization for the lands adjacent to English Bay (forming a continuous natural appearance to the foreshore) and along the North side of Point Grey Road.

### Note to the Board Members:

The Board is ONLY considering development beyond the building line, and the final design and the form of development shall be to the satisfaction of the Director of Planning through the Development Application review process.

### Discussion:

Mr. Vikas Tanwar, Mr. Paul Sangha, and the owners 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 outside of the building line and is looking for a relaxation. They're looking for a Green Shores approach, and have spoken to the Park Board, in which they're in support of. There is one letter of support. They're looking to build an ecosystem, as well as using round rocks for the public.

### The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal for a landscape work beyond the building line. The Director Of Planning does not have authority in permitting any establishment beyond the building line, hence why the appellant is here before the Board. It is currently being reviewed under the housing staff.

This property is immediately adjacent to a park. The house is within the jurisdiction of the Director Of Planning, and they're looking for the Board to concur and support the appeal.

The Board Chair stated that the Board's site office received one (1) 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.

(Neighbour attended the meeting) is in support of the appeal

Final Comments:

Mr. Chen's final comments were that the Director Of Planning has no objection to what the appellant is proposing, and is very interested to see the final outcome. They ask the Board to support this appeal.

The appellant had no final comments.

This appeal was heard by the Board of Variance on May 17th, 2022 and was ALLOWED, thereby granting permission to provide new landscaping (new stepped terrace areas and new landscaping) including slope stabilization for the lands adjacent to English Bay (forming a continuous natural appearance to the foreshore) and along the North side of Point Grey Road, 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.

Board's summary and decision based on the following:

-The Director of Planning is in support of the appeal (Mr. T. Chen, Director of Planning's Rep.).

-Geotechnical Report submitted by the Owners, and assuring the protection of the cliff-erosion.

-No opposition from the neighbourhood and support letters received. Note: Adjacent Neighbour attended and spoke, with no objection to the appeal.

## **438 Richards Street - Board Minutes and Decision**

Appeal Section:	573(1)(a) - Appeal of Decision (Cannabis Retail Store)
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.

-Owner's agent confirmed at the appeal hearing that they will continue to work with the City – including a development proposal to include the cliff-erosion protection with the final development proposal included in the Development Permit application and shall be to the satisfaction of the Director of Planning.

## **3158 - 3168 East 54<sup>th</sup> Avenue**

Appeal Section: 573(1)(a) - Appeal of Decision (Cannabis Retail Store)  
Legal Description: Lot 1, District Lot 334 NWD Group 1, and Plan LMP57817  
Lot Size: Irregular Lot Area.  
Zone: CD-1 (68)  
Related By-Law Clause: Section 11.6

### Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00020, and a request to permit interior alterations, consolidate units 3158 (752 sq.ft.) and 3168 (216 sq.ft.) and to change the use of approx. 968 sq.ft. from a School of Arts and Self Improvement (Music School + Tutoring) into a new Cannabis Retail Store in this existing mixed-use building (Champlain Mall) on this site.

Development Application No. DP-2022-00020 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 sit.
- Objections Received from notification.

### Discussion:

Mr. Bert Hick and Mr. Clayton Chessa 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 currently have a Cannabis Store on Commercial and 10th. They also have stores in Port Moody and Port Coquitlam. They received letters of support from the Mayor of Port Coquitlam, Port Moody, as well as an ex RCMP member.

## The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is an appeal for a change of use to a Cannabis store. They're within 300 meters from an Elementary School, as well as a pre daycare. They also received 262 objection letters from numerous neighbours. There is a rehab facility across the street from this store. 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 eight (8) letters in Support and thirty six (36) 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 this is a change of use to a Cannabis store. This is within a CD 1 zone. They are within 300 meters from an elementary school, as well as a daycare. There were a lot of objection letters received from the neighbourhood. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The appellant's final comments were that this community should be serviced as they don't believe the public should have to travel far to obtain Cannabis. There are also very few pockets where Cannabis Stores are allowed to operate.

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-2022-00020, and approved interior alterations, consolidate units 3158 (752 sq.ft.) and 3168 (216 sq.ft.) and to change the use of approx. 968 sq.ft. from a School of Arts and Self Improvement (Music School + Tutoring) into a new Cannabis Retail Store in this existing mixed-use building (Champlain Mall) on this site, and subject to the following conditions:

- (1) the approval is for the exclusive use of "Burb Cannabis Corporation" and shall be operated by Steve Dowsley and Clayton Chessa and doing business as (DBA): "Burb".
- (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) the Board approved limited-store hours from 10:00 AM to 8:00 PM (Seven days a week) (The Cannabis Operators must comply with the Board's imposed store operation hours); and

(5) 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 this BOV Panel supported this new Cannabis Retail Store to serve citizens living in that area, and to have access to cannabis.

-The Board's site office notified over 375+ property owners in the surrounding area and the Board received 36-letters in opposition and 8-Letters in support of the appeal. The Appellants (cannabis operators) also submitted support letters from meeting with the neighbourhood.

-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