

REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD

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|--|---|
| DATE: July 8, 2021 | APPEAL NO.: SDAB2021-0042 FILE NO.: DP2021-0849 |
| APPEAL BY: Ritchie Fung | |
| FROM A DECISION OF THE DEVELOPMENT AUTHORITY where a Change of Use: Cannabis Store was refused at <u>#B 1607 Centre Street NW</u> | LAND USE DESIGNATION: C-COR1 f6.0h38 Discretionary |
| COMMUNITY OF: Crescent Heights | DATE OF DECISION: May 18, 2021 |
| APPLICANT: Peter Crittenden, CYNC Architecture | OWNER: 1596443 Alberta Inc |

Notes:

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature.



NOTICE OF APPEAL
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

CC 821 (R2014-01)

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee. For filing instructions and fee payment options, see the reverse side of this form.

ISC: Unrestricted

| Online Store Information | | | |
|--|--|---|-------------------------------------|
| Confirmation Number 10378991 | Order Number 35147197 | Online Form Processed 2021-06-08 9:48:25 AM | |
| Site Information | | | |
| Municipal Address of Site Under Appeal #B 1607 CENTRE ST., NW CALGARY ALBERTA | | Development Permit/Subdivision Application/File Number DP2021-0849 | |
| Appellant Information | | | |
| Name of Appellant RITCHIE FUNG | | Agent Name (if applicable) GORDON MURRAY | |
| Street Address (for notification purposes) 405, 320 MEREDITH ROAD, NE | | | |
| City CALGARY | Province ALBERTA | Postal Code T2E 5A6 | Residential Phone # 403-690-9988 |
| Business Phone # 403-690-9988 | Email Address ritchie.fung@experait.com | | |

APPEAL AGAINST

| Development Permit | Subdivision Application | Notice of Order |
|---|---|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Approval | <input type="checkbox"/> Notice of Order |
| <input type="checkbox"/> Conditions of Approval | <input type="checkbox"/> Conditions of Approval | |
| <input checked="" type="checkbox"/> Refusal | <input type="checkbox"/> Refusal | |

REASONS FOR APPEAL Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons:

DP2020-0849 We feel that the separation distance to the next closest store at 1715 Centre St., NW is mitigated by the Trans Canada Highway being between the two stores and therefore should not count. The next closest store is too close by less than 30 meters and is on the other side of the street and is not visible from our proposed store and so this should be an allowable relaxation given other precedents of other relaxations granted of a similar nature.

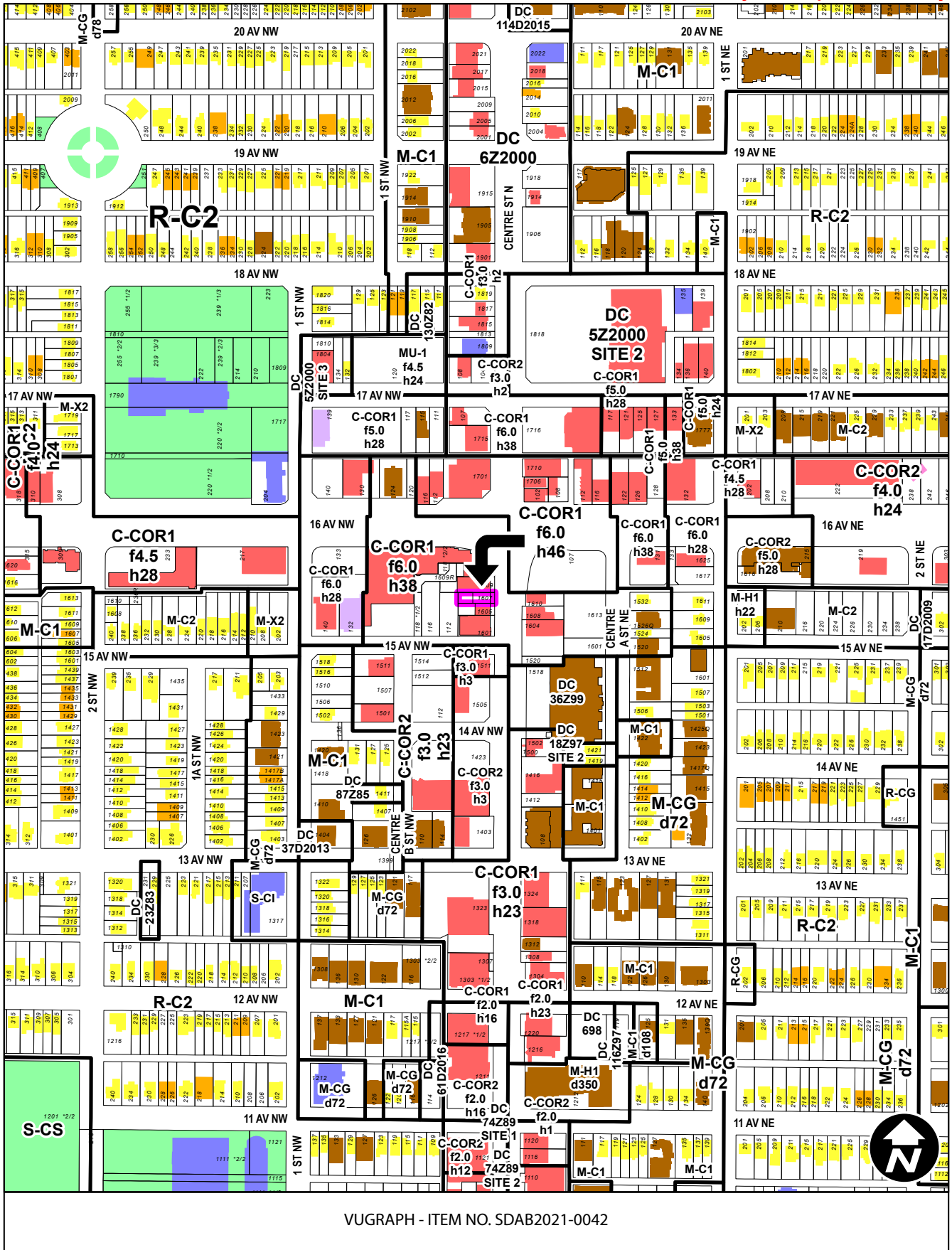
In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

| | |
|---|---|
| Estimated presentation time (minutes/hours) 30 MINUTES | Will you be using an agent/legal counsel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown | |
| If yes, what are the issues? | |
| Do you anticipate bringing any witnesses/experts to your hearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown | If yes, how many will you be bringing? |

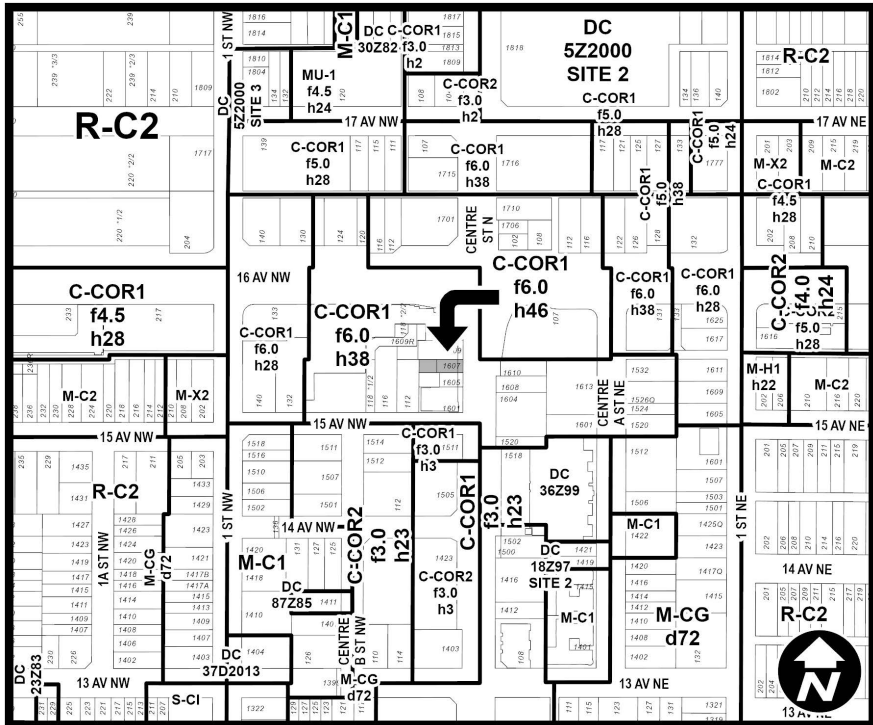
This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 678 and 686. NOTE: THIS INFORMATION WILL FORM PART OF A FILE AVAILABLE TO THE PUBLIC. If you have any questions regarding the collection of this information, contact the City Appeal Boards at 403-268-5312 or PO Box 2100 Stn. "M", #8110, Calgary, AB, T2P 2M5.

| FOR OFFICE USE ONLY | | | | |
|---|--|---|---|--------------------------------------|
| Final Date of Appeal YYYY MM DD 2021 06 08 | SDAB Appeal Number SDAB2021-0042 | Fee Paid <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Hearing Date YYYY MM DD 2021 07 08 | Date Received June 8, 2021 |

SDAB2021-0042



VUGRAPH - ITEM NO. SDAB2021-0042



SDAB2021-0042



2021 May 18

CYNC ARCHITECTURE
PETER CRITTENDEN
peter@cync.ca
(587) 393-4336

RE: Notification of Decision for DP2021-0849
Subject: Change of Use: Cannabis Store
Address: 1607 CENTRE ST NW

This is your notification of the decision by the Development Authority to refuse the above noted application on May 18, 2021. Enclosed are the Reasons for Refusal, along with an appeal form, in the event that you choose to appeal this decision.

An appeal along with reasons must be submitted, together with payment of \$200.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Avenue N.E., Calgary, AB T2E 7S8) within 21 days of receipt of this letter. An appeal may also be filed online at <http://www.calgarysdab.ca>. To obtain an appeal form, for information on appeal submission options or the appeal process, please call (403) 268-5312.

Should you have any questions or concerns, please contact me at (403) 333-5398 or by email at david.weisgerber@calgary.ca.

Sincerely,

DAVID WEISGERBER
Senior Planning Technician
Planning and Development



**DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

DP2021-0849

This permit relates to land in the City of Calgary municipally described as:

1607 CENTRE ST NW

#B 1607 CENTRE ST NW

Community: **Crescent Heights**

L.U.D.:**C-COR1 f6.0h38**

and legally described as:

4714N;1;1-4

VOID

and permits the land to be used for the following development:

Change of Use: Cannabis Store

REFUSED

The present owner and any subsequent owner of the above described land must comply with any attached conditions.

The development has been approved subject to any attached conditions and to full compliance with the approved plans bearing the stamp of approval and the above development permit number.

Decision By: **Development Authority**

Date of Decision: **May 18, 2021**

Development Authority **Maurie Loewen** _____

File Manager: **David Weisgerber**

Release Date: _____

This permit will not be valid if development has not commenced by:

This is NOT a Building Permit

In addition to your Development Permit, a Building Permit may be required, prior to any work commencing. Further information, you should contact the City of Calgary, Planning, Development & Assessment - Building Regulations Division.

WARNING

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Applicant: **CYNC ARCHITECTURE**
Address: **#200 337 17 Av SW**
City: **CALGARY, Alberta, T2S 0A5**
Phone: **4032697782**

Complete Address and Legal Description listing for Development Permit DP2021-0849

| Address Type | Address | Legal Description |
|---------------------|----------------------|--------------------------|
| Building | 1607 CENTRE ST NW | |
| Parcel | 1607 CENTRE ST NW | 4714N;1;1-4 |
| Suite | #B 1607 CENTRE ST NW | |

Reasons for Refusal for DP2021-0849

The Reasons for Refusal document is intended to provide a short summary of the development permit review and analysis. Attached to this document is supporting information about the application process; concerns raised by neighbours, other affected parties and the Community Association; the requested relaxations of the Land Use Bylaw; and other information in support of the decision.

Proposed Use

This application proposes a change of use to Cannabis Store at #B 1607 Centre Street N.W. in the community of Crescent Heights. The parcel is designated Commercial – Corridor 1 (C-COR1) District under the City of Calgary Land Use Bylaw. Cannabis Store is a discretionary use in this district.

Planning Review and Analysis

During the review, the Development Authority considered the Council approved Cannabis Store Guidelines, the Land Use Bylaw, comments received during the circulation and review, and the compatibility of the proposed development with respect to the neighbourhood. The Development Authority is bound by the *Municipal Government Act* and the Gaming, Liquor and Cannabis Regulation (AR 143/96).

Separation between Cannabis Stores

The Cannabis Store Guidelines intend to balance retail opportunities by ensuring the clustering of Cannabis Stores is avoided. A Land Use Bylaw rule enforces this guideline by requiring a 300.0 metre separation between Cannabis Stores. The proposed Cannabis Store is located 121.5 metres from an approved Cannabis Store (DP2021-0818 at 1715 Centre ST NW) and would require a relaxation of 178.5 metres. The proposed Cannabis Store is also located 270.1 metres from an approved Cannabis Store (DP2018-4444 at #101 1318 Centre ST NE) and would require a relaxation of 29.9 metres. The Development Authority is of the opinion that relaxation of the separation rules would result in a cluster of Cannabis Stores in the area.

It is also noted that the Development Authority recently refused a Cannabis Store store 185.16 metres from the subject parcel (DP2020-8360 at 110 13 AV NW), the refusal is currently under appeal to the Subdivision and Development Appeal Board (SDAB2021-0034).

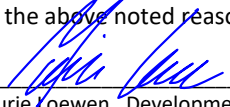
Circulation

The application was notice posted for seven days and circulated to the appropriate Community Association, if appropriate also the Business Improvement, and the nearby communities. The application was also circulated to the Business Licence. Objections were received as a result of the circulations. The concerns are related to the planning issues identified above.

In evaluating the application, the Development Authority determined that from a planning perspective the proposed location for the Cannabis Store is inappropriate. The proposed Cannabis Store does not comply with the Land Use Bylaw and Council approved Cannabis Store Guidelines, is not compatible with the surrounding uses, and the relaxations required do not meet the test for relaxation. Consequently, the application is refused.

Decision

For the above noted reasons, this application is refused.


Maurie Loewen, Development Authority

May 18, 2021
Date

Attachments for DP2021-0849

Cannabis Store Guidelines

Objectives

1. To ensure opportunities for Cannabis Stores on main streets and in communities are balanced with opportunities for other types of commercial uses. A variety of commercial uses provide communities with options, supports economic diversification and helps build a complete retail street.
2. To promote a full range and a mix of commercial uses and opportunities along main streets and in communities.
3. To avoid the potential for negative perceptions that may be created about a community when there is an over concentration or clustering of Cannabis Stores along a main street or in a community.
4. To ensure Cannabis Stores are not located too close to public and private schools in order to limit convenient access and lower the profile and visibility of cannabis to young persons.
5. To manage the potential socio-economic impacts of the clustering and concentration of Cannabis Stores.
6. To recognize the unique status of Eighth Avenue South in the downtown as a central destination for shopping, restaurants, entertainment and Calgary's only pedestrian mall, and to balance opportunities for Cannabis Stores in this area with opportunities for other uses.

Guidelines

Concentration of Cannabis Stores in communities

There should not be a significant long-term difference in the concentration of Cannabis Stores between different main streets, communities or other areas. Recognizing that every location has unique characteristics (e.g. schools and other factors that affect a Cannabis Store location), generally a significant long-term difference would be characterized by more than a 25 per cent difference in the concentration of Cannabis Stores per unit population.

Separation Distance Between Cannabis Stores

The Development Authority must consider the overall number and density of Cannabis Stores on a main street, community or other area in comparison to other main streets, communities or areas in Calgary when considering a request for a reduction to the minimum separation distance between Cannabis Stores.

Additionally, the development authority may consider a reduction in the separation distance between Cannabis Stores when:

1. There is only one other Cannabis Store within the minimum separation distance; and
2. A proposed Cannabis Store is located on a different street or on the opposite side of the same street as the existing Cannabis Store;
3. A major road, expressway or river separates the proposed Cannabis Store from the existing Cannabis Store;
4. The proposed Cannabis Store is located in an enclosed shopping centre; or
5. An existing approved Cannabis Store proposes to relocate to a new location within 300 metres of its original location, provided that it does not move within the separation distance of a different Cannabis Store.

Key Land Use Bylaw Provisions

Section 35 of the City of Calgary Land Use Bylaw states, in part:

Discretionary Use Development Permit Application

35 When making a decision on a *development permit* for a *discretionary use* the *Development Authority* must take into account:

- (c) the appropriateness of the location and *parcel* for the proposed *development*;

- (d) the compatibility and impact of the proposed **development** with respect to **adjacent development** and the neighbourhood

Section 160.3 of the City of Calgary Land Use Bylaw states, in part:

160.3 Cannabis Store

- (a) means a **use**:
- (i) where cannabis is sold for consumption off the premises;
 - (ii) where consumption of cannabis must not occur;
 - (iii) that may include the ancillary retail sale or rental of merchandise; and
 - (iv) where counselling on cannabis may be provided;
- (b) is a **use** within the Sales Group in Schedule A to this Bylaw;
- (c) where all cannabis that is offered for sale or sold must be from a federally approved and licenced facility;
- (d) that has been licensed by the Alberta Government;
- (e) in the C-N1 and C-N2 Districts, must only be located on a **parcel** with a **front property line** on a **major street** or a primary collector **street**;
- (f) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 300.0 metres of any other **Cannabis Store**, when measured from the closest point of a **Cannabis Store** to the closest point of another **Cannabis Store**;
- (g) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not:
- (i) abut a **Liquor Store**;
 - (ii) if not for one or more intervening **actual side setback areas**, abut a **Liquor Store**; and
 - (iii) when located on the same **parcel**, if not for a vacant space between **buildings**, not including an internal road, abut a **Liquor Store**;
- (h) in all Districts, must not be located within 100 metres of a **parcel** that does not have a **School Authority – School** located on it and is designated as a municipal and school reserve or school reserve on the certificate of title;
- (i) in all **commercial, industrial** and **mixed use districts**, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 150.0 metres of a **parcel** that contains any of the following **uses**, when measured from the closest point of a Cannabis Store to the closest point of a **parcel** that contains any of them:
- (i) **Emergency Shelter**;
 - (ii) **School – Private**; and
 - (iii) **School Authority – School**;



Development Permit Application

Online Submission

| Application Information | |
|---|--|
| Applicant Details <input type="checkbox"/> Business Owner <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Agent Representing Business or Property Owner | |
| Applicant Name PETER CRITTENDEN | Applicant Contact Information Phone: (587) 393-4336 Email: peter@cync.ca |
| Representing Company (if applicable) CYNC Architecture | Mailing Address: 320 MEREDITH RD NE UNIT 405, CALGARY Alberta Canada T2E 5A6 |
| Business Trade Name CYNC ARCHITECTURE | |
| Business ID 13117858 | |
| Owner / Leaseholder Name Ritchie Fung | Owner / Leaseholder Contact Information Phone: 4032698324 Email: ritchie.fung@experait.com |
| Business Location Details | |
| <input checked="" type="checkbox"/> Commercial Based <input type="checkbox"/> Home Based <input type="checkbox"/> Based Out of Town <input type="checkbox"/> Mobile <input type="checkbox"/> Personal Services | |
| Application Address #B 1607 CENTRE ST NW | |
| LUD C-COR1, Commercial - Corridor 1 | Existing Use(s) C2515 - Retail and Consumer Service |
| <input type="checkbox"/> First tenant in the space (Building is brand new and I am the first tenant) <input checked="" type="checkbox"/> New tenant (There was a different business using this space, but the proposed business will be taking over) <input type="checkbox"/> Existing tenant (I have pre-existing approval for this space but I am making changes to operations) | |
| Is a school, child care facility, overnight medical facility, residence, or food, drink, and/or cannabis business proposed as either a primary or ancillary use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Is a waste management, recycling, or wastewater treatment facility being proposed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |

| | | |
|--|---|---------------------------|
| What was the last business to occupy the space (if known) not specified | Total floor area 46.98 m ² | Floor of business Main |
| Is any part of the business use taking place outside? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | If yes, what business activity will be taking place outside? N/A | |
| Will you be adding or increasing the size of a sign? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |

Business Activity Questionnaire

Activity type selected

Cannabis Store

Q1: Will the business be selling approved commercial cannabis for consumption off the premises? (Note: Consumption of cannabis must not occur on site) (Adds Cannabis Store licence)

A1: Yes

Licence Types:
CANNABIS STORE

Planning Terms:
Cannabis Store

| | |
|---|---------------------------------|
| Planning Terms Cannabis Store | Licence Types CANNABIS STORE |
| Have you previously applied for planning approval for how your business intends to use the space? (i.e. Development Permit or Tenancy Change) No | |
| Do you know, or have you been advised, to apply for a Development Permit to change the use of the space you are occupying? No | |

Safety Questionnaire

Q1: Are you proposing construction or alterations to the space? (This includes any moving, replacing and construction of new walls, mezzanines, or floors)?

A1: Yes

Approvals Generated

Q1: Would you like to apply Business Licence now?

A1: No – I will apply at a later date or someone else will apply on my behalf

Q2: Would you like to apply Development Permit now?

A2: Yes - apply now

Q3: Would you like to apply Building Permit now?

A3: No – I will apply at a later date or someone else will apply on my behalf

Submitted Documents

Document Type: ARCHITECTURAL

Document SubType: PLANS

Document Name: 21-005 - 1607 Centre St - DP Change of Use.pdf

Document Type: SUPPORTING DOCUMENT

Document SubType: OTHER

Document Name: Rationale for the submission of the Development Permit Change of Use for 1607 Centre St.docx

The personal information obtained on this form is being collected under the authority of section 33(c) of the FOIP Act. This information is being collected for the purpose of our inspection processes (if required) and will be disclosed to relevant City Business Units, Federal and Provincial agencies, Utility companies, Community Associations/Groups/Organizations, Adjacent Municipalities, Municipal school boards and/or any agencies required for review as part of the application review process. It may also be used to conduct ongoing evaluations of services received from Planning & Development. The name of the applicant and the nature of the application will be available to the public, as authorized by the FOIP Act. You may direct questions about the collection, use or disclosure of your personal information by the City of Calgary at 800 Macleod Trail SE Calgary, Alberta in relation to this program by emailing the FOIP Program Administrator for Planning and Development at plngbldg@calgary.ca or by telephone at (403)268-5311.

Online Services Terms of Use

PLEASE REVIEW THESE TERMS OF USE CAREFULLY. BY ACCESSING AND USING THIS ELECTRONIC ONLINE SERVICES WEBSITE, YOU ACCEPT AND AGREE TO THE FOLLOWING TERMS OF USE. IF YOU DO NOT AGREE WITH THESE TERMS OF USE YOU ARE NOT AUTHORIZED TO USE THIS ONLINE SERVICES SITE AND MUST IMMEDIATELY DISCONTINUE USE OF THIS ONLINE SERVICES SITE.

1. Interpretation

These Online Application Consent and Confirmation of Applicant supplement, and shall be interpreted consistently with, the general Terms of Use for the City of Calgary's website, found at the bottom of each web page.

2. Accuracy of Information Submitted

You acknowledge and agree that your electronic submission of information to The City of Calgary ("The City") using this Online Application is true and accurate and is intended to be your permit application to The City.

3. Consent to Electronic Decision

I agree that The City can issue its formal decision to in electronic form (e.g. electronic mail) to the email address provided through the Online Application. If my email address changes I will advise The City of the new email address or provide a mailing address for the formal approval.

4. Electronic Submission

Except as may otherwise be required by The City, you must only submit, provide and accept information or records related to your application in electronic form and you will not re-submit your application in paper form. The City does not guarantee that the entire electronic permit application process will be completed electronically, and The City reserves the right in its sole discretion to require you to submit information and records relating to your application in paper form.

5. Complete Application

I acknowledge that The City may inactivate or cancel incomplete permit applications that do not contain all of the requested information at The City's sole discretion.

6. Changes to Site and Terms of Use

The City reserves the right to make changes to this Online Services Site, the Terms of Use and provide additional terms at any time without notice. The changes or additional terms are effective immediately upon

being posted to this Online Services Site. Your use of the Online ¹⁶Services Site will be subject to the Terms of Use posted on the Online Services Site at the time of use. In the event any of the provisions of the Terms of Use are determined to be invalid, void, or unenforceable for any reason, that provision will be deemed to be severable and will not affect the validity or enforceability of any remaining condition of the Terms of Use. You may be asked to agree to separate terms of use for other pages or applications used elsewhere on The City's website.

7. Disclaimer of Warranties and Conditions

THE CONTENTS, PRODUCTS AND SERVICES ON THIS ONLINE SERVICES SITE AND YOUR USE OF THIS ONLINE SERVICES SITE ARE PROVIDED IN GOOD FAITH ON AN "AS IS" AND "AS AVAILABLE" BASIS. YOU RELY ON THE INFORMATION CONTAINED IN THIS ONLINE SERVICES SITE AT YOUR OWN RISK.

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8. Privacy Statement and Collection of Personal Information

Any information, including personal information, contained in a permit application submitted by using this site is being collected under the authority of The Calgary Building Permit Bylaw 64M94 (for Building Permits) or the Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) (for Development Permits) as well as the *Alberta Freedom of Information and Protection of Privacy Act* ("FOIP"), Section 33(a) and (c). This information will be used for The City's permit review and inspection processes and may be communicated to relevant City Business Units, utility providers, and Alberta Health Services for purposes related to these processes. Information may also be used by The City to conduct ongoing evaluations of services received from The City's Planning and Development Department. The name of the applicant and the nature of the permit will be made available to the public as authorized by FOIP. Please send inquiries by mail to the FOIP Program Administrator, Planning and Development, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

9. Alberta Law

You agree to be bound by Alberta law when using this Online Services Site and agree that any court proceedings or other legal action will take place in Alberta.

10. No Damage or Modification of Site

You agree that you will not take any action to damage, modify, or breach the security of this Online Services Site, or cause the Online Services Site to no longer be available for use. You agree not to impersonate or misrepresent your association with any other person. You agree that you will not submit any information that is harmful, unlawful, or otherwise objectionable.

11. Site Ownership

The contents of this Online Services Site are owned or licensed by The City. You may not copy, transfer, store, upload, distribute, publish or otherwise use this content except as permitted by these Online Services Terms of Use. The words, phrases, names, designs or logos used on this Online Services Site may constitute trademarks, service marks or trade names of The City or other entities. The display of any such marks does not imply that The City or other entities have granted a license to you to use these marks.

12. Security of Account Information

You are responsible for protecting the confidentiality of any account information, user names, logins, passwords, security questions and answers, and other information you might need to access and use this Online Services Site. You are responsible for all activities occurring under your account, user name, or login. You agree to notify The City if you suspect that your account, user name, or login is not secure or is being used for an inappropriate purpose.

13. Violation of Terms of Use

Any rights you have to use this Online Services Site will terminate immediately upon any violation of these Online Services Terms of Use. The City may, in its sole discretion, temporarily or permanently terminate your access to and use of this Online Services Site, at any time, for any reason, without notice or liability to you. The City is not liable for any damages resulting from its termination of your access to, or use of, this Online Services Site.

14. Copyright

I acknowledge and understand that, as part of The City's process in reviewing, evaluating, and processing the permit application, The City will need to make available, in print and digital form, copies of the application materials to relevant City business units, members of City council, utility providers, other municipalities, municipal school Boards, relevant community associations/groups/organizations (including their boards of directors and planning committees), members of the general public, and any other external agencies or third parties whose input is required by The City in connection with the processing of your application. I hereby (i) consent to The City's copying, reproduction, distribution, and communication of the permit application materials, in any material form and via any medium, as required for the purpose of enabling The City to process your application; and (ii) certify that I am authorized and have the right to grant such consent.

15. Condominium Property

I have all authorizations required under the Condominium Property Act, RSA 2000, c C-22, as amended or replaced, the bylaws of the Condominium Corporation, and otherwise in law to apply for this application if it is respecting condominium property. I further agree to immediately notify The City, in writing, of any changes regarding this information.

Development Permit Application Requirements

I am authorized to apply for this permit in accordance with section 26 (1) of the Land Use Bylaw 1P2007 as amended.

Rationale for the submission of the Development Permit Change of Use for 1607 Centre St., NW

Based on the Cannabis Store Location map as of today, February 9, 2021 the closest cannabis store to this address is located at #101, 1318 Centre St., NE, approximately 280 m away from our location and it is on the opposite side of the street and even with eyes like binoculars you cannot see each other's location from the front door of either business. There was until recently another store located between 17th Ave. and 18th Ave. NW, but that business seems to have closed since it does not show up on the City of Calgary's Cannabis Store Location Map. That said, even if that store were still open it would be roughly 240 m away from 1607 Centre St., NW and is separated by 16th Ave. (Trans-Canada Highway) which is by any definition, considered a major thorough fare.

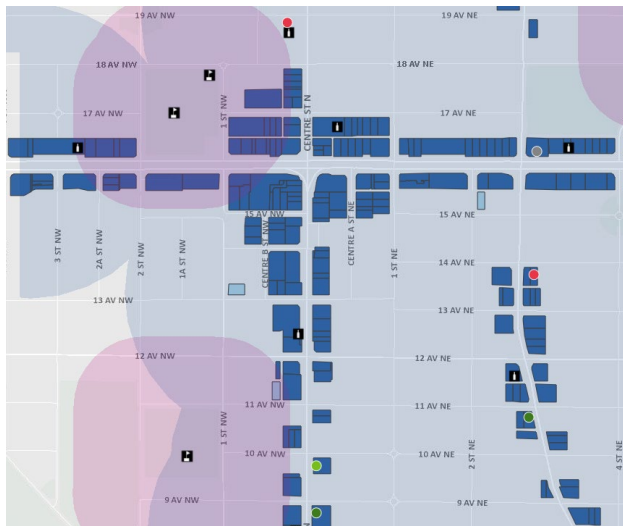
As you know Centre St. is a very busy commercial artery for the city especially between 9th Ave. and 40th Ave. N. so for three cannabis stores to exist in relative proximity to each other is not all that worrisome. That said, there are two approved and open cannabis stores barely 140 m apart further South between 10th Ave. and 8th Ave. N. and both on the same side of the street. Being that as it is to argue or deny this application based on the distance rule would, by the City's own example of an apparent generous relaxation past given, be slightly irrational. Plus, one need not go far in almost any direction to find other examples of cannabis stores that are very close to each other. On 17th Ave., SW for example the Sweet Tree Cannabis Co. store at 1206 17th Ave., SW. which is only 185 meters away from the Tokyo Smoke cannabis store located at 1022 17th Ave., SW (all on the same side of the street).

We trust that we will be treated fairly in this application and our request to slightly relax the distance rule in this instance is given vs. having to argue our case in front of the Subdivision and Appeal Board.

Thank you.

Yours sincerely,

Gordon Murray



The information contained herein is intended for information purposes only. Please refer to the Calgary Land Use Bylaw 1P2007 for a complete list of rules and regulations. This form has no legal status and cannot be used as an official interpretation of the Land Use Bylaw 1P2007.

| | |
|-----------------------------------|-------------------------|
| Date: | February 24, 2021 |
| Date Received: | February 10, 2021 |
| F/M: | DAVID WEISGERBER |
| BLC BY: | JOSHUA PAUL |
| Review Required: | COMPLETE |
| Markups Completed Electronically: | Yes - Refer to Livelink |

| | |
|--------|-----------|
| D.P. # | 2021-0849 |
|--------|-----------|

For Internal Distribution Only

| Modifier(s): | F.A.R | Height | Density | ALL MODIFIER(S) ARE COMPULSORY (Cannot be relaxed) |
|--------------|-------|--------|---------|--|
|--------------|-------|--------|---------|--|

| | |
|-------------------------|-------------------------------|
| Project Description(s): | Change of Use: Cannabis Store |
|-------------------------|-------------------------------|

| | |
|---|---|
| Floodway/Floodfringe/Overland Flow DOES NOT APPLY <i>*If applicable Complete Flood Sheet*</i> | Airport Vicinity Protection Area (AVPA) DOES NOT APPLY |
|---|---|

| Right-of-Way Setback(S) | | | | |
|-------------------------|--|----------|--|----------|
| Rd / St / Av | | Required | | Provided |
| Rd / St / Av | | Required | | Provided |
| Rd / St / Av | | Required | | Provided |

| Main Floor Elevation(S): | | Roof Peak Elevation(s): | |
|--------------------------|--|-------------------------|--|
| Unit 1 | | Unit 1 | |
| Unit 2 | | Unit 2 | |

LDR: For Additions or alterations to existing See Section 358 For Dwellings Deemed Conformig

| |
|--------|
| Notes: |
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| Rule | Requirements | | Evaluation | | | |
|--|---|---|-------------------|----------|-----|-----|
| | | Notes | Provided/Variance | | | |
| Part 4 | If applicable please refer to Part 4 Form | | See Attached | N/A | N/I | |
| 785 Use Area (Identify locations) | (1) Unless otherwise referenced in subsection (3), the max. use area for uses on the ground floor of buildings in the Commercial – Corridor 1 District is 465.0m ² | | COMPLIES | | | |
| | (2) Unless otherwise referenced in subsection (3), there is no max. use area requirement for uses located on upper floors in the Commercial – Corridor 1 District. | | Applies | Does Not | | |
| 785 Use Area (Identify locations) | (3) The max. use area of a: | (a) Catering Service – Minor, or a Catering Service – Minor combined with any other use, is 300.0m ² ; | N/A | | | |
| | | (b) Cinema, or a Cinema combined with any other use, is 550.0m ² ; and | | | | |
| | | (c) Supermarket, or a Supermarket combined with any other use, is 1400.0m ² . | | | | |
| | (4) The following uses do not have a use area restriction: | | | | | |
| | (a) Addiction Treatment; | | | | | |
| | (b) Custodial Care; | | | | | |
| | (c) Hotel; and | | | | | |
| | (d) Residential Care. | | | | | |
| 786 Location of Uses within Buildings (Identify locations) | (1) The following uses must not be located on the ground floor of buildings: | (a) Catering Service - Minor; | C | N/C | N/A | N/I |
| | | (b) Child Care Service; | C | N/C | N/A | N/I |
| | | (c) Counselling Service; | C | N/C | N/A | N/I |
| | | (d) Dwelling Unit; | C | N/C | N/A | N/I |
| | | (e) Health Services Laboratory- with Clients; | C | N/C | N/A | N/I |
| | | (f) Instructional Facility; | C | N/C | N/A | N/I |
| | | (g) Live Work Unit; | C | N/C | N/A | N/I |
| | | (h) Medical Clinic; | C | N/C | N/A | N/I |
| | | (i) Office; | C | N/C | N/A | N/I |
| | | (j) Place of Worship – Small; | C | N/C | N/A | N/I |
| | | (k) Post-secondary Learning Institution; | C | N/C | N/A | N/I |
| | | (l) Residential Care; | C | N/C | N/A | N/I |
| | | (m) Social Organization; and | C | N/C | N/A | N/I |
| | | (n) Veterinary Clinic. | C | N/C | N/A | N/I |
| (2) A min. of 20.0 % of the gross floor area of buildings in the Commercial – Corridor 1 District must contain “Commercial Uses”. | | Percentage (%) | | | | |
| Total Gross Floor Area: | | Area (m ²) | | | | |
| (3) “Commercial Uses” and Live Work Units: | (a) may be located on the same floor as Addiction Treatment, Custodial Care, Dwelling Units and Residential Care; and | C | N/C | N/A | N/I | |
| | (b) must not share an internal hallway with Addiction Treatment, Custodial Care, Dwelling Units and Residential Care. | C | N/C | N/A | N/I | |
| (4) Where this section refers to “Commercial Uses”, it refers to the listed uses at sections 777 and 778, other than Addiction Treatment, Custodial Care, Dwelling Units and Residential Care. | | | | | | |

Commercial – Corrido23

D.P. # 2021-0849

| Rule | Requirements | Evaluation | |
|---------|----------------------|------------|-------------------|
| | | Notes | Provided/Variance |
| Active: | Low Water Irrigation | | |

Part 4 A to Z Use and Use ²⁴ Rules

D.P. #

- | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| A | B | C | D | E | F | G | H | I | K | L | M | N | O | P | R | S | T | U | V |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|

| Section / Use | Type | Requirements | Evaluation | | | | | |
|-----------------------------|------------|--|---|---|-----|---------|-----|-----|
| 160.3 Cannabis Store | Compulsory | (i) where cannabis is sold for consumption off the premises; | C | N/C | N/A | N/I | | |
| | | (ii) where consumption of cannabis must not occur; | File Manager Discretion | | | | | |
| | | (iii) that may include the ancillary retail sale or rental of merchandise; and | | | | | | |
| | | (iv) where counselling on cannabis may be provided | | | | | | |
| | Rule | Rule | (e) in the C-N1 and C-N2 Districts, must only be located on a parcel with a front property line on a major street or a primary collector street. | C | N/C | N/A | N/I | |
| | | | (f) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 districts, must not be located within 300.0m of any other Cannabis Store, when measured from the closest point of a Cannabis Store to the closest point of another Cannabis Store; | 270.05 | | -29.95 | | |
| | | | Address of Cannabis Store use within 300.0m, if applicable. | #101, 1318 Centre St NE | | | | |
| | | | (f) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 districts, must not be located within 300.0m of any other Cannabis Store, when measured from the closest point of a Cannabis Store to the closest point of another Cannabis Store; | 185.16 | | -114.84 | | |
| | | | Address of Cannabis Store use within 300.0m, if applicable. | #105, 114 13 Av NW | | | | |
| | | | (f) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 districts, must not be located within 300.0m of any other Cannabis Store, when measured from the closest point of a Cannabis Store to the closest point of another Cannabis Store; | 121.49 | | -178.51 | | |
| | | | Address of Cannabis Store use within 300.0m, if applicable. | 1715 Centre St NW | | | | |
| | | | (g) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not: | (i) abut a Liquor Store; | C | N/C | N/A | N/I |
| | | | | (ii) if not for one or more intervening actual side setback areas, abut a Liquor Store; and | C | N/C | N/A | N/I |
| | | | | (iii) when located on the same parcel, if not for a vacant space between buildings, not including an internal road, abut a Liquor Store | C | N/C | N/A | N/I |
| | | | (h) in all Districts, must not be located within 100m of a parcel that does not have a School Authority - School located on it and is designated as a municipal and school reserve or school reserve on the certificate of title; | N/A | | | | |
| | | | Address of applicable parcel within 100.0m. | | | | | |
| | | | (i) in all commercial, industrial and mixed use districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 150.0m of a parcel that contains any of the following uses, when measured from the closest point of a Cannabis Store to the closest point of a parcel that contains any of them: | (i) Emergency Shelter; | N/A | | | |
| | | | | (ii) School - Private | | | | |
| | | | | (iii) School Authority - School | | | | |
| | | | Address(es) of applicable parcel(s) within 150.0m. | | | | | |

SDAB2021-0042

Motor Vehicle Parking Bylaw Check

FILE: DP2021-0849

DATE RECEIVED: February 10, 2021

Not Applicable

Proposed Visitor Parking (Not Required)

| Suite | Business Name | Use | GFA (m ²) | GUFA (m ²) | Public Area (m ²) | # of Units | Section | Rate | Stalls Required |
|----------------|---------------|-----|-----------------------|------------------------|-------------------------------|------------|---------|------|-----------------|
| Address | | | | | | | | | |
| Not Applicable | | | | | | | | | |

| | | | | | | | | | |
|----------------|--|--|--|--|--|--|--|--|--|
| Address | | | | | | | | | |
| Main Floor | | | | | | | | | |
| Not Applicable | | | | | | | | | |

Barrier Free Parking

| Suite | Business Name | Use | GFA (m ²) | GUFA (m ²) | Public Area (m ²) | # of persons | Section | Rate | Stalls Required | |
|--|---------------|----------------|-----------------------|------------------------|-------------------------------|--------------|---------|------|-----------------|------|
| Address | | | | | | | | | | |
| Main Floor | | | | | | | | | | |
| | | Cannabis Store | | 48.85 | | | 121.1 | 4.00 | 100 | 1.95 |
| Total Stalls Required | | | | | | | | | 1.95 | |
| Total Stalls Required (Rounded) | | | | | | | | | 2 | |

Drop-Off / Pick-Up Parking (Not Required)

| Suite | Business Name | Use | GFA (m ²) | GUFA (m ²) | Public Area (m ²) | # of persons | Section | Rate | Stalls Required |
|----------------|---------------|-----|-----------------------|------------------------|-------------------------------|--------------|---------|------|-----------------|
| Address | | | | | | | | | |
| Not Applicable | | | | | | | | | |

Proposed Loading (Not Required)

| Suite | Business Name | Use | GFA (m ²) | GUFA (m ²) | Public Area (m ²) | # of Units | Section | Rate | Stalls Required |
|----------------|---------------|-----|-----------------------|------------------------|-------------------------------|------------|---------|------|-----------------|
| Address | | | | | | | | | |
| Not Applicable | | | | | | | | | |

Proposed Residential Bicycle Parking - Class 1 (Not Required)

| Suite | Business Name | Use | GFA (m ²) | GUFA (m ²) | Public Area (m ²) | # of persons | Section | Rate | Stalls Required |
|----------------|---------------|-----|-----------------------|------------------------|-------------------------------|--------------|---------|------|-----------------|
| Address | | | | | | | | | |
| Not Applicable | | | | | | | | | |

Proposed Commercial Bicycle Parking - Class 1 (Not Required)

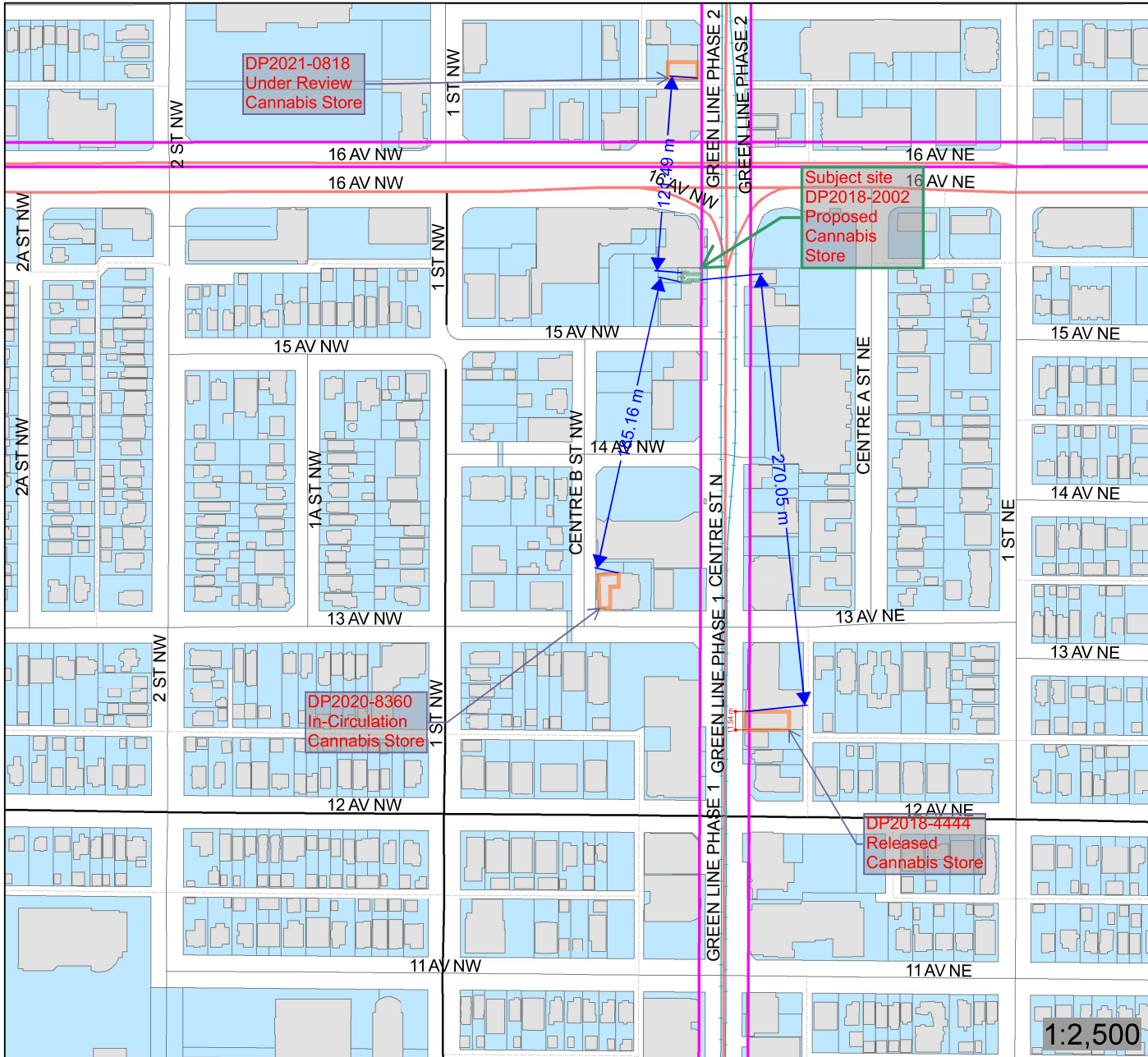
| Suite | Business Name | Use | GFA (m ²) | GUFA (m ²) | Public Area (m ²) | # of persons | Section | Rate | Stalls Required |
|-----------------------|---------------|-----|-----------------------|------------------------|-------------------------------|--------------|---------|------|-----------------|
| Address | | | | | | | | | |
| <i>Not Applicable</i> | | | | | | | | | |

Proposed Bicycle Parking - Class 2 (Not Required) ▼

| Suite | Business Name | Use | GFA (m ²) | GUFA (m ²) | Public Area (m ²) | # of persons | Section | Rate | Stalls Required |
|-----------------------|---------------|-----|-----------------------|------------------------|-------------------------------|--------------|---------|------|-----------------|
| Address | | | | | | | | | |
| <i>Not Applicable</i> | | | | | | | | | |

Excess Motor Vehicle Parking Stalls (Not Required) ▼

| Suite | Business Name | Use | GFA (m ²) | GUFA (m ²) | Public Area (m ²) | # of persons | Section | Rate | Stalls Required |
|-----------------------|---------------|-----|-----------------------|------------------------|-------------------------------|--------------|---------|------|-----------------|
| Address | | | | | | | | | |
| <i>Not Applicable</i> | | | | | | | | | |



DP2021-0849

Cannabis Store Separation 300m

DP2021-0818 Proposed Cannabis Store
121.49 m from proposed location

DP2020-8360 Proposed Cannabis Store
185.16 m from proposed location

DP2018-4444 Released Cannabis Store
270.05 m from proposed location

School Separation 150m

No Schools located within 150m

Vacant School Site Separation 100m

No Vacant Schools sites located within 100m

Emergency Shelter Separation 150m

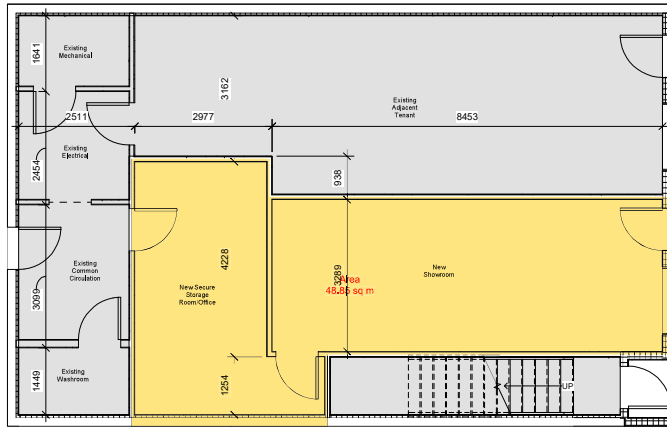
No Emergency Shelters within 150m

Liquor Store Separation

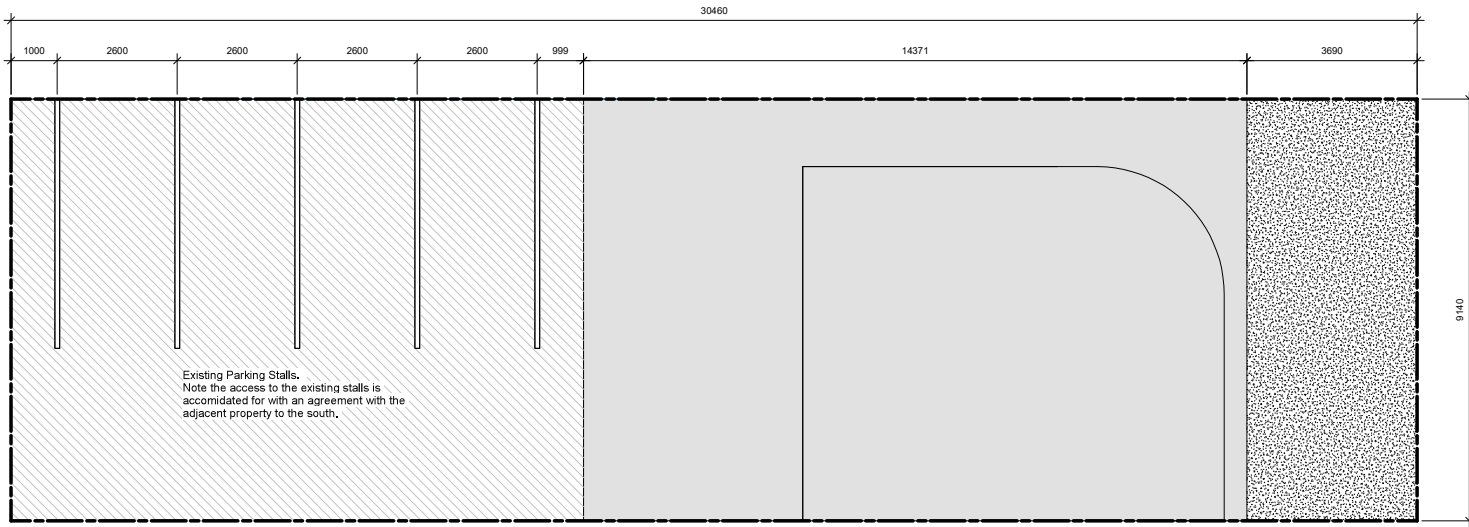
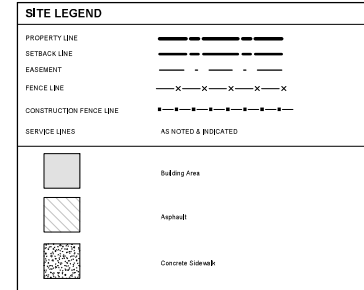
No liquor stores abutting

Legend

Date: 2021-02-24



2 Floor Plan
A100 1 : 50



1 Site Plan
A100 1 : 50



| No. | Date | Revision |
|-----|------------|--------------------------|
| 1 | Feb 9 2021 | Issued for Change of Use |

CYNC
architecture

200, 327 17th Avenue SW
 CALGARY, AB T2S 0A5
 t: 403.266.7782
 f: 403.266.7742
 www.cync.ca

Proposed Cannabis Store
 1607B Centre Street N
 4714N; 1; 1 - 4

SITE PLAN & FLOOR PLAN

As indicated

| PC | GM | GM |
|--------------|------|------|
| | 0001 | |
| FEB 09, 2021 | 0 | A100 |



CYNC ARCHITECTURE
gordon@cync.ca
(403) 269-7782

Dear Sir/Madam:

RE: Detailed Review (DR)

Development Permit Number: DP2021-0849

Based on the plans received, your application has been reviewed in order to determine compliance with the Land Use Bylaw and applicable City policies. Any variance from the Land Use Bylaw or City policies may require further discussion or revision prior to a decision being rendered.

A written response to the Prior to Decision issues in this DR is required from the Applicant by the end of the thirty (30) calendar day response due date. In the event that the response due date expires, the application may be inactivated subject to a fifteen (15) calendar day reactivation timeline. In the case of a non-responsive or incomplete application, the General Manager – Planning, Development and Assessment may cancel the application as per Section 41.1 of Land Use Bylaw 1P2007.

Should you have any questions or concerns, please contact me at (403) 333-5398 or by email at david.weisgerber@calgary.ca.

Sincerely,

A handwritten signature in blue ink that reads "D. Weisgerber".

DAVID WEISGERBER
Senior Planning Technician



Detailed Review 1 – Development Permit

| | |
|------------------------------------|--|
| Application Number: | DP2021-0849 |
| Application Description: | Change of Use: Cannabis Store |
| Land Use District: | Commercial - Corridor 1 |
| Use Type: | Discretionary |
| Site Address: | 1607 CENTRE ST NW |
| Community: | CRESCENT HEIGHTS |
| Applicant: | CYNC ARCHITECTURE |
| Date DR Sent: | March 30, 2021 |
| Response Due Date: | April 30, 2021 |
| Senior Planning Technician: | DAVID WEISGERBER - (403) 333-5398 - david.weisgerber@calgary.ca |

General Comments

The Development Permit review process includes a circulation of the application to the following stakeholders. They reviewed the DP and have provided the following comments to be provided as part of the decision.

- **Notice Posting** for a period of one week – No comments received.
- **Crescent Heights Community Association** – We do not approve this DP as the cannabis store does not comply with the 300 metre separation distance from another cannabis store located to the south. It may also not comply with the 150 metre separation distance from the Balmoral School located on the north side of 16th Ave NW. It may also not comply with another application, currently in process, for a store located north of 16 Ave.

Given the stringent regulations around cannabis stores, we felt this DP should have provided more detail and included class 2 bicycle parking.

- **Tuxedo Park Community Association** – Objection due to proximity to Balmoral School and other Cannabis Stores.
- **Ward 7 Councillor** - The proposed location appears to conflict with the separation distance of at least one approved Cannabis Store location and a number of other applications currently under review. There exists the potential for saturation of this use in this area and not all of the applications can be approved.
- **Building Regulations** – Reviewed no objections.
- **LEMAG (Licensed Establishments Multi Agency Group)** – Reviewed no objections.

- AGLC (Alberta Gaming & Liquor Commission) – No comments received.

Comments on Relevant City Policies

CANNABIS STORE GUIDELINES

Objectives

1. To ensure opportunities for Cannabis Stores on main streets and in communities are balanced with opportunities for other types of commercial uses. A variety of commercial uses provide communities with options, supports economic diversification and helps build a complete retail street.
2. To promote a full range and a mix of commercial uses and opportunities along main streets and in communities.

Guidelines

Separation Distance Between Cannabis Stores

The Development Authority must consider the overall number and density of Cannabis Stores on a main street, community or other area in comparison to other main streets, communities or areas in Calgary when considering a request for a reduction to the minimum separation distance between Cannabis Stores.

Additionally, the development authority may consider a reduction in the separation distance between Cannabis Stores when:

1. There is only one other Cannabis Store within the minimum separation distance; and
2. A proposed Cannabis Store is located on a different street or on the opposite side of the same street as the existing Cannabis Store;
3. A major road, expressway or river separates the proposed Cannabis Store from the existing Cannabis Store;

Calgary Land Use Bylaw 1P2007

Discretionary Use Development Permit Application

35 When making a decision on a *development permit* for a *discretionary use* the *Development Authority* must take into account:

- (c) the appropriateness of the location and **parcel** for the proposed **development**;
- (d) the compatibility and impact of the proposed **development** with respect to adjacent **development** and the neighbourhood

160.3 Cannabis Store

- (f) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 300.0 metres of any other **Cannabis Store**, when measured from the closest point of a **Cannabis Store** to the closest point of another **Cannabis Store**;

| Bylaw Variances | | |
|-------------------------------------|-----------------|---|
| Regulation | Standard | Provided / Deficiency (Variance) DP Number (Status) / Location |
| 60.3(f) Maximum Separation distance | 300m | 121.49m / +178.51 (59.5%) DP2021-0818 (Approved in AD) / 1705 Centre ST NW |
| | | 270.05m / +29.95m (10%) DP2018-444 (Released) / #101 1318 Centre ST NE |
| | | 185.16m / +114.84 (38.3%) DP2020-8360 (Pending Decision) / #105 114 13 AV NW |

Prior to Decision Requirements

The following issues must be addressed by the Applicant through a written submission and amended plans prior to a decision by the Approving Authority:

Planning

- The development, as proposed, is not supported for the reasons indicated in the bylaw table:
 - Separation distance from existing approved Cannabis Stores.

Indicate, in writing, the manner in which the application will proceed:

(A) Request **cancellation** of the application. Any applicable fee refund will be determined at the time of cancellation.

OR,

(B) **Pursue** the application, as proposed, with a decision of refusal by the Development Authority. The refusal will be based on the comments listed above.

The last day to respond to the DR is thirty days from the date the DR was issued (see cover page of DR for exact date).

Prior to Release Requirements

If this Development Permit is approved, the following requirements shall be met prior to the release of the permit. All requirements shall be resolved to the satisfaction of the Approving Authority:

Planning

- The Prior to Release conditions will be finalized at the time of Development Authority decision.

Permanent Conditions

If this Development Permit is approved, the following permanent conditions shall apply:

Planning

3. The permanent conditions will be finalized at the time of Development Authority decision.
4. The development shall be completed in its entirety, in accordance with the approved plans and conditions. The stamped and signed plans are a legal document.
5. No changes to the approved plans shall take place unless authorized by the Development Authority. If changes to the development occur or are proposed, a new development permit or revised plan application may be required.

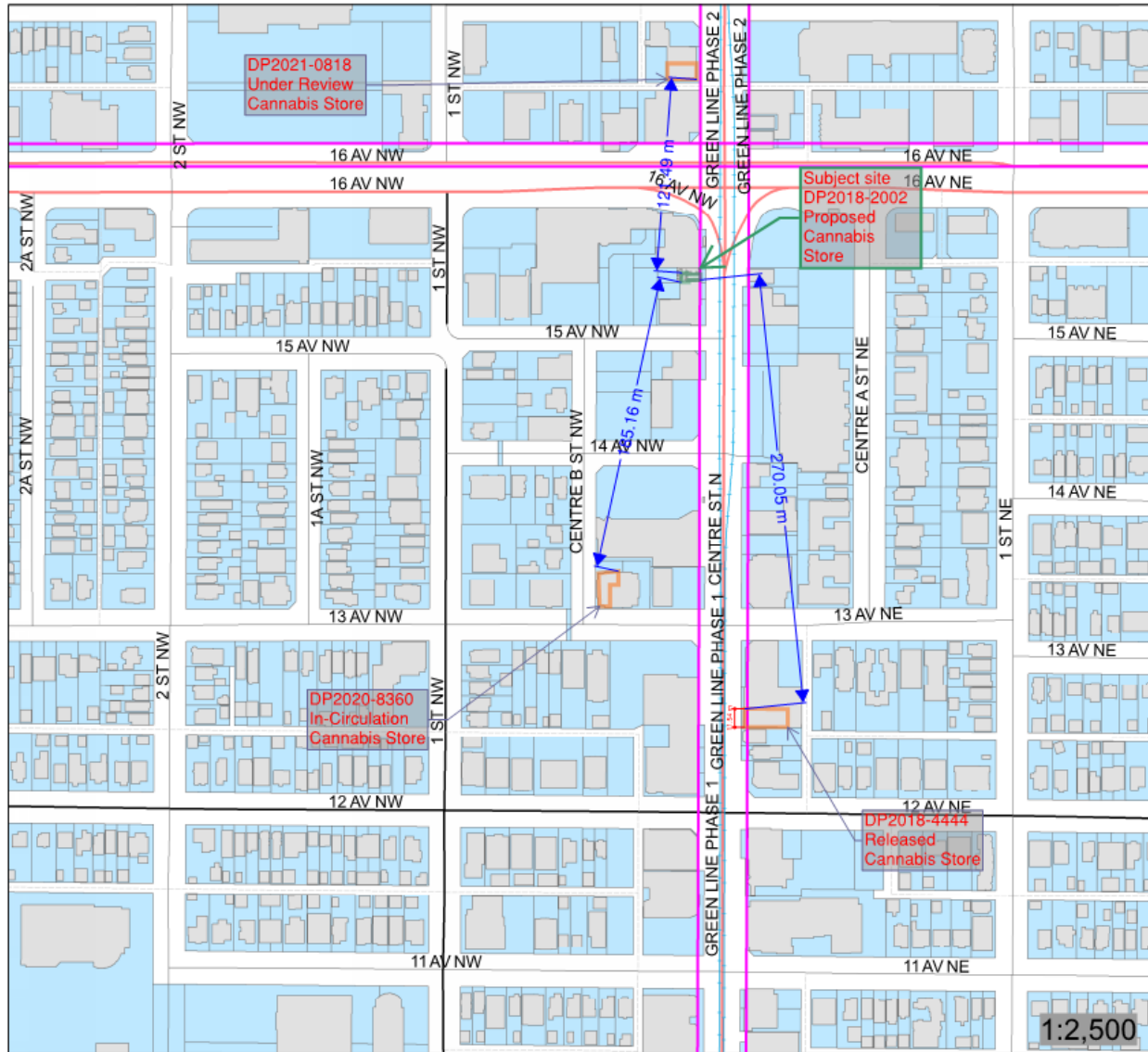
Advisory Comments

The following advisory comments are provided as a courtesy to the Applicant and registered property owner. The comments represent some, but not all of the requirements contained in the Land Use Bylaw that must be complied with as part of this approval.

Planning

6. The advisory comments will be finalized at the time of Development Authority decision.
7. Any of the conditions of the development permit approval may be appealed. If you decide to file an appeal, it must be submitted to the Subdivision and Development Appeal Board (4th Floor, 1212 31 Avenue NE, Calgary, AB T2E 7S8) [DJ3 Building] within 21 days of receipt of the decision letter. An appeal along with reasons must be submitted, together with payment of a \$200.00 fee, to the Subdivision and Development Appeal Board. An appeal may also be filed online at <http://calgarysdab.ca/how-to-file-an-appeal.html> or mailed to Subdivision and Development Appeals Board (#8110), P.O. Box 2100, Station M, Calgary AB T2P 2M5. To obtain an appeal form, for information on appeal submission options or the appeal process, please visit the website or call 403-268-5312.
8. The approval of this development permit does not limit in any way the application of any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline, nor does it constitute any permit or permission under any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline.
9. In addition to this development permit, building permits may also be required. Building permit applications may be submitted upon approval of the associated development permit. Contact Building Regulations at 403-268-5311 for further information.
10. All roof top mechanical equipment shall be screened or must not be visible from thoroughfares or sidewalks. Any new exterior or at grade mechanical equipment must be screened and may require a development permit.

Cannabis Map



From: Weisgerber, David
Sent: Wednesday, May 26, 2021 7:33 AM
To: 'Gordon Murray'; Peter Crittenden
Cc: Ritchie Fung
Subject: RE: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW
Attachments: Notification of Decision for DP2021-0849 at 1607 Centre ST NW

Hi Gordon,

DP2020-8360 has been appealed and the initial appeal date is set for June 3, 2021. You will have to contact the Subdivision and Development Appeal Board to learn any more information. Their contact information is in the refusal letter.

Attached is the original email sent for the refusal of DP2021-0849. The contact information we have for this DP is from the original application.

Hope this helps,
David Weisgerber
Senior Planning Technician
Technical Planning, Community Planning
Planning & Development
(403)333-5398



 Please consider the environment before printing this email.

Check out www.calgary.ca/pdmap to learn more about the development activity in your community.
[Contact me through MS Teams](#)

From: Gordon Murray <Gordon.Murray@cync.ca>
Sent: Wednesday, May 26, 2021 7:07 AM
To: Weisgerber, David <David.Weisgerber@calgary.ca>; Peter Crittenden <Peter.Crittenden@cync.ca>
Cc: Ritchie Fung <ritchie.fung@experaIT.com>
Subject: [EXT] RE: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW

Hi David,
Just following up on this matter, are you able to tell us whether the applicants at #105, 114 13 Ave., NW appealed the decision to turn down their application? Plus, we have not seen the formal documentation on the refusal as previously discussed.

Thanks,

Gordon Murray | Principal
Architect AAA, AIBC, MRAIC

337 17th Ave., SW Suite 200 Calgary Alberta



t 403-269-7782 d 587-393-4337 c 403-807-3088 e gordon@cync.ca

Hey, check out our Instagram account – CYNC Architecture!

Immediate Past President – Alberta Association of Architects
Master of Architecture, University of Calgary
Bachelor of Fine Arts, University of Calgary

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From: Weisgerber, David <David.Weisgerber@calgary.ca>

Sent: Wednesday, April 28, 2021 12:27 PM

To: Gordon Murray <Gordon.Murray@cync.ca>; Peter Crittenden <Peter.Crittenden@cync.ca>

Cc: Ritchie Fung <ritchie.fung@experaIT.com>

Subject: RE: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW

Absolutely. Will do.

Thanks,
David

From: Gordon Murray <Gordon.Murray@cync.ca>

Sent: Wednesday, April 28, 2021 12:26 PM

To: Weisgerber, David <David.Weisgerber@calgary.ca>; Peter Crittenden <Peter.Crittenden@cync.ca>

Cc: Ritchie Fung <ritchie.fung@experaIT.com>

Subject: [EXT] RE: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW

Hi David,

Thanks for the quick response. Can this email serve as our request for a refusal?

Gordon

Gordon Murray | Principal
Architect AAA, AIBC, MRAIC

337 17th Ave., SW Suite 200 Calgary Alberta



t 403-269-7782 d 587-393-4337 c 403-807-3088 e gordon@cync.ca

Hey, check out our Instagram account – CYNC Architecture!

President – Alberta Association of Architects
Master of Architecture, University of Calgary
Bachelor of Fine Arts, University of Calgary

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From: Weisgerber, David <David.Weisgerber@calgary.ca>

Sent: Wednesday, April 28, 2021 12:23 PM

To: Gordon Murray <Gordon.Murray@cync.ca>; Peter Crittenden <Peter.Crittenden@cync.ca>

Cc: Ritchie Fung <ritchie.fung@experaIT.com>

Subject: RE: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW

Hi Gordon,

If you request a refusal, that will take a week or two to prepare. Then once the refusal is written and sent, you are provided 21 days to actually file an appeal.

Hope this helps,
David

From: Gordon Murray <Gordon.Murray@cync.ca>
Sent: Wednesday, April 28, 2021 12:15 PM
To: Weisgerber, David <David.Weisgerber@calgary.ca>; Peter Crittenden <Peter.Crittenden@cync.ca>
Cc: Ritchie Fung <ritchie.fung@experalT.com>
Subject: [EXT] RE: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW

Hi David, we are looking for some clarity on what our next steps are. As you know whether we plan to appeal the City's decision to NOT SUPPORT this application but we were waiting to see what the folks at #105, 114 13 Ave., NW were going to do first. Since they now have until May 12 to appeal the City's decision to refuse we are not sure what we should be doing. We have until April 30, 2021 to inform you of our decision will pursue the application or cancel it. Can this email serve as our decision to pursue the application or do you need a more formal letter?

A written response to the Prior to Decision issues in this DR is required from the Applicant by the end of the thirty (30) calendar day response due date. In the event that the response due date expires, the application may be inactivated subject to a fifteen (15) calendar day reactivation timeline. In the case of a non-responsive or incomplete application, the General Manager – Planning, Development and Assessment may cancel the application as per Section 41.1 of Land Use Bylaw 1P2007.

Gordon Murray | Principal
 Architect AAA, AIBC, MRAIC

337 17th Ave., SW Suite 200 Calgary Alberta

t 403-269-7782 d 587-393-4337 c 403-807-3088 e gordon@cync.ca

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From: Weisgerber, David <David.Weisgerber@calgary.ca>
Sent: Monday, April 26, 2021 12:23 PM
To: Gordon Murray <Gordon.Murray@cync.ca>; Peter Crittenden <Peter.Crittenden@cync.ca>
Cc: Ritchie Fung <ritchie.fung@experalT.com>
Subject: RE: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW

Hi Gordon,

A decision of refusal was rendered. The applicant will have the mandatory 21 day appeal period ending May 12th.

David

From: Gordon Murray <Gordon.Murray@cync.ca>
Sent: Monday, April 26, 2021 11:29 AM
To: Weisgerber, David <David.Weisgerber@calgary.ca>; Peter Crittenden <Peter.Crittenden@cync.ca>
Cc: Ritchie Fung <ritchie.fung@experalT.com>
Subject: [EXT] RE: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW

Hi David,

We just noticed that the proposed cannabis at #105, 114 13 Ave., NW now has a red dot vs. a grey one. Can we safely assume that this proposed location is now dead?



Gordon Murray | Principal
 Architect AAA, AIBC, MRAIC

337 17th Ave., SW Suite 200 Calgary Alberta

t 403-269-7782 d 587-393-4337 c 403-807-3088 e gordon@cync.ca

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SDAB2021-0042

intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited.

From: Weisgerber, David <David.Weisgerber@calgary.ca>
Sent: Thursday, April 8, 2021 7:44 AM
To: Gordon Murray <Gordon.Murray@cync.ca>; Peter Crittenden <Peter.Crittenden@cync.ca>
Cc: Ritchie Fung <ritchie.fung@experalT.com>
Subject: RE: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW

Hi Gordon,

A Development Permit is legally associated with a property address and is non-transferrable. To apply for a Cannabis Store at a new address it will require a new DP. The Development Authority is guided by the Land Use Bylaw and related Policies. The options are to cancel this DP or to accept a refusal and appeal the decision to the Subdivision and Development Appeal Board (SDAB).

These arguments can be brought forward to SDAB and they would be the final authority. If you want to proceed to the SDAB and present these arguments, I can prepare a decision of refusal and you will be guided to making an appeal.

Please let me know which way you want the DP to proceed.

Thanks,
David Weisgerber
Senior Planning Technician
Technical Planning, Community Planning
Planning & Development
(403)333-5398



 *Please consider the environment before printing this email.*

Check out www.calgary.ca/pdmap to learn more about the development activity in your community.
[Contact me through MS Teams](#)

From: Gordon Murray <Gordon.Murray@cync.ca>
Sent: Wednesday, April 7, 2021 4:43 PM
To: Weisgerber, David <David.Weisgerber@calgary.ca>; Peter Crittenden <Peter.Crittenden@cync.ca>
Cc: Ritchie Fung <ritchie.fung@experalT.com>
Subject: [EXT] RE: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW

Hi David,

Our client has an opportunity to locate the cannabis store into 1609 Centre St. vs. 1607 Centre St.. This location is 10 m further away than the original application to DP2018-444 and that would make it only 20 too close vs. 30 as it was. If the application DP2020-8360 decides not to pursue their application AND we could argue that 16th Ave is a major roadway do you think that the Planning Department would support that?

| Bylaw Variances | | |
|-------------------------------------|----------|--|
| Regulation | Standard | Provided / Deficiency (Variance) / DP Number (Status) / Location |
| 60.3(f) Maximum Separation distance | 300m | 121.49m / +178.51 (59.5%) DP2021-0818 (Approved in AD) / 1705 Centre ST NW |
| | | 270.05m / +29.95m (10%) DP2018-444 (Released) / #101 1318 Centre ST NE |
| | | 185.16m / +114.84 (38.3%) DP2020-8360 (Pending Decision) / #105 114 13 AV NW |

Gordon Murray | Principal
Architect AAA, AIBC, MRAIC

337 17th Ave., SW Suite 200 Calgary Alberta

t 403-269-7782 d 587-393-4337 c 403-807-3088 e gordon@cync.ca



CYNC
architecture

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From: Weisgerber, David <David.Weisgerber@calgary.ca>

Sent: Tuesday, March 30, 2021 12:59 PM

To: Peter Crittenden <Peter.Crittenden@cync.ca>

Cc: Gordon Murray <Gordon.Murray@cync.ca>; Ritchie Fung <ritchie.fung@experaiT.com>

Subject: Action Required - Detailed Review for DP2021-0849 @ #B 1607 Centre ST NW



Good Day,

The detailed review for your Development Permit has been completed and we require additional information before we are able to proceed to a decision.



Application submitted



Initial review



Detailed re

This email contains the following information:

SDAB2021-0042

- Detailed Review

For more information about the Development Permit process please visit www.calgary.ca/dpprocess.

For status updates and more information on your specific Development Permit please visit www.calgary.ca/pdmap.

Please contact me if you have any questions or concerns about your Development Permit.

Thank You,

David Weisgerber
 Senior Planning Technician
 Technical Planning, Community Planning
 Planning & Development
 (403)333-5398



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[Contact me through MS Teams](#)

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From: [Briegel, Michael J.](#)
To: [DP Circ](#)
Cc: [Weisgerber, David](#)
Subject: RE: Electronic Circulation of DP2021-0849 at 1607 Centre ST NW
Date: Wednesday, February 17, 2021 3:38:03 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.png](#)

No issues from business Licence.

MICHAEL BRIEGEL

A/Chief Licence Inspector
Compliance Services
P.O. Box 2100, Stn. M, #128
Calgary, AB Canada T2P 2M5
T 403-648-6341 | C 403-512-2559
michael.briegel@calgary.ca
ISC: Protected

From: Ou-Bobinski, Chandy **On Behalf Of** DP Circ
Sent: Wednesday, February 17, 2021 12:18 PM
Cc: DP Circ ; Weisgerber, David
Subject: Electronic Circulation of DP2021-0849 at 1607 Centre ST NW

| | |
|---|---|
| <p>Calgary banner (generic).png</p>  | <p>For more information CALGARY.CA/PD DISPATCH ENEWSLETTER</p>  |
|---|---|

Good day,
Please find attached the circulation package for the above noted Development Permit application.
Included are the following documents:

1. Circulation Package
 - Guidelines for Electronic Circulation
 - Request for Comment Sheet
 - Complete Set of Plans
2. Community Association Feedback Form
Please note, you can also [submit feedback online](#).

Please respond electronically to DP.Circ@calgary.ca.
Thank you.

Chandy Ou-Bobinski
Applications Processing Representative
Calgary Building Services
Planning & Development

The City of Calgary | Mail Code: 8108

[E.DP.Circ@calgary.ca](mailto:DP.Circ@calgary.ca)

Floor #3, Municipal Building - 800 Macleod Tr. S.E.

P.O. Box 2100, Station M, Calgary, AB T2P 2M5



ISC: Unrestricted

From: CAWard7 - Dale Calkins
Sent: Monday, March 1, 2021 2:57 PM
To: DP Circ
Cc: Weisgerber, David; Dennis Marr; 'info@crescentheightsvillage.ca'
Subject: RE: Electronic Circulation of DP2021-0849 at 1607 Centre ST NW

Follow Up Flag: Follow up
Flag Status: Completed

Hello David,

Councillor Farrell's office reviewed DP2021-0849 and offers the following comments:

- The proposed location appears to conflict with the separation distance of at least one approved Cannabis Store location and a number of other applications currently under review. There exists the potential for saturation of this use in this area and not all of the applications can be approved.

Best regards,

Dale Calkins (he/him)
Senior Policy & Planning Advisor
Druh Farrell – Ward 7 Councillor
Office of the Councillors, PO Box 2100, Station M, Calgary, Alberta, T2P 2M5
[e CAWard7@Calgary.ca](mailto:CAWard7@Calgary.ca) [w www.DruhFarrell.ca](http://www.DruhFarrell.ca)



From: Ou-Bobinski, Chandy **On Behalf Of** DP Circ
Sent: Wednesday, February 17, 2021 12:18
Cc: DP Circ ; Weisgerber, David
Subject: Electronic Circulation of DP2021-0849 at 1607 Centre ST NW



For more information
CALGARY.CA/PD
[DISPATCH](#)
[ENEWSLETTER](#)



Good day,

Please find attached the circulation package for the above noted Development Permit application.

Included are the following documents:

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 - Guidelines for Electronic Circulation
 - Request for Comment Sheet
 - Complete Set of Plans

2. Community Association Feedback Form
Please note, you can also [submit feedback online](#).

Please respond electronically to DP.Circ@calgary.ca.

Thank you.

Chandy Ou-Bobinski

Applications Processing Representative

Calgary Building Services

Planning & Development

The City of Calgary | Mail Code: 8108

E DP.Circ@calgary.ca

Floor #3, Municipal Building - 800 Macleod Tr. S.E.

P.O. Box 2100, Station M, Calgary, AB T2P 2M5



ISC: Unrestricted



February 17, 2021

A new Development Permit application has been submitted at the below noted address(es), and we are sending this information for comments.

If you have questions or concerns related to this application, please contact the file manager directly at any point in the review process.

Application Details

File Number: DP2021-0849

File Manager: DAVID WEISGERBER

Phone: (403) 333-5398

eMail: david.weisgerber@calgary

Address: 1607 CENTRE ST NW

Legal: 4714N;1;1-4

Land Use Bylaw: 1P2007

L.U.D.: C-COR1 f6.0h38

Community: CRESCENT HEIGHTS

Ward: 07

Application Description: Change of Use: Cannabis Store

Thank you for taking the time to respond. Your input is greatly appreciated

Please note that any written submissions made in response to the application will form part of the official record, and upon final decision of the application the correspondence will be available for public viewing.

Please return your response to: **Circulation Control**
Planning and Development
P.O. Box 2100 Station M
IMC 8201
eMail: dp.circ@calgary.ca

This information is released and may only be used for the sole purpose of your organizations meeting to discuss the recommendations or comments to be made to the City of Calgary on this permit.

Please check the corresponding box below and forward any comments to the above sender.

No Objection

Comments Attached *

Name: Annie Brownlee

Date: March 10, 2021

Organization: TPCA

Comments Are Due By: **March 10, 2021**

* TPCA OBJECTS TO THIS DEVELOPMENT DUE TO ITS PROXIMITY TO BALMEDAL SCHOOL AND OTHER CANNABIS STORES.

SDAB2021-0042

From: Dennis Marr <planning@crescentheightsyyc.ca>
Sent: Thursday, February 25, 2021 1:58 PM
To: Weisgerber, David; DP Circ
Cc: CAWard7 - Dale Calkins
Subject: [EXT] DP2021-0849; cannabis store at 1607 Centre St NW

Follow Up Flag: Follow up
Flag Status: Completed

Dear David,

Thank you for inviting the Crescent Heights Planning Committee to comment on this DP.

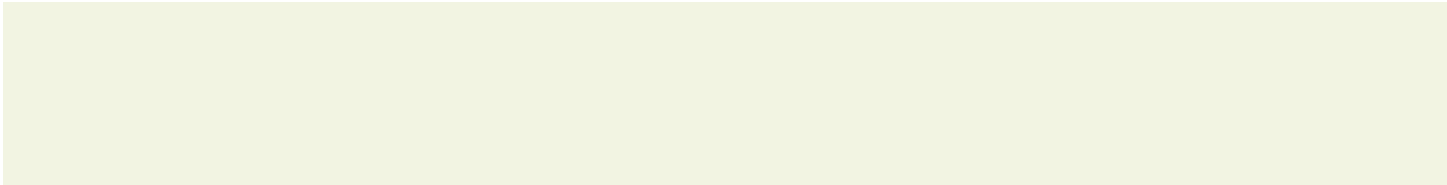
We do not approve this DP as the cannabis store does not comply with the 300 metre separation distance from another cannabis store located to the south. It may also not comply with the 150 metre separation distance from the Balmoral School located on the north side of 16th Ave NW. It may also not comply with another application, currently in process, for a store located north of 16 Ave.

Given the stringent regulations around cannabis stores, we felt this DP should have provided more detail and included class 2 bicycle parking.

Should you have questions please contact me by phone at 403-807-7257 or email.

Sincerely,

Dennis Marr, Director, Planning
Crescent Heights Community Association



Development Authority Response to Notice of Appeal

Appeal number: SDAB2021-0042

Development Permit number: DP2021-0849

Address: 1607 Centre ST NW

Description: Change of Use: Cannabis Store

Land Use: Commercial – Corridor 1 (C-COR1)

Community: Crescent Heights

Jurisdiction Criteria:

Subject to National Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission or Minister of Environmental and Parks license, permit, approval, or other authorization: No

DA Attendance: No

Use: Discretionary

Notice Posted: Yes, 7 days

Objections: Yes

Support: No

Bylaw relaxations:

The development, requires the following relaxations of the rules of the Land Use Bylaw:

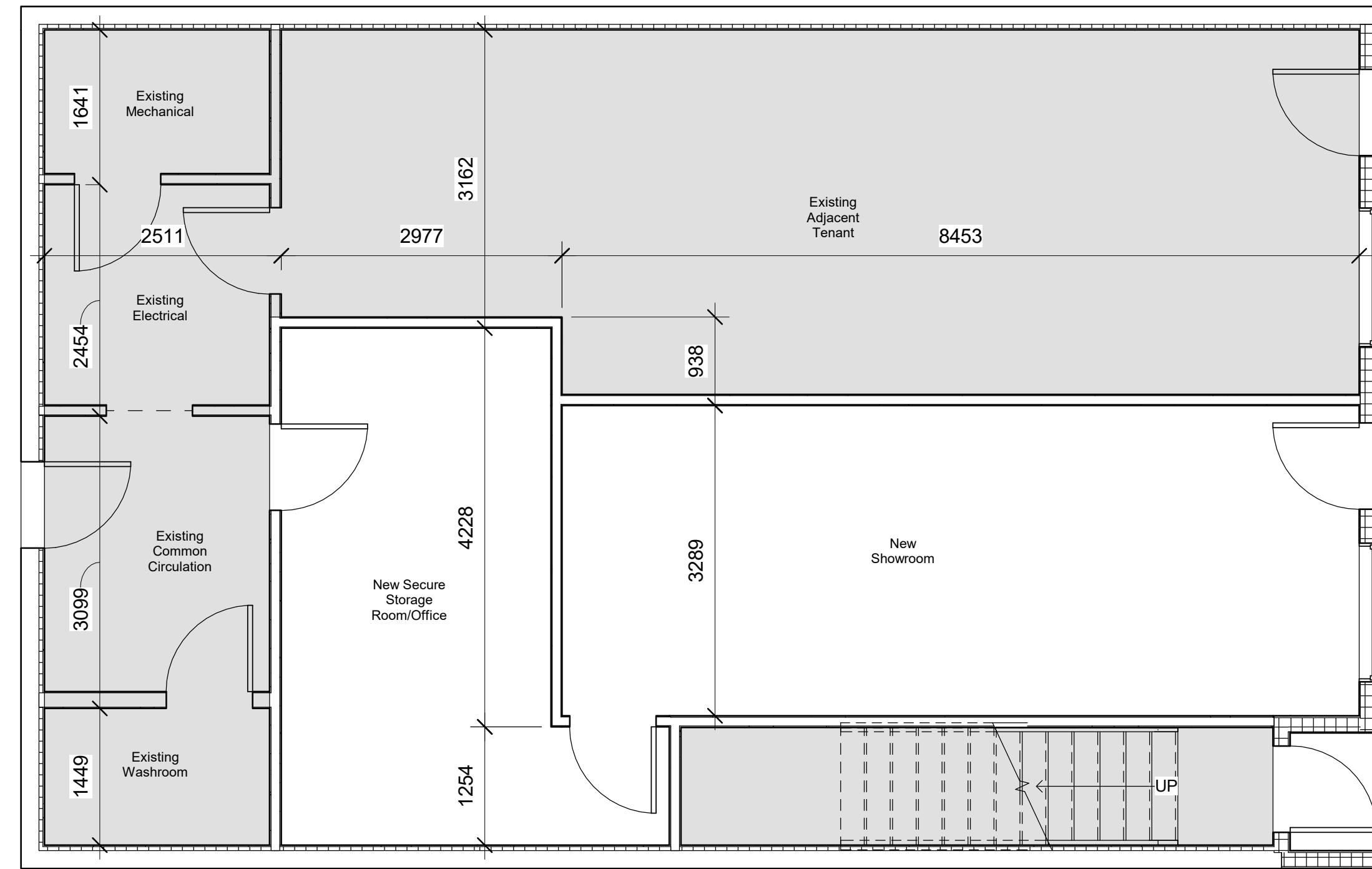
| Bylaw Discrepancies | | |
|----------------------------|--|---|
| Regulation | Standard | Provided |
| 160.3 Cannabis Store | in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 300.0 metres of any other Cannabis Store, when measured from the closest point of a Cannabis Store to the closest point of another Cannabis Store; | DP2021-0818 (approved, released) 121.5 metres (-178.5 metres) DP2018-4444 (approved, released) 270.1 metres (-29.9 metres) |

Applicable ARP, ASP or Design Brief (in addition to the MDP):

- Cannabis Store Guidelines (non-stat)
- 16 Avenue Urban Corridor (stat)

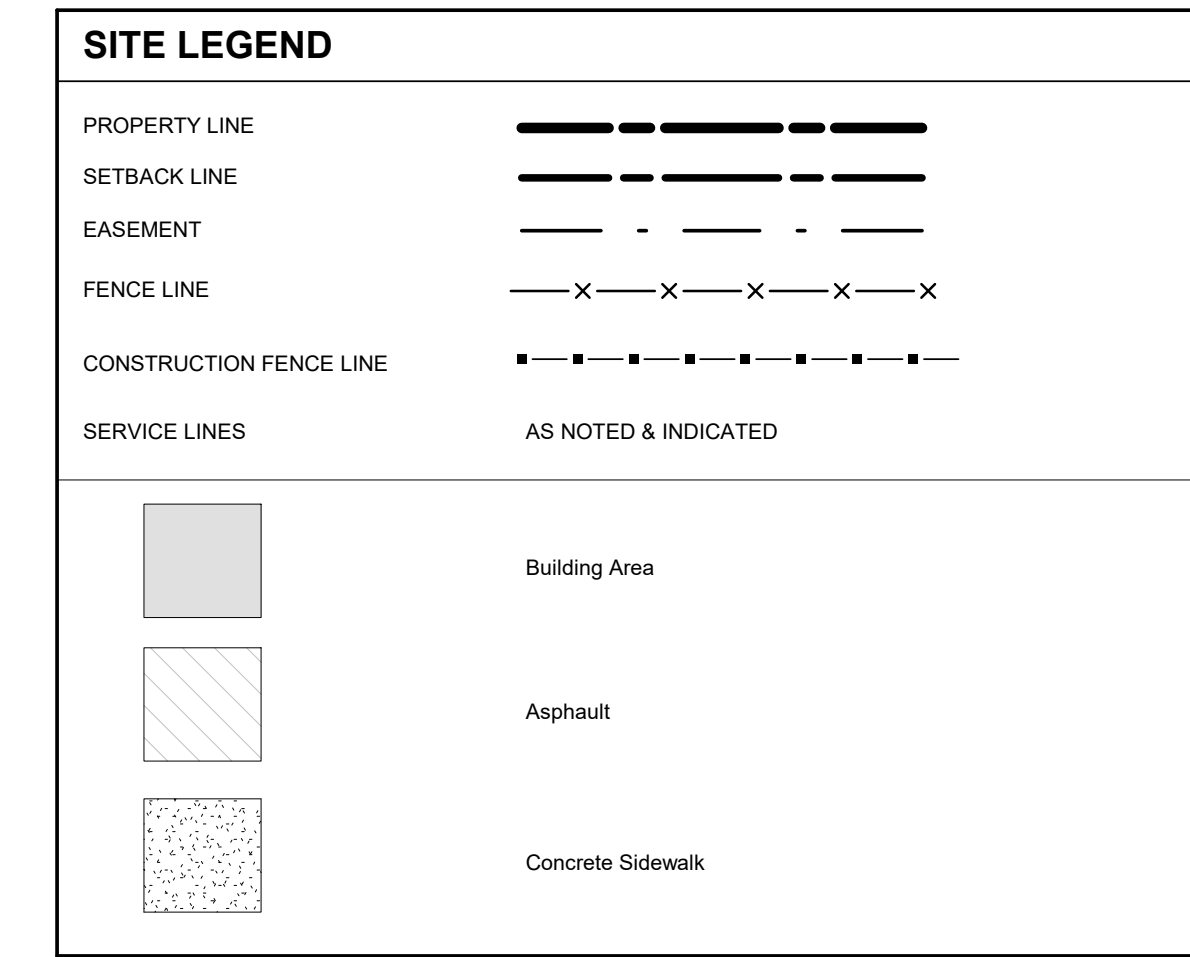
Additional factors, considerations and rationale for the decision:

1. Please see the Reasons for Refusal



2 Floor Plan
A100 1 : 50

DEVELOPMENT
PERMIT
DECISION
RENDERED
ON THIS PLAN

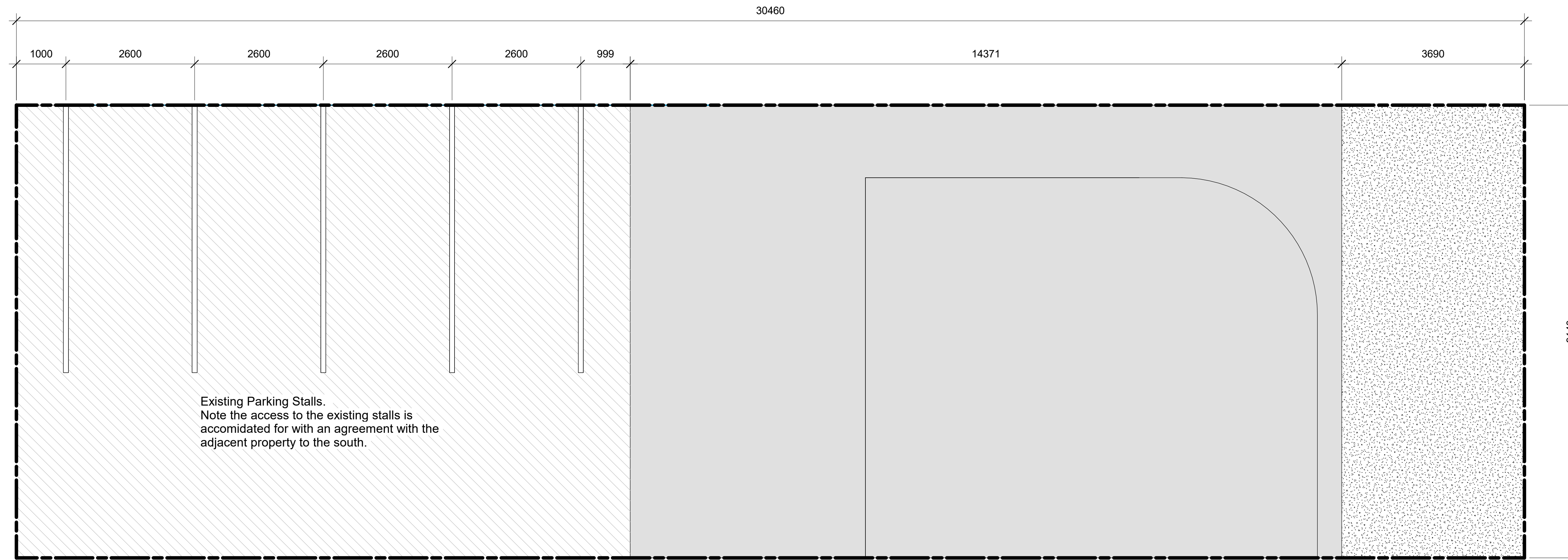


| No. | Date | Revision |
|-----|------------|--------------------------|
| 1 | Feb 9 2021 | Issued for Change of Use |

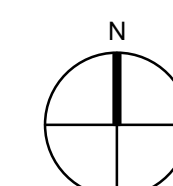
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200, 337 17th Avenue SW
CALGARY, AB T2S 0A5
t : 403.269.7782
f : 403.269.7742
www.cync.ca



1 Site Plan
A100 1 : 50



Proposed Cannabis Store
1607B Centre Street N
4714N; 1; 1 - 4

SITE PLAN &
FLOOR PLAN

| | | | |
|--------------|------|-----------|------|
| As indicated | | | |
| Drawn | PC | Check | GM |
| Project No. | 0001 | | |
| Phase No. | 0 | Sheet No. | A100 |
| FEB 09, 2021 | | | |