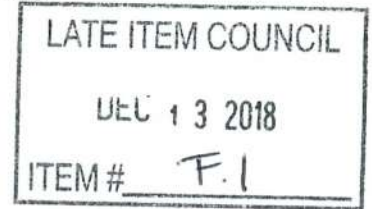


Handout to Council – February 8, 2018
Request for Reconsideration of Committee of the Whole Recommendation to Council
Re Application No 00557 for 2616-2626 Douglas Street

I am asking that Council look again at Five Star Medical Dispensary's application for rezoning because I believe it has not yet had the chance to consider this application fairly.

A bit about us:

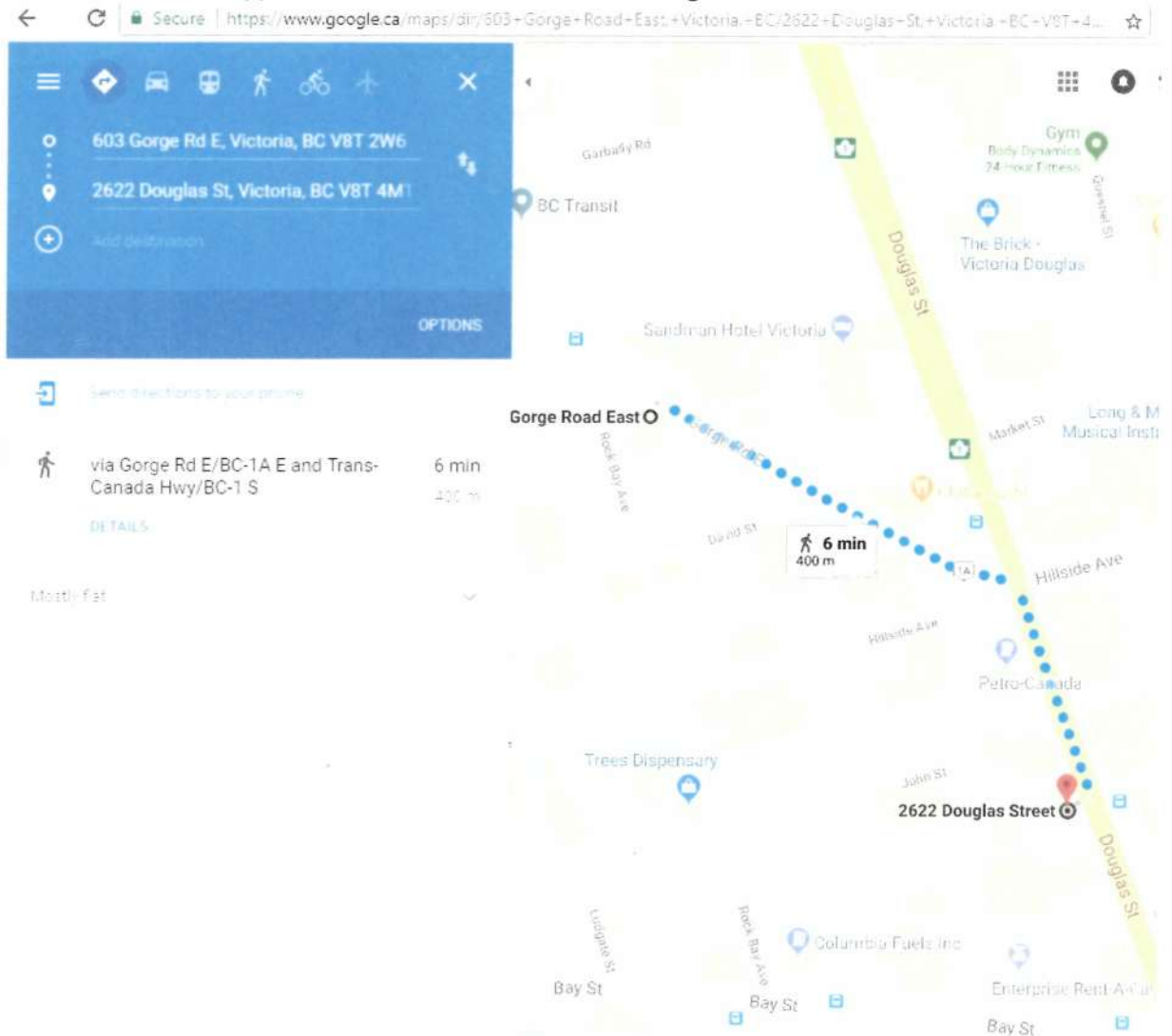
- There are no schools within 200 m of the property.
- The area is zoned and designated for commercial, retail uses.
- And most uses in the area are office, commercial and car sales.
- The dispensary began operating in April of 2016, before the City's zoning bylaw was passed.
- Service calls to law enforcement to our block have actually dropped while we have been operating [see staff report page 3 of 5].
- We have been having a positive impact in our neighbourhood.
- From a land use viewpoint, we are in an appropriate place.



What happened to us:

- We submitted our application January 6, 2017, and were consistent with the *Storefront Cannabis Retailer Rezoning Policy* at the time.
- Our application didn't come forward until October 19, 2017 and it was deferred in favour of 603 Gorge Road East.
- There was no reason for that. At the time there was no conflict between the applications. It was arbitrary, but because of what happened next, it became very unfair.
- October 27, 2017 the City's policy was amended to change 200 m from another dispensary to 400m.
- So now that our application has finally come forward, the Staff report's only reason for refusing our application to go to a public hearing is that 603 Gorge Road East was approved and is within 400 m of our location.
- According to Google maps, 603 Gorge Road East is 400 m away from 2622 Douglas (our storefront).

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- This means that it actually does meet the policy, or else is very, very close depending on where the measurement is taken from. I don't have the ability to remeasure what staff has presented, but I accept it might be a little closer than 400 m if you go from a part of the property that isn't in use by us, or by 603 Gorge Road.

The Storefront Cannabis Retailer Rezoning Policy:

- The policy Part C, section 3 is as follows:

This Policy does not limit Council from considering variances to the separation distances noted in (2) based on circumstances related to a specific application.

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- This means that Council can vary the distance on a site-specific basis.
- The reason it should do so in this case is that the store fronts that are actually in use at both 603 Gorge Road and 2262 Douglas are actually 400m apart.
- This means the intent of the policy is met.
- Policies are not the same as zoning. You have the express ability to vary this one for application specific factors. This has to include preventing unfairness.

Summary of factors that support this project going forward:

- The only negative in the staff report is the 400 m;
- We are 400m from store front to store front, meaning this will not open the flood gates for other dispensaries who are not that close to meeting the standard;
- The 400 m requirement was not in force when our application came on for hearing, or when it was deferred;
- We would have spoken against the deferral if we had known it would be used against us later. This is another compelling reason why this will not apply to every dispensary but is unique to us.
- It is a hardship to the business and us as individuals to try to find a new location in an increasingly competitive market.
- We have worked with the City to meet its requirements and the application is a strong one from a land use perspective. We have passed every inspection for compliance.