

Late Item COTW: F.4

On Wed, Oct 23, 2019, 3:49 PM Pat Warren <[REDACTED]> wrote:

Dear Mayor and Council

Thank you for taking the time to correspond with me regarding our situation . My name is Pat Warren, I am one of the owners of Pineapple Express, the cannabis retail outlet at 608 Esquimalt Road, in Victoria West. Over the past 3 years we have been in the process of legalising our store, during which our rezoning application was approved with a 7 to 1 vote, without any opposition from the public and no issues raised by council or staff. Within the past 12 months we have submitted our provincial application which was recently returned as "fit and proper", as we had cleared the financial integrity, security clearance proving no criminal history or association, and every other investigation the Province deemed necessary as part of their research to determine the legitimacy of our group. This week we received the final report from the city staff and to our disappointment it was recommended by staff that Pineapple Express not be given a positive recommendation from council to the Provincial Government, which is of course devastating to my partners, our families and our staff of 14. I wish to list the issues raised by the city staff and address them one at a time. I will do my best to keep this letter condensed and concise but as our business is the means by which we support our families, I must take the time to address each topic thoroughly.

The 2 main concerns were as follows:

1. Outstanding building issues and lack of permits
2. Letters of opposition

Outstanding building issues and lack of permits:

In November of 2015 we leased the location at 608 Esquimalt road and without previous experience dealing with the city staff's processes, we set to work to resolve any and all issues with the outdated building to bring it up to a standard that was deemed suitable by the City of Victoria. There have been many hurdles with this process which have delayed us greatly, one of the biggest being that when the Galloping Goose was constructed at the rear of the building, the handrail enclosing the trail blocked one of the main exit doors at the rear of the automotive shop (our landlord and the business that is connected to Pineapple Express) making the exit door impossible to open, effectively deleting a "man door" exit. When we applied for rezoning and our two units needed to be legally separated (Pineapple Express and Vic West Automotive), the automotive shop no longer had 2 legal exits. Being that we have always supported the development of infrastructure and pathways for cyclists, and we motivate our customers to use the bicycle paths to commute to our store, we took it upon ourselves to solve this issue, instead of pestering the city. We paid close to \$15,000 for a special order custom-fit garage door which contained a "man door" in its base, so that the automotive shop would have the required 2 legal exits. This process alone took more than 6 months, and delayed the approval of our building inspection tremendously, being one of the major factors which prevented us from acquiring our municipal business license, before the City of Victoria relegated licensing responsibility to the Province. Regardless, I have worked closely and consistently with city staff for years satisfying every item on the buildings checklist. On October 18th, 2019 we received the approval of our electrical inspection, having already satisfied our fire and building inspection earlier in the year. The electrical inspection was the last requirement to be completed. Everything pertaining to the building is now complete and finalised.

Letters of opposition:

Recently the City of Victoria sent community input letters to everyone within 100 meters of our location. Of the 645 letters sent out, there were 29 individuals who responded with opposition, 27 of whom reside within 100 meters. 63 letters showed support for our business, 22 of which came from within 100 meters. Firstly, 27 oppositions of 645 letters distributed, is roughly 4%, which we feel is a positive reflection of the neighbourhood as we believe those in opposition are the most motivated to speak against something they dislike. Secondly, when we take a closer look at the submissions from those in opposition we observe that a resident from the Sea West Quay Condominiums solicited his neighbours to sign a petition against our store, a route we chose to avoid out of respect for our neighbourhood. We believe we would have raised at least 50 signatures had we opted for this method. We also notice that residents from the same units signed the petition and were considered completely separate submissions. In total, there was

opposition received from 20 addresses and support received from 22 addresses within the 100 meter distance. Alternatively, this means there were 22 individual letters of support received and 8 letters of opposition received, one of which having 20 signatures on it.

The letters of opposition contained a variety of grievances. Some letters had personal ethical, moral and religious reasons why our store or cannabis in general should not be sanctioned, and while having merit in certain debates, we believe these views do not belong in the discussion of our single store license approval. Other letters addressed more pertinent topics which I will list and respond to in an almost question/answer format for simplicity.

The store would bring “unwanted people in the area”:

This is one topic I find particularly upsetting. From the beginning we have done our best to not only provide for our community, but to build up and support everyone around us. We have only ever wanted to run a professional, clean and welcoming organisation and we would never tolerate discrimination towards anyone or any group, ever! Our neighbours came to bat for us at the rezoning meeting and explained to council that they felt we have improved the safety and the character of our community. I encourage the council to trust their judgement.

We are too near schools, the skatepark and children:

The province has set their guidelines and we are well within them. We have a positive relationship with Vic West Elementary and at the zoning meeting we did not have a single complaint from the school.

Pineapple Express is open “too early”:

We structured our hours directly from the council's mandate. Moving forward, we would choose hours that satisfy both the province's and the city's regulations.

Parking:

As our location is a small corner with finite parking, we have ceaselessly worked with the neighbours to optimise the parking situation to the best of our ability. We recently financially supported the automotive shop to find off site parking for their additional vehicle storage and service vehicles. One resident complained we encourage our customers to park on nearby streets that were “residential only” including Springfield street, the street where he resides. We encourage our customers to park on side streets only when the streets permit public parking and considering our average customer experience is a 2 minute transaction, our patrons are unlikely to cause a parking shortage, similar to what one often experiences in the downtown core. A quick search on Google Earth revealed to us that Springfield Street is in fact “Residential Only Mon-Sat 8am-6pm” meaning after 6pm, and all of Sunday, the public is welcome to use Springfield for temporary parking. We feel the flow of traffic in our lot and parking around our store has improved, and as we encourage more and more customers to walk, cycle or bus to our location, we are certain it will continue to improve.

We increase traffic in our area & will affect local business:

Naturally being that our business is a store, customers must come into the store in order to purchase our products, as with any fixed business and therefore additional traffic exists. At our rezoning meeting, our neighbours mentioned how our store has brought additional customers to their businesses. The local businesses showed tremendous support for us as we have been beneficial for their shops as well. Our shop is surrounded by main arterial roads, many bus routes, the galloping goose and other large bike paths on Esquimalt Road, which will be widened even further with the expansion plan the city of Victoria has designed for Esquimalt Road. We beseeched the owner of our building to agree to sign the “Right of Way” easement needed for the approval of that expansion plan; he obliged and the easement is complete.

The Government of Canada ruled that people need reasonable access and though we have a customer

base that visits our store and adds to the local traffic, if our business were to close, that action would result in potentially hundreds of additional vehicles daily using the Johnson Street Bridge, adding to the concentration of traffic in the downtown core. Therefore, Pineapple Express helps to mitigate traffic congestion for Victoria as a whole.

One final note to mention is that neither the police nor the city staff raised "any concerns about this application in terms of community impacts." - COTW report, pg 1 item 3, pg 5 item b)

Additional concern- Operating past the date of legalisation:

Establishing, managing, growing and operating this business has been the most challenging experience of our professional lives. My partners and I have had to make many difficult decisions throughout this process and we have always looked to the Mayor and Council for direction, information and guidance. When cannabis became legal on the 17th of October, we, as well as many others, knew that if every store in Victoria closed its doors, eighty to one hundred thousand people, and potentially more, would not have access to purchase the cannabis upon which they depend. Being that this was our livelihood, it also made our decision very difficult. Our goal from the very beginning has been to follow the Council's instructions as closely as possible and adhere to all of their regulations, and our history of compliance is exceptional. We were told to remove our sandwich board, it was gone immediately. Edibles were banned, we took them off our shelves. The inspector detected the presence of a cannabis smell at the front entrance, we promptly had a dual-carbon filtration system installed. The city established "hours of operation" and we operated within those guidelines. We have always followed suit as we feel the Council's outlook towards cannabis retailers has been admirable. The transition has been so complicated at times that the Council itself sought guidance from the province. When the Council declared that it was leaving enforcement in the hands of the provincial government, and the Bylaw officer in charge of our area came into our business on May 9th, he explained that "the Province has begun enforcement and is taking a negative view to cannabis businesses that are still operating without a Provincial licence." (- Appendix D - Bylaw Comments bottom of page 2). This concerned us as previously when we had been going through the financial integrity portion of our Provincial screening process, Naomi Leclerc, the Provincial agent assigned to our file informed us the Province would not exclude retailers exclusively because they were operating past October 17th. We wanted to investigate this discrepancy, but ultimately we felt that it was the Provincial Government that we should be looking to for instruction and we sought to communicate directly with the Province in order to determine the precise course of action to be taken. I began correspondence with Stephen Gray, the CSU officer which had been assigned to our file. He informed me that the CSU had been tasked with enforcement for all cannabis businesses and if I wanted to avoid a negative report from the Province, we were to shut our operations down; this having been the first official communication and direction from the Province, I told him that we would do so. I explained that we had 14 employees, most of whom had medical and dental benefits for themselves and their families, as well as our families and we would require time to help our team prepare their finances and transfer their medical/dental plans over. We would also help them prepare for EI claims, as we had no idea for how many months we would be shut down, and provide any other services we could to avoid putting any of them in a disadvantaged position. I informed him we would need time to prepare everything. Stephen Gray appreciated the manner in which we had conducted our dialogue (as he had become accustomed to being sworn at, yelled at and even threatened by cannabis retailers in Vancouver), and told me the Province appreciates our compliance. I continued to communicate with Stephen Gray and the CSU over the next couple of weeks and on the 15th of June, the Bylaw officer returned to our store to tell us we "should shut down until approved from the Province." (- Appendix D - Bylaw Comments top of page 3). I called the Bylaw officer on Monday the 17th of June to explain that I had already communicated directly with the Province, they have given me explicit instructions, and we had designated the 7th of July to shut down.

One of the reasons, regarding compliance, why the city staff deemed us unfit for provincial approval was because we "received negative comments from most residents and businesses responding within 100 metres." (- Report Recommendation, page 4, summary). Another one of the reasons, pertaining to compliance, that the city staff is recommending a negative review of our business is because we "operated without a provincial and municipal license after legalization" (- Report Recommendation, page 4, summary). The "Urban Earth Med" retailer, the most recently approved cannabis retailer was

recommended for approval of their provincial license by the city staff, and yet both of these discrepancies were applicable to their business as they “operated without a provincial and municipal license after legalization” and they “received negative comments from most residents and businesses responding within 100 metres.” To us, this feels like an unfair inconsistency. The most important factor to consider in this instance is that the Province, knowing we operated past October 17th and having approved multiple businesses who did so, deemed us fit and proper to be a cannabis retail store. We feel that their recommendation should be of paramount consideration.

In closing, I hope I have been able to clearly demonstrate how we have aspired to conduct ourselves and our business in a manner which is compassionate, professional and compliant. The Mayor and Council have done so much for us, it would have made no logical sense and we would never have considered deliberately ignoring their instructions. Our final request is that council elect to vote for “Option 1: Alternate Motion” (-Report Recommendation, Options and Impacts, bottom of page 4) to “refer application to the LCRB with a positive local government recommendation, subject to obtaining all necessary City permits.” We request to be given the time to receive our occupancy permit and continue with any additional steps the City of Victoria, the council or the province wish for us to resolve or complete. As my wife and I just had our first child and have another on the way, the fear of financial uncertainty is an alarming reality. My partners and I have devoted our time, our energy and a big part of our lives to building this, our only business, into something that can provide for our families, our 14 employees, their families and the neighbourhood in the future. We love our community, we love Victoria and we hope you will allow Pineapple Express to be a part of this magical city for years to come.

Sincerely

Pat Warren