



**Shady Mountain Health and Wellness Society**

**DBA Shadow Mountain**

543 Herald Street

Victoria, BC

V8W 1S5

Mayor Lisa Helps and Victoria City Council  
1 Centennial Square  
Victoria, BC  
V8W 1P6

August 9th, 2017

Dear Mayor Helps and City Councillors,

Thank you for receiving our application of rezoning for a cannabis related business at 543 Herald Street. We look forward to working with you toward a formal acceptance of our society and its place within the downtown community via the rezoning process.

**Summary of Proposal:**

Shadow Mountain Health and Wellness Society serves our neighbourhood's alternative medicinal needs at 543 Herald Street. We have a unique storefront which provides a safe, supportive, and positive environment for our patients as we assist them in making informed decisions about their medical needs. We have over 8000 members in our society. We have come together to create a support group for medical cannabis patients. We provide a community that cares about the environment and food security. We raise awareness through our social media campaigns about the struggle of local farmers, the lack of local food and the need for Vancouver Island to secure its own food sources. The members of our society have expressed appreciation for our welcoming and bright space and knowledgeable staff. Our patients appreciate learning what alternative medicinal options are available to them and we encourage that they ask questions, educate themselves, and find solutions that work for them.

Our storefront is in a location that serves the community well. We are on a commercial block of Chinatown and most of our members find our location convenient, living within a few blocks. We are not located within 200

metres from any school district property or other dispensary that has been zoned for the use as a Cannabis Retailer.

**Environmental/Social Impact:**

Community service is at the core of the Shadow Mountain ethos. We strive each day to have a positive effect on our neighbourhood as safely, sustainably, and responsibly as possible. We have a history of helping to protect the environment, supporting local farmers, local businesses, and backing food security efforts and are more committed than ever to those causes. We are looking at ways to reduce the use of plastic and any other non-renewable in our store and are also in the process of becoming a Surfrider Approved Business - a Vancouver Island Green Businesses Certification (VIGBC) program that links businesses to responsible actions that will help keep our local beaches and waterways clean. We use only paper exit bags and the plastic that we do use, was specifically chosen for being bio-degradable. We hosted a successful fundraising event for Standing Rock, organized by our staff - this event brought together several dozen community members who are passionate about creating a better future both locally and globally.

We strive to maintain a socially progressive atmosphere, welcoming all walks of life and have been well received by the LGBTQ community in Victoria as we offer a safe and supportive environment for anyone and everyone over the age of 19. We have worked with the Victoria Pride Society and supported the King Fling Fundraiser. But more than anything else, Shadow Mountain prides itself on its continued positive social impact by providing alternative medicines that eases the pain and suffering of Victorians. Shadow Mountain cares about its members and the community. We act as a hub to put members and the public in touch with community support for mental health, addictions counselling, coping skills, stress management, depression and life skills programs.

Several testimonials from our patients as well as our neighbours and fellow small business owners accompany this letter.

**Safety and Security:**

We have demonstrated a commitment to follow any applicable city bylaws in order to remain compliant. We are fundamentally committed to the safety and security of our staff, our patients, and our neighbourhood. We have a minimum of two staff members on at all times, one of whom is always a manager. We are committed to established CPTED strategies in order to deter criminal behaviour. All front of store product is positioned safely behind a counter or in a drawer and out of sight from the street. Only small quantities of inventory is kept on the sales floor and we practice industry standard secure handling of our back stock which is in a locked room and in a safe. All edibles for sale have been removed as required by VIHA. We perform regular cash drops into a secured safe and all product is secured and out of view during closing hours. We have a security alarm system,

multiple security cameras, and fire detection devices wired directly to professional security companies and monitored 24 hours per day. We have established “security zones” on our premises which specify who is allowed in which areas of the store, whether they be a patient, a staff member, or a manager. We have outdoor lighting along the front of our building, on the side of the building in the parking lot and a street lamp directly outside of our door which provides ample security lighting. Consumption of cannabis or cannabis products is strictly forbidden on site or anywhere in the vicinity of our storefront. In addition, we have deployed a powerful carbon filter air filtration system inside the shop.

### **Design Permit Guidelines:**

543 Herald Street has CA-3C zoning which allows for the use of the premises for retail sales without requiring any off-street parking stalls. We are close to most major bus routes, the Galloping Goose Trail, and regularly allow patients to bring their bicycles right into the shop during their visit. The property does not have heritage status and no heritage buildings are affected by this application. An additional emergency door will be installed should we be successful with our rezoning and is detailed on our floor plans. We will be keeping our parking spot in our store and this is also detailed in the floor plans. You will also notice we have changed our signage. The city requested our current sign be removed and to use a blade (projecting) sign to be consistent with other signage in the neighbourhood and this has been completed to remain in compliance with city bylaws.

Recently the Green Dragon Dispensary of 541 Herald St was denied their rezoning due to the proximity to the Chinese Language School. Green Dragon is 155m from the school and Shadow Mountain is approximately 10m closer. City Council Policy for Cannabis Retailers dated February 23, 2017 states in section C item 2. *A storefront cannabis retailer should be at least 200 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school.* The school in proximity to Shadow Mountain does not fall within this definition (see attached letter from the Ministry of Education). It is a Language School and the hours that school is in session are quite limited. During the week classes are from 4:10pm to 5:50pm for kids and the adult programs go from 7:00pm to 9:00pm. On Saturdays the school is open from 9:00am to 1:00pm. The hours of operation in this case make it more analogous to any business that offers instructional services. It is assumed that the basis for having a space between true schools is principled. It is anticipated that there may be a large number of students in and about the area of a true school at all times of day, with the students having recess consisting of unsupervised time, making the possibility of exposure to the sale and use of marijuana more likely. In this case, the same risks are not present. These are after school language programs of a little over an hour. Parents typically wait with their children, or return to pick them up from Fisgard Street. There are no child-centric businesses, nor attractions in the vicinity of Shadow Mountain that would draw participants to the area, across the busy government street and down a side road. The Language School is not analogous to a true school where attendance is in the hundreds, five days a week with the potential to wander during recess periods. Shadow Mountain has existed in our location, at this proximity to

the Language School for almost 3 years with no incidents or objections to date. Shadow Mountain is open to compromising with council to limit our hours of operation to be closed during the above mentioned school hours.

Furthermore, it is important to bring to your attention to Farmacy Dispensary of 3055 Scott St. which was awarded their business license although they are only 150m from lot line to lot line to the Lansdowne Middle School. Lansdowne falls within the definition outlined in the policy of a public middle school. We are aware that it was obtained under a different set of requirements, however it does set a precedent that the 200m buffer is not an absolute for all dispensaries. Clearly in some cases the circumstances specific to the location and the school can be considered in isolation. It is our submission that in this case it should be acknowledged that this is not the type of institution the policy was crafted to apply to, and if the policy were applied so broadly so as to capture any business that offered instructional classes, there is likely no location in Victoria that could be squarely approved.

### **Neighbourhood Impacts:**

We support members of our community who exercise their right to use cannabis for medical reasons. Our presence, with our well trained and proactive staff, contribute to the vibrancy of the community and have become a welcome thread in the fabric of our neighbourhood. Being located on Herald St, we service the residential over age population that does not require transportation. Our shopfront is unobtrusive and fits in nicely to our neighbourhood.

Should you ever set foot in our facility, you will appreciate the warm and welcoming aesthetic we have created. We have an abundance of live plants, reclaimed wood countertops, reclaimed wood paneling, and a waterfall fountain. The room has a distinctly west coast feel which is pleasing to our clients.

We encourage all staff and clients to move off of the block to a private area to consume their medicine.

### **Conclusion:**

Thanks to the continued outpouring of support from our patients, staff, neighbours, and the community at large, we are convinced that we are an ideal candidate for cannabis storefront rezoning approval. We are committed to the protection of the environment, local food security, to the health and wellness of our members, to being a contributing member of Victoria and to providing a safe and welcoming environment to anyone over the age of 19. We are eager to move forward onto the next step and are grateful for the hard work and leadership of this city's Mayor, Council, and staff throughout this complex landscape.

Shady Mountain Health and Wellness Society

**From:** Stewart, Terry J EDUC:EX [mailto:Terry.J.Stewart@gov.bc.ca]

**Sent:** June 26, 2017 1:30 PM

**To:** 'robert bradbury'

**Subject:** RE: VICTORIA CHINESE PUBLIC SCHOOL, 636 FISGARD STREET, VICTORIA, V8W 1R6

Hello

The Victoria Chinese Public School is not a BC certified independent school.

Under the Independent School Act, schools that offer solely language or cultural programs to school aged students are not required to be certified as BC independent schools in order to operate. It is my understanding that the Victoria Chinese Public School offers primarily language programs to school aged students after regular school hours. Information on the school's programs may be found here: <http://www.victoriabbs.com/sponsors/vcps.html>.

I hope you find this information helpful.

Terry Stewart  
Policy Analyst  
Independent Schools Branch  
International Education, Independent Schools and Partner Relations Division  
Ministry of Education  
Ph: 778-679-2883



Ministry of  
Education