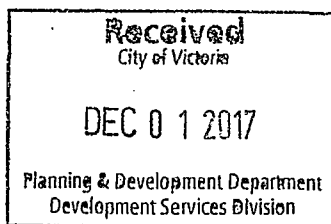




Shadow Mountain Society
543 Herald Street
Victoria, BC
778.265.6454
shadowmountainvic@gmail.com



30 November 2017

Mayor Lisa Helps and Victoria City Council

1 Centennial Square
Victoria, BC
V8W 1P6

Dear Mayor Helps and City Councillors,

Thank you for receiving the completed application for the Temporary Use Permit (TUP) for a cannabis related business at 543 Herald Street. We look forward to working with you toward obtaining a temporary permit to operate as a cannabis storefront retailer. We are trying to improve, and comply with the rapid changes going on in this industry.

Summary of Proposal:

In August of 2014, Shadow Mountain Health and Wellness Society opened its doors to fulfilling the medical cannabis needs of the downtown community and the people of Victoria. The building was and is lawfully zoned for retail sales. Prior to our occupation the location was used by Epic Surf Co. for retail sales. The building is also zoned for other relevant uses including medical and community care. We provide a supportive and positive environment for our patients while we help them make informed decisions about their medical cannabis needs.

Our patients whose number exceeds four thousand, has been considerably appreciative of our knowledgeable staff and quality of medical products. We have developed trusting relationships with several medically vulnerable populations.

In this developing industry, there is very little consistency from dispensary to dispensary in terms of available product, concentration and potency. This means that a consistent, reliable and trusted source of medicinal marijuana is an issue of considerable concern to our members. It is not enough for many of them to suggest that they should go elsewhere when they have learned to manage their conditions and their needs with the products we offer.

The current location that we are situated is ideal for its proximity to Chinatown and the downtown area. This way we can conveniently serve our downtown Victoria patient base.

Initially, the Society had a business license. We were told by the City, however, that as part of the City's new licensing regime we would be required to submit an application for rezoning. We have always been eager to work with the City and demonstrate a responsible and cooperative approach to regulation. So, in March 2017, we submitted our Rezoning Application to the City of Victoria. After we submitted the application, the parameters were changed and the application was

recently denied. Although we were fully compliant with all the initial requirements set forth in the Rezoning Application, we encountered sudden policy changes by the City in the time of our application process. One of the main reasons we were told that our application was denied appeared to be incorrect information about our proximity to the Chinese "Public School", a private language institution that is part of the local Chinese Cultural Centre located within the 200 meters. As a supporting document to our Rezoning Application, we provided an official document from the Ministry of Education that states that the Chinese Public School is not a recognized school by the Canadian Government. While we accept that minors are present at that facility from time to time, we respectfully submit that the presence of minors in or about a private organization is not the test that the City set for the analysis. There are numerous instances of language schools, after school educational centers, karate clubs and other public and private facilities where minors are and will be present that are adjacent to every dispensary assessed by the City. School, as a legal concept is an appropriate metric only because minors are required to be present, and may have free time in and about the building and grounds. It is submitted that no such concerns exist with what is a private institution whose "classes" are after hours in an urban setting and do not pose the same risks (such as unsupervised recess) because the "pupils" are actually people coming for appointments. We have observed the children who attend that institution typically are dropped off by their parents and it is not, a true "school". Therefore we are applying for a TUP in order to allow the Society time to access planning options to transfer to a location that is not precluded.

Environmental/Social Impact:

Since the Society started operating, we have been striving to provide a positive and well-informed service to our patients, with a big emphasis on community service. We have run health and wellness programs like Yoga and we aim to have a positive impact on our neighborhood, and our patient base that relies on our services on a daily basis. We take pride in our work to support the environment, local farmers and businesses, and complying with regulations set by Vancouver Island Health Authority (VIHA) and Health Canada. We are trying to find solutions in reducing use of plastic and any other non-renewable products in our store. We are planning on making a donation to the Our Place for this holiday season, as well as provide volunteers to serve the Victoria homeless community spend a warm and nutritious feast. Contributing in bettering our community stands in the heart of Shadow Mountain Society's aim.

We take pride in working and thriving in an anti-discriminatory environment, and hold to heart human rights values. Shadow Mountain Society cares about its members, about the community and about those in need.

In our Rezoning Application we provided several testimonials from our patients as well as our neighbours and surrounding small business owners, that show support, appreciation and respect for our service and work.

Safety and Security:

We have demonstrated a commitment to follow any applicable city bylaws in order to remain compliant and we intend to continue doing so. We are committed to working with the law and policy makers in order to provide the best service and products that we can. The safety and security of our staff, our patients and our neighborhood is our main priority. There is a minimum of two staff members on-site at all times, one of whom is always a manager with a criminal record check in place. All storefront product is safely placed behind the serving counter, and is not visible from the street. Only small quantities of product is kept in the front, while we securely handle all of our back stock which is all under lock and key in our safe at all times. We perform regular cash drops into a safe and keep all product secured out of view during closing hours. We have a security alarm system, multiple security cameras and an 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.

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 we allow our patients to bring their bicycles right in the store during their visit. The property is not a heritage building, and no heritage buildings are affected by this application.

Neighbourhood Impact / Community Contributions:

Our storefront increases foot traffic on the block and surrounding area and contributes in the vibrancy of downtown Victoria. Should you step foot in our facility you will encounter a warm and welcoming environment. We take pride in our west-coast style interior design which promotes nature, healthy living by tending to emulate the beautiful forests of British Columbia.

Consumption of cannabis or cannabis related 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.

Conclusion:

Following the opening of Shadow Mountain Society in 2015, just steps from our doorstep, Green Dragon Medicinal Society opened its doors to the Victoria community weeks later. Although of the same nature, we believe that we provide different services and service statures. We have a bigger patient base and a wider variety of medicinal products.

Small operations alike, as is Lotusland Cannabis Club on 1601 Douglas St., which we understand has been granted the TUP and are operating under approved conditions. Shadow Mountain Society is asking for the same treatment and evaluation process. Lotusland Cannabis Club in the said location is within 200m of proximity to the

same Chinese Public School.

We are asking for fair consideration to obtain the Temporary Use Permit, so we can freely serve our large patient base while we re-locate our operations in order to be compliant with city regulations.

We wish to stress our willingness to cooperate with the City in order to further our application. We are convinced that we are an ideal candidate for cannabis storefront TUP approval. We have recently learned that the Society may be entitled to rely upon a defence of lawful non-conforming use because its use of the property predated the changes to the zoning. We do not wish to make ourselves a test case, and prefer to seek a resolution that is mutually beneficial to the community, our members and the Society. We do so while reserving the right to consider our options with respect to a lawful non-conforming use, should the City determine it cannot work with us.

Sincerely,

Shadow Mountain Wellness Society