

MEMO / NOTE DE SERVICE



To/Destinataire	Registrar, Alcohol and Gaming Commission of Ontario	AGCO License File/N° de fichier: 1232224
From/Expéditeur	Benjamin Cool-Fergus Planner Zoning & Interpretation Unit	
Subject/Objet	Cannabis Retail Store Authorization Application	Date: 12 July 2021

A Cannabis Retail Store Authorization Application in the City of Ottawa has been issued for Public Notice by the Alcohol and Gaming Commission of Ontario. Per the *Cannabis License Act*, a municipality or any other interested party has 15 calendar days to reply based on matters of public interest.

The Provincial legislation provides that the AGCO may not issue a retail store authorization for applications deemed not to be in the “public interest”, which has been defined in s. 10 of Regulation [468/18](#) as meaning:

1. protecting public health and safety,
2. protecting youth and restricting their access to cannabis, and
3. preventing illicit activities in relation to cannabis.

Pursuant to [Council Direction](#) from December 13, 2018, City of Ottawa staff have reviewed the proposed application with respect to matters pertaining to the public interest. The Municipal Response is attached.

If you require any clarification or have any questions please do not hesitate to contact me directly.

Sincerely,

Benjamin Cool-Fergus
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**City of Ottawa Municipal Response to Cannabis Retail Store Authorization
to Registrar, Alcohol and Gaming Commission of Ontario**

Business Name:	TBA
Proposed Address:	204 Rideau Street
AGCO File Number:	1232224

Pursuant to [Council Direction](#) from December 13, 2018, City of Ottawa staff have reviewed the proposed application and make the following observations pertaining to the public interest.

Key Principle 1: Prevention of Clustering

A 150 metre distance separation from other Licensed Cannabis Stores is in the public interest, as the Board of Health has noted concerns that excessive clustering and geographic concentration of cannabis retail outlets may encourage undesirable health outcomes.		Applicable?	
a.	Location is within 150 metres of the property boundary of a Cannabis Retail Store approved by the Alcohol and Gaming Commission	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Key Principle 2: Separation from Sensitive Sites

A 150 metre distance separation from sensitive uses including schools and facilities analogous to schools is in the public interest as these provide a community function or are locations where youth congregate. Separation may prevent the normalization of cannabis use.		Applicable?	
a.	Location is within 150 metres of the property boundary of a Public School or known location of a Private School, as defined by the Education Act	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b.	Location is within 150 metres separation distance from a publicly-owned and/or operated recreational facility	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
c.	Location is within 150 metres separation distance from a publicly-owned and/or operated community centre	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
d.	Location is within 150 metres separation distance from a publicly-owned and/or operated library	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
e.	Location is within 150 metres separation distance from an active-use public park	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Key Principle 3: Where Retail is a Permitted/Principal Use

Cannabis retail stores should be restricted to zones of a commercial focus where “retail store” is a principal use in the Zoning By-law. Locations where retail is secondary or accessory to another use are not appropriate, including locations in a residential context.		Applicable?	
a.	Location is in a zone where "retail store" is not permitted as a principal use in the Zoning By-law	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b.	Location is in a residential zone that allows retail, such as LC (local commercial) and small-c (neighbourhood commercial) designated zones.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
c.	Location is in a zone that has site-specific conditions and/or exceptions on "retail store" such that a stand-alone cannabis retail store as defined by the Cannabis License Act would not meet the provincial operating requirements.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
d.	Location is in a zone where "retail store" is considered a legal non-conforming use.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Key Principle 4: Additional Local Issues to be Noted

AGCO is requested to have regard to any additional local issues not captured by the above, and to take into consideration location concerns from other service providers where a cannabis retail store is proposed within 150m separation of those establishments.
Staff Comments
<p>Staff note that the proposed establishment is located in a Mixed-Use Downtown (MD) zone, which permits Retail Store as a use.</p> <p>Staff note that the proposed establishment is located within 150 metres of an approved cannabis retail store at 171 Rideau Street (AGCO: 944978).</p>
Ward Councillor Comments
<p>Currently, in Ward 12, we have ten cannabis retail stores already operating within a very small geographic area and a number of applications submitted.</p> <p>My concerns about accessibility requirements persist with all cannabis store applications. Currently, any new building must meet accessibility standards, accessibility levels within AODA are limited for commercial buildings vs public-owned facilities, and further limitations exist for older heritage buildings. These are two issues, unlike the LCBO model. LCBOs are present in every community, and all stores are fully accessible. Cannabis stores should be required to have equal accessibility requirements.</p>

Specific to the retail location in general, I will also raise concerns about potential loitering, congregating along the front of 204 Rideau Street. The way the property is designed could pose a risk outside operating hours for unintended activity.

I feel every cannabis shop should have a security guard on-site and additional exterior lighting to control the environment, ensure safe access and deter theft. Having an extra set of eyes and personnel guarding your store is never a bad thing. Security guards can help monitor clientele's behaviour and efficiently remove any risks or hazards as they arise.

If this application is approved, it would be the sixth shop on Rideau Street, and in general, and continues to raise concerns as it risks creating a concentration of one type of retail store in Ward 12. With each application submitted, we continue to share our concerns about this type of retail shop concentration in one area of the City. Further, the owner/operator contact information should be shared with myself, the Downtown Rideau BIA to create a working relationship between the enterprise and community so if emerging issues rise, they can be addressed quickly. Once again, I will reiterate that this type of concentration does not reflect our long-term vision and goals of a mix-commercial district along our main street in our city's core.

Counting this application in total, I have submitted comments on 14 applications so far for my Ward, raising these same concerns. Specifically, there is a worry that if concentration continues, it creates economic distortion and retail lease rates may rise. Once an application is granted, the rights are established. And if this occurs, it could also create financial limits for other businesses to access these commercial retail vacancies.

I would also like to highlight that this location is directly on the Interprovincial truck route and in between two shelters (the Ottawa Mission and Salvation Army) which each have their respective challenges. I would like to know how these concerns would be addressed.

As the local City Councillor, my priority is to make sure that we protect our children and families as per the AGCO Cannabis Act review objectives. These should be weighted heavily when considering this license application, as they should have been with previous ones.