

MEMO / NOTE DE SERVICE



To/Destinataire	Registrar, Alcohol and Gaming Commission of Ontario	AGCO License File/N° de fichier: <b>1053043</b>
From/Expéditeur	Benjamin Cool-Fergus Planner Zoning & Interpretation Unit	
Subject/Objet	<b>Cannabis Retail Store Authorization Application</b>	Date: <b>November 10, 2020</b>

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,

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

<b>Business Name:</b>	<b>Highties Cannabis Store</b>
<b>Proposed Address:</b>	<b>484 Rideau Street</b>
<b>AGCO File Number:</b>	<b>1053043</b>

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.		<b>Applicable?</b>	
<b>a.</b>	Location is within 150 metres of the property boundary of a Cannabis Retail Store approved by the Alcohol and Gaming Commission	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" 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.		<b>Applicable?</b>	
<b>a.</b>	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	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>b.</b>	Location is within 150 metres separation distance from a publicly-owned and/or operated recreational facility	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>c.</b>	Location is within 150 metres separation distance from a publicly-owned and/or operated community centre	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>d.</b>	Location is within 150 metres separation distance from a publicly-owned and/or operated library	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>e.</b>	Location is within 150 metres separation distance from an active-use public park	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <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.		<b>Applicable?</b>	
<b>a.</b>	Location is in a zone where "retail store" is not permitted as a principal use in the Zoning By-law	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>b.</b>	Location is in a residential zone that allows retail, such as LC (local commercial) and small-c (neighbourhood commercial) designated zones.	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>c.</b>	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.	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>d.</b>	Location is in a zone where "retail store" is considered a legal non-conforming use.	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <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.
<b>Staff Comments</b>
Staff note that the proposed establishment is located in a Traditional Mainstreet (TM) zone, which permits Retail Store as a use.
<b>Ward Councillor Comments</b>
<p>At the moment, the City has 10 cannabis retail stores in Ottawa.</p> <p>In Ward 12, we have one at 129 York Street and one at 121 Clarence Street. In addition, there are six applications pending. If approved, that would add stores at 171 Rideau St., 87 Clarence St., 534 Montreal Rd., 111 Rideau St. and 700 Sussex Dr. If all approved, it creates a concentration in one community.</p> <p>With each application submitted, we continue to share our concerns about this type of retail shop concentration in one area of the City. If everything were approved as presented and reviewed by the AGCO, we would have seven retail cannabis stores in this part of the downtown core.</p> <p>This type of concentration does not reflect our long-term vision and goals of a mix-commercial district for the downtown core.</p>

There is a worry that if concentration continues, it creates economic distortion, specifically, retail lease rates may rise. And if this occurs, it could also create financial limits for other businesses to access these commercial retail vacancies.

As a City, we continue to have the concern of cannabis shops and the lack of mechanisms within zoning and licensing reviews from the AGCO. This missing piece to force a separation distance makes it impossible to stop one commercial area from becoming a potential epi-centre for cannabis shops. The allure of its proximity to tourism, or a central hub, or near campus community influences applications and the passive stance from the AGCO does not help mitigate this concern.

Additionally, 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. LCBO's are present in every community, and all stores are fully accessible. Cannabis stores should be required to have equal accessibility requirements.

The community and I also have concerns about security for the 484 Rideau St. application. This store has a shared easement with a condo building at 180 Augusta St. I believe 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' behaviour and efficiently remove any risks or hazards as they arise.