

MEMO / NOTE DE SERVICE



To/Destinataire	Registrar, Alcohol and Gaming Commission of Ontario	AGCO License File/N° de fichier: 1109245
From/Expéditeur	Benjamin Cool-Fergus Planner Zoning & Interpretation Unit	
Subject/Objet	Cannabis Retail Store Authorization Application	Date: 03 September 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:	The Herbary
Proposed Address:	1121 MEADOWLANDS DRIVE EAST
AGCO File Number:	1109245

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 type="checkbox"/>	No <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.		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 checked="" type="checkbox"/>	No <input 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 checked="" type="checkbox"/>	No <input 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
Staff note that the proposed establishment is located in a Local Commercial (LC) zone, which permits Retail Store as a use.
Staff note that the proposed establishment is located within 150 metres of a public park (Steve MacLean Park) with children’s play areas.
Staff note that the proposed establishment is located very close to the 150 metre buffer from St Rita School.
The City has concerns regarding the location of this application. The Zoning By-law sets out uses permitted to occur across the City, with regard for the context and intent for how those uses will serve the community. Commercial retail uses are permitted to occur in certain geographic locations that have ability to reasonably accommodate the traffic and land use impacts associated with a commercial focus, and have the services and infrastructure available, and sets out conditions for these uses to provide for compatibility. Cannabis retail is a specialized service/product, with particular Provincial regulatory and security requirements. Establishment of cannabis retail stores is encouraged in areas where the Zoning By-law has established a commercial focus, and where the intent is to provide for commercial retail opportunities that serve a broad market, provided that these are in conformance with zoning by-law requirements. Areas of the City where retail is intended to serve a primarily

residential market (such as local commercial zones are not appropriate for cannabis retail.

Ward Councillor Comments

As the City of Ottawa Councillor for Ward 9 – Knoxdale-Merivale, I am writing to express my concern in response to the Public Notice for the Cannabis Retail Store Authorization to be located at 1121 Meadowlands Drive East. Authorizing the proposed retail location may limit the ability to protect Ottawa youth and restrict their access to cannabis as this retail location property is located within the 150 metres to a City park and St. Rita’s Catholic School.

There are public health concerns with increasing access and normalization of cannabis consumption. Research related to alcohol and tobacco policies has shown that increased access to these substances leads to an increased prevalence of use and the harms associated with the use of these substances. Regular use of cannabis, especially at a young age, can lead to health and social harms, including changes to brain development in youth, poor lung health when smoked or vaped, mental health illnesses and challenges, physical and psychological dependence leading to cannabis use disorders.

If the AGCO authorizes the proposed retail location, it is recommended that additional preventative measures be implemented by the AGCO to mitigate the harms, such as heightened enforcement that prohibits young people from entering the premise and loitering nearby in order to gain access to cannabis from an adult.