

MEMO / NOTE DE SERVICE



To/Destinataire	Registrar, Alcohol and Gaming Commission of Ontario	AGCO License File/N° de fichier: <b>944978</b>
From/Expéditeur	Marika Atfield Zoning & Interpretation Unit	
Subject/Objet	<b>Cannabis Retail Store Authorization Application</b>	Date: <b>March 30, 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,

Marika Atfield  
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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>South of Temperance - Rideau</b>
<b>Proposed Address:</b>	<b>171 RIDEAU ST</b>
<b>AGCO File Number:</b>	<b>944978</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**

<p>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.</p>
<p><b>Staff Comments</b></p>
<p>Staff note that the application is located in a Mixed Use Downtown (MD) zone, which permits retail as a use, however the site is also within the Heritage Conservation District for the By-ward Market area. A Heritage Permit is required for any exterior alterations to the building. Should the application be approved, the applicant is advised to consult with the City of Ottawa heritage staff for further details.</p> <p>The urban design guidelines for retail storefronts in the City of Ottawa encourage the use of transparent façade materials in high-traffic pedestrian zones such as this one. A minimum of 50% transparent windows and active entrances is recommended. Glazing, frosting and use of spandrels to obscure visibility over greater than 50% of the storefront is not in accordance with the guideline recommendations for a retail store in this active pedestrian and retail environment.</p>
<p><b>Ward Councillor Comments</b></p>

Ward Councillor Mathieu Fleury's comments:

"We currently have six cannabis retail stores in Ottawa, with one located at 129 York Street and one located at 121 Clarence street. The proposed establishment would be within 240 metres of the cannabis retail store located on York; The current review of other cannabis applications in the ByWard Market cannot be separated from the proximity of Rideau street to the area, almost living as one general district.

We recognize that this would be the first store on Rideau street. We remain concerned of concentration in one area of the City. This does not reflect our long term vision and goals of the ByWard Market public realm objectives.

We would like all locations selected to be fully accessible as per requirement for all LCBO and government buildings, as this has been the single most frequent comment and question from the community following the opening of Fire and Flower at 129 York.

Also, specifically, if the location is selected, door location (as there appears to be entrance/exit access behind a bus stop, and property street lighting near the corner of Dalhousie and Rideau should all be improved prior to issuance."