

MEMO / NOTE DE SERVICE



To/Destinataire	Registrar, Alcohol and Gaming Commission of Ontario	AGCO License File/N° de fichier: 1514978
From/Expéditeur	Benjamin Cool-Fergus Planner Zoning & Interpretation Unit	
Subject/Objet	Cannabis Retail Store Authorization Application	Date: 4 January 2022

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
Planner, Zoning & Interpretation Unit
Economic Development and Long-Range Planning
613 580 2400 x 27915
Benjamin.Cool-Fergus@ottawa.ca

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

Business Name:	Buzzed Buds
Proposed Address:	179 GEORGE ST
AGCO File Number:	1514978

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 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 checked="" type="checkbox"/>	No <input 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 an Residential (R5R) zone, which permits Retail Store as a use.</p> <p>Staff note that the proposed establishment is located in a zone where Retail Store is an additional use, not a primary use.</p>
Ward Councillor Comments
<p>Currently, in Rideau-Vanier, we have 13 cannabis retail stores already open and operating within a very small geographic area.</p> <p>Located on Rideau Street, <u>179 George St.</u>, this location is a residential zone where retail store is not a primary permitted use.</p> <p>As a reminder to the AGCO, as per City Council’s direction, when reviewing Cannabis retail application, council directed staff to consider permitted use - in this case principal use - as a reason to deny and object to an application. Thankfully, staff have indeed noted this on their comments attached to the notification. I reiterate, this location does not allow retail store as a primary permitted use - so the AGCO should flatly deny this application.</p>

In addition to the question of permitted uses for this location, I request that the AGCO take these other very serious concerns sincerely:

- This location is only 100 metres away from the local daycare, Andrew Fleck Children's Services
- It is directly across (50 Metres) from an emergency shelter, the Salvation Army Booth Centre
- It is across from Options ByTown Supportive Housing building (at 380 Cumberland) and the Anchorage program (175 George) which is an addiction recovery program is next door.

The AGCO **SHOULD** regard these individual proximities as individual reasons to deny this application - combined these amplified concerns should immediately deny this application.

The Condo board at 179 George St. have opposed the request, our understanding is that these have been signaled through their correspondence to the AGCO for this application dated on Dec. 21.

These concerns should be rated high when looking at approving this location - despite the continued concerns about concentration within one City Ward, this application highlights ALL the individual concerns within one application.

It is important to note that Ottawa Board of Health has also raised concerns about clustering and concentration. With this application being less than 150 metres of another Cannabis retail store, this may encourage undesirable outcomes – this should not be ignored. These distances of separation objectives have been put in place to encourage diverse retail environments within business improvement districts.. I expect the province to adhere to City Council, Ottawa Public Health and BIA's concern regarding concentration.

If the AGCO approves this location, without properly adhering to the community and City's concerns about proximity to current operating cannabis stores as well as the proximity to a children's daycare, and local shelters, I am not sure what the purpose of this process to comment is for.

In addition to this distancing concern, counting this application in total, I have submitted comments on 20 applications so far within my community. Specifically, there is a worry that if concentration continues, it creates economic distortion and retail lease rates 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 along our main streets.

And as with every application I comment on - I want to once again reiterate that I feel strongly that all Cannabis stores should be required to have equal accessibility requirements as government spaces like LCBO retail stores for example.

I believe it is important for every cannabis shop to have a security guard on-site to help 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 and ensure safe access for potential clients. I believe this should be in addition to the security already present within the mall.

I would like to raise the concern once again of one type of retail store in my ward. 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 and the local Community Association, and Rideau BIA to create a working relationship between the enterprise and community so if emerging issues rise, they can be addressed quickly.

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 concerns should be weighted heavily when considering this license application, as they should have been with previous ones.

Finally, I will raise that while gathering information for my comments, I noticed this application's business, Buzzed Buds, is already on Google Maps and advertising an opening date of Jan. 14 - how can this be, if I am submitting comments on this application, with the idea that this application is neither approved, nor denied?

I would ask that the AGCO investigate this, otherwise the purpose of the AGCO, as a government agency responsible for regulating the alcohol, gaming and horse racing sectors and cannabis retail in accordance with the principles of honesty and integrity, and in the public interest - is completely ineffective.