

MEMO / NOTE DE SERVICE



To/Destinataire	Registrar, Alcohol and Gaming Commission of Ontario	AGCO License File/N° de fichier: 1006696
From/Expéditeur	Marika Atfield Zoning & Interpretation Unit	
Subject/Objet	Cannabis Retail Store Authorization Application	Date: July 20, 2020

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. **Pursuant to this Council direction, the City of Ottawa OBJECTS to the proposed location.** 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**

Business Name:	HIGHTIES CANNABIS STORE
Proposed Address:	179 MONTREAL RD SUITE 177
AGCO File Number:	1006696

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 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>The proposed establishment is located 150 metres from an an active use public park (Edmond Park) with children’s play structures.</p> <p>Staff also note that the proposed location is within a Traditional Mainstreet zone (TM), which permits Retail Store as a use. To comply with required zoning provisions, a minimum of 50% of the surface area of the ground floor façade, measured from the average grade up to a height of 4.5 metres, must be comprised of transparent glazing and active customer or resident entrance access doors. 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 mixed-use commercial zone.</p>
Ward Councillor Comments
Ward Councillor Mathieu Fleury’s comments as follows:

“Ward 12 currently has three Cannabis Retail locations, with five applications pending.

The proposed establishment for 179 Montreal Road would be just about exactly 150 meters from Emond Park with a playground. I find this distance unacceptable and especially worrisome for the families and children who frequent the park.

Additionally, the Emond Street just adjacent to the proposed location has had a number of issues over the years related to illegal drug sales, and other crimes. Approving this location could reignite some of these issues and would diminish ongoing efforts to reduce these problematic behaviours in the community.

As well, this current location is also not fully accessible and would not be able to meet the needs of many of its potential customers. 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.

Furthermore, this is the second application for Montreal Road. We continue to be concerned about the concentration of these shops in one area of the City. If both applications were to be approved as submitted and reviewed by the AGCO, we would have two retail cannabis stores less than one kilometer apart.

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 to force a greater separation distance so that one area of the city does not become the epi-centre.”