

MEMO / NOTE DE SERVICE



To/Destinataire	Registrar, Alcohol and Gaming Commission of Ontario	AGCO License File/N° de fichier: <b>1218432</b>
From/Expéditeur	Benjamin Cool-Fergus Planner Zoning & Interpretation Unit	
Subject/Objet	<b>Cannabis Retail Store Authorization Application</b>	Date: <b>22 July 2021</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,

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**

<b>Business Name:</b>	<b>Tokyo Smoke Rideau Centre</b>
<b>Proposed Address:</b>	<b>50 RIDEAU STEET UNIT 123B</b>
<b>AGCO File Number:</b>	<b>1218432</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 checked="" type="checkbox"/>	<b>No</b> <input 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>
<p>Staff note that the proposed establishment is located in a Mixed-Use Downtown (MD) zone, which permits Retail Store as a use.</p> <p>Staff note that the proposed establishment is located within 150 metres of an approved cannabis retail store at 111 Rideau Street.</p>
<b>Ward Councillor Comments</b>
<p>Currently, in Ward 12, we have ten cannabis retail stores already operating within a very small geographic area and a number of applications under review.</p> <p>When the AGCO launched the first round of Cannabis licensing process, my early comments were that the Rideau Centre would be a safe and sensitive location to open a cannabis store. I am under that belief because the nature of the ownership of the mall ensures that mix-commercial uses are prevalent and that business operators within the mall support one and other retail uses. The current application is a bit different, as the front door of the proposed cannabis store is on Rideau Street, which means it is less integrated with the mix-commercial environments within the mall.</p>

Located in the Rideau Centre, 50 Rideau St. Unit 123B, I am happy my continued concerns about accessibility requirements are met, unlike the many other applications along Rideau Street. I want to once again reiterate that I feel strongly that all Cannabis stores should be required to have equal accessibility requirements, similar to the LCBO retail stores.

This application is however, within 150 metres of another Cannabis retail store. This has been noted by the Board of Health that this type of clustering and concentration may encourage undesirable outcomes – this should not be ignored. These distances of separation 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.

In addition to this distancing concern, counting this application in total, I have submitted comments on 16 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.

Each application I have commented on, I raise these same concerns.

I would like to once again share that 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.

As this is another application, only days since I have commented on another application in my community (Rideau-Vanier), 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 arise, 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. In a retail mall setting, this is even more of a concern. These should be weighted heavily when considering this license application, as they should have been with previous ones.