

MEMO / NOTE DE SERVICE



To/Destinataire	Registrar, Alcohol and Gaming Commission of Ontario	AGCO License File/N° de fichier: 929150
From/Expéditeur	Marika Atfield Planner Zoning & Interpretation Unit	
Subject/Objet	Cannabis Retail Store Authorization Application	Date: April 21, 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. 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:	The Good Cannabis Company
Proposed Address:	809 Bank Street
AGCO File Number:	929150

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 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
Should the application be approved, Staff note that it 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, facing Wellington Street 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.
Ward Councillor Comments
Comments from the office of Ward Councillor Shawn Menard as follows: We recognize that cannabis stores are legal in the province of Ontario. Further, we understand that there will be community members looking to purchase cannabis, and they will need access to a legal cannabis retailer. In the interest of thoughtful and intentional city-building, we raise the following four points to ensure that any cannabis

stores that open in the community contribute to the livability and evolving fabric of Bank Street:

- 809 Bank Street has significant storefrontage. It is wider than most storefronts on Bank Street with large window displays on either side of the entrance. It is our understanding that cannabis products cannot be visible from the storefront. As a result, cannabis shops tend to have blank storefronts. This does not align with good urban planning principles, especially on a Traditional Main Street in a highly walkable community like Bank Street. Having a large storefront be, effectively, vacant (even though the store isn't vacant) disrupts the cadence of the street and will have deleterious effects on the stores around it and the overall livability of the neighbourhood. It would be better if cannabis shops had as small a street-level storefront as possible (which doesn't mean they cannot have larger stores...just that their blank frontage at street level is kept to a minimum).
- City guidelines state that cannabis stores should not be within 150 meters of each other. This is a wise decision, as a concentration of cannabis stores would hurt the diversity of the businesses in an area, which has a deleterious effect on the overall economic viability, livability and vitality of a neighbourhood (this applies to all industries, not just cannabis stores). We want to ensure that diversity along Bank Street is maintained. There was a news report in February of a cannabis store looking to open at 852 Bank Street. As of right now, there is no application listed for 852 Bank Street. 852 Bank Street is 150 meters away from 809 Bank Street (according to Google Maps). We want to ensure that, should an application for 852 Bank Street be submitted, two cannabis stores within 150 meters of each other (809 Bank and 852 Bank) not be permitted, and only one application be granted. We take no position on which application, should there be a second application, be granted.
- 809 Bank Street is located on the same block, but across Bank Street, from Kumon Math & Reading Centre at 796 Bank Street. It is a tutoring centre. Cannabis stores are to be located 150 meters away from schools (along with other enumerated amenities that tend to attract children). This application does not break the letter of that law, but we wonder whether it breaks the spirit of that law. (There is also a children's shoe store located on that block.)
- Similarly, 809 Bank Street is located across the street from Fourth Avenue Baptist Church. Fourth Avenue Baptist Church runs "Haven Too", a shelter for homeless youth, ages 16 to 24, operating Thursdays from 10:00 PM to 8:00 AM Friday morning. We wonder if there are any concerns or regulations regarding opening a cannabis store across the street from a youth shelter.

These concerns should not necessarily preclude a cannabis shop opening at 809 Bank Street, but these issues and any potential mitigation strategies should be considered.