

MEMO / NOTE DE SERVICE



To/Destinataire	Registrar, Alcohol and Gaming Commission of Ontario	AGCO License File/N° de fichier: 946870
From/Expéditeur	Marika Atfield Planner Zoning & Interpretation Unit	
Subject/Objet	Cannabis Retail Store Authorization Application	Date: May 26, 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:	Superette
Proposed Address:	852 Bank Street, Units 105 & 106
AGCO File Number:	946870

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 checked="" type="checkbox"/>	No <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.		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
<p>Staff note that the proposed location is within 150 meters of the proposed retail establishment at 809 Bank Street.</p> <p>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.</p>
Ward Councillor Comments
Comments from Ward Councillor Shawn Menard as follows:

While we respect the need for safe, legal access to cannabis, we are concerned that this application violates the letter and/or spirit of the Key Principles pertaining to the placement of cannabis retail stores:

Key Principle 1: Prevention of Clustering

- Within the last month, an application was made for 809 Bank Street. That location is within 150 meters of 809 Bank Street. It would violate the letter of this rule to allow a store at 809 and at 852 Bank Street. Further, it is inappropriate to consider a location at 852 Bank Street until we know if the location at 809 Bank Street has been approved or not.

Key Principle 2: Separation from Sensitive Sites

- This location is located half a block from a church at Fifth Avenue and Monk Street. Many streets provide assistance to those struggling with addiction. We are concerned that this location's proximity to a church does abide by the spirit of Key Principle 2. Further, even if it does not violate the spirit of the rule, now, it could easily violate the letter of the rule in the near future.
- This location is a little over a block away from Mutchmoor Public School (a K-6 primary school). While it is not within 150 meters of the school, it is along a busy walking route for school children attending Mutchmoor. The intersection has so many children crossing there, there is a crossing guard.
- The location is four blocks away along Fifth Avenue from Lionel Britton Park (a park for toddlers) and Sylvia Holden Park (a park that hosts children's soccer leagues, as well as a wading pool). While these parks are more than 150 meters away, Fifth Avenue is a very popular route for children to use to access these parks.
- This location is across the street from a McDonald's. It is possibly the most popular hang-out for children who attend Mutchmoor, First Avenue Public School, Glashon Public School (grades 7-8) and Glebe Collegiate (grades 9-12). While a fast food restaurant does not automatically equate to a sensitive site (for example, the Subway half a block away is not as popular for kids, and, thus, would not be a sensitive site), the nature of this restaurant in this neighbourhood likely qualifies, in spirit, if not in letter of the rule.

Key Principle 3: Where Retail is a Permitted/Principal Use

b. Location is in a residential zone that allows retail, such as LC (local commercial) and small-c (neighbourhood commercial) designated zones.

- Bank Street is a traditional main street within a residential area. Bank Street, itself, hosts multiple residences. In fact, the two top floors of this four-storey building are residential.
- The building at 852 Bank Street wraps around the corner of Bank Street and Fifth Avenue. Should the entrance be on the Fifth Avenue side, it would be in the residential area of the neighbourhood, right beside private homes.

Key Principle 4: Additional Local Issues to be Noted

- The sidewalks along Bank Street in the Glebe are quite narrow. During busy times (evenings, weekends) there is often insufficient space for all who are attempting to walk down the street. Due to the nature of cannabis shops, there are often line-ups outside these stores. This poses a significant issue in a location like 852 Bank Street without sufficient sidewalks.
- Due to legislation pertaining to cannabis shops, they are not allowed to have advertisements or displays in their windows. Bank Street is a traditional main street and it is a high-pedestrian area. Because of this, city zoning regulations require open, active storefronts. These types of store fronts are more inviting, welcoming and engaging for passers-by. They draw people along

the street and make the corridor more lively and more viable, economically, for other stores.
Blank store faces are a harm on the street and neighbourhood.