

MEMO / NOTE DE SERVICE



To/Destinataire	Registrar, Alcohol and Gaming Commission of Ontario	AGCO License File/N° de fichier: 947002
From/Expéditeur	Marika Atfield Zoning & Interpretation Unit	
Subject/Objet	Cannabis Retail Store Authorization Application	Date: May 22, 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,

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

Business Name:	Meta Cannabis Co. Byward
Proposed Address:	87 Clarence Street
AGCO File Number:	947002

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>The proposed establishment is located within 150 metres of an existing cannabis retail store at 121 Clarence Street and a proposed retail store at 115 Parent Avenue. The City of Ottawa objects to a second cannabis retail establishment within 150 metres of this existing location, as geographic concentration of cannabis retail outlets may encourage undesirable health outcomes.</p> <p>Staff note that the application is located in a Mixed Use Downtown (MD) zone, which permits retail as a use, however the site is also within the Heritage Conservation District for the By-ward Market area. A Heritage Permit is required for any exterior alterations to the building. Should the application be approved, the applicant is advised to consult with the City of Ottawa heritage staff for further details.</p> <p>The urban design guidelines for retail storefronts in the City of Ottawa encourage the use of transparent façade materials in high-traffic pedestrian zones such as this one. A minimum of 50% transparent windows and active entrances is recommended. Glazing, frosting and use of spandrels to obscure visibility over greater than 50% of the</p>

storefront is not in accordance with the guideline recommendations for a retail store in this active pedestrian and retail environment.

Ward Councillor Comments

Ward Councillor Mathieu Fleury's comments as follows:

Currently, there are six retail cannabis stores in Ottawa. In Ward 12, there is one located at 129 York Street and one located at 121 Clarence Street.

There are two applications for a third at 171 Rideau Street (See attached for my recent comments for this proposal.) and a fourth, 87 Clarence Street. (see comments above)

The proposed establishment at 155 Parent Street would be within metres of the cannabis retail store located at 121 Clarence and the proposed site for one at 87 Clarence, which creates concentration retail within one street of the district.

We continue to be concerned about the concentration of these shops in one area of the City. If everything were approved as submitted and reviewed by the AGCO, we would have five retail cannabis stores within 250 metres.

This type of concentration does not reflect our long-term vision and goals of a mix-commercial district of the ByWard Market

Could you please inform the City of Ottawa the best approach to resolve concentration risks of Cannabis Licenses? What tools could the AGCO and the City have – or should have - to resolve this concern?

Thank you,
Mathieu