



SUBJECT: Cannabis Retail Store Guideline

TO: Committee of the Whole

FROM: City Manager's Office

Report Number: CM-8-19

Wards Affected: All

File Numbers: 110-02

Date to Committee: May 13, 2019

Date to Council: May 27, 2019

Recommendation:

Approve the Municipal Cannabis Retail Store Guidelines as set out in city manager's report CM-8-19.

Purpose:

A City that Grows

- Promoting Economic Growth

An Engaging City

- Good Governance
-

Background and Discussion:

AMO has suggested that municipalities consider approving a policy statement or guidelines for cannabis retail store locations identifying potential sensitive uses as defined by their community. The policy statement/guidelines assist with commenting on the location for potential stores within a municipality. Other surrounding municipalities that opted-in to recreational cannabis stores have also recently brought forward store guidelines or policy statements. This helps to clarify for the community and potential store owners where the municipality would prefer to see stores located. It also would provide clarification on when and what to expect from the municipality in providing comments to the AGCO on potential store locations.

Strategy

The province licenses all recreational cannabis retail stores through the AGCO. The City of Burlington opted-in to allow private recreational cannabis stores within the municipality on January 14, 2019 (CM-3-19). The AGCO process includes a public/agency commenting period which the City may use to provide a local perspective.

There is no obligation by the Alcohol and Gaming Commission of Ontario (AGCO) to accept or implement the City's comments to the AGCO regarding the location of a Retail Cannabis Store. However, it is important that Burlington's input continue to be provided to reflect the broader communities wishes.

Provincial regulations do not provide for any municipal enforcement or zoning mechanisms for the location of cannabis retail stores. The regulations also do not provide Municipalities the ability to differentiate this use from any other retail use. The stores are a legal entity and therefore are to be considered like any other type of retail use and must locate in areas zoned within the city for retail use (retail, commercial retail). The sole location criteria established in the provincial regulations is that a store must locate outside a 150 metre buffer of schools (as defined by the Provincial Education Act). The only provincial regulation affecting local municipalities is that stores must be in compliance with the Ontario Building Code, Fire Code and local property standards and sign by-laws.

Provincial legislation identifies that municipal and public comments to the AGCO on possible store locations can only be in reference to three areas of "Public Interest". This is defined by the Province as:

- Public health and safety
- Protecting youth
- Eliminating the illegal market

Commenting is also limited in the legislation to those that live within the municipality and the municipality itself where the application for the store has been submitted. All comments must be submitted online at iAGCO. The City of Burlington cannot submit comments on behalf of individual residents, although the City's comments will strive to represent the broader public interest. Residents are encouraged to submit their own comments to the AGCO should they wish to do so.

In speaking with staff from other opt-in municipalities (St. Catherines, Halton Hills), many were in the process of developing cannabis retail store guidelines in order to help with providing comments to the AGCO that reflect broader community interests. These municipalities had conducted similar surveys with residents to determine what their local residents considered to be other sensitive uses and where residents would prefer not to

see cannabis retail stores. Staff determined that a guideline would be a valuable tool and used the data gathered from the “Get Involved Burlington” Community survey to help inform the guidelines. Please see Appendix A for the Cannabis Retail Store Guidelines.

Staff have also determined, based on our preliminary experience with a recreational retail cannabis store, that more information for potential applicants is required. For this reason, designated staff will be providing at a minimum, a comment to all future applications under the “health and safety” area of public interest. This is to make certain that all potential applicants know that to ensure public health and safety is achieved an applicant must ensure that they do their due diligence in regard to ensuring that a cannabis retail store complies with municipal requirements. It is staff’s understanding that all comments provided to the AGCO are supplied to the applicants. This will help ensure that all potential retail owners are aware of these municipal requirements.

Future:

When report CM-3-19 was approved at Council a staff direction was given to set up a Taskforce to deal with future cannabis related issues. Staff require the sunset of a current council-initiated Taskforce before this one can begin. The review and evaluation of the success of the guidelines as provided in this report will be one of the undertakings for this Taskforce.

There will also be future work in response to new legislation and regulations for additional cannabis products, including edible cannabis, cannabis extracts and cannabis topicals which will be permitted for legal sale under the Cannabis Act no later than October 17, 2019. The potential loosening of the restrictions on the number of licenses by the Province set for December 2019 and the review of any proposed regional smoke free by-laws will also be workplan items.

Staff will also formalize a Communications plan to educate potential retail cannabis store owners. This will include providing this guideline to Burlington Economic Development Corporation, Burlington Chamber of Commerce, Burlington Downtown Business Association, Aldershot Village BIA and providing the guidelines on the city’s cannabis section of website. Potential retailers need to be made aware of municipal requirements and what they need to do before they commit themselves to a long-term lease.

Financial Matters:

Other Resource Impacts

Not an issue at this time, due to the low volume of applications, should that change however there may be an impact.

Connections:

Provincial Legislation and Regulations as well as Regional Smoke Free by-laws

Public Engagement Matters:

The Get Involved Burlington survey open from Dec 4-13, 2018, reopened Dec 18, 2018 - Jan 10, 2019. Resident feedback from that survey has been used to help inform the Cannabis Retail Store Guidelines.

Conclusion:

Staff are seeking Council approval of the Cannabis Retail Store Guidelines as provided in report CM-8-19.

Respectfully submitted,

Leah Bisutti

Manager of Corporate Policy Initiatives

Ext. X7790

Appendices:

- A. Cannabis Retail Store Guidelines

Notifications:

Halton Region

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

Appendix A

City of Burlington Cannabis Retail Store Guidelines

The Cannabis Retail Store Guidelines is to be used as the primary guidelines in providing City of Burlington comments to the Ontario Alcohol and Gaming Commission (AGCO) in response to applications for privately operated cannabis retail stores within the municipality.

The guidelines are established to address broader public interest in the evaluation of applications for a cannabis retail store authorization within the City of Burlington.

Public interest is defined in provincial regulation as:

- public health or safety
- protecting youth
- eliminating the illegal market

Provincial Requirements:

- 150 metres from schools (as defined by the Education Act), as per the provincial regulations

Municipal Requirements:

- They shall be located on properties zoned to permit retail stores (commercial, retail commercial)
- They shall be in compliance with:
 - The Ontario Building Code (permit requirements for any change of use and/or construction)
 - The Fire Code
 - City of Burlington Municipal Sign By-law
 - City of Burlington Property Standards By-law
 - And any related planning approval (i.e. Zoning Clearance Certificate, Site Plan approval)

Community Preferences:

- In addition to schools, as defined by the Education Act, a Cannabis Retail Store should strive to maintain a minimum 150 metre buffer distance from sensitive

land uses, as follows:

- municipal parks, pools and splash pads, recreation centres, libraries and arenas
- daycares
- facilities for social services, including but not limited to addiction treatment, hospitals and mental health.

- 150 metre buffer distance is consistent with the provincial standard applied to schools as defined by the Education Act. Also consistent with the provincial regulations is how the 150 metre buffer distance for stand alone or shared facility will be measured. For stand alone facilities the measurement is from the property line. For shared facilities the measurement is taken from the boundary of any space occupied by the school within the building.
- Cannabis Retail Stores should strive to maintain separation from each other to avoid clustering within permitted retail zones

Implementation:

- City Staff will review a proposed location for sensitive uses as well as identify any unknown additional circumstances that need to be considered at the time of becoming aware of a new application for a Cannabis Retail Store.
- The primary determinants in selecting sensitive uses are the potential influence that the location of a Cannabis Retail Store may have upon individuals with addiction and/or mental health challenges or where the community considered sensitive uses through the COB survey administered Dec 2018 – Jan 2019.
- Given the short 15-day timeline provided by the AGCO to comment on proposed retail cannabis stores, one staff person will be designated to be responsible to liaise with other city departments, identify any localized conditions or concerns and provide comment on behalf of the municipality to the AGCO within the 15-day commenting period.
- Every cannabis retail store application in Burlington will, at a minimum, receive the following comments from the municipality. Under Public Health or Safety:

“As part of the due diligence process an applicant shall ensure that compliance with the Municipal Zoning By-law and the Ontario Building Code for the necessary permits for any change of use and/or construction is investigated and attained.”