



OFFICE OF THE CITY CLERK
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Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East
Suite 200-300
Toronto, Ontario M2N 0A4

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December 2, 2020

RE: Application for Cannabis Retail Store Authorization for TOKYO SMOKE, File# 927699

To whom it may concern,

On January 14, 2019, Thunder Bay City Council approved a resolution to opt-in to allow cannabis retail stores. On August 26, 2019 City Council approved a [resolution](#) approving the City of Thunder Bay Siting of [Cannabis Retail Stores Policy](#), and delegating authority to the City of Thunder Bay's Drug Strategy Coordinator to coordinate and submit a formal response to the Alcohol and Gaming Commission of Ontario (AGCO) on cannabis retail store applications guided by the policy.

The Cannabis License Act, 2018 provides that the AGCO may not issue a retail store application deemed not to be in the "public interest", defined in s. 10 of Regulation [468/18](#) as meaning:

- a) Protecting public health and safety,
- b) Protecting youth and restricting their access to cannabis, and
- c) Preventing illicit activities in relation to cannabis.

Municipalities and the public have 15 calendar days to reply based on matters of public interest. Additionally, municipalities are able to provide additional feedback on distances and consideration for other sensitive uses as part of the public input process.

On November 18, 2020, the City of Thunder Bay became aware that TOKYO SMOKE has made a new application for a Cannabis Retail Store Authorization at 572-588 ARTHUR ST W UNIT 5 in Thunder Bay. In consultation with other municipal departments and external agencies, the location of the proposed store at 572-588 ARTHUR ST W UNIT 5 was reviewed in the context of the Municipal Siting of Cannabis Retail Stores Corporate Policy; please find attached comments regarding this location.

Sincerely,

Krista Power
City Clerk
City of Thunder Bay
krista.power@thunderbay.ca

Cynthia Olsen
Drug Strategy Coordinator
City of Thunder Bay
cynthia.olsen@thunderbay.ca



City of Thunder Bay Municipal Response to Cannabis Retail Store Authorization to Alcohol and Gaming Commission of Ontario

Business Name: TOKYO SMOKE

Proposed Address: 572-588 ARTHUR ST W UNIT 5

AGCO File Number: 927699

In consultation with other municipal departments and external agencies, the location of the proposed store at 572-588 ARTHUR ST W UNIT 5 was reviewed in the context of the City of Thunder Bay Siting of Cannabis Retail Stores Corporate [Policy](#).

In order to protect youth and promote public health and safety cannabis retail stores are discouraged where nearby properties are designed to serve youth and/or provide support to individuals with substance use and/or mental health challenges.

Cannabis retail stores should be located a minimum of 150 metres from the property line of all of the following:	Meets Corporate Policy?
- Any daycare facility; elementary, secondary or private school; college; university	Yes
- Any youth group home	Yes
- Any emergency shelter	Yes
- Any location where youth-focused programming is offered	Yes
- Any facilities where substance use and/or mental health challenges are treated	Yes
- Any community centre	Yes
- Any municipal library	Yes
- Any recreation facility, area, playground, and/or park	Yes
- Any LCBO or Beer Store	Yes

River and watercourse areas within the city of Thunder Bay have been identified as areas where substance use activity is concentrated, resulting in public health and safety concerns.

Cannabis retail stores should be located a minimum of 150 metres from:	Meets Corporate Policy?
- All rivers and watercourses	Yes

Other Principles for Cannabis Retail Store Locations

<p>Land Use Planning</p>	<p>The property is zoned “C4” – Arterial Commercial Zone and designated as Service Commercial in the Official Plan. Retail store is not a permitted use at this location under the “C4” Zone. However, the property is subject to site specific Official Plan and Zoning By-law Amendments which permit retail stores at this location. The amendments were approved by City Council on November 16, 2020 and the appeal period ends on December 13, 2020. The amending By-laws will not be considered final until the appeal period is complete and it has been confirmed that appeals have not been received. If an appeal is received, the By-laws will be forwarded to the Local Planning Appeal Tribunal for adjudication. If this were to be the case, a retail store would not be permitted until the Tribunal issues its decision, which would likely take several months.</p>
<p>Police Calls for Service and Site Design</p>	<p>A cannabis retail store should incorporate Crime Prevention through Environmental Design principles into the design of the facility and the entire site on which it is located.</p> <p>Upon analysis of the calls for service to the area, Tokyo Smoke and its proposed location at 572-588 Arthur Street West, Unit 5, while in a busy commercial area, is not subject to excessive calls for service, high crime or violent offences.</p>
<p>Municipal Building Inspections</p>	<p>The Building Code applies to retail stores, including cannabis retail stores. Where a building permit is required, the building inspector will undertake duties as usual. Fire Code compliance is also mandatory.</p>
<p>Municipal Enforcement</p>	<p>Where a complaint is received with respect to Zoning By-law compliance, Licensing & Enforcement staff will conduct an investigation as usual</p> <p>There are currently no enforcement compliance issues at 572-588 ARTHUR ST W UNIT 5 at this time</p>
<p>Location Criteria</p>	<p>The subject site is an interior lot with frontage on Arthur Street West. There is an existing shopping centre consisting of three primary buildings facing a shared parking area. There is also an existing Site Plan Control agreement for the property. The site already has more than sufficient on-site parking spaces, including barrier-free spaces, for the existing shopping centre. There is a public sidewalk along Arthur Street but no identified connection to the private walkway in front of the existing building at this time. There is an</p>

	<p>adjacent signalized intersection for crossing the street. The Arthur & Victoria Inn bus stop (on the #4 Neebing and #14 Arthur lines) is in the immediate vicinity of the site. The site is suitable for the proposed use in terms of transit access, pedestrian access, and parking availability. Should no appeals be filed against the approved Official Plan and Zoning By-law Amendments, the zoning will also be appropriate for the proposed use.</p> <p>The location of 588 Arthur St. W is an existing restaurant on the property.</p>
Density Criteria	This proposed location is further than 150 m away from any approved or proposed cannabis retail stores in Thunder Bay.

Comments:

The property is zoned “C4” – Arterial Commercial Zone and designated as Service Commercial in the Official Plan. **Retail store is not currently a permitted use at this location under the “C4” Zone.** However, the property is subject to site specific Official Plan and Zoning By-law Amendments which permit retail stores at this location. The amendments were approved by City Council on November 16, 2020 and the appeal period ends on December 13, 2020. The amending By-laws will not be considered final until the appeal period is complete and it has been confirmed that appeals have not been received. If an appeal is received, the By-laws will be forwarded to the Local Planning Appeal Tribunal for adjudication. If this were to be the case, a retail store would not be permitted until the Tribunal issues its decision, which would likely take several months. **Should no appeals be filed against the approved Official Plan and Zoning By-law Amendments by December 13, 2020, the zoning will then be appropriate for the proposed use.**

There are no other concerns noted with this proposed location.

Map of Proposed Cannabis Retail Store and Proximity to Sensitive Use Areas

