

**CITY WIDE
MISCELLANEOUS – LIQUOR STORE SEPARATION DISTANCE
BYLAW 13P2015**

EXECUTIVE SUMMARY

This report responds to Council's Notice of Motion that directed Administration to bring forward amendments to the Land Use Bylaw 1P2007 (LUB) to limit the Development Authority's discretion to reduce the separation distance between liquor stores and between liquor stores and schools. Since the privatisation of retail liquor stores in Alberta in 1993, the number of liquor stores in Calgary has grown from 25 to over 340. Council implemented liquor store separation distances in the LUB in 2003 to better manage proliferation and clustering issues. Since 2003 the concentration of liquor stores in Calgary has increased, as has the number of requests and approved relaxations of the separation distance.

The Development Authority can currently relax any amount of the separation distances between liquor stores and between liquor stores and schools. This report proposes LUB amendments to limit relaxations of the liquor store minimum separation distances to a maximum of 10 percent, meaning the 300 metre separation distance between liquor stores could be relaxed a maximum of 30 metres, so that liquor stores could be no closer to each other than 270 metres. Similarly, the 150 separation distance between liquor stores and schools could be relaxed a maximum of 15 metres, so that liquor stores could be no closer to schools than 135 metres. The report also proposes guidelines to explain the purpose of the separation distance rules and give guidance to the Development Authority when making decisions on requests for relaxations of the minimum separation distance.

PREVIOUS COUNCIL DIRECTION

At the 2014 November 03 meeting of Council, it was moved by Councillor Chabot, seconded by Council Demong, that Administration "bring forward amendments to the land use bylaw that limit the Development Authority's ability to relax the 300 metre separation distance between liquor stores and the 150 metre separation distance from liquor stores to schools to 10 percent of the minimum distance allowed" (APPENDIX I).

On 2003 November 20, Council approved amendments to the LUB that instituted a 300 metre separation distance between liquor stores and a 150 metre separation distance between liquor stores and schools, but did not apply the separation distances to the downtown and regional commercial parcels.

On 2003 July 14, Council requested Administration to "... draft a land use bylaw amendment that would make all planning guidelines for liquor stores into requirements".

On 2003 January 27, Council asked Administration to report on the policy and procedures used to evaluate liquor store development permits; the rules in the land use bylaw pertaining to liquor stores, the planning and community impacts of liquor stores and the effectiveness of the guidelines and rules approved by Council in 2000.

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On 2000 November 06, Council adopted the Calgary Planning Commission (CPC) “General Criteria for Liquor Stores” (APPENDIX VII) and approved amendments to the Land Use Bylaw that require liquor stores, when abutting a residential district, to have their entrances, parking and access located to minimise the impact on the residential district; and that liquor stores only be allowed on a parcel with a frontage on a major street or primary collector.

On 2000 October 04 the CPC approved “General Planning Criteria For Liquor Stores”, which directed the Development Authority to take into account the cumulative impact of a proposed liquor store when located within 150 metres of an existing liquor store or high school, that parking for a liquor store should not be off-site, that each liquor store have a well-designed and located loading stall, that CPTED (Crime Prevention through Environmental Design) criteria be considered, that all empty beverage containers be located indoors and that the sale of liquor related products (glassware, soft drinks, etcetera) only be allowed as an accessory use.

On 1999 July 26, Council approved a motion that Administration “... investigate concerns and complaints by residents that have occurred regarding existing liquor stores, and bring forward a report by 1999 December, or sooner, on the impacts that existing stores have had on residential communities, in consultation with the Calgary Police Service, communities and schools, that will enable Council to consider amending location criteria or business license conditions”.

On 1994 January 10, Council amended the LUB by adding a definition for “liquor store” and a minimum motor vehicle parking requirement of 8 stalls per 93 square metres gross floor area.

On 1993 November 3, in response to the privatization of liquor stores in Alberta the CPC directed the Planning and Building Department to take into account certain issues, such as parking, traffic, community context and social impact when making recommendation on development permit applications of liquor stores.

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ADMINISTRATION RECOMMENDATIONS

2015 March 12
2015 February 26

1. That Calgary Planning Commission recommends **APPROVAL** of the proposed amendments to the Land Use Bylaw 1P2007.
2. That Calgary Planning Commission recommends **APPROVAL** of the proposed Liquor Store Separation Distance Guidelines.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 13P2015; and

1. **REFUSE** the proposed amendments to Land Use Bylaw 1P2007; and
2. **ABANDON** the proposed Bylaw 13P2015.
3. **REFUSE** the proposed Liquor Store Separation Distance Guidelines.

ADMINISTRATION'S REASONS FOR APPROVAL RECOMMENDATION:

Administration recommends that the Calgary Planning Commission recommend approval of the proposed amendments to LUB 1P2007 and adoption of the Liquor Store Separation Distance Guidelines, as a 300 metre separation distance between liquor stores, and 150 metres between a liquor store and a school, are reasonably appropriate distances to manage the cumulative impacts of traffic, parking, noise and aesthetics of liquor stores on a neighbourhood or community, and may help manage the link between alcohol consumption and community health, while still ensuring consumer choice and competition between liquor stores.

The proposed maximum 10 percent relaxation on the separation distance allows the development authority the flexibility to manage minor exceptions to the rules while ensuring that Council's guidelines are implemented.

The reinstatement of the original November 2003, exemption from the separation distance for the downtown and regional commercial districts ensures that existing approved liquor stores in the downtown will not be made non-conforming, and recognises that the 300 metre separation distance may not be appropriate for areas intended to accommodate a high population density and areas designated as regional commercial centres.

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CALGARY PLANNING COMMISSION'S REASONS FOR REFUSAL RECOMMENDATION

Calgary Planning Commission is recommending that Council Abandon the proposed bylaw. Detailed reasons are contained in the Minutes of the meeting on page 6. In summary, CPC's recommendation is based on:

- The lack of meaningful input from directly affected stakeholders;
- The removal of administrative discretionary powers;
- Lack of evidence in support of the issues that gave rise to the amendments;
- Lack of differentiation between types of liquor stores;
- Blaming liquor stores for aesthetic and traffic issues that are no worse than other non-liquor related operations;
- Being out of step with standards in other areas of the province.

ATTACHMENTS

1. Proposed Bylaw 13P2015

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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed amendments to Land Use Bylaw 1P2007 in APPENDIX III.
2. Recommend that Council **ADOPT**, by resolution, the proposed Liquor Store Separation Distance Guidelines in APPENDIX IV.

2015 March 12

The Calgary Planning Commission **LIFTED THE ITEM FROM THE TABLE**

MOTION:

The Calgary Planning Commission accepted correspondence from:

- Urban Development Institute – Calgary dated 2015- February 24;
- as distributed, and directs it to be included in the report as APPENDIX X.

Moved by: R. Wright

Carried: 7 – 0

Absent: Ms. Smithers left the room due to a pecuniary conflict of interest and did not take part in the discussion or voting.

MOTION:

The Calgary Planning Commission **FILED** Administration's recommendation of **APPROVAL** and recommends that Council:

- A. 1. **REFUSE** the proposed amendments to Land Use Bylaw 1P2007; and
2. **ABANDON** the proposed Bylaw.

Moved by: J. Gondek

Carried: 4 – 3

Absent: Ms. Smithers left the room due to a pecuniary conflict of interest and did not take part in the discussion or voting.

Opposed: S. Keating, G.-C. Carra and C. Friesen

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B. **REFUSE** the proposed Liquor Store Separation Distance Guidelines.

Moved by: J. Gondek

Absent: Ms. Smithers left the room due to a pecuniary conflict of interest and did not take part in the discussion or voting.

Carried: 4 – 3

Opposed: S. Keating, G.-C. Carra and C. Friesen

Reasons for opposition of the Refusal recommendation from Mr. Friesen:

- I was convinced that administration provided sufficient information to make a decision and agreed with the argument limiting additional liquor stores. I do not believe that a large number of liquor stores enhances a community and although I support sound research the pursuit of more information could go on forever.

Reasons for support of the Refusal recommendation from Ms. Gondek:

- It is very disappointing that no association or individual liquor store operator took the time to comment on these proposed changes. This begs the question of whether we entered into true engagement with one of the most impacted stakeholders, or if a call for comment was the only method used, with no follow up on why no one provided comments.
- On page 8/28, the last paragraph suggests “placing limits on the discretion of the development authority”. Discretion is no longer discretion if we start to remove portions of it.
- On page 9/28, in the Council Notice of Motion, there is an assertion that “higher liquor store density can contribute towards elevated rates of alcohol consumption and affect community health”. Do we have research that backs up this claim? What are the other influencing factors?
- There is an issue of causality in many assumptions of this report. For example, higher crime being linked to presence of liquor stores – is the presence of a liquor store directly linked to higher crime? Another example, increased density of liquor stores in a given area leads to increase issues related to alcohol – do we have empirical evidence that shows higher rates of alcoholism and related health issues in areas with more liquor stores?
- When we state that Calgary now has more liquor stores, which has resulted in more alcohol-related issues, are we missing the point that a growing population may have a proportionate increase of such issues? Again, are liquor stores causing the change?

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- We are tagging all liquor stores the same way, regardless of size or product offering. There is a big difference between a wine boutique with a tasting bar and a corner liquor store that sells individual king cans of beer. So would we apply the same separation requirements to a specialty wine store wanting to locate near a store that only sold beer?
- The term “liquor store” is treated with a similar stigma as “bottle depot”. It is not just the criminal or alcoholic that uses a liquor store. We seem to be vilifying alcohol purchases by responsible adults by presenting liquor stores as the cause of social problems.
- There is an argument in this report that liquor stores are unsightly, with ugly signage, and distracting temporary street signage. I believe the same could be said of many pizza joints, convenience stores, mini-gyms, etc.
- What research has been done on levels of alcoholism or related health issues since privatization of liquor stores? Or comparisons of government-run liquor provinces versus privatized provinces/states? Is privatization contributing to increased alcohol-related issues?
- On page 5/28, there is reference to a community survey that identified signage, traffic and parking as the major issues related to liquor stores. Crime, public drunkenness and social issues were not listed.

Reasons for support of the Refusal recommendation from Mr. Morrow:

- This is blunt object to deal with an issue that requires greater discretion. Not all Liquor Stores are equal. Most cities in the province have no distance requirements; Calgary is already the most stringent. CPC should be able to exercise discretion on a case by case basis.

Reasons for support of the Refusal recommendation from Mr. Wright:

- One strength of our present Land Use Bylaw in the ability to apply appropriate discretion. This proposal eliminates that ability and reduces the process to a check list.

Reasons for support of the Refusal recommendation from Ms. Wade:

- Separation spaces need to be reconsidered as there is often more congestion associated with drive through fast foods service or convenience stores appear to have many traffic noise and parking issues. Undertaking a more comparative analysis on traffic noise, parking and congestion to determine if liquor stores generate more traffic congestion than other uses as mentioned.
- Mix use developments may struggle with separation spaces in their commercial, retail, residential and public uses in light if the new community guidebook, which encourages Neighbourhood Activity

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Centres, Community Activity Centres and Major Activity Centres.
Has this been considered?

- How has industry been engaged and consulted. Encourage an interactive collaboration and discussion on 10 percent space separation, traffic and social concern. Statements should be backed by statistical research rather than anecdotal.

2015 February 26

MOTION:

The Calgary Planning Commission **TABLED** Item 09 (M-2015-001) to the next Calgary Planning Commission meeting of 2015 March 12 due to loss of Quorum.

Moved by: M. Logan

Carried: 7 – 0

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REGULATORY DISCUSSION

BACKGROUND

Alberta is unique amongst Canadian Provinces with its system of privately-owned and operated retail sale of alcohol.

The sale of alcohol in Canada is a Provincial responsibility pursuant to the Constitution Act, 1867. While Quebec allows the sale of beer and wine in grocery and convenience stores, Newfoundland allows the sale of beer in licensed convenience stores, and British Columbia has some private retail outlets selling alcohol, Alberta is the only Province where the sale of alcohol is completely privatised.

At the time of privatisation of the retail sale of alcohol in Alberta, there were 25 government owned liquor stores in Calgary. There are now over 340 privately owned stores in Calgary.

The introduction of the private sale of alcohol has introduced unique development and planning considerations for Calgary and other Alberta municipalities not shared by municipalities in other Provinces – the regulation of liquor stores at the municipal level.

Separation distances are used to separate incompatible land uses and to manage the impacts of the proliferation / concentration of a single use.

Calgary introduced a 300 metre separation distance between liquor stores and a 150 metre separation distance from a liquor store to a school parcel boundary in November 2003 to manage liquor store concentration and the impacts of liquor stores on residential uses. At that time, a community survey identified portable / temporary signage (aesthetics), vehicle traffic, site access location and parking as the most significant effects of liquor stores. In Alberta, the City of Edmonton is the only other major municipality that has a separation distance requirement between liquor stores, at 500 metres. Separation distance rules for liquor stores are also used by some American municipalities, where there exists a myriad of State and Municipal rules.

Some cities in Alberta now have a significantly higher density of liquor stores than cities in other Provinces. For example, Calgary had 346 liquor stores and a population of about 1.2 million at the end of November 2014, whereas Toronto has a total of 144 liquor and beer stores serving a population of 2.79 million. Calgary has a liquor store density 5.5 times greater than Toronto.

LIQUOR STORES IN CALGARY

The parcels with a licenced liquor store are shown on the map in APPENDIX V of this report. Almost 35 percent of liquor stores locate on commercial corridor districts, while almost 29 percent locate in neighbourhood commercial districts (APPENDIX VI).

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APPENDIX V shows the liquor store density (population per liquor store) for select cities in Alberta. A lower number represents a higher density (i.e. fewer persons per liquor store). Calgary has a slightly higher liquor store density as compared to Edmonton and Red Deer, but a lower density than the other cities listed.

The number of liquor stores in Calgary has been steadily increasing since privatization in 1993 at a rate that exceeds population growth, as the density of liquor stores has increased from 7,610 persons per store in 1994 to 3,454 persons per store in 2014 (APPENDIX V).

Although liquor stores tend to locate along commercial corridors and in neighbourhood / community commercial centres, they are more concentrated in some communities as compared to other communities, as shown in APPENDIX V. Sometimes this is due to the presence of a major corridor in the community, so that liquor stores located along the corridor can serve both the community as well as corridor commercial traffic. For example, small communities such as Tuxedo Park, Mount Pleasant and Forest Lawn may have an above average density of liquor stores because they have one or more major commercial corridors in the community or along the community boundary.

The annual number of requests for relaxations (also referred to as a 'variance') of the 300 and 150 metre separation distance has been increasing since the introduction of the separation distance rules in 2003, as shown by the chart in APPENDIX VI. There has been more than one variance request approved at the some locations, as stores that initially received a variance later modify or expand, and require a second variance for the changes. The map in APPENDIX VI shows the locations where variances have been approved and refused since 2003.

The average variance recorded on the city's Development Permit (DP) information system was a 96.19 metre reduction to the separation distance between liquor stores and an average 64.93 metre reduction for distances from liquor stores to schools.

Variances from liquor stores to a school parcel boundary were usually only approved when the distance from the school building to the parcel boundary was large. Variances between liquor stores were often approved only when the DP application was for a modification of a previously approved liquor store, for a liquor store in an enclosed mall or for a liquor store on the opposite side of a corridor and in a different community than the other liquor store.

Of the variance requests between liquor stores recorded on the City information system, 8 of 38 since 2003 are 30 metres or less, and of the variances requests from liquor stores to school parcel boundaries, 7 of 22 are 15 metres or less.

THE PROPOSED LAND USE BYLAW AMENDMENT & GUIDELINES

The amendment directed by Council limits the distance of the relaxation that may be approved by the Development Authority to 10 percent of the minimum separation distance. This means the minimum separation distance between liquor stores, if the maximum relaxation was

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approved by the development authority, would be 270 metres (e.g. 300 m – 30 m = 270 metres). This distance is measured in a direct line or ‘as the crow flies’ from one liquor store use area to the other liquor store use area. The amendment also limits the distance of the relaxation that may be approved by the Development Authority from a liquor store to a school boundary to 10 percent of the minimum separation distance. This means that the minimum separation distance from a liquor store to a school boundary, if the maximum relaxation was approved by the development authority, will be 135 metres (e.g. 150 metres – 15 metres = 135 metres). The distance is measured, again, in a direct line from the liquor store to the closest property line of a parcel containing a school.

In addition to Council direction, Administration is proposing two amendments to the land use bylaw where the separation distance rules should not apply. Firstly, Administration is suggesting that the exemption from the separation distance for the downtown should be reinstated. The downtown was originally exempt from the separation distance rules in recognition that it was major commercial area and had the potential to become a higher density residential area. This exemption was unintentionally lost when the new CR20-C20/R20 was approved in 2013 and implemented in 2014. The reinstatement of the exemption for the CR20-C20/R20 district will also ensure that existing liquor stores do not become non-conforming.

The second minor amendment proposes a reinstatement of the exemption from the separation distance for the regional commercial districts (C-R2 and C-R3 districts). The original direction from Council for the separation distance rules in 2003 exempted the regional commercial districts, as it was thought that the impacts of multiple liquor stores in enclosed and unenclosed regional shopping areas would be negligible as compared to multiple liquor stores when located on corridors and in neighbourhood commercial centres located adjacent to residential parcels.

The locations of the CR20-C20/R20, C-R2 and C-R3 district parcels are shown on the map in APPENDIX II. In addition to the map in APPENDIX II, the table in APPENDIX II summarises the impact of the amendments to the districts in the LUB where a Liquor Store is a listed use.

Administration has also written Liquor Store Separation Distance Guidelines (APPENDIX IV) to assist the Development Authority in making decisions on requests for relaxations, by outlining the circumstances when a relaxation would be appropriate.

BUSINESS AND COMMUNITY CONSULTATION

Business, industry groups and communities were invited to provide input on the proposed amendments. To date, two letters have been received. APPENDIX VIII shows a letter received from a citizen and APPENDIX IX shows a letter received from the Federation of Calgary Communities.

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SOCIAL IMPACTS OF LIQUOR STORES

There is large amount of research that has studied the relationship between alcohol distribution and retailing, liquor store density, consumption and social impacts.

Generally, higher liquor store density leads to heightened competition, lower prices and greater product availability. The social and health costs of excessive and unsafe alcohol consumption are high. The consequences of excessive and unsafe alcohol consumption include fetal alcohol syndrome, various chronic diseases including liver cirrhosis, drunk driving and its consequences, suicides and homicides, aggressive personal behaviour, family violence and lost workplace productivity.

For example, a background paper submitted in 2005 as part of the “Beverage Alcohol System Review” in the Province of Ontario summarised that *“Increased alcohol outlets will act to increase alcohol consumption, and associated alcohol related problems such as underage consumption, drinking and driving, and alcohol-related aggression, morbidity and mortality.”* Notwithstanding that every individual has an individual responsibility to use alcohol responsibly; this may confirm that regulatory mechanisms that limit availability may be effective in managing some of the social impact of liquor stores.

AESTHETIC IMPACTS OF LIQUOR STORES

Liquor Stores can also have an impact on perceptions that people have of a community. Higher than average densities of some uses, including liquor stores, pawnshops, payday loan companies, massage parlours, bars and nightclubs can create negative perceptions about the suitability and desirability of a community. Liquor stores sometimes, but not always, include a specific aesthetic that includes temporary signage advertising products, concrete security bollards in the front of the store, lit and unlit window signs and security window shutters / grilles that can contribute to a perception, even if untrue, that a certain community has a higher crime rate, higher alcohol consumption or greater social problems than other neighbourhoods.

Negative perceptions about a community, even when untrue, can influence decisions people and business make about suitable places to live and to invest. As such, it is important to ensure that, as much as possible, positive perceptions are created for all of Calgary’s communities. Although not part of this report, discretionary guidelines on liquor store design, appearance, CPTED implementation and signage may assist in improving liquor store aesthetics.

CONCLUSION

Liquor stores are an important component of the overall business community in Calgary. They provide jobs, and local owners and employees are members of the community.

Separation distances between liquor stores and liquor stores and schools were implemented to manage the cumulative impacts of liquor stores and to avoid clustering. Liquor store clustering can also lead to social impacts and perceptions about communities. Placing limits on the

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discretion of the development authority to reduce the separation distance when requested by a business owner will help to ensure that separation distances between liquor stores and liquor stores and schools are maintained as intended by Council.

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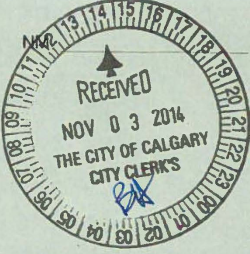
APPENDIX I

NOTICE OF MOTION NM2014-41

NM2014-41

 THE CITY OF
CALGARY
CITY CLERK'S OFFICE

NOTICE OF MOTION
CC 661 (R2009-05)



NM2014 November 3

RE: IMPROVING LIQUOR STORE SEPARATION DISTANCES
COUNCILLOR CHABOT

WHEREAS liquor store proliferation may include cumulative impacts on a neighbourhood, including traffic, loading, parking and noise;

AND WHEREAS when liquor stores cluster they have an aesthetic impact on a neighbourhood and may create negative perceptions about a community;

AND WHEREAS higher liquor store density can contribute towards elevated rates of alcohol consumption and affect community health;

AND WHEREAS Calgary has separation distance rules in the land use bylaw that require liquor stores to be 300 metres apart and 150 metres from public and private schools;

AND WHEREAS the number of liquor stores per 1,000 population has increased over 15% since 2000, and the number of relaxations of the separation distance rules has increased since Council approved the rules in 2003;

NOW THEREFORE BE IT RESOLVED that Council direct Administration to bring forward amendments to the land use bylaw that limit the Development Authority's ability to relax the 300 metre separation distance between liquor stores and the 150 metre separation distance from liquor stores to schools to 10% of the minimum distance allowed.

AND FURTHER BE IT RESOLVED that the Calgary Planning Commission receive the report and amendments by February 2015.

[Signature]
Signature of Member(s) of Council

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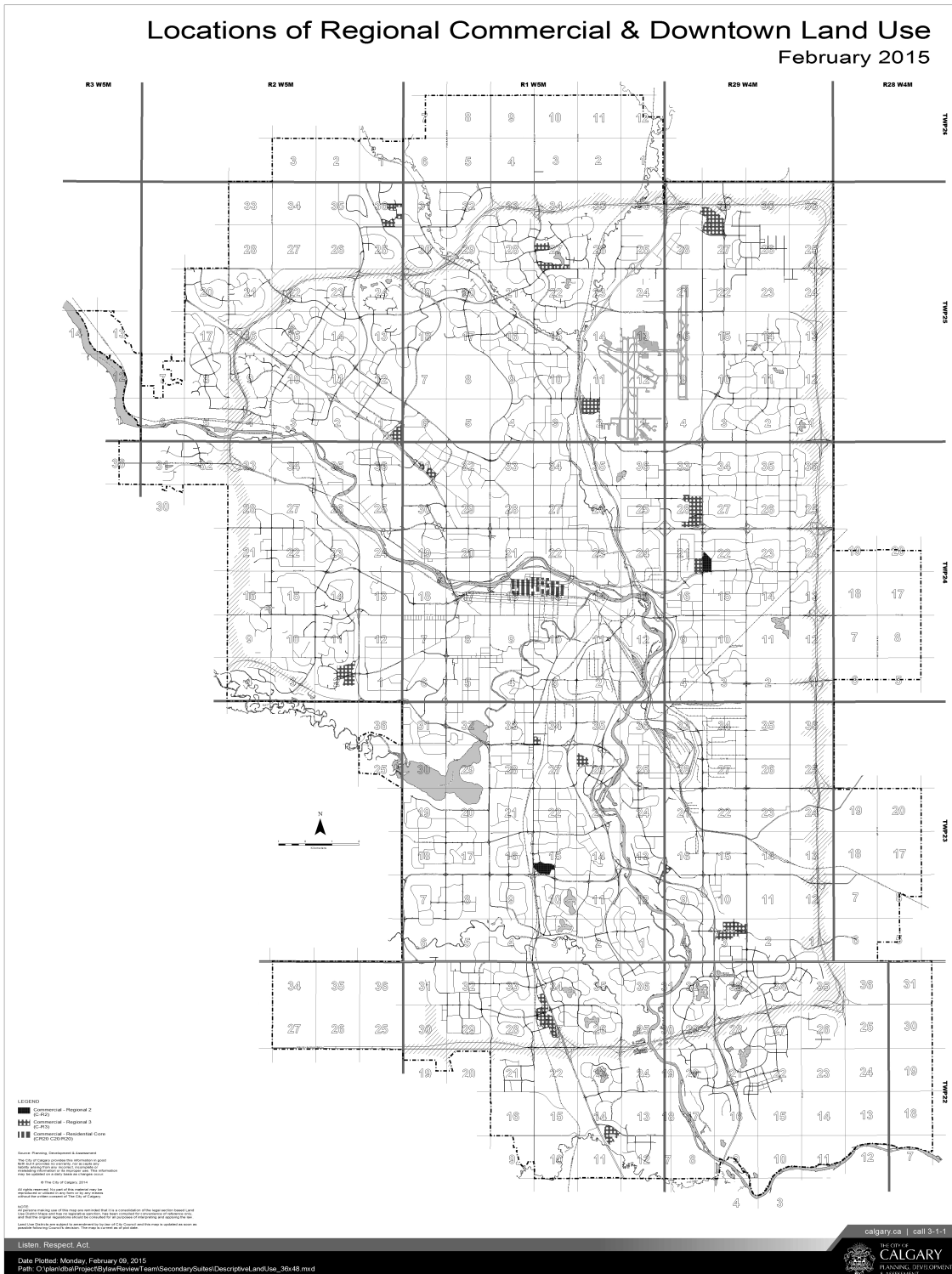
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APPENDIX II

DESCRIPTION OF THE AMENDMENTS

Land Use District	Existing Separation Distance	Proposed Separation Distance	Maximum relaxation up to 10% of the separation distance	Existing Liquor stores exempt from separation distance
C-N1	✓	✓	✓	✓
C-N2	✓	✓	✓	✓
C-C1	✓	✓	✓	✓
C-C2	✓	✓	✓	✓
C-COR1	✓	✓	✓	✓
C-COR2	✓	✓	✓	✓
C-COR3	✓	✓	✓	✓
C-R1	✓	✓	✓	✓
C-R2	✓	x	n/a	n/a
C-R3	✓	x	n/a	n/a
I-E	✓	✓	✓	✓
I-C	✓	✓	✓	✓
CC-MH	✓	✓	✓	✓
CC-MHX	✓	✓	✓	✓
CC-X	✓	✓	✓	✓
CC-COR	✓	✓	✓	✓
CR20-C20R20	✓	x	n/a	n/a
CC-EMU	✓	✓	✓	✓
CC-ET	✓	✓	✓	✓
CC-EPR	✓	✓	✓	✓
CC-EIR	✓	✓	✓	✓
CC-ERR	✓	✓	✓	✓

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APPENDIX III

PROPOSED AMENDMENTS TO LAND USE BYLAW 1P2007

1. The City of Calgary Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, be hereby further amended as follows:
 - (a) Delete subsections 40 (f) and (g) in their entirety and replace with the following:
 - “(f) is for any **sign** containing a **digital display** that would display **copy** shown on the **digital display** using full motion video, or otherwise gives the appearance of animation or movement;
 - (g) is not adequately serviced by infrastructure referenced in Section 129.1; or”
 - (b) Add a new subsection 40 (h):
 - “(h) is for a **Liquor Store**:
 - (i) other than the expansion or alteration of an existing approved **Liquor Store** or renewal of approval of a previously approved **development permit** for a **Liquor Store**;
 - (ii) in a district specified in 225(d) or 225(e); and
 - (iii) is located within 90 per cent of a minimum separation distance specified in 225(d) or 225(e).”
 - (c) Delete subsections 225 (d) and (e) in their entirety and replace with the following:
 - “225 (d) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 300.0 metres of any other **Liquor Store**, when measured from the closest point of a **Liquor Store** to the closest point of another **Liquor Store**;
 - (e) in all **commercial** and **industrial districts**, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 150.0 metres of a **parcel** that contains a **School – Private** or a **School Authority – School**, when measured from the closest point of a **Liquor Store** to the closest point of a **parcel** that contains a **School Authority – School** or a **School – Private**.”

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APPENDIX IV

LIQUOR STORE SEPARATION DISTANCE GUIDELINES

Objectives

To ensure opportunities for liquor stores are balanced with the cumulative impacts of traffic, parking, noise and aesthetics they may have on communities.

The separation distance helps manage over concentration of liquor stores along corridors and in communities.

Guidelines

A request to reduce either the 300 metre minimum separation distance between a proposed liquor store and an existing liquor store, or the 150 metre minimum separation distance between a proposed liquor store and a school, up to 10 per cent of the minimum distance, may be approved by the development authority when:

1. The proposed liquor store is less than 300 metres from an existing liquor store, but located in and serving a different community or neighbourhood;
2. Only one liquor store or school is within the minimum separation distance;
3. A major road or expressway separates the proposed liquor store from the other liquor store or school within the separation distance;
4. The proposed liquor store, or the existing liquor store that is within the minimum separation distance, is located in an enclosed shopping centre; or
5. The existing liquor store located within the minimum separation distance is in a land use district where the separation distances do not apply (e.g. a direct control district, regional commercial district or a downtown district).

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APPENDIX V

Liquor Store Density in select Alberta Municipalities

	Population/Liquor Store	Separation Distance	Schools
Calgary	3,547	300 m	150 m
Edmonton	3,689	500 m	N/A
Red Deer	3,688	N/A	N/A
Lethbridge	2,818	N/A	N/A
Medicine Hat	2,660	N/A	N/A
Grand Prairie	1,834	N/A	N/A
Airdrie	2,745	N/A	100
Okotoks	1,880	N/A	N/A

All populations are for 2014 except:

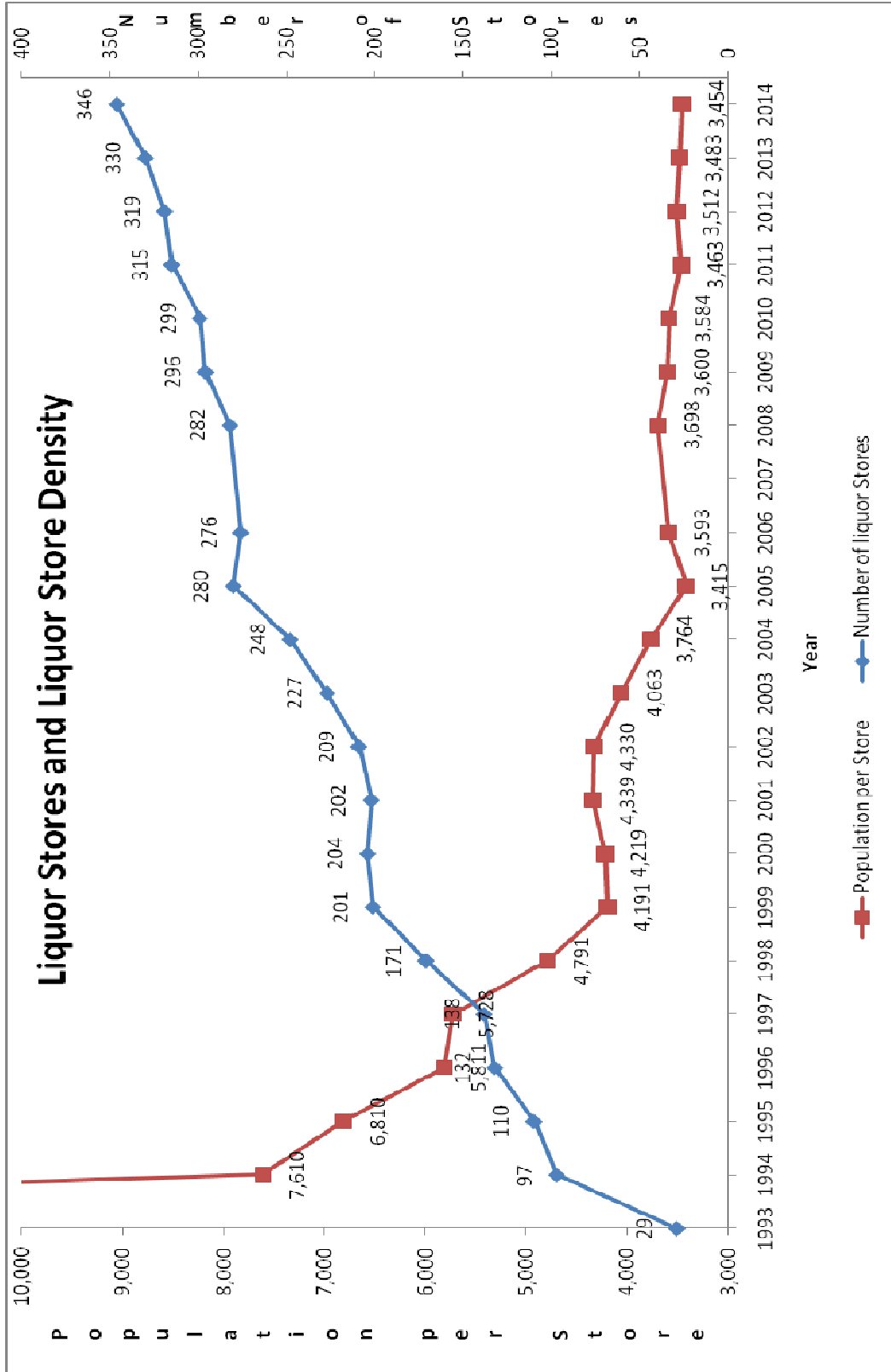
Medicine Hat - 2012

Grande Prairie - 2011

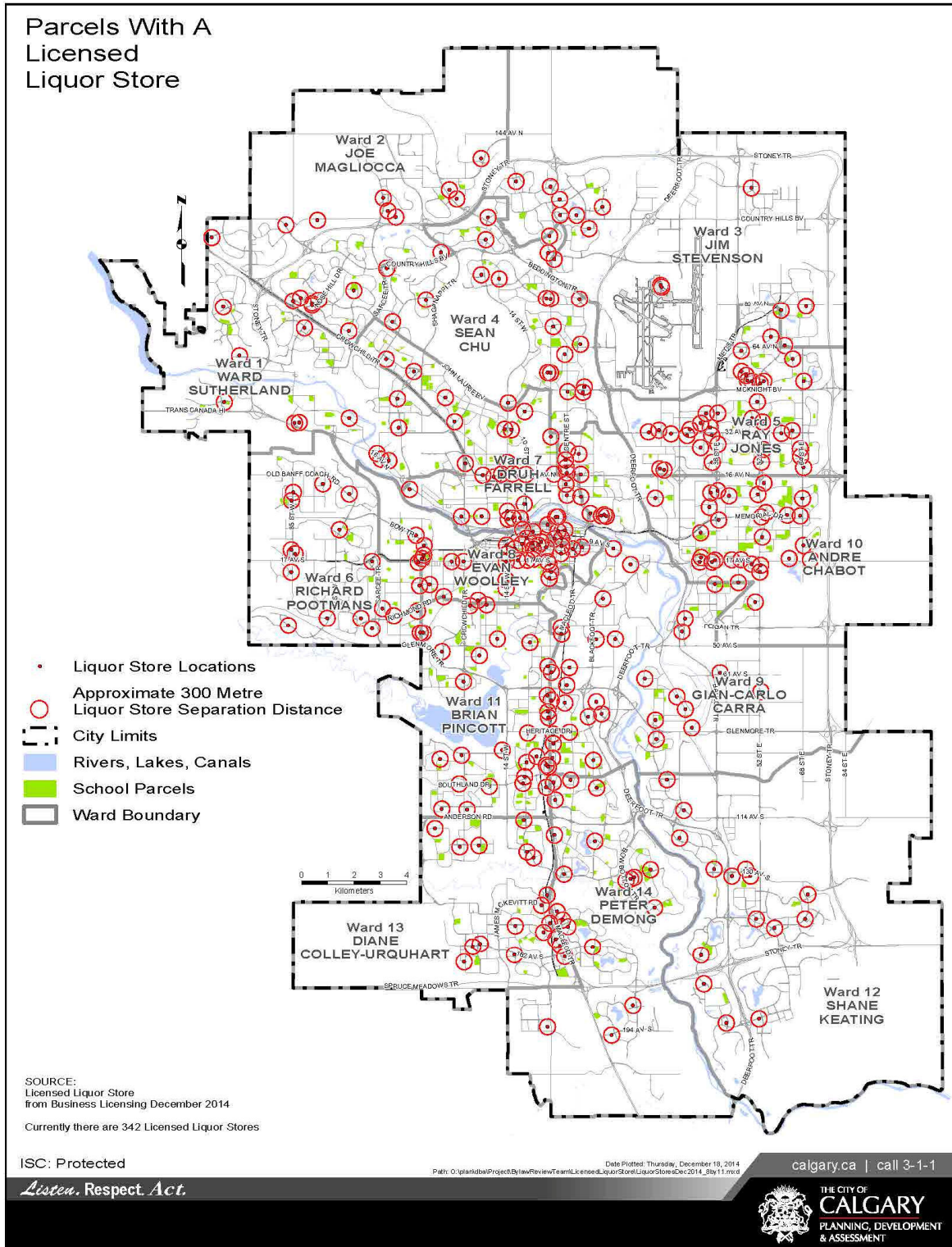
Okotoks - 2013

Note: The number of liquor stores for each municipality was downloaded from the AGLC website on November 04, 2014.

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NUMBER OF LIQUOR STORES IN COMMUNITIES

The ten communities with the largest number of liquor stores (nine communities tied with 5 stores each).

Community / Area Name	Population	# liquor Stores	Person / liquor store
Beltline	21,357	15	1424
Downtown core	8,999	7	1286
Calgary Airport	N/A	7	N/A
Castleridge	6,396	5	1279
Haysboro	7,240	5	1448
Forest Lawn	8,170	5	1634
Ogden	8,918	5	1784
Marlborough	8,989	5	1798
Shawnessy	9,602	5	1920
Pineridge	10,122	5	2024
Acadia	10,969	5	2194
Arbour Lake	10,987	5	2197

Note to table:

- Five liquor stores in Westwinds Industrial Area attributed to Castleridge.
- Three liquor stores in Forest Lawn Industrial Area attributed to Forest Lawn.
- Two liquor stores in Franklin Industrial Area attributed to Marlborough.

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LIQUOR STORE DENSITY IN COMMUNITIES

The twenty communities having more than two liquor stores with the greatest liquor store density (population per liquor).

Community	Population	# liquor Stores	Pop / liquor store
Cliff Bungalow	2049	3	683
Rosscarrock	3408	3	1136
Tuxedo Park	4878	4	1220
Sherwood	3778	3	1259
Castleridge	6396	5	1279
Downtown core	8999	7	1286
Willow Park	5440	4	1360
Montgomery	4104	3	1368
Deer Ridge	4165	3	1388
Beltline	21357	15	1424
Haysboro	7240	5	1448
Capitol Hill	4413	3	1471
Bridgeland / Riverside	5962	4	1491
Richmond	4551	3	1517
Kingsland	4812	3	1604
Hillhurst	6497	4	1624
Forest Lawn	8170	5	1634
Ogden	8918	5	1784
Marlborough	8989	5	1798
Mount Pleasant	5442	3	1814

Notes to table:

- Five liquor stores in Westwinds Industrial Area attributed to Castleridge.
- Three liquor stores in Forest Lawn Industrial Area attributed to Forest Lawn.
- Two liquor stores in Franklin Industrial Area attributed to Marlborough.

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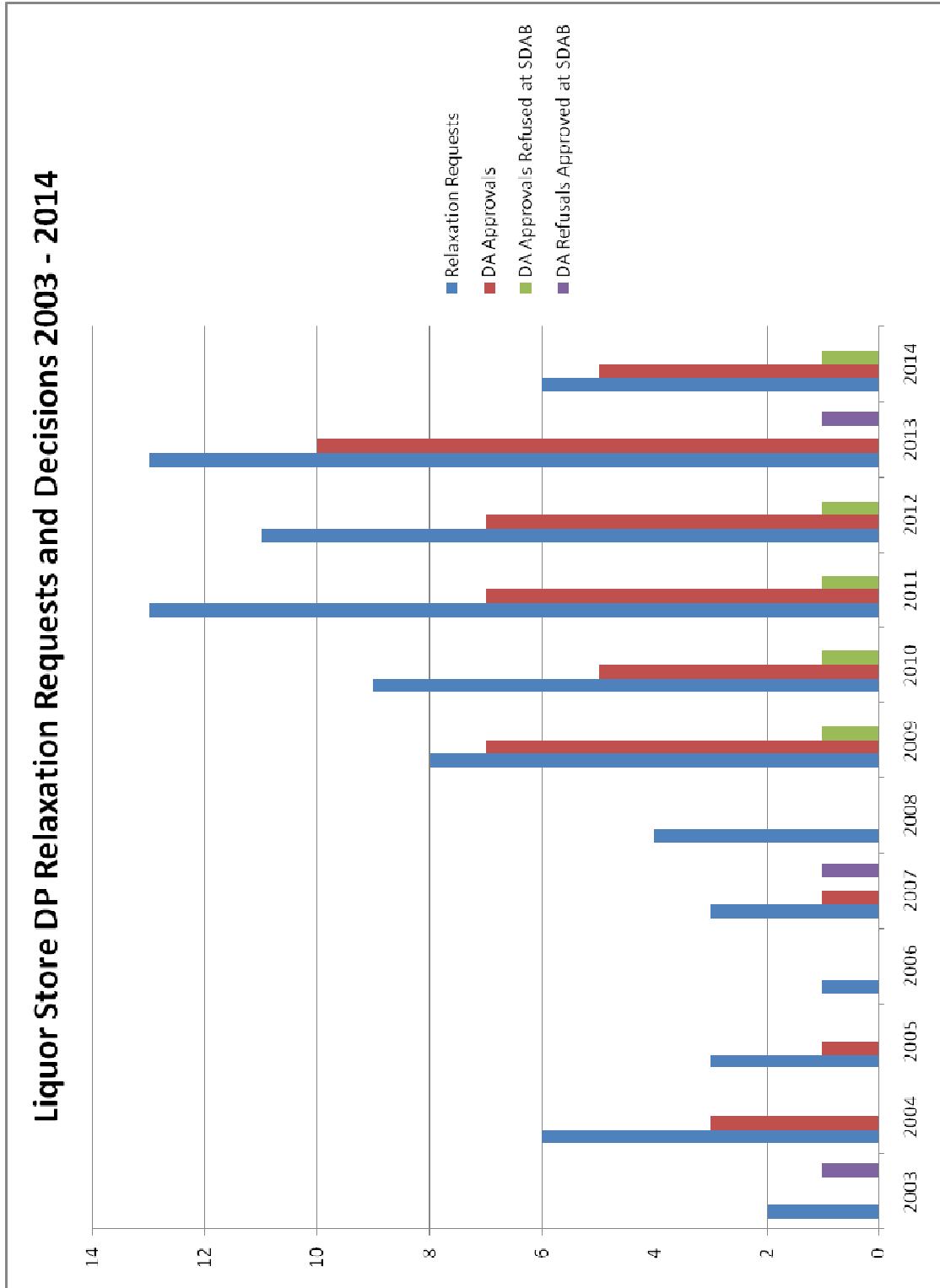
APPENDIX VI

DEVELOPMENT PERMIT APPLICATIONS BY LAND USE DISTRICT

Neighbourhood Districts	28.7%
Community Districts	11.8%
Corridor Districts	34.5%
Regional Districts	9.8%
Downtown Districts	2.7%
Beltline Districts	3.4%
Industrial Districts	4.7%
Direct Control (unique)	4.4%

Note: Table shows the distribution of liquor store development permit applications by district or DC base district from November 2003 (date of adoption of the separation distance rules in the land use bylaw) to the end of September 2014 - 296 DP decisions.

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APPENDIX VII

GENERAL PLANNING CRITERIA FOR LIQUOR STORES

(Approved by CPC 2000 October 04)

In its capacity as Approving Authority, the Calgary Planning Commission directs the Corporate Planning Applications Group to take into account the following issues in addition to all other relevant planning matters, in assessing and making recommendations on Development Permit applications for liquor stores.

1. Location in Relation to Existing Liquor Stores

Where a proposed liquor store is within 300 metres radial distance of an existing liquor store, any cumulative impacts of the facilities on existing development within the area must be considered in evaluating the application.

2. Locations Characteristics

- a. Consideration must be given to the land use characteristics of the immediate vicinity of a proposed liquor store site, including proximity to such uses as schools, which may be impacted by a liquor store.
- b. Where a propose liquor store is within 150 metres radial distance of an existing school, potential impacts of the liquor store on the school must be considered in evaluating the application.

3. Parking

Sites other than the proposed development site should not be used for the provision of any required parking stalls.

4. Loading

- a. Liquor store sites should be of sufficient size to accommodate loading and manoeuvring within the site.
- b. Any loading space or area used for loading should be oriented so as to minimize impacts on adjacent uses, including uses on the same site.

5. Security

Consideration must be given to Crime Prevention Through Environmental Design (CPTED) criteria such as lighting, glazing, location of parking and store entrance, and the location and type of landscaping.

6. Beverage Container Collection

- a. Beverage Container Drop off Depots cannot be contained with a liquor store.

7. Sale of Liquor Related Products

The sale of liquor related products such as soft drinks, mixes, glassware, corkscrews, and liquor related books and magazines may be allowed where the items to be sold and the amount sold comply with Gaming and Liquor Act requirements and the sales area for such complementary items is consistent with a minor accessory use

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APPENDIX VIII

LETTER SUBMITTED BY THE PUBLIC

Laurie:

This email was forwarded to me.

I have been practicing with or before the Calgary SDAB and other municipal SDABs since 1990. Liquor store rules were first developed as “guidelines” under Land Use Bylaw 2P80 and later refined to be “rules” within the Bylaw. I have copies of most of the reports that have been prepared for City Council consideration over the past 25 years.

Both the current Calgary LUB 1P2007 (section 36) and the MGA (section 687(3)(d)) offer opportunities to relax LUB requirements and rules, subject to satisfaction of the “variance test” outlined in each of these respective sections.

My opinion is that this current relaxation test functions well, when applied subject to due consideration of a “complete” survey of relevant planning information.

WHY THE CURRENT REVIEW?

The provincial liquor store association (ALSA - <http://www.alsaweb.ca/>) has lobbied in the past in both Calgary and Edmonton to implement setback distances between would like to protect key members of its association. A recent decision of the Calgary SDAB found that ALSA was not an “affected party”. While ALSA did not appeal this decision, they were unhappy with the Calgary SDAB decision. <http://www.calgary.ca/docgallery/BU/sdab/decisions/2013-0161.pdf>

ALSA successfully lobbied the City of Edmonton to amend their Zoning Bylaw No. 12800 to provide for a 500 metre separation distance between stores. <http://www.alsaweb.ca/the-alberta-model/leg-regs> This seems likely to create a “grid” effect where the owner’s geographic position ensures a continued monopoly of service within that grid. Perhaps this is not the best outcome for the community or the consumer.

I am sure that ALSA’s lobbying may have lead to Calgary City Council’s recent initiative.

While the Edmonton web information seems somewhat dated (and worthy of further research), it is evident that ALSA wished to continue to protect the 500 m separation, subject to some special exceptions. http://www.edmonton.ca/city_government/urban_planning_and_design/separation-distances-for-alcohol-sales.aspx

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The Calgary SDAB has consistently asked the question, when relaxations of the 300 m separation distance are sought, “what evidence exists of material or adverse impact on the use, enjoyment or value” on the neighbouring properties?

In my opinion, the Calgary SDAB has also probed into the operational fundamentals of the proposed new transgressing liquor store, to see just what evidence of negative impact exists:

- What are the loading facilities
- What is the neighbourhood density
- Is the proposed liquor store filling a niche not currently occupied
- What is the proposed parking
- Is short stay parking available and, if so, in proximity
- What is the likelihood of interference with the existing liquor store business / operation

IS A LIMITED POWER TO RELAX WARRANTED?

My view would be that it is. The current Calgary staff practice seems to be to deny permit approval to all liquor store applicants who do not meet the 300 metre separation distance requirement. These matters then often proceed to the SDAB, where the Board is left to sift through the evidence and render a decision using the tools available to it, including the legislation (i.e. LUB 1P2007 sections 35 and 36; MGA section 687), past case law and board decisions and other evidence and argument. While the Board does not operate to any set standard, my experience is that the Board rarely relaxes the 300 metre setback more than 33% (100 m) and typically much less.

A specified allowable relaxation of, for example, 10% (30 m) or 15% (45 m) would give the responsible planning file manager greater “permission” to consider reasonable variances.

Many Alberta jurisdictions provide limited relaxation opportunities to planning staff when making decisions at first instance. Limitations of 10% or 20 % in some cases are appropriate. Perhaps for a 300 metre liquor store setback. In other instances, a 50% relaxation may make sense (for example, if 2 on-site parking stalls are required, but the applicant provides an alternative such as a parking “lift”). In some cases, a 100% relaxation may be warranted (e.g. in a high density and walkable community, where restaurant parking is not necessary). There is no magic in a number or even a percentage.

Greater variances, if sought by applicants, could still be appealed to the Calgary SDAB and considered on “merit” (starting with the application of LUB section 35). As a statutory body, City Council could not limit the ability of the Calgary SDAB to relax or vary bylaw requirements as they determine were warranted pursuant to section 687 of the MGA.

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IS A FREE- MARKET APPROACH WARRANTED?

The opposite of the current Council initiative would be to have no rules regarding relaxations. Without a setback distance limitation, the planning argument of “proliferation” would still remain, and should an abundance of supply exist, an applicant could be refused on planning merit. Again, experience suggests that proliferation refusals are rare or exceptional.

In many instances, communities adjacent to existing liquor stores simply believe that there is little need for another liquor store in the area. Where a relaxation is sought, the usual concerns are identified and argued (see negative impact discussion above).

Unfortunately, given the current Council constituency and limited opportunities for “permitted uses” in the Calgary LUB, it is unlikely that we will see a trend to lesser regulation!

SCHOOL SETBACKS (150 metres)

Variations to the liquor store to school setback of 150 metres are rare. Most people see the merit in this, and my experience is that this requirement is almost never relaxed.

The opportunity to give staff “permission”, that I raised above with respect to the 300 m setback, similarly applies here.

I have introduced arguments and evidence at past liquor store appeals that should have warranted further consideration for bylaw relaxation. For example, if the distance from a liquor store to a school property edge is less than 150 metres, the bylaw requirement is not satisfied. But what if the school edge is significantly distant from the school play area or active amenity space? In my view, this requirement should be given a more fair consideration for relaxation in future, should the site conditions support it.

My recommendation would be to amend the 150 m setback to the “parcel” to the school building. I appreciate that some form of standard has been included in the LUB and that almost all standards have exceptions that should be considered. Without a clear statement of what the “evil” associated with liquor stores might be, as relates to schools, any relaxation application is challenging. Is it...

- Visual? Can school children see the “liquor store” signage?
- Is it the path of travel to the school? Are students migrating in proximity to the school?
- Is it the opportunity to buy liquor? If so, should the rule be limited to High Schools only?
- What is the evidence correlating school proximity to liquor stores that creates a societal issue? (Is the proximity to neighbourhood convenience stores any less of a concern?)

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CONCLUSION

Perhaps the current review of the Calgary Land Use Bylaw offers a possible solution. Could some liquor stores be “permitted” if they meet specific criteria, whether or not a 300 m separation is met? The greater use of “permitted uses” in the Calgary Land Use Bylaw would allow for more certainty to both applicants and affected parties. The City of Edmonton seems to use special districting to create unique district rules (e.g. the new district adjacent to their new icerink). Calgary has had an historic attraction to “discretionary” uses, perhaps with the expectation that such discretion will lead to better community outcomes. In my view, but offering appeal opportunities for discretionary applications means that there is a greater likelihood for refusal, delay and for the need to apply significant resources to all such applications. Is this a better community outcome?

Thanks for the opportunity to comment.

Sincerely,

Chris

Christopher S. Davis, B.Comm., LL.B
Barrister & Solicitor

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APPENDIX IX

LETTER SUBMITTED BY FEDERATION OF CALGARY COMMUNITIES



February 17, 2015

To: Laurie Kimber

Re: Proposed amendments to the rules for Liquor Stores in the Land Use Bylaw 1P2007

Dear Laurie,

Thank you for the opportunity to provide comment on the proposed amendments to the land use bylaw rules for Liquor Stores. The spacing and density of liquor stores within communities is a concern shared by many of our community association members. Concerns regarding liquor stores are most often related to the potential public health impact, the aesthetic impact to the community, and how a concentration of liquor stores in one area can impact public perception of a community.

We feel that providing a limitation on the permitted relaxation distance between liquor stores is appropriate, while still allowing some flexibility in circumstances that may warrant closer spacing. We often hear from communities, as well as from our Municipal Development Plan, about the need for walkable, complete communities. An important element of a walkable community is having access to a variety of shopping destinations within the community. The proposed list of conditions for consideration of a variance request does appear to address the need for walkable communities while also limiting the potential negative impacts of clustering liquor stores.

We thank Administration for the opportunity to provide comment on the proposed amendments to liquor store rules in the Land Use Bylaw, and look forward to any future opportunities for involvement.

Regards,



Dan Godin
Urban Planner
Federation of Calgary Communities

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APPENDIX X



URBAN DEVELOPMENT INSTITUTE – CALGARY
www.udicalgary.com

February 24, 2015

Delivered by Email

Calgary Planning Commission
City of Calgary
PO Box 2100 Station M
Calgary, AB T2P 2M5

Dear Calgary Planning Commission Members:

We apologize for the late delivery of this correspondence but have just reviewed the CPC Agenda for tomorrow which includes **M2015-001, Liquor Store Separation Distance**. We offer the following comments for your consideration:

1. Any area of **higher density should be exempt** from the separation distance such as a Transit Oriented Development (TOD), Corridors (aka Main Streets)...
2. The attempt to **limit relaxations to “10%” doesn’t serve the consumer** or the industry well. Compelling arguments for the appeal of a relaxation matter greater than 10% would not be required to be heard by SDAB as it would contravene the by-law. Currently discretion afforded SDAB is far more appropriate than effectively eliminating the ability to take a development authority decision to SDAB.
3. The analysis of liquor store ‘proliferation’ on a store per capita basis might have been more appropriate as a **metric of square footage per capita**. The government-run liquor stores were generally substantially larger than the typical liquor store that would make up the store count in the current analysis. The majority of liquor stores built since privatization are a fraction of the size of the old ALCB outlets.
4. A benefit of aforementioned ‘proliferation’ of locations is **redistribution of traffic volumes and mitigation of parking** problems previously associated with a limited number of provincially-run outlets.
5. Where overall liquor store square footage per capita has increased, it has done so in response to **market demand**.

We greatly appreciate your consideration of the foregoing and would ask that the above points be contemplated in assessing (and possibly revising) the submission before Calgary Planning Commission.

Yours truly,
URBAN DEVELOPMENT INSTITUTE

Beverly J. Jarvis
Director of Policy & Government Relations

cc..... Laurie Kimber, City of Calgary, Citywide Policy

L. Kimber