

Samantha E. Stokes

Direct Line: (403) 776-0535

Email: Samantha.Stokes@RoseLLP.com

File No.: 11020-001

Assistant: Andrea Diamond

Direct Line: (403) 776-0533

Email: Andrea.Diamond@RoseLLP.com

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VIA EMAIL

The City of Calgary
700 MacLeod Trail SE
Calgary, Alberta T2G 2M3

Attention: City of Calgary Council

Dear Sirs/Mesdames:

Re: LOC2024-0097 (the "Proposed Land Use Change")

A proponent seeks to develop a Liquor Store in a commercial unit at a condominium building in Crescent Heights. It submitted a development permit application (2024-01228) for the required Change of Use (the "Development Permit Application"). The Development Permit Application remains Under Review.

However, as the proposed Liquor Store development is within 300 m of another existing Liquor Store (our client), the Development Authority will be compelled to refuse the Development Permit Application under section 40(h) of the Land Use Bylaw which restricts any relaxation to 10%. The typical procedure in this type of scenario is to appeal the refusal to the Calgary Subdivision and Development Appeal Board (the "Board") as the Board is not constrained by section 40(h) of the Land Use Bylaw. However, we acknowledge that as the subject site is already designated as direct control, section 40(h) of the Land Use Bylaw similarly constrains the Board.

In our view, from a pure legislative and planning perspective, Council should consider whether it is necessary to exempt this site from *both* the minimum Liquor Store separation distances and the restriction on relaxation within section 40(h) of the Land Use Bylaw. We submit it is more appropriate to keep the minimum Liquor Store separation distance. This means that the intent of the Land Use Bylaw regarding separation distances is maintained, which addresses for example, proliferation of uses, but will provide both the Development Authority and the Board with the ability to apply section 36 of the Land Use Bylaw and address the requested relaxation on its merits. It therefore maintains the ability for affected person(s) to appeal a decision on the Development Permit Application to the Board and keeps this as a planning rather than political issue. It also maintains fairness amongst other applicants for Liquor Store development permits, and will avoid sending the message that the way to get around the setback requirements in the Land Use Bylaw is within a direct control district.

Accordingly, we encourage you to not support the Proposed Land Use Change unless it is amended as proposed.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S', with a long horizontal stroke extending to the right.

Samantha E. Stokes
Rose LLP
SS/ad