

Bylaw 17836

Text Amendment to the Zoning Bylaw 12800 to Provide an Exemption to Restrictions on Separation Distances Between Alcohol Sales Uses for Large Commercial Sites in the Suburban Context

Purpose

To provide an exemption to current separation distance requirements between alcohol sales uses on large commercial sites in suburban contexts, while maintaining the effectiveness of current regulations in mature neighbourhoods.

Readings

Bylaw 17836 is ready for three readings after the public hearing has been held. If Council wishes to give three readings during a single meeting, Council must unanimously agree "That Bylaw 17836 be considered for third reading."

Advertising and Signing

This Bylaw has been advertised in the Edmonton Journal on Friday, November 25, 2016, and Saturday, December 3, 2016. The Bylaw can be passed following third reading.

Position of Administration

Administration supports this Bylaw.

Previous Council/Committee Action

At the April 26, 2016, Executive Committee meeting, the following motion was passed:

That Administration prepare amendments to Zoning Bylaw 12800, as generally outlined in Attachment 1 of the April 26, 2016, Sustainable Development report CR_2137rev, with the following change to Attachment 1:

- change the boundary to generally reflect the mature neighbourhood overlay boundaries as the boundaries for the exemption zone, and return to a future City Council Public Hearing.

Administration also made a verbal commitment to consult with Alberta Health, Alberta Health Services and Edmonton Police Service prior to returning to a future City Council Public Hearing.

Report

Background:

In 2007, Zoning Bylaw 12800 was amended to include a requirement for a 500 meter separation distance between Alcohol Sales uses (liquor stores). The 500 meter separation distance was introduced to limit further proliferation of liquor stores along established commercial shopping corridors, such as Jasper Avenue, Whyte Avenue,

107 Avenue, Stony Plain Road, 118 Avenue and 97 Street. The separation distance works well in traditional main street areas, but is problematic in suburban areas.

Nearly all of Edmonton's suburban areas are planned such that multiple retailers are clustered into large format commercial centres at the intersection of major roadways, instead of along corridors. This clustering of commercial services in conjunction with the current 500 meter separation distance between Alcohol Sales uses often restricts the ability for more than one liquor store to locate in suburban commercial centres.

Through previous circulations of this bylaw, retailers and developers have raised concerns about the 500 meter separation distance in the suburban context. Retailers and developers in these areas who wish to establish or add a liquor store as an accessory operation to their existing or planned principal retail operations have been prevented from doing so where there is already an approved liquor retailer within 500 meters.

At the April 26, 2016, Executive Committee meeting, Administration proposed the following criteria for an exemption to the 500 metre separation distance between Major or Minor Alcohol Sales uses (liquor stores):

- exempt (CSCa) Ambleside Shopping Centre Zone, (UVCa) Ambleside Urban Village Commercial Zone, (GVC) Griesbach Village Centre Zone, (TC-C) Heritage Valley Town Centre Commercial Zone, Direct Control and commercially zoned sites larger than 2.5 hectares in size, and located outside the central portion of the city.
- limit the number of Alcohol Sales uses on those sites deemed to be exempt from the separation distance to one retailer, unless retailers on the same site can maintain a 500 metre separation distance between each other.

Non-exemption Area Boundary:

Based on concerns raised at the April 26, 2016, Executive Committee meeting by community stakeholders and direction provided by Executive Committee, Bylaw 17836 expands the boundary of the non-exemption area to reflect that of the Mature Neighbourhood Overlay (see Attachment 2 – Mark-up of Proposed Text Amendment to Zoning Bylaw 12800).

Zoning and Site Size Criteria:

A minimum site area of 2.5 hectares is required in order to qualify for an exemption to the separation distance between liquor stores. This site size has been suggested as it is approximate to 1.25 standard city blocks, which ensures small neighbourhood level commercial areas in established and developing neighbourhoods are not affected by the exemption. The site size requirement also ensures that surrounding sites are sufficiently buffered from potential land use impacts generated by an additional liquor stores.

The proposed zoning criteria, minimum site size and non-exemption area map provide an opportunity to continue limiting further concentration of liquor stores along

established commercial shopping corridors, while providing limited opportunity for additional liquor stores in large suburban commercial centres.

Housekeeping Changes:

There are some enforcement challenges around subsection 85.4(c). Subsection 85.4 allows the development authority to grant a variance to the 500 metre separation distance to accommodate the temporary relocation of an existing approved liquor store during renovation of the original property. The amendment makes the necessary changes to provide greater clarity and ensure the sound enforceability of Zoning Bylaw 12800.

Policy

Bylaw 17836 supports the following policies:

The Way we Grow, Edmonton's Municipal Development Plan, Bylaw 15100

- 6.2, Plan for retail centres that meet the daily needs of residents in area and Neighbourhood Structure Plans.

The Way We Prosper, Edmonton's Economic Development Plan

- 5.3, The priority needs of business and industry are effectively supported.
- 5.3, A City committed to business.
- 5.5, Edmonton is a model for thriving neighbourhoods and communities that embody the best of social, economic, cultural and environmental business growth and practices.

Corporate Outcomes

This report contributes to the corporate outcomes of providing “Goods and services move efficiently” and “Edmonton has a globally competitive and entrepreneurial business climate” as it provides the opportunity for consumer preferences and market forces to determine the optimal delivery of goods and services, as described in *The Way Ahead* – City of Edmonton Strategic Plan, 2009-2018.

Public Consultation

Public consultation for this project has been ongoing since July 2015. Consultation included engagement with the Edmonton Insight Community, a publicly available online survey, and a survey distributed to key stakeholders. A summary of the survey feedback is outlined in Attachment 3 – Public Consultation Survey Summary.

In fall 2015, Administration circulated a working draft amendment to the development and property management industries (Urban Development Institute and Building Owners and Managers Association Edmonton), community groups (Edmonton Federation of Community Leagues, and Business Revitalization Zones), and the liquor store industry (Alberta Liquor Stores Association, grocers, Alberta Gaming and Liquor Commission). Feedback received from stakeholders was considered and integrated into a revised draft amendment presented at the April 26, 2016, Executive Committee meeting.

Following the April 26, 2016, Executive Committee meeting, Administration consulted with Edmonton Police Service, Alberta Health and Alberta Health Services to assess potential public health and crime outcomes that may be associated with increased liquor store presence.

In May 2016, Administration met with Alberta Health and Alberta Health Services to discuss the proposed amendments and obtain feedback on potential health-related outcomes. Alberta Health and Alberta Health Services provided a joint written submission as contained in Attachment 4 – Alcohol Retail Density Literature Review.

In June and September 2016, Administration consulted with Edmonton Police Service. Edmonton Police Service conducted a statistical analysis of liquor store concentration and crime, which is included as Attachment 5 – Liquor Bylaw Zoning Amendment Analysis. Based on recommendations from Edmonton Police Service, minor changes were made to the amendments to strengthen the bylaw as it pertains to the use of Crime Prevention Through Environmental Design (CPTED) principles.

In September 2016, Administration and the Analytics Centre of Excellence completed an analysis of the presence of liquor stores and occurrence of certain types of crime. The analysis is included in Attachment 6 - Analytics on Crime Data and Number of Liquor Stores in Edmonton.

As a result of the complexity of factors that influence health and crime related outcomes in relation to liquor store concentration and the limitations of each submission to consider all factors, Administration has not altered the general direction of the proposed amendment. The proposed amendments strive to maintain strong control against proliferation in mature neighbourhoods, while introducing a modest number of new opportunities for liquor stores in suburban commercial areas.

On October 11, 2016, a draft of Bylaw 17836 was circulated to City departments, Edmonton region school boards, the development and property management industries, community groups, and the liquor store industry. As with previous circulations, a range of opinions were received with respondents being either in support or not in support of the amendment. Some stakeholders recommended further adjustments to the draft. These included:

- revising the boundaries of the non-exemption area map (increase and decrease size, exempt specific properties and add additional neighbourhoods)
- reducing or even eliminating the 500 metre separation distance requirement on a city-wide level

Administration did not expand or contract the non-exemption area map as a result of Executive Committee's direction to align the non-exemption area generally with the boundaries of the Mature Neighbourhood Overlay. Administration has not proposed changes to the current 500 meter separation distance, or the approach to establishing the 500 meter distance, as this was not previously contemplated within the scope of this work.

Attachments

1. Bylaw 17836
2. Mark-up of Proposed Text Amendment to Zoning Bylaw 12800
3. Public Consultation Survey Summary
4. Alcohol Retail Density Literature Review
5. Liquor Bylaw Zoning Amendment Analysis
6. Analytics on Crime Data and Number of Liquor Stores in Edmonton