

Exception to Restrictions on Separation Distances Between Alcohol Sales Uses for larger Commercial Sites in suburban Contexts

Alternative Approach

Recommendation:

That Administration prepare amendments to Zoning Bylaw 12800, as generally outlined in Attachment 1 of the April 26, 2016, Sustainable Development report CR_2137rev, and return to a future City Council Public Hearing.

Report Summary

This report presents amendments to Zoning Bylaw 12800 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 the central portion of the city.

Previous Council/Committee Action

At the October 5/6 2015, Executive Committee meeting, the following motion was passed:

That the September 15, 2015, Sustainable Development report CR_2137 be referred back to Administration to look at alternatives for exception to restrictions on separation distances between alcohol sales uses for larger commercial sites in suburban contexts, considering the appropriate planning rationale, including overlays or other alternatives and return to Executive Committee in the second quarter of 2016.

Report

Background:

At the October 5, 2015, Executive Committee meeting, Administration proposed the following criteria for an exception to the 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, Commercial and Direct Control zoned sites larger than 2.5 hectares in size from the separation distance requirement.
- Limit the number of Alcohol Sales uses on those sites deemed to be exempt from the separation distance to one retailer, unless each retailer can maintain a 500 metre separation distance requirement from each other.

Exception to Restrictions on Separation Distances Between Alcohol Sales Uses for larger Commercial Sites in suburban Contexts - Alternative Approach

Executive Committee raised concern over the proposed exemption potentially creating additional opportunities for liquor stores on large commercial sites along established commercial shopping corridors such as 118 Avenue (Beverly), 104 Avenue (Oliver Square) and 82 Avenue (Bonnie Doon Shopping Center). As a result, Executive Committee directed Administration to explore alternative options, including the use of an overlay, to provide an exemption for large commercial sites, while maintaining the enforceability of current regulations for large commercial sites along established commercial shopping corridors.

Overlay Approach:

Administration considered using an overlay to achieve the desired non-exemption area, however the goal of restricting the development of a particular use does not align with the purpose of an overlay. The purpose of an overlay is to institute an additional layer of development regulations for a particular use or group of uses in a several zones. As an alternative to an overlay, Administration recommends appending a map to Section 85 indicating which portion of the city exemptions to the separation distance between major or minor alcohol sales shall not apply.

Separation Distance Exemption:

Given the existing structure of Zoning Bylaw 12800, Administration recommends further refinement of existing regulations for Major Alcohol Sales and Minor Alcohol Sales contained within Section 85 of the Special Land Use Provisions. Enhancement of Section 85 provides a simplified alternative to ensuring the effectiveness of existing regulations within the central portion of the city, while providing an exemption to the 500 metre separation distance requirement outside the central portion of the city.

The amendment outlined in Attachment 1 proposes to:

- append a map to Section 85 to identify a central portion of the city where any exemption to the 500 metre separation distance does not apply
- provide an exemption for (CSCa) Ableside Shopping Centre Zone, (UVCa) Ambleside Shopping Centre Zone, (GVC) Griesbach Village Centre Zone, (TC-C) Heritage Valley Town Centre Commercial Zone, (CSC) Shopping Centre Zone, (CB1) Low Intensity Business Zone, (CB2) General Business Zone, (CHY) Highway Corridor Zone, (CO) Commercial Office Zone, (CB3) Commercial Mixed Business Zone, DC1, and DC2 zoned Sites larger than 2.5 hectares in size
- limit the number of liquor stores on those sites deemed exempt from the separation distance to one retailer, unless each retailer located on the same site is located 500 metres or greater apart
- address enforcement challenges around accommodating the temporary relocation of an existing approved liquor store
- correct minor typographical errors
- reformat Section 85 to provide greater clarity.

Exception to Restrictions on Separation Distances Between Alcohol Sales Uses for larger Commercial Sites in suburban Contexts - Alternative Approach

Non-Exemption Area Map:

The proposed amendment retains similar exemption criteria as proposed at the October 5, 2015, Executive Committee meeting, with the addition of appending a map to Section 85. The appended map identifies a central portion of the city where any exemption to the 500 metre separation distance does not apply. The proposed boundaries of the separation distance non-exemption area were chosen based on:

- feedback provided by stakeholders
- direction from Executive Committee
- effectiveness of current regulations to prevent further proliferation of liquor stores along established commercial corridors
- analysis of neighbourhood level statistics
- concentration of existing liquor stores
- identification of topographical and manmade features that form natural boundaries and buffers from adjacent land uses.

Zoning and Site Size Exemption Criteria:

Zoning exemption criteria remains the same as proposed at the October 5, 2015, Executive Committee meeting. Zones exempt from the separation distance were derived based on previous direction provided by Executive Committee, which directed Administration to provide an exemption for large commercial sites.

A minimum site area of 2.5 hectares has been suggested because it is approximate to 1.25 standard city blocks, which ensures small neighbourhood level commercial areas in established areas are not affected by the proposed text amendment. The minimum site size in conjunction with the non-exemption area map provides an opportunity to restrict the further proliferation of liquor stores in specific areas, while providing greater opportunity for additional liquor stores in large commercial centres intended to support a sub-region.

Ancillary Changes:

There are also 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 alcohol sales use during renovation to the original property. The proposed amendment makes the necessary changes to provide greater clarity and ensure the sound enforceability of Zoning Bylaw 12800. Administration will monitor the outcomes associated with the proposed amendment and recommend additional future changes as necessary.

Policy

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 to allow consumer preferences and market factors 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. Prior to the October 5, 2015, Executive Committee meeting public consultation included engagement with the Edmonton Insight Community, a publicly available online survey, and a survey distributed to key primary stakeholders. A summary of the feedback received is outlined below in more detail in Attachment 2.

Following the October 5, 2015, Executive Committee meeting, 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 the revised draft amendment presented in Attachment 1, and is outlined below:

- reduce the minimum site size threshold for an exemption to the 500 metre separation distance to a site size of 1.0 hectare
- revise the boundaries of the exemption area map (increase and decrease size, exempt specific properties and add additional neighbourhoods)
- reduce or even eliminating the 500 metre separation distance requirement on a city-wide level
- expand the list of zones exempt from the 500 metre separation distance to include the (IB) Industrial Business Zone
- expand the list of zones exempt from the 100 metre separation distance between liquor stores and community or recreation activities, public parks, or public or private education facilities
- maintain the status quo
- support for the amendment as proposed.

Justification of Recommendation

The proposed amendments to Zoning Bylaw 12800 balance maintaining the effectiveness of current regulations to limit the concentration of liquor stores along established commercial corridors, while removing barriers to market entry on large commercial sites in the suburban context.

Attachments

1. Draft Text Amendment to Zoning Bylaw 12800
2. Public Consultation Summary

Others Reviewing this Report

- T. Burge, General Manager, Chief Financial Officer and General Manager, Financial and Corporate Services
- R. Smyth, Acting General Manager, Citizen Services