

**REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD**

DATE: November 4, 2021 ; December 16, 2021	APPEAL NO.: SDAB2021-0076 FILE NO.: DP2021-5444
APPEAL BY: Caiffy Nagpal, represented by Rick Grol	
FROM A DECISION OF THE DEVELOPMENT AUTHORITY for a Change of Use: Liquor Store (revision to DP2019-0979) was refused at <u>222 19 Street NW</u>.	LAND USE DESIGNATION: MU-1 f3.3h19 Discretionary
COMMUNITY OF: West Hillhurst	DATE OF DECISION: October 6, 2021
APPLICANT: Caiffy Nagpal	OWNER: Hillhurst Manor Ltd.

The hearing commenced on November 4, 2021 with consideration of procedural and jurisdictional issues. The Board adjourned the hearing to December 16, 2021.

Notes:

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature.



NOTICE OF APPEAL

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

CC 821 (R2014-01)

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee. For filing instructions and fee payment options, see the reverse side of this form.

ISC: Unrestricted

Online Store Information			
Confirmation Number 10392466	Order Number 36479398	Online Form Processed 2021-10-15 4:39:27 PM	
Site Information			
Municipal Address of Site Under Appeal 222 19 STREET NW		Development Permit/Subdivision Application/File Number DP2021-5444	
Appellant Information			
Name of Appellant CAIFFY NAGPAL		Agent Name (if applicable) RICK GROL	
Street Address (for notification purposes) 116 SADDLECREST BLVD NE			
City CALGARY	Province ALBERTA	Postal Code T3J 5E9	Residential Phone # 4036-618-8393
Business Phone #	Email Address nagpal.caiffy@gmail.com		

APPEAL AGAINST

Development Permit	Subdivision Application	Notice of Order
<input type="checkbox"/> Approval	<input type="checkbox"/> Approval	<input type="checkbox"/> Notice of Order
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/> Conditions of Approval	
<input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Refusal	

REASONS FOR APPEAL Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons:

See Schedule A

In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

Estimated presentation time (minutes/hours) 1.5 HOURS	Will you be using an agent/legal counsel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
If yes, what are the issues?	
Do you anticipate bringing any witnesses/experts to your hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	If yes, how many will you be bringing? 3-4

This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 678 and 686. NOTE: THIS INFORMATION WILL FORM PART OF A FILE AVAILABLE TO THE PUBLIC. If you have any questions regarding the collection of this information, contact the City Appeal Boards at 403-268-5312 or PO Box 2100 Stn. "M", #8110, Calgary, AB, T2P 2M5.

FOR OFFICE USE ONLY				
Final Date of Appeal YYYY MM DD 2021 10 27	SDAB Appeal Number SDAB2021-0076	Fee Paid <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date YYYY MM DD 2021 11 04	Date Received October 15, 2021

SDAB2021-0076

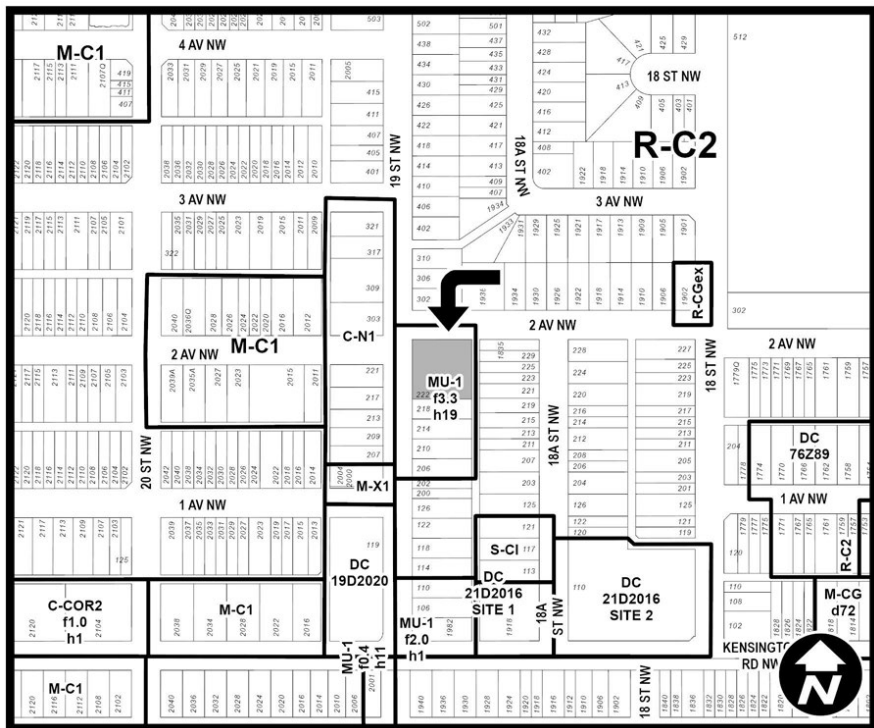
Schedule A

I am the Applicant of DP2021-5444. We are appealing the DA's refusal of the development permit application for the following reasons:

1. We acknowledge that the Development Authority (DA) under the Land Use Bylaw (LUB) must refuse the application as pursuant to the LUB, section 40, the DA has no authority to grant a relaxation of the separation distance between liquor stores for more than 10 percent. The proposed liquor store at 222 19 Street NW is located at 240.5 metres from another approved liquor store, which is situated on and facing Kensington Road. The application requires a Bylaw relaxation of 59.5 metres from the required 300 metre separation distance between liquor stores. No other Bylaw relations are required.
2. From a planning perspective, the location of the proposed store is an appropriate location for a liquor store.
3. The proposed liquor store is consistent with the MDP and the applicable Liquor Store Guidelines.
4. The proposed liquor store is suitable for the site based on sound planning principles. The proposed store would not result in proliferation of the use in the community.
5. The proposed store, a primarily locally community oriented liquor store, is compatible with the adjacent developments. The proposed liquor store is located in a mixed use development that includes residential development. The application has sufficient planning merit. In this case section 35 of the LUB is satisfied. New commercial development is occurring on 19 Street, which enhances the retail opportunities in the immediate area. Further, the proposed store serves the surrounding residential developments in the immediate area and contributes to pedestrian travel in the neighbourhood. In addition, new development is occurring on the adjacent property to the south. The proposed store also supports and adds to the revitalization of the commercial retail developments on 19 Street NW.
6. The proposed liquor store will have minimal or no impact on adjacent developments and the community. The proposed liquor store complies otherwise with the LUB and meets the test for relaxation as set out in section 687(3)(d) of the *Municipal Government Act*. The proposed store has no negative impact on the use and enjoyment of the adjacent properties. The proposed store does not unduly interfere with the amenities of the neighbourhood.
7. Such other grounds as may be submitted in our submissions prior to and at the hearing.



VUGRAPH - ITEM NO. SDAB2021-0076



SDAB2021-0076



2021 October 06

NAGPAL, PUNEET



RE: Notification of Decision for DP2021-5444
Subject: Change of Use: Liquor Store (revision to DP2019-0979)
Address: 222 19 ST NW

This is your notification of the decision by the Development Authority to refuse the above noted application on October 6, 2021. Enclosed are the Reasons for Refusal, along with an appeal form, in the event that you choose to appeal this decision.

An appeal along with reasons must be submitted, together with payment of \$200.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Avenue N.E., Calgary, AB T2E 7S8) within 21 days of receipt of this letter. An appeal may also be filed online at <http://www.calgarysdab.ca>. To obtain an appeal form, for information on appeal submission options or the appeal process, please call (403) 268-5312.

Should you have any questions or concerns, please contact me at (403) 333-5407 or by email at daniel.bronson@calgary.ca.

Sincerely,

DANIEL BRONSON
Senior Planning Technician
Planning and Development



**DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

DP2021-5444

This permit relates to land in the City of Calgary municipally described as:

222 19 ST NW

226 19 ST NW

Community: **West Hillhurst**

L.U.D.: **MU-1 f3.3h19**

and legally described as:

1911724;19;35

and permits the land to be used for the following development:

Change of Use: Liquor Store (revision of DP2019-0979)

The present owner and any subsequent owner of the above described land must comply with any attached conditions.

The development has been approved subject to any attached conditions and to full compliance with the approved plans bearing the stamp of approval and the above development permit number.

Decision By: **Development Authority**

Date of Decision: **October 6, 2021**

Development Authority **Maurie Loewen**

File Manager: **Daniel Bronson**

Release Date: _____

This permit will not be valid if development has not commenced by:

This is NOT a Building Permit

In addition to your Development Permit, a Building Permit may be required, prior to any work commencing. Further information, you should contact the City of Calgary, Planning, Development & Assessment - Building Regulations Division.

WARNING

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Applicant: **NAGPAL, PUNEET**

Address: **116 SADDLECREST BLVD NE**

City: **CALGARY, Alberta, T3J 5E9**

Phone: **[REDACTED]**

Complete Address and Legal Description listing for Development Permit DP2021-5444

Address Type	Address	Legal Description
Building	222 19 ST NW	
Parcel	222 19 ST NW	1911724;19;35
Suite	226 19 ST NW	



The City of Calgary
Planning and Development
Technical Planning and Bylaw Review

Reasons for Refusal for DP2021-5444

The Reasons for Refusal document is intended to provide a short summary of the development permit review and analysis. Attached to this document is supporting information about the application process; concerns raised by neighbours, other affected parties and the Community Association; the requested relaxations of the Land Use Bylaw; and other information in support of the decision.

Proposed Use

This application proposes a Liquor Store to be located in a newly approved building at 222 19 ST NW in the community of West Hillhurst. The subject parcel is designated Mixed Use – General (MU-1) under the City of Calgary Land Use Bylaw 1P2007. The Liquor land use is a discretionary use in this district.

Planning Review and Analysis

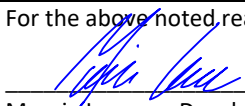
During the review, the Development Authority considered the Land Use Bylaw rules and the compatibility and impact of the proposed development on the site, and with respect to the neighbourhood. The application proposes a Liquor Store within a multi storey mixed use building. The plans submitted with the application indicate that the proposed use is on the main floor and faces 19 Street NW.

The application seeks a relaxation for a Liquor Store to be located within 300.0 metres from another approved Liquor Store in the community, measured at 240.5 metres. The intent of the minimum 300.0 metres setback requirement for a Liquor Store is to prevent the appearance of a proliferation of the use. Section 40 of the Land Use Bylaw explicitly instructs the Development Authority to refuse all development permit applications for prospective Liquor Stores when it is found that the separation distance to other approved Liquor Stores requires a variance of greater than 10 percent.

In evaluating the application, the Development Authority determined that the location of the proposed liquor store is inappropriate. According to Section 40 of the Land Use Bylaw 1P2007, the Development Authority must refuse the proposed development permit application due to the separation distance clearance to the nearest approved Liquor Store. Accordingly, the application is refused.

Decision

For the above noted reasons, the application is refused.


 Maurie Loewen, Development Authority

Oct 06, 2021

Date



Attachments for DP2021-5444

Site and Context

The corner parcel is 1690 square metres in area and has frontages shared with 19 AV NW and 2 AV NW. Queen Elizabeth Elementary and Junior High School is located 202.1 metres north east from the proposed use area. A Liquor Store is located 140.5 metres to the south west. The subject building is approved through DP2019-0979 and is currently under construction. Development permit application for changes of use are reviewed as revisions where the building is under construction so that the commencement date for the change of use aligns with that of the building.

Process

Circulation:

Ward 7 Councillor – Comments provided
 Business Licence – No objection
 Calgary Police Services – No comment
 Building Regulations – No objection
 West Hillhurst Community Association – No comments
 Alberta Gaming and Liquor Commission – No comments

Notice Posting: Notice Posting was completed as required under section 27 of the Land Use Bylaw 1P2007

Support: None received

Applicable Planning Policy Guidelines

Liquor Store Separation Distance Guidelines (adopted by Council May 13, 2015)

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).

General Planning Criteria for Liquor Stores (adopted by Council November 6, 2000)

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.



The City of Calgary
Planning and Development
Technical Planning and Bylaw Review

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.

Key Land Use Bylaw Rules

Section 36 of the City of Calgary Land Use Bylaw 1P2007 states, in part:

Discretionary Use That Does Not Comply

36 The *Development Authority* may approve a *development permit* application for a *discretionary use* where the proposed *development* does not comply with all of the applicable requirements and rules of this Bylaw if in the opinion of the *Development Authority*:

- (a) the proposed *development* would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties;

Section 40 of the City of Calgary Land Use Bylaw 1P2007 states, in part:

Applications the Development Authority Must Refuse

40 The *Development Authority* must refuse a *development permit* application when the proposed *development*:

- (h) is for a **Liquor Store** in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e), except where the *development permit* is for:
 - (ii) an existing approved **Liquor Store** that proposes to move to a new location not within a minimum separation distance specified in subsections 225(d) or 225(e), excluding the distance from the original location of the existing approved **Liquor Store**.

Section 225 of the City of Calgary Land Use Bylaw 1P2007 states, in part:

225 “Liquor Store”

- (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**;

Bylaw Variances

Regulation	Standard	Provided
40 Applications the Development Authority Must Refuse	(h) is for a Liquor Store in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e)...	There is one approved Liquor Store use located within 300 metres from the subject unit: <ul style="list-style-type: none"> • 240.5 metres (-39.5 metres) from the approved through DP2005-1666
225 Liquor Store	(e) in all Districts, not including the C-R2, C-R3 and CR20-C20/CR20 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;	



2021 October 06

NAGPAL, PUNEET



RE: Notification of Decision for DP2021-5444
Subject: Change of Use: Liquor Store (revision to DP2019-0979)
Address: 222 19 ST NW

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Should you have any questions or concerns, please contact me at (403) 333-5407 or by email at daniel.bronson@calgary.ca.

Sincerely,

DANIEL BRONSON
Senior Planning Technician
Planning and Development



**APPLICATION FOR A DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

320107203-001

Taken By:

Application Date **Jul 28, 2021**

APPLICATION NO DP2021-5444

I/We hereby make application for a Development Permit under the provisions of the Land Use Bylaw in accordance with these plans and supporting information submitted herewith and which form part of this application.

Total Fees: \$0.00**Cart #:**

Applicant: **NAGPAL, PUNEET**Address: **116 SADDLECREST BLVD NE**City: **CALGARY, Alberta, T3J 5E9**Phone: **[REDACTED]**Parcel Address: **222 19 ST NW**Legal: **1911724;19;35**Building Address: **222 19 ST NW**

Legal:

Suite Address: **226 19 ST NW**

Legal:

Parcel Owner: **HILLHURST MANOR LTD.****PO BOX 75065 RPO WESTHILLS****CALGARY AB CANADA T3H 3M1**e-mail: **Not Available**L.U.D.: **MU-1 f3.3h19**Community: **WEST HILLHURST**Sec. Number: **20C** Ward: **07**Description: **Change of Use: Liquor Store (revision to DP2019-0979)**Proposed Development is: **Discretionary**Proposed Use: **Liquor Store**

I agree to receive correspondence via electronic message related to this application.

By signing below, I confirm that the contact information provided above is accurate and further, acknowledge the ability of the General Manager - Planning and Development to inactivate and cancel incomplete applications.

Applicant / Agent Signature: _____ Date: _____

The personal information on this form is being collected under the authority of The Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) and amendments thereto. It will be used for the permit review and inspection processes. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. The name of the applicant and the nature of the permit will be available to the public. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

Track your application on-line with **VISTA** Go to: **www.calgary.ca/vista** and enter your JOB ACCESS CODE (JAC) **DP2021-5444** **[REDACTED]**
or call our Planning Support Centre at (403)268-5311.

SDAB2021-0076



Development Permit Application

Online Submission

Application Information	
Applicant Details <input type="checkbox"/> Business Owner <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Agent Representing Business or Property Owner	
Applicant Name Puneet Nagpal	Applicant Contact Information Phone: [REDACTED] [REDACTED] [REDACTED] Mailing Address: 116 SADDLECREST BLVD NE, CALGARY Alberta Canada T3J 5E9
Representing Company (if applicable) SR Liquor	
Business Trade Name	
Business ID unknown	
Owner / Leaseholder Name Saddleridge Liquor	Owner / Leaseholder Contact Information Phone: [REDACTED] [REDACTED] [REDACTED]
Business Location Details	
<input checked="" type="checkbox"/> Commercial Based <input type="checkbox"/> Home Based <input type="checkbox"/> Based Out of Town <input type="checkbox"/> Mobile <input type="checkbox"/> Personal Services	
Application Address #201 222 19 ST NW	
LUD MU-1, Mixed Use - General	Existing Use(s) Not Available
<input checked="" type="checkbox"/> First tenant in the space (Building is brand new and I am the first tenant) <input type="checkbox"/> New tenant (There was a different business using this space, but the proposed business will be taking over) <input type="checkbox"/> Existing tenant (I have pre-existing approval for this space but I am making changes to operations)	
Is a school, child care facility, overnight medical facility, residence, or food, drink, and/or cannabis business proposed as either a primary or ancillary use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is a waste management, recycling, or wastewater treatment facility being proposed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

What was the last business to occupy the space (if known) N/A	Total floor area 2600 ft ²	Floor of business 1
Is any part of the business use taking place outside? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, what business activity will be taking place outside? N/A	
Will you be adding or increasing the size of a sign? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Business Activity Questionnaire

Activity type selected

Liquor Store

Q1: In addition to alcohol, will you be selling any non-food products of any kind?

A1: No

Q2: Will you be selling any food products? (*NOTE* This does not include food items sold from vending machines.)

A2: No

Planning Terms Liquor Store	Licence Types LIQUOR STORE
<p>Have you previously applied for planning approval for how your business intends to use the space? (i.e. Development Permit or Tenancy Change)</p> <p>No</p> <p>Do you know, or have you been advised, to apply for a Development Permit to change the use of the space you are occupying?</p> <p>Yes</p>	

Approvals Generated

Q1: Would you like to apply Business Licence now?

A1: No – I will apply at a later date or someone else will apply on my behalf

Q2: Would you like to apply Development Permit now?

A2: Yes - apply now

Q3: Would you like to apply Building Permit now?

A3: No – I will apply at a later date or someone else will apply on my behalf

Submitted Documents
Document Type: ARCHITECTURAL Document SubType: PLANS Document Name: Floor Plan.pdf Document Type: SUPPORTING DOCUMENT Document SubType: OTHER Document Name: 17.09_BP-ARCH-BASE_IMPL._2021.04.16_IFC (6).pdf

The personal information obtained on this form is being collected under the authority of section 33(c) of the FOIP Act. This information is being collected for the purpose of our inspection processes (if required) and will be disclosed to relevant City Business Units, Federal and Provincial agencies, Utility companies, Community Associations/Groups/Organizations, Adjacent Municipalities, Municipal school boards and/or any agencies required for review as part of the application review process. It may also be used to conduct ongoing evaluations of services received from Planning & Development. The name of the applicant and the nature of the application will be available to the public, as authorized by the FOIP Act. You may direct questions about the collection, use or disclosure of your personal information by the City of Calgary at 800 Macleod Trail SE Calgary, Alberta in relation to this program by emailing the FOIP Program Administrator for Planning and Development at plngbldg@calgary.ca or by telephone at (403)268-5311.

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1. Interpretation

These **Online Application Consent and Confirmation of Applicant** supplement, and shall be interpreted consistently with, the general Terms of Use for the City of Calgary's website, found at the bottom of each web page.

2. Accuracy of Information Submitted

You acknowledge and agree that your electronic submission of information to The City of Calgary ("The City") using this Online Application is true and accurate and is intended to be your permit application to The City.

3. Consent to Electronic Decision

I agree that The City can issue its formal decision to in electronic form (e.g. electronic mail) to the email address provided through the Online Application. If my email address changes I will advise The City of the new email address or provide a mailing address for the formal approval.

4. Electronic Submission

Except as may otherwise be required by The City, you must only submit, provide and accept information or records related to your application in electronic form and you will not re-submit your application in paper form. The City does not guarantee that the entire electronic permit application process will be completed electronically, and The City reserves the right in its sole discretion to require you to submit information and records relating to your application in paper form.

5. Complete Application

I acknowledge that The City may inactivate or cancel incomplete permit applications that do not contain all of the requested information at The City's sole discretion.

6. Changes to Site and Terms of Use

The City reserves the right to make changes to this Online Services Site, the Terms of Use and provide additional terms at any time without notice. The changes or additional terms are effective immediately upon

being posted to this Online Services Site. Your use of the Online Services Site will be subject to the Terms of Use posted on the Online Services Site at the time of use. In the event any of the provisions of the Terms of Use are determined to be invalid, void, or unenforceable for any reason, that provision will be deemed to be severable and will not affect the validity or enforceability of any remaining condition of the Terms of Use. You may be asked to agree to separate terms of use for other pages or applications used elsewhere on The City's website.

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8. Privacy Statement and Collection of Personal Information

Any information, including personal information, contained in a permit application submitted by using this site is being collected under the authority of The Calgary Building Permit Bylaw 64M94 (for Building Permits) or the Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) (for Development Permits) as well as the *Alberta Freedom of Information and Protection of Privacy Act* ("FOIP"), Section 33(a) and (c). This information will be used for The City's permit review and inspection processes and may be communicated to relevant City Business Units, utility providers, and Alberta Health Services for purposes related to these processes. Information may also be used by The City to conduct ongoing evaluations of services received from The City's Planning and Development Department. The name of the applicant and the nature of the permit will be made available to the public as authorized by FOIP. Please send inquiries by mail to the FOIP Program Administrator, Planning and Development, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

9. Alberta Law

You agree to be bound by Alberta law when using this Online Services Site and agree that any court proceedings or other legal action will take place in Alberta.

10. No Damage or Modification of Site

You agree that you will not take any action to damage, modify, or breach the security of this Online Services Site, or cause the Online Services Site to no longer be available for use. You agree not to impersonate or misrepresent your association with any other person. You agree that you will not submit any information that is harmful, unlawful, or otherwise objectionable.

11. Site Ownership

The contents of this Online Services Site are owned or licensed by The City. You may not copy, transfer, store, upload, distribute, publish or otherwise use this content except as permitted by these Online Services Terms of Use. The words, phrases, names, designs or logos used on this Online Services Site may constitute trademarks, service marks or trade names of The City or other entities. The display of any such marks does not imply that The City or other entities have granted a license to you to use these marks.

12. Security of Account Information

You are responsible for protecting the confidentiality of any account information, user names, logins, passwords, security questions and answers, and other information you might need to access and use this Online Services Site. You are responsible for all activities occurring under your account, user name, or login. You agree to notify The City if you suspect that your account, user name, or login is not secure or is being used for an inappropriate purpose.

13. Violation of Terms of Use

Any rights you have to use this Online Services Site will terminate immediately upon any violation of these Online Services Terms of Use. The City may, in its sole discretion, temporarily or permanently terminate your access to and use of this Online Services Site, at any time, for any reason, without notice or liability to you. The City is not liable for any damages resulting from its termination of your access to, or use of, this Online Services Site.

14. Copyright

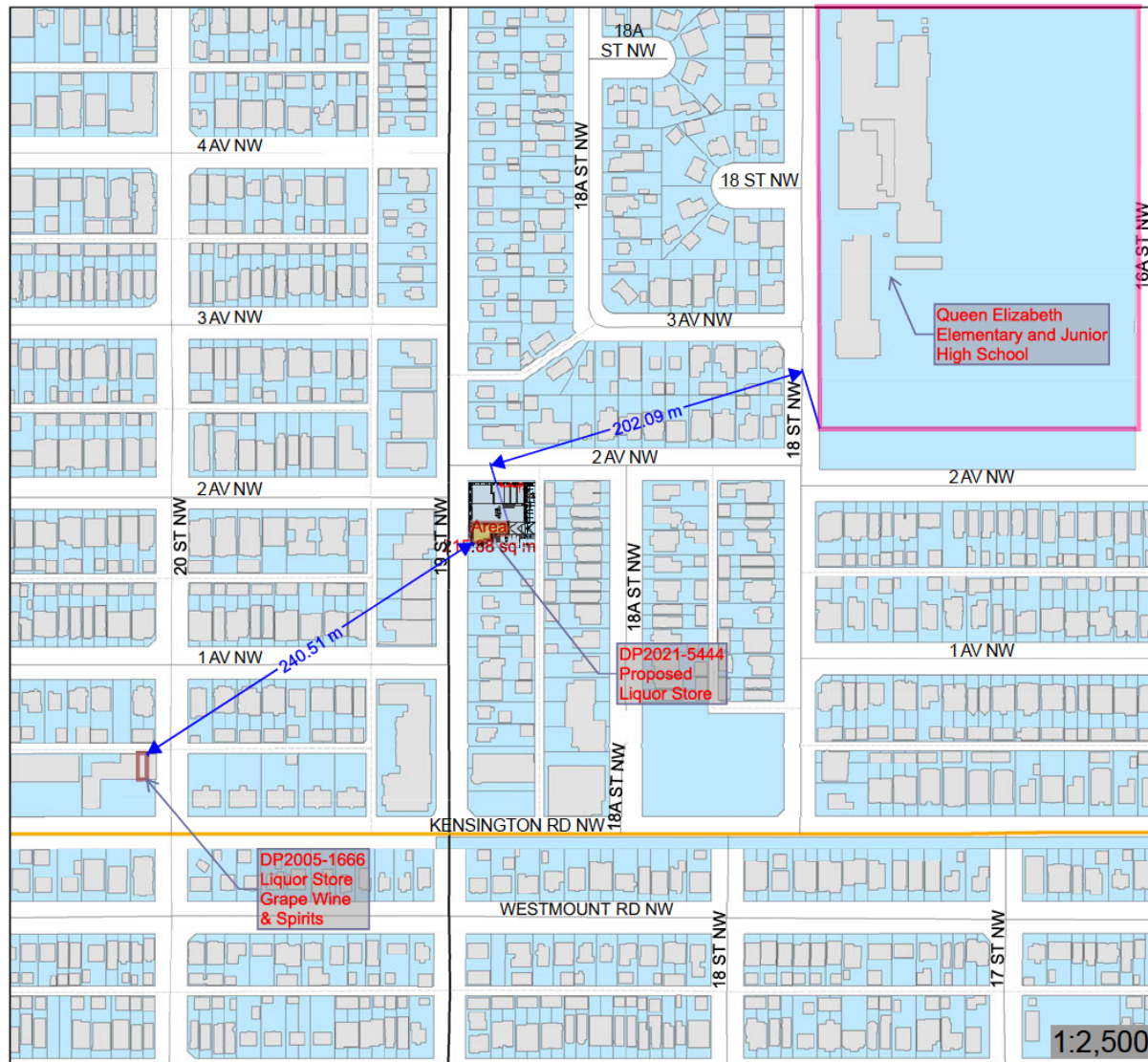
I acknowledge and understand that, as part of The City's process in reviewing, evaluating, and processing the permit application, The City will need to make available, in print and digital form, copies of the application materials to relevant City business units, members of City council, utility providers, other municipalities, municipal school Boards, relevant community associations/groups/organizations (including their boards of directors and planning committees), members of the general public, and any other external agencies or third parties whose input is required by The City in connection with the processing of your application. I hereby (i) consent to The City's copying, reproduction, distribution, and communication of the permit application materials, in any material form and via any medium, as required for the purpose of enabling The City to process your application; and (ii) certify that I am authorized and have the right to grant such consent.

15. Condominium Property

I have all authorizations required under the Condominium Property Act, RSA 2000, c C-22, as amended or replaced, the bylaws of the Condominium Corporation, and otherwise in law to apply for this application if it is respecting condominium property. I further agree to immediately notify The City, in writing, of any changes regarding this information.

Development Permit Application Requirements

I am authorized to apply for this permit in accordance with section 26 (1) of the Land Use Bylaw 1P2007 as amended.



DP2021-5444

Liquor Store Separation 300m

DP2005-1666 Liquor Store
240.51 m from proposed location

School Separation 150m

No Schools located within 150m

Emergency Shelter Separation 150m
(only applicable in Centre City East Village Districts)

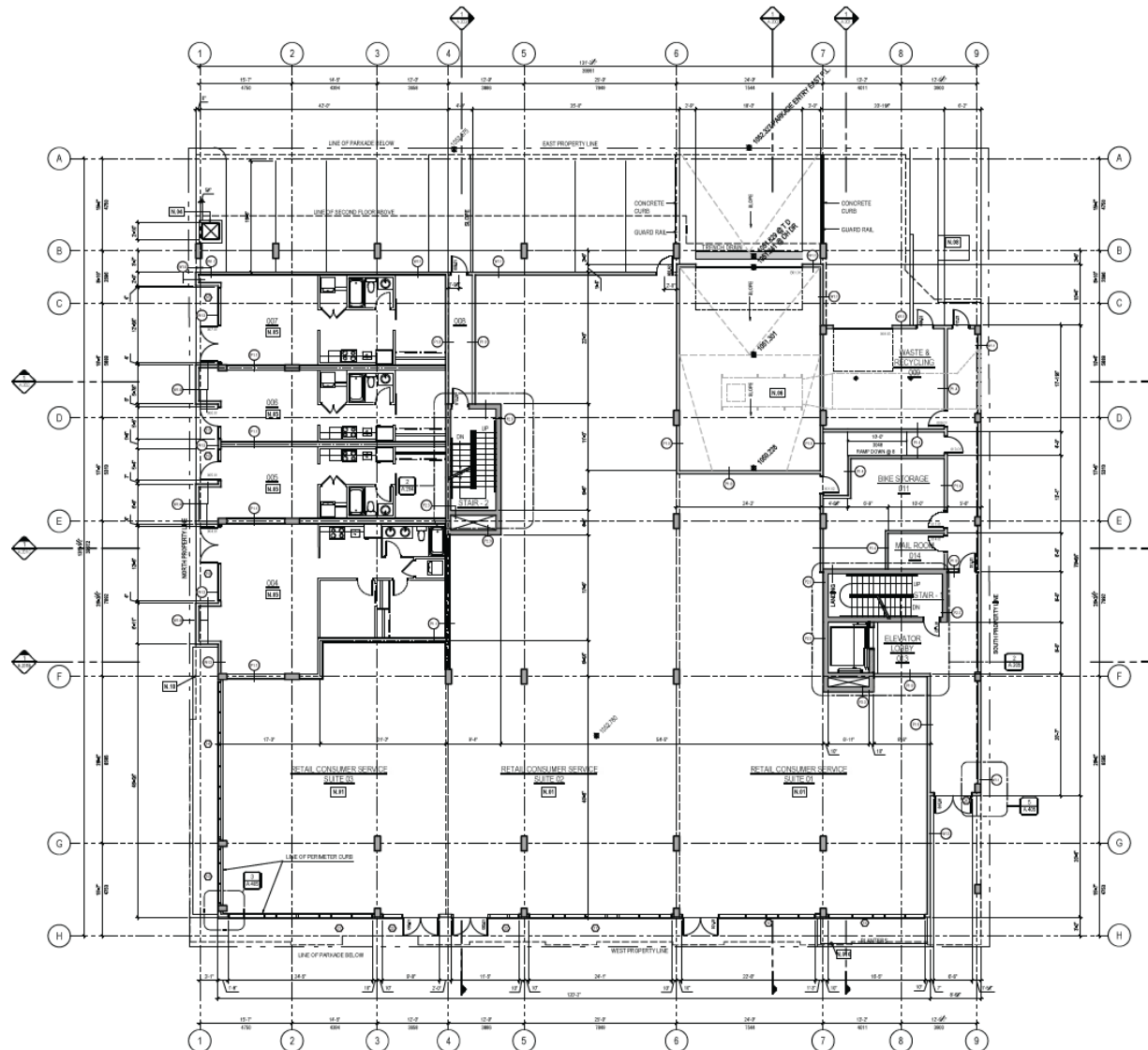
No Emergency Shelters within 150m

Cannabis Store Separation

No Cannabis Stores abutting

Legend

Date: 2021-08-12



1 MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"

SHEET NOTES

- N.01 ALL MAIN FLOOR INTERIOR CONCRETE WALLS & COLUMNS TO BELIEF EXPOSED WITH SACK RUB FINISH
- N.02 NOT USED
- N.03 NOT USED
- N.04 MECH. VENT DOORHOUSE (REFER TO MECHANICAL)
- N.05 RETAIL CONSUMER SERVICE
- N.06 MUA (REFER TO MECHANICAL)
- N.07 NOT USED
- N.08 DUKKA TRANSFORMER
- N.09 NOT USED
- N.10 DAYLIGHT SOLID KEEPING TILE HANDED PIPING ON GASTRICK OUTSIDE THE BUILDING (REFER TO MECHANICAL)

GENERAL NOTES:

- A. ALL FRAMING ON MAIN FLOOR TO BE STEEL STUD (I.N.O.)



HILLHURST ARCHITECTURE STUDIO



RELEASES

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	02/04/2019
2	ISSUED FOR PERMIT	02/04/2019
3	ISSUED FOR PERMIT	02/04/2019
4	ISSUED FOR PERMIT	02/04/2019
5	ISSUED FOR PERMIT	02/04/2019
6	ISSUED FOR PERMIT	02/04/2019
7	ISSUED FOR PERMIT	02/04/2019
8	ISSUED FOR PERMIT	02/04/2019
9	ISSUED FOR PERMIT	02/04/2019
10	ISSUED FOR PERMIT	02/04/2019
11	ISSUED FOR PERMIT	02/04/2019
12	ISSUED FOR PERMIT	02/04/2019
13	ISSUED FOR PERMIT	02/04/2019
14	ISSUED FOR PERMIT	02/04/2019
15	ISSUED FOR PERMIT	02/04/2019
16	ISSUED FOR PERMIT	02/04/2019
17	ISSUED FOR PERMIT	02/04/2019
18	ISSUED FOR PERMIT	02/04/2019
19	ISSUED FOR PERMIT	02/04/2019
20	ISSUED FOR PERMIT	02/04/2019

HILLHURST MIXED USED

202 NORTH STREET UNIT
1208 BIRCH P. 10/11/2018
17.00 H&L
AS NOTED

MAIN FLOOR PLAN

DATE: 02/04/2019

SCALE: 1/8" = 1'-0"

PROJECT: 17.00 H&L

DATE: 02/04/2019

SCALE: 1/8" = 1'-0"

PROJECT: 17.00 H&L

DATE: 02/04/2019

SCALE: 1/8" = 1'-0"

PROJECT: 17.00 H&L

DATE: 02/04/2019

SCALE: 1/8" = 1'-0"

PROJECT: 17.00 H&L

DATE: 02/04/2019

SCALE: 1/8" = 1'-0"

PROJECT: 17.00 H&L

DATE: 02/04/2019

SCALE: 1/8" = 1'-0"

PROJECT: 17.00 H&L

DATE: 02/04/2019

SCALE: 1/8" = 1'-0"

PROJECT: 17.00 H&L

[illegible]



September 10, 2021

NAGPAL, PUNEET
116 SADDLECREST BLVD NE
CALGARY, Alberta
T3J 5E9, Canada

Dear Sir/Madam:

RE: Detailed Review (DR)

Development Permit Number: DP2021-5444

Based on the plans received, your application has been reviewed in order to determine compliance with the Land Use Bylaw and applicable City policies. Any variance from the Land Use Bylaw or City policies may require further discussion or revision prior to a decision being rendered.

A written response to the Prior to Decision issues in this DR is required from the Applicant by the end of the thirty (30) calendar day response due date. In the event that the response due date expires, the application may be inactivated subject to a fifteen (15) calendar day reactivation timeline. In the case of a non-responsive or incomplete application, the General Manager – Planning, Development and Assessment may cancel the application as per Section 41.1 of Land Use Bylaw 1P2007.

Should you have any questions or concerns, please contact me at (403) 333-5407 or by email at daniel.bronson@calgary.ca.

Sincerely,

DANIEL BRONSON

Senior Planning Technician, Planning & Development

P.O. Box 2100, Postal Station M
Calgary, Alberta, Canada, T2P 2M5, (403) 268-5311

SDAB2021-0076



Detailed Review 1 – Development Permit

Application Number: DP2021-5444
Application Description: Change of Use: Liquor Store (revision to DP2019-0979)
Land Use District: Mixed Use - General
Use Type: Discretionary
Site Address: 222 19 ST NW
Community: WEST HILLHURST
Applicant: NAGPAL, PUNEET
Date DR Sent: September 10, 2021
Response Due Date: October 10, 2021
Senior Planning Technician: DANIEL BRONSON - (403) 333-5407 - daniel.bronson@calgary.ca

Bylaw Variances

Regulation	Standard	Provided
40 Applications the Development Authority Must Refuse	The Development Authority must refuse a development permit application when the proposed development (h) is for a Liquor Store in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e)	The proposed Liquor Store is 240.51 metres from another Liquor Store (-59.49 metres, 19.8% relaxation). The proposed relaxation cannot be supported by the Development Authority.
225 Liquor Store	(d) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 300.0m of any other Liquor Store, when measured from the closest point of a Liquor Store to the closest point of another Liquor Store	

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

Page 1

Prior to Decision Requirements

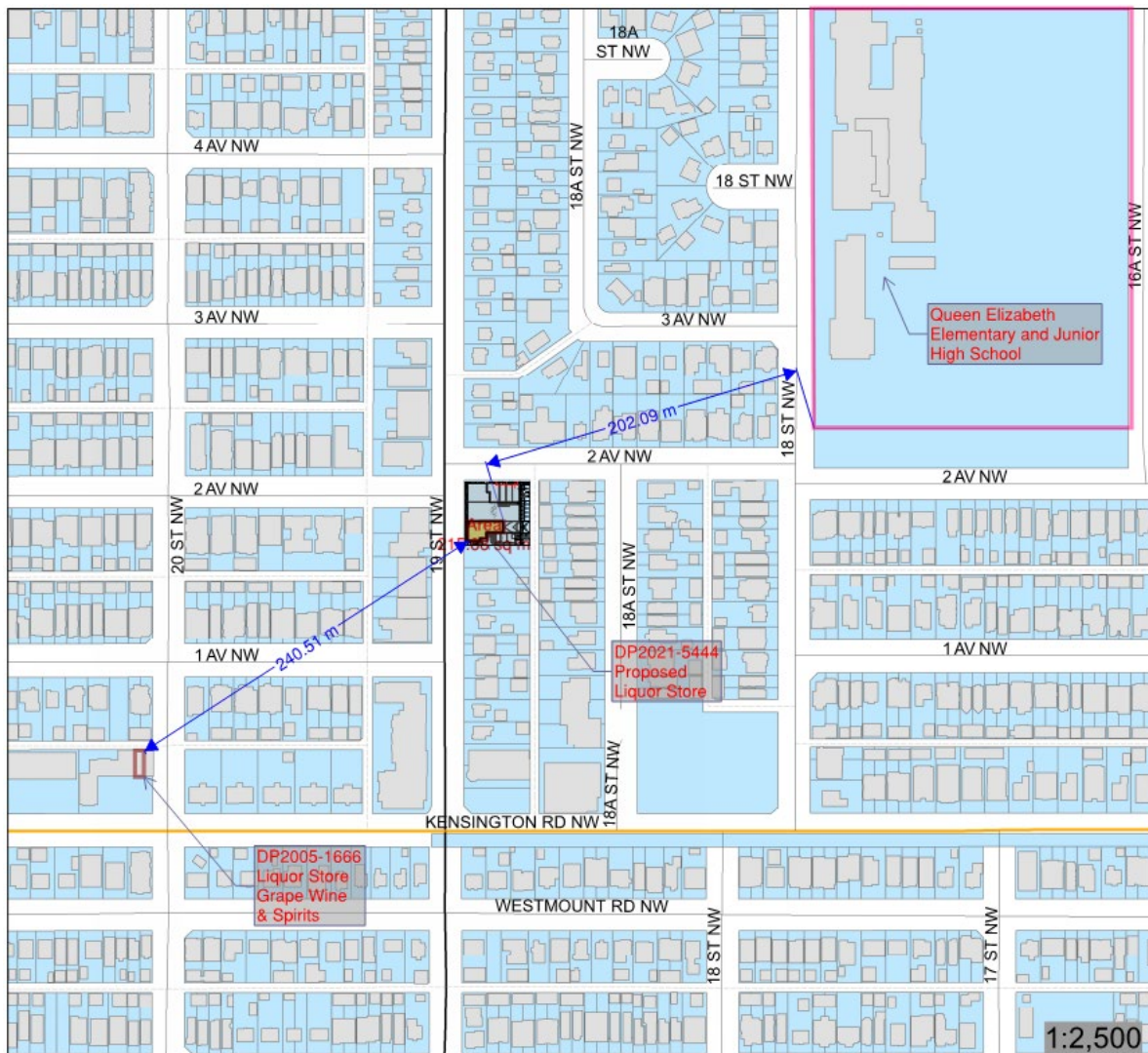
The following issues must be addressed by the Applicant through a written submission and amended plans prior to a decision by the Approving Authority:

1. The development, as proposed, is not supported for the following reasons:
 - Land Use Bylaw 1P2007, Section 40(h).

Please indicate, in writing, the manner in which the application will proceed:

(A) Request **cancellation** of the application.

(B) **Pursue** the application, as proposed, with a decision of refusal by the Development Authority.



Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

Samnick, Cyrille

From: Briegel, Michael J.
Sent: Thursday, August 5, 2021 9:28 AM
To: DP Circ
Cc: Bronson, Daniel J.
Subject: Re: Electronic Submission for DP2021-5444 - 222 19 ST NW

Follow Up Flag: Follow up
Flag Status: Completed

No issues from business licence.

MICHAEL BRIEGEL
 Chief Licence Inspector
 Compliance Services
 The City of Calgary | Mail code: #128
 109, [2116 - 27 Avenue Ne](#)
[Calgary, Alberta T2E 7A6](#)
 T 403.648-6341 | F 403.221-3528
michael.briegel@calgary.ca
 ISC: Protected

On Aug 5, 2021, at 09:02, DP.circ@calgary.ca wrote:



Good day,

A Development Permit application has been submitted to The City.
 Applications received by The City on or after June 1 may include plans that can be viewed and shared through the Development Map.

To see if plans are available online check out: [DP2021-5444](#)

While our Circulation Team is still accepting comments via DP.circ@Calgary.ca we are requesting community associations to comment online through the [Development Map](#).

NEW! We're going digital in order to better serve you!

The Development Map gives you the ability to share plans with stakeholders and send questions and comments directly to the file manager. It's a one-stop shop for development applications.

We're also proud to share the recent launch of our [Development Map Landing Page!](#) This website is a wonderful resource for people to learn how to use the Development Map to effectively comment on applications that matter to them. Please share Calgary.ca/development with anyone you feel would benefit from this information.

To support this exciting initiative, you will notice some improvements to the circulation packages. These changes include:

- The phasing out of plans attached to the circulation email. This process will take some time as we move plans and renderings online.
- The need to submit feedback to our circulation team.
- The removal of specific private information from plans.

The circulation team will be able to better assist you, by providing up-to-date plans on the Development Map. Plus, you can view the original plans, revised plans and approved plans to see how the proposal developed over time.

Thanks in advance for taking this step forward with us. We would like to hear your feedback on the new resources and ideas on how to continue to supporting your needs appropriately. We're here to create a more streamlined system and support you in your participation.

Sincerely,

The Circulation Team

DP.circ@calgary.ca

<DP2021-5444 Circulation Package.pdf>

Samnick, Cyrille

From: CAWard7 - Dale Calkins
Sent: Tuesday, August 10, 2021 11:58 AM
To: DP Circ; DP Circ
Cc: Bronson, Daniel J.; planning@westhillhurst.com
Subject: RE: Electronic Submission for DP2021-5444 - 222 19 ST NW

Follow Up Flag: Follow up
Flag Status: Completed

Hello Daniel,

Councillor Farrell's office reviewed DP2021-5444 and offers the following comments:

- The proposal appears to be compliant with the separation distance to the nearby school site.
- The proposed Liquor Store use appears to fall within the separation distance of one other existing Liquor Store use. The Grape, Wine & Spirits at 2104 Kensington Rd NW appears to be less than 250m from the proposed location. This appears to exceed the relaxation allowance of 10 per cent and, as such, the application must be refused by the Development Authority.
- At the same time, we acknowledge that the Liquor Store separation rules are intended to prevent linear clustering of Liquor Store uses and to avoid over-saturation in an area. Liquor Store is a valid use for a commercial street environment and separation distances are not intended as anti-competition measures. The clustering and over-saturation issues do not appear to be likely outcomes with the subject application and, as such, there could be grounds for appeal of a refusal. Should the applicant pursue that option, we recommend that they engage with the community to discuss their proposal and whether or not the community might support the proposed use at appeal. A collaborative outcome would be ideal.

Best regards,

Dale Calkins (he/him)

Senior Policy & Planning Advisor

Druh Farrell – Ward 7 Councillor

Office of the Councillors, PO Box 2100, Station M, Calgary, Alberta, T2P 2M5

e CAWard7@Calgary.ca w www.DruhFarrell.ca



From: DP.circ@calgary.ca <DP.circ@calgary.ca>
Sent: Monday, August 9, 2021 11:17
To: DP Circ <DP.Circ@calgary.ca>
Cc: Bronson, Daniel J. <Daniel.Bronson@calgary.ca>
Subject: Electronic Submission for DP2021-5444 - 222 19 ST NW



Good day,

A Development Permit application has been submitted to The City.

Applications received by The City on or after June 1 may include plans that can be viewed and shared through the Development Map.

To see if plans are available online check out: [DP2021-5444](#)

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Thanks in advance for taking this step forward with us. We would like to hear your feedback on the new resources and ideas on how to continue to supporting your needs appropriately. We're here to create a more streamlined system and support you in your participation.

Sincerely,

The Circulation Team

DP.circ@calgary.ca

Samnick, Cyrille

From: Bronson, Daniel J.
Sent: Thursday, September 23, 2021 8:46 AM
To: Chris Wong
Subject: RE: [EXT] DP2021-5444 Questions

Good Day,

Thank you for taking the time to provide us with comments relating to this development proposal in your neighbourhood. Your feedback will be included in the file and will form part of the application review.

If you would like to learn more about this application, please refer to the following information.

The application review

In addition to your comments, several other factors will be taken into account including the Land Use Bylaw rules; applicable planning policies; circulation comments from external and internal referees (for example, the Community Association and City departments); and all relevant planning considerations. When a thorough review of the application has been completed, a decision will be recommended to the approving authority.

Where to obtain application status updates

For internet access to general information including the Development Permit status, please visit our website and view the Development Map: <https://dmap.calgary.ca/>. Currently, this map displays recent planning applications on each parcel within the City.

If you are unable to access the internet, general status information about this application may also be obtained by calling the Planning Services Centre at 403-268-5311 or by contacting me (at the phone number below).

How do I view the application plans and available information?

For your convenience, while the application is under review, we're offering online viewings of permit drawings and documents using Microsoft OneDrive. If you'd like to schedule a digital viewing, please complete our [Viewing Authorization Form](#). You can then send an email to PropertyResearch@calgary.ca attaching the filled out form and providing a date (Monday – Friday) you'd like to view the Development Permit, allowing for 1 business days' notice. The plans will be available on your appointment day from 9AM to 4PM. Please note these documents are copyright-protected and you may not download them during the viewing.

If you have a Microsoft 365 account, please book your viewing using the email address associated with your account.

You must log in with your Microsoft credentials to view the files. We'll email you to confirm your appointment after we've verified your form and date.

If your preference is to view the permit drawings and documents from a Surface Pro at the Municipal Building (3rd Level, 800 Macleod Trail S.E.) please also email PropertyResearch@calgary.ca and provide a date (Monday – Friday) you'd like to view the Development Permit, allowing for 1 business days' notice. We'll email you to confirm your appointment after we've verified the availability of you date.

Notification of Decision

If the Development Authority approves the application, the decision will be advertised on the Public Notice section of our website the following Thursday. For a listing of Development Permits that have been approved and advertised, please visit our website at www.calgary.ca/publicnotices.

Please note that, in keeping with Land Use Bylaw 1P2007, the official notification of the decision to approve the application is by the Public Notice advertisement. **No other public notification process will be initiated and the File Manager is not required to notify you directly.**

Appealing the decision

An appeal against the Development Authority's decision to approve the Development Permit application may be made within 21 days after the [Public Notice advertisement](#). The public notice advertisement will identify the body to which an appeal must be filed.

How Are Your Comments Used?

Your comments assist City staff in reviewing and making a decision on this application and it is the City's practice to keep your comments confidential.

However, if the decision on the application is appealed, all information in our file is disclosed and will become a part of the public record. In such a case, your comments will no longer be confidential.

FOIP Statement

The Personal Information on Submissions made regarding this development permit application is collected under the authority of the Alberta Freedom of Information and Protection of Privacy Act, Section 33(c) and the Calgary Land Use Bylaw 1P2007, Part 1, Section 27 and subsequent versions of the Act and Bylaw. The submission may be included in the public meeting agenda of either, or both, the Calgary Planning Commission or the Subdivision and Development Appeal Board and as such the personal information included in the submission will be publicly available, in accordance with Section 40(1) of the FOIP Act. If you have any questions regarding the collection of this information please contact 403-268-5311 for the FOIP Program Administrator, Planning & Development Department, PO Box 2100, Stn 'M', Calgary, AB T2P 2M5.

Regards,

Daniel Bronson

Senior Planning Technician | Planning & Development

T. 403.333.5407 | F. 403.268.3024 | E. daniel.bronson@calgary.ca



From: Chris Wong <[REDACTED]>
Sent: Wednesday, September 22, 2021 9:35 AM
To: Bronson, Daniel J. <Daniel.Bronson@calgary.ca>
Subject: Re: [EXT] DP2021-5444 Questions

Hi Daniel,

Apologies for not getting this in sooner. Unfortunately this got lost amongst efforts to comment on the many other LUA's and DP's ongoing on 19th Street.

In the absence of additional information about the application and operational details - I would oppose this application. I note that the application is will within the 300m separation guidelines from "The Grape Wine and Spirits" on 2104 Kensington Road. In addition, the proposed site i) has close proximity to the K-12 Queen Elizabeth school and ii) is adjacent to the major east-west connector in West Hillhurst used by said students.

Thanks

Chris

On Fri, Aug 13, 2021, at 11:24 AM, Bronson, Daniel J. wrote:

> Hi Chris,

>

> I'll do my best to answer your questions:

>

> 1) The applicant is an individual. The business name is indicated as

> Saddleridge Liquor but this could change at any time and is not

> considered part of the application (we approve the use, not the

> specific user).

>

> 2) There is no indication of how they will be operating (ie hours,

> types of product sold). These are not things that are considered during

> the review. If a Liquor Store is approved, they are able to operate

> within the Bylaw rules as they see fit. It's also worth noting that, if

> approved, another liquor store could take over the space at any time

> without requiring another development permit approval and they could

> operate a potentially very different store.

>

> 3) The measurement is a straight line from the closest point of the use

> (the specific bay within the building) to the closest point of a parcel

> containing another Liquor Store use.

>

> 4) If you can submit comments by August 26, that is ideal, though I

> will likely be able to accept them for a week or so after that.

>

> Let me know if you'd like to leave comments or if you have any other

> questions. Thank you.

>

> Regards,

>

> Daniel Bronson

> Senior Planning Technician | Planning & Development

> T. 403.333.5407 | F. 403.268.3024 | E. daniel.bronson@calgary.ca

>

>

>

> -----Original Message-----

> From: Chris Wong <[REDACTED]>

> Sent: Thursday, August 12, 2021 10:09 PM

> To: Bronson, Daniel J. <Daniel.Bronson@calgary.ca>

> Subject: [EXT] DP2021-5444 Questions

>

> Hi Daniel,

>

>

> I live in close proximity to this proposed liquor store and had a few

> questions:

>

> 1) Can you share some details on the applicant - is this a large chain

> (i.e. a Liquor Depot), an established independent operator (with other

> locations), or a small mom and pop operation?

>

> 2) Are there any details as to what type of store is being proposed?

- > (i.e. a wine store with more limited hours, or a generic liquor store
- > with late night hours?)
- >
- > 3) When measuring the distance to other liquor stores and schools - how
- > is this done? "As the crow flies"? Or following linear paths? Also -
- > is is from the closest corner of the property line, or from the store's
- > entrance to store entrance?
- >
- > 4) When are comments due?
- >
- >
- > Thanks
- >
- >
- > Chris
- >
- >
- > _____
- > NOTICE -
- > This communication is intended ONLY for the use of the person or entity
- > named above and may contain information that is confidential or legally
- > privileged. If you are not the intended recipient named above or a
- > person responsible for delivering messages or communications to the
- > intended recipient, YOU ARE HEREBY NOTIFIED that any use, distribution,
- > or copying of this communication or any of the information contained in
- > it is strictly prohibited. If you have received this communication in
- > error, please notify us immediately by telephone and then destroy or
- > delete this communication, or return it to us by mail if requested by
- > us. The City of Calgary thanks you for your attention and co-operation.

--

Chris Wong



Samnick, Cyrille

From: Bronson, Daniel J.
Sent: Friday, August 13, 2021 10:51 AM
To: [REDACTED]
Subject: RE: [EXT] 226 19 ST NW [REDACTED] DP2021-5444 - Comment from Development Map - Thu 8/12/2021 10:11:23 AM

Good Day,

Thank you for taking the time to provide us with comments relating to this development proposal in your neighbourhood. Your feedback will be included in the file and will form part of the application review.

If you would like to learn more about this application, please refer to the following information.

The application review

In addition to your comments, several other factors will be taken into account including the Land Use Bylaw rules; applicable planning policies; circulation comments from external and internal referees (for example, the Community Association and City departments); and all relevant planning considerations. When a thorough review of the application has been completed, a decision will be recommended to the approving authority.

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Appealing the decision

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How Are Your Comments Used?

Your comments assist City staff in reviewing and making a decision on this application and it is the City's practice to keep your comments confidential.

However, if the decision on the application is appealed, all information in our file is disclosed and will become a part of the public record. In such a case, your comments will no longer be confidential.

FOIP Statement

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Regards,

Daniel Bronson

Senior Planning Technician | Planning & Development

T. 403.333.5407 | F. 403.268.3024 | E. daniel.bronson@calgary.ca



From: [REDACTED]

Sent: Thursday, August 12, 2021 10:11 AM

To: Bronson, Daniel J. <Daniel.Bronson@calgary.ca>

Subject: [EXT] 226 19 ST NW - DP2021-5444 - Comment from Development Map - Thu 8/12/2021 10:11:23 AM

Application: DP2021-5444

Submitted by: Alif Noorani

Contact Information

Address: 203 18a Street NW

Phone: [REDACTED]

[REDACTED]

Feedback:

In regards to the change of use I believe there are certain city by-laws that limit the location of liquor to a certain proximity of another liquor store as well as a school. There is a liquor store 1 block from the proposed location which I believe is less than 300 meters. There is also an elementary, junior high and high school in very close proximity to this location as well. Thank you for your consideration.



Development Authority Response to Notice of Appeal

Appeal number: SDAB2021-0076

Development Permit number: DP2021-5444

Address: 222 19 ST NW

Description: Change of Use: Liquor Store (revision to DP2019-0979)

Land Use: Mixed Use - General

Community: West Hillhurst

Jurisdiction Criteria:

Subject to National Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission or Minister of Environmental and Parks license, permit, approval, or other authorization: No

DA Attendance: No

Use: Discretionary

Notice Posted: Yes

Objections: Yes

Support: No

Bylaw relaxations:

The development, requires the following relaxations of the rules of the Land Use Bylaw:

Bylaw Variances		
Regulation	Standard	Provided
40 Applications the Development Authority Must Refuse	(h) is for a Liquor Store in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e)...	There is one approved Liquor Store use located within 300 metres from the subject unit: <ul style="list-style-type: none"> • 240.5 metres (-39.5 metres) from the approved through DP2005-1666
225 Liquor Store	(e) in all Districts, not including the C-R2, C-R3 and CR20-C20/CR20 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;	

Applicable ARP, ASP or Design Brief (in addition to the MDP):

- Liquor Store Separation Guidelines

Additional factors, considerations and rationale for the decision:

1. Please see the Reasons for Refusal
2. The Development Authority may provide additional submission prior to the merits hearing

Appeal Board rec'd: October 24, 2021
Submitted by: S. Kober, neighbour

From: Susan Kober <sjkober@shaw.ca>
Sent: Sunday, October 24, 2021 2:48 PM
To: info@terrywong.ca; Calgary SDAB Info; Schryvers, Peter
Cc: 'Mylene Boridy'; 'Gerardo Landero'; 'Russ Lam'; 'Julia Lam'; Bonnie And Dietre; 'miki mullins'; 'Maureen Shields'; 'Shabnam Minoosepehr'; 'Levi Cammack'
Subject: [EXT] West Hillhurst Densification & Liquor store application

Excuse the forwarded, forwarded note. Suffice to say I've had enough of densification in West Hillhurst and do believe it has gone too far. And now Appeal Number SDAB2021-0076 wants to add a liquor store at 222-19 St. NW. Well guess what, there is already a liquor store about a block away. It is family run at Kensington and 3rd St. NW. The new application would add to already difficult parking in the area, maybe provide entertainment for kids coming and going from schools like Queen E. (I believe it would be close to next door to the ice cream shop 'Marcus') and we already have street people cruising the area and a sufficient level of crime.

Hopefully I have not been too subtle. I am against the liquor store, how many do we need within a block+ radius?

Thank you.

Susan Kober
 2015 - 4 Ave. NW
 T2N 0N4
 403-270-7278

PS. The deadline to respond to the notice received last week in the mail is Nov. 3.

From: Schryvers, Peter [mailto:Peter.Schryvers@calgary.ca]
Sent: April-02-19 11:02 AM
To: 'Susan Kober'
Subject: RE: [EXT] West Hillhurst Densification

Hi Susan,

Thanks for the follow up. To answer your questions:

- For development along 19th street, there is a 4 storey (14 metre) building approved on 1st avenue and 19th Street NW. It is a mixed residential and commercial building. Other than that, there are no active or approved developments (other than the proposed one we are discussing)
- The old legion was approved for a 8 storey, (28.825 metre) building. Combined residential and commercial.

I hope that helps answer your questions.

Peter Schryvers, RPP, MCIP, MEDes
 Senior Planner, North Area
 Community Planning
 The City of Calgary | Mail code #8076

PO Box 2100, Station M, Calgary, AB, T2P 2M5
 T 403-300-3058 | C 403-968-5278 www.calgary.ca
 email: peter.schryvers@calgary.ca

From: Susan Kober [<mailto:sjkober@shaw.ca>]
Sent: Tuesday, April 02, 2019 9:39 AM
To: Schryvers, Peter <Peter.Schryvers@calgary.ca>
Subject: RE: [EXT] West Hillhurst Densification

I do have a few questions. Can you tell me what changes have already been approved (or are along in the approval process) for 19th St. north of Kensington and immediate area that are not single family, duplexes or 4-plexes?

1. the old legion (how large/tall) will this building be? Condo, businesses or combined?
2. building at corner of 19 th St. and 1 Ave. west side? Condo, business or combined? How many floors?
3. building at corner of 19th St. and 2nd Ave., east side (same questions as above)
4. Any others I may have missed?

I am particularly concerned about development between 3rd and 4th Avenues, west side, because these will be overlooking my back yard and will impact my quality of life and value of the properties I own and have combined 2011 & 2015 - 4 Ave. NW....and my neighbour's property which sits on the corner of 19th St. and 4th Ave. (a newer brick bungalow, Russ & Julia Lam & 2 year old Joan).

Thank you.

From: Schryvers, Peter [<mailto:Peter.Schryvers@calgary.ca>]
Sent: April-01-19 10:06 AM
To: 'Susan Kober'
Subject: RE: [EXT] West Hillhurst Densification

Hi Susan,

Thank you for your comments on this application. If you have any further comments or questions, feel free to contact me.

Regards,

Peter Schryvers, RPP, MCIP, MEDes
 Senior Planner, North Area
 Community Planning
 The City of Calgary | Mail code #8076
 PO Box 2100, Station M, Calgary, AB, T2P 2M5
 T 403-300-3058 | C 403-968-5278 www.calgary.ca
 email: peter.schryvers@calgary.ca

From: Susan Kober [<mailto:sjkober@shaw.ca>]
Sent: Wednesday, March 27, 2019 2:48 PM
To: Farrell, Druh <Druh.Farrell@calgary.ca>; Schryvers, Peter <Peter.Schryvers@calgary.ca>
Cc: 'Susan Kober' <sjkober@shaw.ca>; 'miki mullins' <mikivabien@yahoo.ca>; 'Mylene Boridy' <mboridy1@telus.net>;

'Russ Lam' <russalam@gmail.com>; 'Julia Lam' <julia.ty.lam@gmail.com>; Bonnie And Dietre <bdsorge@shaw.ca>; 'W K Levi Cammack' <levi.cammack@mail.mcgill.ca>; 'Debbie Ferguson' <info@debbieferguson.com>; 'Sylvia Goertz' <sylviagoertz@hotmail.com>

Subject: [EXT] West Hillhurst Densification

REF: LOC 2019-0015, DP2019-0979

I own a single family home at 2015 - 4 Ave. NW, adjacent to 19 St. NW (and encompassing 2011 - 4 Ave. NW; frontage 88'). I have lived in the area 16 years and have a good grasp on automobile traffic patterns at different times of day and year, pedestrian traffic and emergency vehicle use of 19th St. NW with EMT's at 19th/Memorial and the Firehall at 19th and 16th Ave. NW. I have witnessed densification since moving into the neighbourhood. I am against further urban densification in West Hillhurst. I am against 19th St. being reclassified as a main street.

1. West Hillhurst already has mixed use and a relatively dense population:
 - duplexes
 - 4-plexes
 - small apartment blocks (3 story)
 - townhomes
 - the large condo at Kensington and 19th St. (large for the area)
 - senior's lodges
 - Bethany Care long term care
 - the new build on the property formerly known as the Kensington Legion
2. Many single family lots have been sold in recent years and rarely have single family homes been re-built on the property (rather, duplexes, or two tall/thin houses therefore increasing population density); these new homes are almost entirely 3 story, which didn't exist when I purchased in the neighbourhood
3. West Hillhurst's existing small businesses and restaurants are already a destination for shoppers, restaurant goers (and even the drycleaner)
4. Traffic increases quite dramatically in the summer with schools out, ice cream shops, a community centre (tennis courts, ice rinks), the outdoor pool, field: soccer, baseball
5. Traffic is relatively heavy during rush hours
6. Families with small children are already concerned with traffic cutting through the area (multiple schools, playgrounds and their own front yards)
7. Parking is already at a premium on 19th St.
8. Why are we considering large builds on residential streets?

Susan Kober
2015 - 4 Ave. NW

Appeal Board rec'd: October 26, 2021
Submitted by: P. Kaur for Grape Wine & Spirits, neighbouring business

From: Grape Wine & Spirits <grapewinespirits@gmail.com>
Sent: Tuesday, October 26, 2021 9:00 AM
To: Calgary SDAB Info
Subject: [EXT] Objection to Appeal Number SDAB2021-0076
Attachments: liquorbylaw.png; arialview.png

Good morning,

My name is Pavanjit Kaur and I am the owner/director of The Grape Wine and Spirits located at 2-2104 Kensington road NW.

I am writing to object to the change of use to Liquor Store (revision to DP2019-0979.) The reason for this objection is the proposed liquor store violates city bylaws that state liquor stores can not be located within 300 meters of any other liquor stores. The proposed liquor store would be 255 meters away from an existing liquor store violating this bylaw.

I would like to pre-register for the video conference call that will take place on Thursday November fourth as well as submit materials that I would like to reference. I have attached an aerial view of the area that demonstrates that the proposed liquor is only 255 meters away from an existing liquor store as well as a screenshot of the city bylaw that states that a liquor store can not be within 300 meters of another liquor store.

Best Regards,

--

Pavanjit Kaur
Grape Wine & Spirits
Calgary, Alberta
Cell Number - 587-216-7877

222 19 Street Northwest, Calgary

Grape Wine & Spirits The

4.7 ★★★★★ 18 reviews
Liquor store

Directions

Save

Nearby

Send to your phone

Share

✓ In-store shopping

You visited last month

2104 Kensington Rd NW, Calgary, AB T2N 3R7

Open now: 10:30a.m. – 11p.m.

Hours or services may differ

business.site

(403) 270-9339

3V3R+4M Calgary, Alberta

Add a label

Suggest an edit

Measure distance

Click on the map to add to your path

Total distance: 255.24 m (837.40 ft)

Map data ©2021 Google

Canada

Terms

Privacy

Send feedback

20 m

Appeal Board rec'd: October 19, 2021
Submitted by: C. Nagpal, appellant/applicant

From: Riley, Coeur A. on behalf of Calgary SDAB Info
Sent: Wednesday, October 20, 2021 12:56 PM
To: Caiffy Nagpal
Cc: Rick Grol; Sandeep Dhaliwal; Calgary SDAB Info
Subject: *CR* RE: Re: Notice of Appeal: SDAB2021-0076 (DP2021-5444, 222 19 Street NW)

Thank you for your email. Once an appeal has been filed with the SDAB, the Board must schedule a hearing within 30 days of receipt in accordance with the *Municipal Government Act*. As the appeal was filed on October 15, 2021, the hearing must be scheduled by November 14, 2021. The matter has been scheduled for November 4, 2021 since the next usual date the Board would meet (November 11, 2021) is a statutory holiday.

You have the right to request an adjournment. Please note that **adjournment requests are not granted automatically**, and you or your representative should attend on the scheduled date in case the Board does not grant an adjournment. The Board considers each adjournment request on its own merits. **We will forward your below request to the Board and they will respond at the scheduled hearing on November 4.**

Thank you,

SDAB Admin

City Appeal Boards, Appeals and Tribunals
 City Clerk's Office | The City of Calgary | Mail Code #8110
 PO Box 2100, Station M | Calgary, AB T2P 2M5
 General Phone Line: 403.268.5312 | calgarysdab.ca

From: Caiffy Nagpal <nagpal.caiffy@gmail.com>
Sent: Tuesday, October 19, 2021 5:02 PM
To: Calgary SDAB Info <Info@calgarysdab.ca>
Cc: Rick Grol <rgrol@shaw.ca>; Sandeep Dhaliwal <saddleridgeliquor@gmail.com>
Subject: [EXT] Re: Notice of Appeal: SDAB2021-0076 (DP2021-5444, 222 19 Street NW)

Hello,

I am the Applicant of development permit DP2021-5444 (Change of Use: Liquor Store at 222 19 Street NW) and I am the Appellant of appeal SDAB2021-0076. The appeal is scheduled for a hearing on November 4. Please be advised that we have retained Mr. Rick Grol as our agent/representative with respect to the DP application and appeal. He is authorized to speak on our behalf.

We kindly request an adjournment as our witnesses are not available on November 4. In addition, Mr. Grol needs more time to prepare for the hearing due to other commitments he has.

Regards,

Caiffy Nagpal
Broker
Highline Real Estate Inc.
nagpal.caiffy@gmail.com

4036188393

On Oct 19, 2021, at 4:24 PM, Calgary SDAB Info <Info@calgarysdab.ca> wrote:

An appeal has been filed with the Calgary Subdivision and Development Appeal Board (SDAB) regarding a decision of Th

Appeal Number: SDAB2021-0076

222 19 Street NW. Change of Use: Liquor Store (revision to DP2019-0979) Appeal against a refusal. DP2021-5444.

The appeal is tentatively scheduled as follows:

Type:	Merit
Date:	Thursday, November 4, 2021
Time:	10:30 a.m.*
Format:	MS Teams video conference call

*The time assigned to your appeal is the earliest possible time this delayed depending on the complexities associated with other app

*You do not have to have the application downloaded to participa

A formal Notice of Hearing letter confirming your hearing date and further outlining how to participate and submit your
Friday, October 22, 2021

We encourage you to reference our website at <http://calgarysdab.ca/preparing-for-a-hearing.html> for resources on how to prepare your evidence based on relevant planning considerations, how to respond to the issues being raised by the other parties, and on the hearing procedures.

If you cannot attend this hearing, you may have an authorized individual represent you. When authorizing someone to speak on your behalf, you are encouraged to provide written authorization to info@calgarysdab.ca. Please reference your appeal hearing (SDAB2021-XXXX) and/or the development permit (DP2021-XXXX) in your document and provide this to us before the hearing date.

Our office is currently closed to the public but we remain available to help you Monday to Friday between 8:00 AM to 4:30 PM.

If you have any questions, please visit our website at www.calgarysdab.ca for more information on the appeal process, or call our office at 403-268-5312.

Thank you,

SDAB Admin

City Appeal Boards, Appeals and Tribunals
City Clerk's Office | The City of Calgary | Mail Code #8110
PO Box 2100, Station M | Calgary, AB T2P 2M5
General Phone Line: 403.268.5312 | calgarysdab.ca

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Appeal Board rec'd: December 8, 2021
Submitted by: R. Grol, Agent for Appellant-Applicant
Calgary Subdivision and Development Appeal Board

1

In the Matter of:

Appeal by Caiffy Nagpal, against the refusal of a development permit application for a Change of Use to a new Liquor Store (revisions to DP2019-0979) at 222 19 Street NW, Calgary.

SDAB2021-0076
DP2021-5444

Hearing: November 4, 2021
Adjourned to: December 16, 2021

HEARING SUBMISSIONS
of

Caiffi Nagpal, the Appellant/Applicant

Date: July 7, 2021

Submitted by Rick Grol, Agent for the Appellant/Applicant

SDAB2021-0076 Additional Submission

I. Introduction

1. The appellant, who is also the applicant, appealed the Development Authority's refusal of Development Permit DP2021-5444 for a Change of Use; Liquor Store (revision to DP2019-0979 at 222 19 Street NW. Under the Land Use Bylaw 1P2007 (LUB) the parcel has the land use designation "Mixed Use – Active Frontage" (MU-1 f3.3h19) District.
2. The site is located in the community of West Hillhurst. The use of "Liquor Store" is a discretionary use in the MU-1 District.
3. The proposed store, a boutique wine store, is to be located in a mixed use multi-residential development/building with commercial space on the main floor and residential dwelling units above.
4. The appellant submits that the area and community can sustain more liquor stores. The stores will not cannibalize each other. There is no evidence that, from a planning perspective, two liquor stores within a 300 metre radius will result in negative impacts on the surrounding properties and on the community.

II. Background

5. On June 6, 2019 Council redesignated the subject property 222 19 Street NW and the adjacent property 218 19 Street to MU-1 District (LOC2019-0015).
6. On November 21, 2019, the Development Authority (DA) approved development permit DP2019-0979 for new: "Retail and Consumer Service, Dwelling Units (1 building)" at the parcel 222 19 Street NW.
7. Subsequently, on November 18, 2020, the DA approved development permit DP2020-6984 for Revision: "Live Work Unit" (change of use to DP2019-0979) for the subject parcel.
8. On December 1, 2021, the DA approved development permit DP2020-7757 for new: "Dwelling Unit, Retail Consumer Service" at 218 19 Street NW. This permit approved 24 dwelling units and commercial retail on the main floor.
9. On July 28, 2021, the appellant made development permit application (DP2021-5444) for proposed liquor store on the main floor of the development (unit 1, which is oriented to 19 Street NW). On October 6, 2021, the DA refused this application, which is the subject of the appeal.
10. On November 17, 2021, the DA approved development permit DP2021-7717 for a Change of Use: "Restaurant Food Service Only" for the subject parcel.

11. The mixed use multi-residential development, initially approved under DP2019-0979, on the subject parcel is currently under construction. The development includes a total of 51 dwelling units, four (4) Live Work Units and three (3) Retail and Consumer Service.
12. On September 13, 2021, Council approved the redesignation of the properties 206-214 19 Street NW to MU-1 District (LOC2021-0036).
13. The proposed liquor store at 222 19 Street NW is located at 240.5 metres from another existing approved liquor store, which is situated on and facing Kensington Road. The application requires a relaxation the LUB of 59.5 metres from the required 300 metre separation distance between liquor stores. No other Bylaw relations are required.

Reasons for Refusal

14. The DA refused the application on the grounds that the location of the proposed store is inappropriate and that according to section 40 of the LUB, the DA must refuse the development permit application due to the separation distance clearance to the nearest approved liquor store.
15. According to the DA (page 9 of the Board report) “the intent of the minimum 300.0 metre setback requirement for a Liquor Store is to prevent the appearance of a proliferation of the use. Section 40 of the Land Use Bylaw explicitly instructs the Development Authority to refuse all development permit applications for prospective Liquor Store when it is found that the separation distance to other approved Liquor Stores requires a variance of greater than 10 percent.”

Site Context

16. The proposed liquor store at 222 19 Street NW is located at 240.5 metres from another existing approved liquor store (DP2005-1666), which is situated on and facing Kensington Road. The application requires a relaxation the LUB of 59.5 metres from the required 300 metre separation distance between liquor stores as stipulated in section 225(d) of the LUB. Appendix A provides the context of the surrounding area.

III. Evidence and Arguments

Applicable Statutory Plans and Non-Statutory Plans

17. Statutory plan: Municipal Development Plan (MDP). Non-Statutory plan: Liquor Store Separation Distance Guidelines (adopted by Council May 13, 2015)
18. The subject property is indicated in the MDP (Part 7 - Map 1, Urban Structure) as “Urban Main Street” as part of Centre Street.

19. There is no Area Redevelopment Plan (ARP) for the West Hillhurst community.

IV. Grounds for the Appeal

20. While under section 40 of the LUB the DA has no authority to grant a relaxation of the separation distance between liquor stores for more than 10 percent, the Board is not the “Development Authority” as defined in section 13 of the LUB. The Board receives its jurisdiction from the *Municipal Government Act*, RSA 2000, c M-26, as amended (MGA or Act), not from the LUB. This is not a situation of a Direct Control District, where the Board is bound by the directions of Council as per a Direct Control Bylaw (as per the decision of the Alberta Court of Appeal *CFPM Management Services Ltd v Edmonton (City)*, 2020 ABCA 62, with respect to DC Districts and the recent SDAB decision SDAB2021-0031 (the *Truman* decision)). Therefore, in this case, pursuant to the MGA, the Board has jurisdiction with respect to the subject development permit application and the appeal.
21. The appellant submits that the proposed use and development, the liquor store, is in keeping with the context of the developments in the immediate area and surrounding area and the location is an appropriate location for a liquor store.
22. The proposed liquor store is consistent with the MDP and the applicable Liquor Store Guidelines.
23. The proposed liquor store is suitable for the site based on sound planning principles. The proposed store would not result in proliferation of the use in the community.
24. The proposed store, a primarily locally community oriented liquor store, is compatible with the adjacent developments. The proposed liquor store is located in a mixed use development that includes residential development. The application has sufficient planning merit. In this case section 35 of the LUB is satisfied. New commercial development is occurring on 19 Street, which enhances the retail opportunities in the immediate area. Further, the proposed store serves the surrounding residential developments in the immediate area and contributes to pedestrian travel in the neighbourhood. In addition, new development is occurring on the adjacent property to the south. The proposed store also supports and adds to the revitalization of the commercial retail developments on 19 Street NW.
25. The proposed liquor store will have minimal or no impact on adjacent developments and the community. The proposed liquor store complies otherwise with the LUB and meets the test for relaxation as set out in section 687(3)(d) of the *Municipal Government Act*. The proposed store has no negative impact on the use and enjoyment of the adjacent

properties. The proposed store does not unduly interfere with the amenities of the neighbourhood.

V. Board's jurisdiction

26. The appeals and hearings of the SDAB are on a hearing *de novo* basis (*Stewart v. Lac Ste. Anne (County) Subdivision and Development Appeal Board*, 2006 ABCA 264 (CanLII) at paras 9-14. The Board is not bound by the underlying decisions of the DA. In *Edith Lake Service Ltd. v. Edmonton (City)* (1982), 1981 ABCA 328 (CanLII) at para 9, the Court of Appeal stated:

The proceedings before the Board would take the form of a hearing *de novo* and having regard to the broad statutory powers conferred upon it the Board's jurisdiction would permit it to consider and rule upon the merits of the decision made by the development officer, including allegations of any legal improprieties committed in reaching that decision. That is the Board's function. ..."

27. As Frederick A. Laux and Gwendolyn Stewart- Palmer, Q.C, in *Planning Law and Practice in Alberta* (4th ed., looseleaf), (Edmonton: Juriliber, 2019) states "[t]his means that the board should canvass the issues raised afresh and without being hampered by the decision below."
28. On appeal, the Board steps into the shoes of the DA. On appeal, the Board becomes the approving authority regarding the DP applications that are the subject of the appeals. The Board can review all aspects of the DP applications in accordance with the rules and requirements of the LUB. Therefore, the SDAB has full and complete jurisdiction over the appeal and the subject DP application and is not bound by the DA's decision.
29. In addition to the reference that the DA must refuse the subject application, the DA's reasons for refusal also state that "in evaluating the application, the DA determined that the location of the proposed liquor store is inappropriate." However, it is important to note that the DA provided no evaluation of the application on the basis of sections 35 and 36 of the LUB.
30. As the Board in many of its decision states: Simply raising an issue without more is not evidence (*Gendron v. Calgary (City)*, 2009 ABCA 367 (CanLii), at para.16). We submit that this applies equally to the DA when it refuses applications. As the Court set out in *Esposito v Alberta (Workers' Compensation Board)*, 2009 ABQB 188 (CanLii): The weight appropriately given to opinion evidence depends on the facts which underlie the opinion. In order to assess the veracity of opinion evidence, the appellant submits that

the Board ought to consider whether the opinion is sufficiently grounded in facts. The DA has a duty to provide sufficient reasons for its opinion.

VI. Proliferation

31. It is important to note where the 300 metre separation distance between Liquor stores as contained in the LUB (amended by Bylaw 13P2003) originates from. Prior to 2003, the 300 metre separation distance between liquor stores was contained in a non-statutory policy document “General Criteria for Liquor Store Stores”, which was adopted by resolution by Council in 2000. The document specifies the rationale for the separation distance between liquor stores. The report (M-2000-035, CPC 2000 October 04, page 4) specifically mentions “proliferation” as the driving factor of the separation guideline. Originally, the report mentioned a separation distance of 150 metre. Calgary Planning Commission amended it to 300 metres without providing any planning rationale for that change. See Appendix B
32. The “Liquor Store Separation Distance Guidelines” refers to “overconcentration of liquor stores”, and no inference is made to “proliferation” like in the old Liquor Store Guidelines and in the mentioned CPC report.
33. However, the mere fact of a grouping or clustering of similar stores, does not in or of itself equates to proliferation. Pertinent is that “proliferation” is a planning issue that has been addressed by the Courts in *Actus Management Ltd. v. Calgary (City)*, 1975 CanLii 982 (AB CA) and *Crown Parking Co v. City of Calgary* (1994), 1994 ABCA 244 (Canlii). In many SDAB decisions regarding liquor stores the Board has referenced these cases and adopted as the leading case law in Alberta. Proliferation is an oversupply of the same uses or services that, from a planning perspective, creates negative impacts. As the Board has stated in many of its decisions, proliferation is only a relevant planning consideration where there is evidence of a negative impact on the surrounding area of that use.
34. In the case at hand (SDAB2021-0076, the subject appeal), there is no evidence that a negative impact is to be expected from more than one liquor store within a 300 metre distance of each other. In the appellant’s opinion this is complete conjecture. Any potential negative issues could be managed by imposing conditions of approval in the development permit such as hours of operation or a limited term in the permit and other appropriate conditions the Board may deem necessary to alleviate potential concerns from the proposed store.
35. It is relevant to note that the objectives of the Liquor Store Guidelines are: (a) To ensure opportunities for liquor stores are balanced with the cumulative impacts of traffic, parking, noise and aesthetics they may have on communities; and (b) The separation distance helps manage over concentration of liquor stores along corridors and in communities (See the Guidelines contained on page 11 of the Board report).

36. In addition, as the SDAB has stated in many decisions regarding liquor stores, it is not uncommon for commercial areas/corridors in the city to have retail uses, facilities, and/or services that are similar or equivalent and that compete with each other.
37. In addition, business competition is not a relevant planning consideration (*Actus Management and Crown Parking*).
38. Further, one has to keep in mind that liquor stores are a type of retail that is highly regulated by the Provincial Government. We submit that two liquor stores on Kensington Road and 19 Street within a distance of 240.5 metres would not necessarily result in an overconcentration of stores. On the contrary, the Liquor Store Guidelines allow the DA to approve another liquor store that is proposed within 270 metres of another approved liquor store.
39. Moreover, it is significant that the Liquor Store Guidelines refers to the “Development Authority.” The Board is not the Development Authority. The Board as a quasi-judicial tribunal is not bound by the Liquor Store Guidelines, which is a policy document that guides the DA. The Board, based on sound planning considerations and evidence, can deviate from the Guidelines if there is evidence and sound planning considerations to do so.
40. Each application needs to be reviewed on its own planning merits, circumstances of the case and evidence presented.
41. It is significant that West Hillhurst’s current population is capable of supporting a new liquor store.
42. While 19 Street NW on MAP 1 of the Municipal Development Plan (MDP), Volume 1, is not specifically listed as a “Neighbourhood Main Street”, according to the City’s Main Streets Initiative, the 19 Street NW blocks between Kensington Road and 3 Avenue are considered part of the Kensington Main Street Initiative and program. [Appendix C & D] The City is currently conducting a study and the aforementioned blocks of 19 Street are included in the study with the goal to implement the Main Street policies with public infrastructure investments (improving sidewalks, etc.)
43. There is a substantial variety of commercial uses in the area where the proposed liquor store is being located and, as such, there continues to be a balanced opportunity for commercial uses to support economic diversification and build a complete retail street. The proposed use will not negatively impact the commercial viability of this existing active retail environment on 19 Street NW. The appellant submits that the proposed store will actually strengthen the retail environment of the commercial corridor on 19 Street NW.

Parking

44. It is important to note that there is sufficient parking available on the site in accordance with the LUB requirements. No Bylaw relaxation for parking is required. The development has a total of 47 residential parking stalls and 8 stalls for the commercial uses in the building. The proposed store is a change of use in an existing approved building/development with no change to the existing parking. The LUB was amended in 2020 to remove parking requirements for commercial uses, including liquor stores. Consequently, there is no change in parking. The landlord controls the assignment of parking stalls.
45. The evidence submitted indicates that there is also sufficient on-street parking available. There is restricted permit parking on 19 Street NW. [See Appendix A, Overview of parking restrictions]
46. There is support of surrounding property owners businesses for the appellant's proposed store (see letters contained in the Board report).

Liquor Store Guidelines

47. The proposed Liquor Store is consistent with the Liquor Store Guidelines:
- (a) Is a relatively modest sized store with a limited store front which does not dominate the streetscape;
 - (b) Is located on a different street than the other liquor store and there is only one approved liquor store located within 300 metres;
 - (c) Is not visible from the other approved liquor store;
 - (d) Because of the orientation of the building materially there is no negative perception from the location of the proposed store;
 - (e) Contributes to a continued variety of commercial uses in the area;
 - (f) Attributes to building a complete main street in the community in accordance with the MDP;
 - (g) There is a variety of commercial uses in the area where the proposed store is being located and there continues to be a balanced opportunity for other commercial uses to support economic diversification and to build a complete retail street; and
 - (h) The proposed store will not negatively impact the economic viability of the existing active retail environment in the community.

Section 35 LUB

48. The proposed development meets the intent of the MDP. It provides opportunities for retail, servicing the immediate community of West Hillhurst. However, the proposed store will also service and cater to residents in the western part of the Hillhurst community between 18 Street NW (which is the boundary between the communities) and 14 Street NW.
49. 19 Street NW is evolving into a Neighbourhood Main Street in accordance with the objectives of the MDP and the City's Main Street Initiative. This is underscored by the fact that City Council has rezoned numerous properties along 19 Street NW to the MU-1 District. The MU-1 District is a district that within the scheme of the LUB is the most appropriate land use district typically associated with Main Street zoning & designations as identified in the MDP and the City's Main Streets Initiative.
50. Currently there are two land use redesignation applications under review by City Administration for properties along 19 Street to MU-1 District. [See Appendix A]
51. The proposed development meets the purpose statement of the MU-1 District.
52. The proposed store is located in a street oriented building will cater to the local neighbourhood. Unlike the closest existing store at Kensington Road, which is auto oriented, the proposed store is pedestrian friendly and expect to receive walk-in traffic from customers that walk to the store rather than utilizing a motor vehicle.
53. The proposed development is compatible with the adjacent developments and from a planning perspective is appropriate for the site.
54. The community of West Hillhurst has one liquor store (the closest approved existing liquor store, Grape Wine & Spirits at 2104 Kensington Road, is located at a distance of 240.5 m) situated in the area between 14 Street NW and Crowchild Trail. The distances from the proposed liquor store to the existing liquor stores that are referenced by the residents that have concerns are as follows: The Co-op Liquor Store is located at 2530 Kensington Road at a distance of 1.84 km from the proposed store; Liquor Depot in the North Hill Mall at 1.2 km; Spirits of Kensington at 201 14 Street NW at 830 metres; and Hotshot Liquor Store at 336 14 Street NW at 770 metres. [See Appendix E]
55. By analogy, it is relevant to note that the neighbourhood on 19 Street has two approved cannabis stores, which under the LUB also requires a 300 metre separation distance. The cannabis store at 110 19 Street was approved by the SDAB through an appeal (SDAB2019-0020). The Board found the separation distance of 128 metres appropriate in the context

of the immediate area and granted a Bylaw relaxation of 172 metres from the required 300 metre separation distance. The appellant submits that, from a planning perspective, the impact of a liquor store on the immediate area is similar to a cannabis store.

56. The proposed liquor store meets the separation distances to Schools as stipulated in the Land Use Bylaw. In this regard no Bylaw relaxation is required.

VII. Relaxation Land Use Bylaw

57. Section 225(d) of the LUB states that in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, a liquor store 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.

58. The Board has the jurisdiction to vary the separation distance requirement of the Land Use Bylaw pursuant to section 687(3)(d) of the MGA. As stated above, the Board's jurisdiction to vary or relax rules and requirements of the LUB stems from the Act, not from the Bylaw. The Board is not bound by the DA's opinion that the relaxation test is not met. The Board also is not hindered by the LUB. Section 687 (3)(d) of the MGA mandates the test (*Newcastle Centre GP Ltd v Edmonton (City)* , 2014 ABCA 295 (Canlii). [Appendix F] The Alberta Court of Appeal in *Newcastle* directed that the factors contained in section 617 of the MGA are not relevant and should not be considered when applying the test in section 687(3)(d). Neither are the Liquor Store Guidelines relevant for the variance test.

59. Further, the Liquor Store Guidelines were created to be used by the DA when considering development permit applications. According to the *Newcastle* it would be incorrect for the SDAB to consider the Liquor Store Guidelines when applying the test in section 687(3)(d) of the MGA. Nonetheless, the appellant's view is that the application is consistent with the Liquor Store Guidelines.

60. Finally, in *Newcastle Centre GP Ltd v Edmonton (City)*, the Court stated:

It is not self-evident that or how two liquor stores within 500 meters would interfere with neighbourhood amenities, nor that or how they interfere with or affect use, enjoyment, or value of neighbouring pieces of land. This is not a boiler factory in a residential neighbourhood.

61. We submit that this is applicable to the current situation. It is not self-evident that two liquor stores within 300 metres would interfere with neighbourhood amenities, nor that or how they interfere with or affect use, enjoyment, or value of neighbouring pieces of land. Absent evidence demonstrating how the proposed relaxation will materially or unduly interfere with amenities or the use and enjoyment of the neighbourhood, we submit that the requested relaxation is appropriate for this specific site location. As stated above, there is no evidence of proliferation.

Relaxation Test is Met

61. It is important to note that the size, percentage or magnitude of the relaxation is irrelevant and is not determinative; it is the context of the proposed development and whether on its own the test is met. It is the appellant's position that, from a planning perspective, the proposed location is an appropriate location for a liquor store. There is no evidence of negative impacts on the adjacent properties, surrounding area or immediate neighbourhood. There are no cumulative impacts of the proposed store on the existing developments in the immediate area.
62. It is significant to note that the proposed liquor store is located in a local neighbourhood commercial corridor of 19 Street NW. Due to redevelopment occurring as a result of approved mixed use multi-family developments, densification is taking place along 19 Street NW which is evolving into a local neighbourhoods Mains street as envisioned by the MDP.
63. Some letters and emails in opposition to the proposed store state that the proposed liquor store would result in negative impacts, increased traffic, late night noise, limited parking, crime and violence and neighbourhood safety. These are unsubstantiated assertions which are devoid of evidentiary foundation. As per the *Gendron* case, these are contentions only.
64. The required Bylaw relaxation meets the test of section 687(3)(d) of the MGA, as the proposed development does not unduly interfere with the amenities of the neighbourhood, and does not materially interfere with or affect the use, value or enjoyment of neighbouring parcels of land. There is no evidence that the proposed development materially interferes with the use, value or enjoyment of neighbouring parcel of land. Neither is there any evidence that the proposed development will unduly interfere with the amenities of the neighbourhood. Consequently, the relaxation test of the MGA is met.

VIII. Summary

65. It is the position of the appellant that:
 - (a) The proposed development, subject to required relaxation/variance, complies with the LUB;
 - (b) The required applicable Bylaw relaxation/variance meets the test of section 687(3)(d) of the MGA;
 - (c) The proposed development complies with the plans and policies affecting the subject site;

- (d) The proposed development complies with the MDP;
- (e) The proposed development meets the purpose statement of the MU-1 District;
- (f) The proposed development meets the intent of the Liquor Store Guidelines;
- (g) The proposed development is compatible with, and will have minimal or no impact on adjacent developments and the neighbourhood; There are no negative cumulative effects from the proposed liquor store; and
- (h) The proposed development is suitable for the site based on sound planning principles and from a planning and transportation perspective is appropriate.

IX. Conclusion

66. In conclusion, in the appellant's opinion the proposed development complies with the applicable plans and policies. Further, the development is compatible with the adjacent developments and, from a planning perspective, is suitable and appropriate for the parcel.

67. The appellant respectfully requests that: (a) the appeal be allowed and that the DA's refusal of the development permit application be overturned; (b) a development permit be issued.

Respectfully submitted on behalf of the appellant/applicant,



Rick Grol, agent for the appellant/applicant

Encl.:

- Appendix A – Maps/Context Photos
- Appendix B – History Liquor Store Separation Distances
- Appendix C – Excerpts MDP
- Appendix D – Main Streets Initiative
- Appendix E – Maps Cannabis & Liquor Store Locations
- Appendix F – Case Law

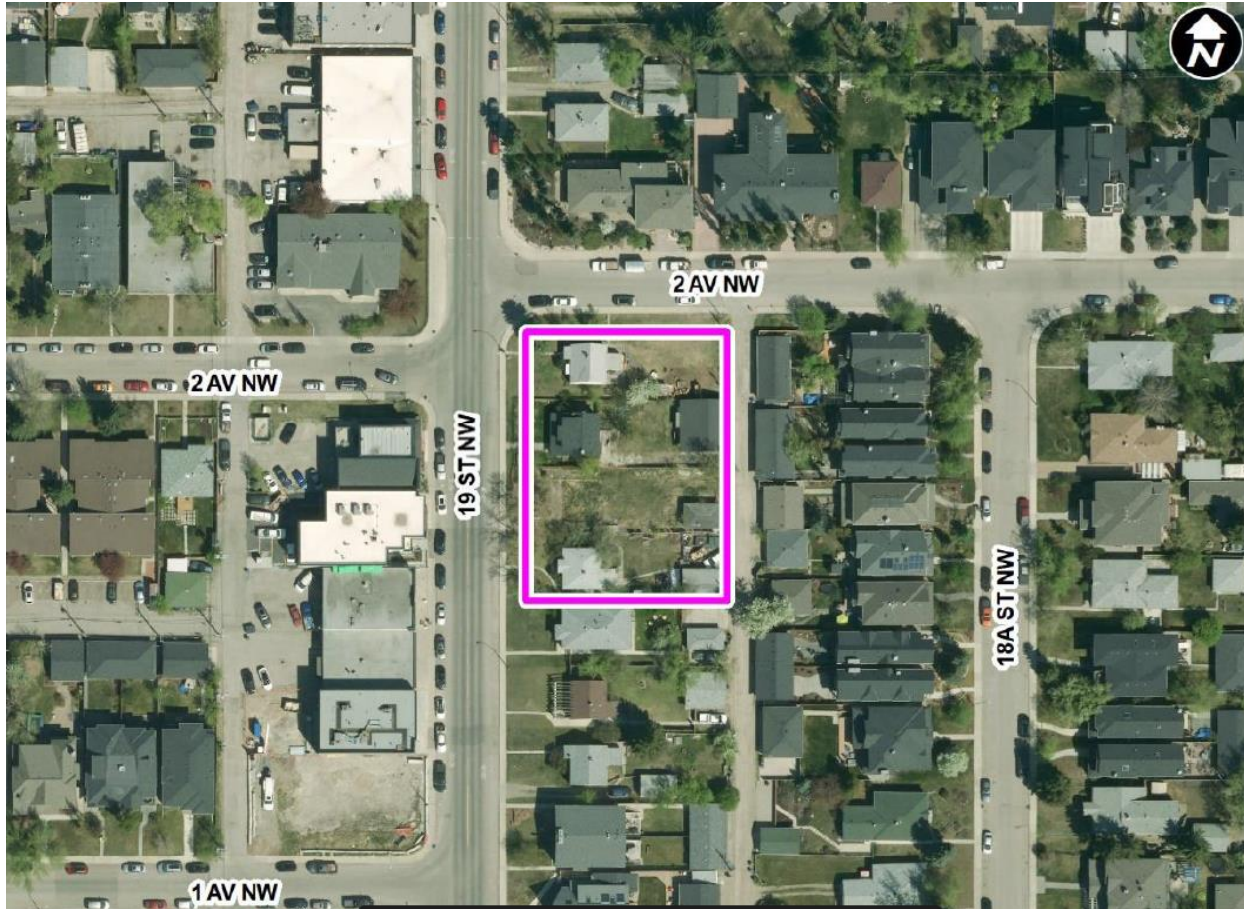
APPENDIX A
Maps/Context Photos

MAPS



Subject property 222 19 Street NW on corner with 2 Ave NW

3



Aerial view

Source: The City of Calgary



**Green - Recent land use re-designation approved LOC2021-0036 for
208 – 214 19 Street (to MU-1 District)**



Submitted land use re-designation application (LOC2021-0037) for the properties 306 -310 19 Street NW (to MU-1 District)



Submitted land use re-designation application (LOC2021-0080) for the properties 526 - 530 19 Street NW (to MU-1 District)

CONTEXT PHOTOS



Architectural rendering Hillhurst Manor development at 222 19 Street NW, approved under DP2019-0979 and DP2020-6984

Total 51 Dwelling units, 4 Live Work units and 3 Retail and Consumer Service with 47 residential parking stalls and 8 commercial parking stalls



Architectural Rendering of the rear of the development facing lane



Subject Hillhurst Manor mixed use development under construction



View to the West – 2 Avenue NW



View north on 19 Street NW

The parcel at 218 19 Street to the immediate south of the development under construction has an approved DP2020-7757 for 24 Dwelling Units & Retail and Consumer Service



**View north on 19 Street NW from Kensington Rd.
To the west multi-residential development with retail on main floor**



**Cannabis Store at 110 19 Street approved by SDAB (SDAB2019-0020)
with separation distance of 128 m to a Cannabis Store at 217 19 Street**



New commercial development on west side of 19 Street NW



View south on 19 Street NW – liquor store development to the left of the photo



New commercial development on 19 Street across from the development



Existing commercial west side of 19 Street



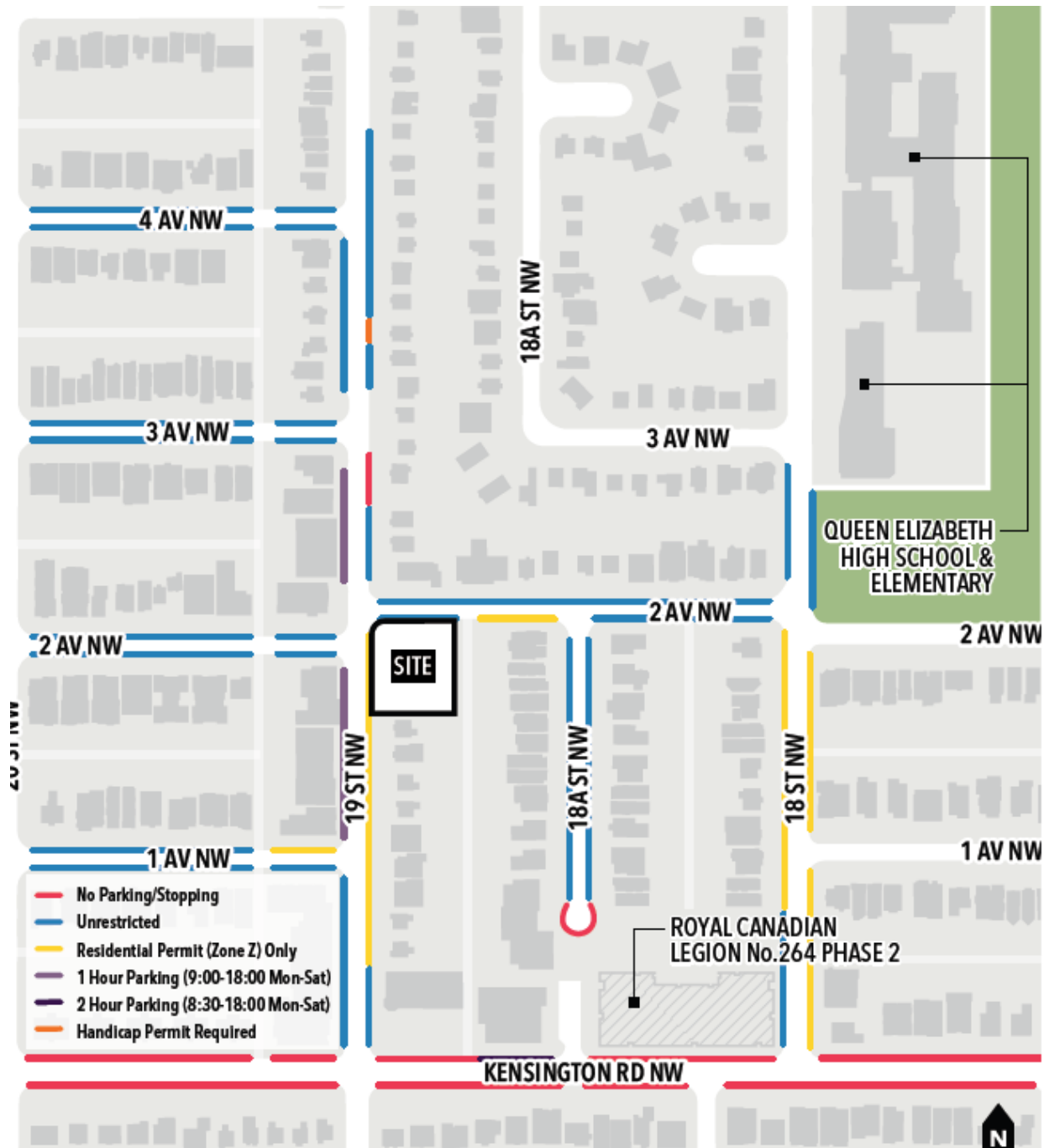
Existing commercial development on west side 19 Street, 300 block



Restricted Parking on the west side of 19 Street – One hour Parking 9 am – 6 pm, Mo – Sat



Restricted Parking east side of 19 Street: Residential parking with permit only Zone Z



Map - Overview On-Street Parking restrictions



Existing Liquor Store (DP2005-1666) located on 2104 Kensington Rd NW (at a distance of 240.5 m from the proposed liquor store)

APPENDIX B

History Liquor Store Separation Distances

Nov. 26/07

THE CITY OF CALGARY LAND USE BYLAW 2P80

OFFICE CONSOLIDATION

BYLAWS AMENDING THE TEXT OF BYLAW 2P80

14P80	November 10, 1980	12P90	July 16, 1990	19P96	November 25, 1996
1P81	January 19, 1981	15P90	November 19, 1990	21P96	February 13, 1997
8P81	April 6, 1981	2P91	March 18, 1991	23P96	March 24, 1998
18P81	November 16, 1981	20P91	October 7, 1991	2P97	February 20, 1997
20P81	December 7, 1981	21P91	October 15, 1991	8P97	April 23, 1997
7P82	March 16, 1982	8P92	June 15, 1992	9P97	April 21, 1997
8P82	April 19, 1982	14P92	September 14, 1992	12P97	June 24, 1997
12P82	June 14, 1982	16P92	November 9, 1992	17P97	June 24, 1997
18P82	September 7, 1982	4P93	September 20, 1993	20P97	July 28, 1997
19P82	December 6, 1982	8P93	December 13, 1993	26P97	July 28, 1997
5P83	June 15, 1983	9P93	May 10, 1993	4P98	May 15, 1998
7P83	May 30, 1983	2P94	January 10, 1994	8P98	June 25, 1998
11P83	May 30, 1983	7P94	April 18, 1994	11P98	May 15, 1998
13P83	June 13, 1983	8P94	February 14, 1994	21P98	September 15, 1999
14P83	September 13, 1983	10P94	February 28, 1994	2P99	January 27, 1999
15P83	July 18, 1983	11P94	March 14, 1994	3P99	March 15, 1999
17P83	January 16, 1984	14P94	April 18, 1994	4P99	June 21, 1999
21P83	September 26, 1983	16P94	May 09, 1994	6P99	September 16, 1999
28P83	December 13, 1983	17P94	May 10, 1994	17P99	September 20, 1999
30P83	December 12, 1983	19P94	June 21, 1994	1M2000	January 24, 2000
1P84	February 13, 1984	21P94	July 18, 1994	15P2000	June 19, 2000
11P84	October 10, 1984	22P94	July 19, 1994	19P2000	July 24, 2000
14P84	October 9, 1984	23P94	July 26, 1994	27P2000	November 06, 2000
1P85	January 21, 1985	24P94	January 30, 1995	10P2001	April 09, 2001
3P85	February 11, 1985	25P94	September 20, 1994	18P2001	July 17, 2001
5P85	September 9, 1985	28P94	September 20, 1994	20P2001	July 17, 2001
13P85	September 9, 1985	30P94	February 27, 1995	25P2001	October 16, 2001
1P86	January 20, 1986	33P94	January 30, 1995	28P2001	November 21, 2001
14P86	July 21, 1986	4P95	February 17, 1995	30P2001	November 21, 2001
17P86	September 29, 1986	9P95	March 22, 1995	1P2002	January 21, 2002
13P87	June 15, 1987	11P95	March 22, 1995	2P2002	January 21, 2002
16P87	July 20, 1987	18P95	May 23, 1995	3P2002	January 21, 2002
1P88	January 18, 1988	19P95	August 2, 1995	10P2002	June 18, 2002
6P88	June 20, 1988	21P95	September 29, 1995	11P2002	June 17, 2002
8P89	March 13, 1989	24P95	November 16, 1995	6P2003	April 07, 2003
9P89	March 13, 1989	27P95	November 16, 1995	13P2003	November 20, 2003
10P89	March 13, 1989	29P95	December 20, 1995	20P2003	December 08, 2003
14P89	September 25, 1989	3P96	January 17, 1996	3P2004	January 19, 2004
16P89	June 19, 1989	4P96	February 23, 1996	10P2004	June 01, 2004
17P89	June 19, 1989	5P96	February 26, 1996	11P2005	April 18, 2005
7P90	March 19, 1990	13P96	July 29, 1996	15P2005	July 25, 2005
8P90	February 12, 1990	18P96	December 2, 1996	17P2005	September 19, 2005
				20P2005	October 13, 2005
				25P2005	June 27, 2006
				4P2007	February 25, 2007

NOTE:

- o Amending Bylaw numbers are located in the text of this document to identify that a change has occurred in a Section, Subsection or Clause. Amending Bylaws should be consulted for detailed information.
- o This document is consolidated for convenience only. The official Bylaw and all amendments thereto are available from the City Clerk and should be consulted in interpreting and applying this Bylaw.
- o Printed by the City Clerk by authority of City Council.

(c) Drinking Establishments, Restaurants-Licensed and Entertainment Establishments

4P98, 10P2004

(i) Openings

Where the facade of a drinking establishment, restaurant-licensed or entertainment establishment faces an abutting residential district or abuts a lane separating the site from a residential district, no openings except emergency exits, loading-bay doors or non-opening windows shall be allowed. 4P98, 10P2004

(ii) Entrance Location

Where a drinking establishment, restaurant-licensed or entertainment establishment has an exterior entrance, the entrance shall not be located on any building facade that faces a residential district, unless separated by a street. 4P98, 10P2004

(iii) Parking Area Screening

Where a site abuts or is separated by a lane from a residential district, parking areas shall be screened to prevent glare from motor vehicles. 4P98

(iv) Outdoor Cafe Location

(A) An outdoor cafe shall be located a minimum of 25 metres from a residential district except where: 4P98

(I) the outdoor cafe is completely separated by a building from a residential district, or 4P98

(II) the outdoor cafe is separated by a street, other than a local street, from a residential district. 4P98

(B) The floor of an outdoor cafe shall not exceed 600 millimetres above the height of the first storey floor level where the outdoor cafe is located within 100 metres of a residential district. 4P98

(v) Outdoor Cafe Speaker Systems

The use of outdoor speaker systems is prohibited. 4P98

(d) Liquor Stores

27P2004

SECTION 33 GENERAL RULES - COMMERCIAL DISTRICTS

(B) The 150 metre separation distance shall be measured from the closest point of a liquor store to the closest point of a site that contains a Public School, Separate School, or Private School.

(C) Section 33(7) (d) (ii) (A) shall not apply to sites designated as C-4 or C-5.

(iii) Parking

Section 18(1)(b) shall not apply.

(iv) Visual Screening

Where a liquor store abuts a residential district, or a local street, or a lane separating the liquor store site from a residential district; the entrance, loading facilities, parking, vehicular and pedestrian access and other activity areas of the liquor store site shall be visually screened and landscaped so as to minimize any impact on the residential district, to the satisfaction of the Approving Authority.

(8) PUBLIC AND SEPARATE SCHOOLS

Where public and separate schools were built as of the date of adoption of this Bylaw, the schools and their use by any of the uses listed in Section 51, shall be deemed to be conforming as if they were so designated by Section 51 of this Bylaw. 7P90

(9) LANDSCAPING

(a) Where a landscaped area is required, it shall be provided in accordance with the landscape plan and in conformity with the following requirements and standards:

(i) All areas of a site not covered by buildings, outside storage or parking areas shall be landscaped. 11P94

(ii) Where required private outdoor amenity space for dwelling units is provided within a required minimum landscaped area, it shall be considered as satisfying both requirements.

(iii) Existing soft landscaping retained on a site may be considered in fulfillment of the total landscaping requirement.

(iv) Except for City boulevards, trees shall be planted in the overall minimum ratio of one tree per 35 square metres of landscaped area provided.

(v) The quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development.

(vi) All areas of soft landscaping shall be provided with an underground sprinkler irrigation system or other adequate means of irrigation.

(vii) In addition to all other landscaping requirements, all City boulevards adjoining the site shall be landscaped.

(b) Soft landscaping shall be provided as follows:

(i) All plant materials shall be of a species capable of healthy growth in Calgary and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock.

(ii) The mixture of tree sizes at the time of planting shall be equivalent to a minimum of 50 percent larger trees.

- (ii) The floor of an outdoor cafe shall not exceed 600 millimetres above the height of the first storey floor level where the outdoor cafe is located within 100 metres of a residential district.

(e) Outdoor Cafe Speaker Systems

The use of outdoor speaker systems is prohibited.

(6.2) LIQUOR STORES

27P2000, 13P2003

(i) Separation Distance Between Liquor Stores

- (A) No liquor store shall be located closer than 300 metres to any other liquor store.

- (B) The 300 metre separation distance shall be measured from the closest point of a liquor store to the closest point of another liquor store.

- (C) *deleted* 3P2004

(ii) Separation Distance to Schools

- (A) No liquor store shall be located closer than 150 metres to a site that contains a Public School, Separate School, or Private School.

- (B) The 150 metre separation distance shall be measured from the closest point of a liquor store to the closest point of a site that contains a Public School, Separate School, or Private School.

- (C) *deleted* 3P2004

(iii) Parking

Section 18(1)(b) shall not apply.

(iv) Visual Screening

Where a liquor store abuts a residential district, or a local street, or a lane separating the liquor store site from a residential district; the entrance, loading facilities, parking, vehicular and pedestrian access and other activity areas of the liquor store site shall be visually screened and landscaped so as to minimize any impact on the residential district, to the satisfaction of the Approving Authority.

(7) PUBLIC AND SEPARATE SCHOOLS

Where public and separate schools were built as of the date of adoption of this Bylaw, the schools and their use by any of the uses listed in Section 51, shall be deemed to be conforming as if they were so designated by Section 51 of this Bylaw. 7P90

(8) LANDSCAPING

- (a) Where a landscaped area is required, it shall be provided in accordance with a landscape plan and in conformity with the following requirements and standards:

- (i) Existing soft landscaping retained on a site may be considered in fulfillment of the total landscaping requirement.

- (ii) Except for City boulevards, trees shall be planted in the overall minimum ratio of one tree per 45 square metres of landscaped area provided.

BYLAW NO.13P2003

BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE CITY OF CALGARY LAND
USE BYLAW 2P80

WHEREAS it is desirable to amend The City of Calgary Land Use Bylaw Number 2P80;

AND WHEREAS Council has held a public hearing as required by Section 692 of the Municipal Government Act, R.S.A. 2000, c.M-26, as amended;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS
AS FOLLOWS:**

1. The City of Calgary Land Use Bylaw Number 2P80 is hereby amended.
2. Section 33(7) is amended by deleting Section 33(7)(d) and substituting the following therefor:
 - (d) Liquor Stores
 - (i) Separation Distance Between Liquor Stores
 - (A) No liquor store shall be located closer than 300 metres to any other liquor store.
 - (B) The 300 metre separation distance shall be measured from the closest point of a liquor store to the closest point of another liquor store.
 - (C) Section 33(7) (d) (i) (A) shall not apply to sites designated as C-4 or C-5.
 - (ii) Separation Distance to Schools
 - (A) No liquor store shall be located closer than 150 metres to a site that contains a Public School, Separate School, or Private School.
 - (B) The 150 metre separation distance shall be measured from the closest point of a liquor store to the closest point of a site that contains a Public School, Separate School, or Private School.
 - (C) Section 33(7) (d) (ii) (A) shall not apply to sites designated as C-4 or C-5.

(iii) Parking

Section 18(1)(b) shall not apply.

(iv) Visual Screening

Where a liquor store abuts a residential district, or a local street, or a lane separating the liquor store site from a residential district; the entrance, loading facilities, parking, vehicular and pedestrian access and other activity areas of the liquor store site shall be visually screened and landscaped so as to minimize any impact on the residential district, to the satisfaction of the Approving Authority.

3. Section 43 is amended by deleting Section 43(6.2) and substituting the following therefor:

(6.2) LIQUOR STORES

(i) Separation Distance Between Liquor Stores

- (A) No liquor store shall be located closer than 300 metres to any other liquor store.
- (B) The 300 metre separation distance shall be measured from the closest point of a liquor store to the closest point of another liquor store.
- (C) Section 43(6.2) (i) (A) shall not apply to sites designated as C-4 and C-5.

(ii) Separation Distance to Schools

- (A) No liquor store shall be located closer than 150 metres to a site that contains a Public School, Separate School, or Private School.
- (B) The 150 metre separation distance shall be measured from the closest point of a liquor store to the closest point of a site that contains a Public School, Separate School, or Private School.
- (C) Section 43(6.2) (ii) (A) shall not apply to sites designated as C-4 and C-5.

(iii) Parking

Section 18(1)(b) shall not apply.

BYLAW NUMBER 13P2003

(iv) Visual Screening

Where a liquor store abuts a residential district, or a local street, or a lane separating the liquor store site from a residential district; the entrance, loading facilities, parking, vehicular and pedestrian access and other activity areas of the liquor store site shall be visually screened and landscaped so as to minimize any impact on the residential district, to the satisfaction of the Approving Authority.

4. Section 18(3) is amended by adding the following alphabetically:

USE OF BUILDING OR SITE SPACES	MINIMUM NUMBER OF LOADING
Liquor Stores	1 loading space per store.

5. This Bylaw shall come into force on the date it is passed.

READ A FIRST TIME THIS 3rd DAY OF NOVEMBER, 2003.

READ A SECOND TIME, AS AMENDED, THIS 3rd DAY OF NOVEMBER, 2003.

READ A THIRD TIME, AS AMENDED, THIS 3rd DAY OF NOVEMBER, 2003.



MAYOR

DATED THIS 20th DAY OF NOVEMBER, 2003.



DEPUTY CITY CLERK

BYLAW NO. 27P2000

**BEING A BYLAW OF THE CITY OF CALGARY TO
AMEND THE CITY OF CALGARY LAND USE BYLAW 2P80**

WHEREAS it is desirable to amend The City of Calgary Land Use Bylaw
Number 2P80;

AND WHEREAS Council has held a public hearing as required by Section 692 of
the Municipal Government Act, S.A. 1994, c.M-26.1, as amended;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS
AS FOLLOWS:**

1. The City of Calgary Land Use Bylaw Number 2P80 is hereby amended:

5. This Bylaw shall come into force on the date it is passed.

READ A FIRST TIME THIS 06TH DAY OF NOVEMBER, 2000.

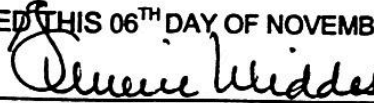
READ A SECOND TIME THIS 06TH DAY OF NOVEMBER, 2000.

READ A THIRD TIME THIS 06TH DAY OF NOVEMBER, 2000.



MAYOR

DATED THIS 06TH DAY OF NOVEMBER, 2000.



DEPUTY CITY CLERK

REPORT TO THE CALGARY PLANNING COMMISSION

MISCELLANEOUS 9609- 9610	ITEM NO:	M-2000-035
	CPC DATE:	2000 October 04
	COUNCIL DATE:	2000 November 06
	BYLAW NO.	27P2000

LIQUOR STORES

RECOMMENDATION:

CALGARY PLANNING COMMISSION RECOMMENDATION TO COUNCIL:

1. The Calgary Planning Commission recommended that Council:
 - a. **APPROVE** the proposed amendments to the Land Use Bylaw 2P80 with respect to liquor stores, as set out in Appendix III, in accordance with the Planning & Transportation Policy Business Unit recommendation as amended in motions 3 and 4; and
 - b. Give three readings to the proposed Bylaw as amended.
2. The Calgary Planning Commission **APPROVED** the "General Criteria for Liquor Stores", as set out in Appendix IV, to replace the "Issues to be Addressed in Processing Discretionary Development Permit Applications for Liquor Stores", as set out in Appendix I, and forward to City Council for information.

Moved by: J. Lord **Carried: 10-0**
3. Appendix III, Page 1, 2. Section 33(7), (d) Liquor Stores, be amended by the deletion of the words, "the location of", after the words, "residential district,;" and by the addition of the words, "located so as to minimize any impact on the residential district", after the words, " landscaping shall be; and
4. Appendix III, Page 1, 3. Section 35(5), (6.2) Liquor Stores, be amended by the deletion of the words, "the location of", after the words, "residential district,;" and by the addition of the words, "located so as to minimize any impact on the residential district", after the words, " landscaping shall be; and

Moved by: R. Parker **Carried: 10-0**

5. Appendix IV, Page 1, 1. Location in Relation to Existing Liquor Stores, be amended by the deletion of the figure, "150", after the words, "is within", and by the substitution therefor of the figure, "300";

Moved by: D. Bronconnier

Carried: 7-3

Opposed: J. Lord, B. Holmes, R. Parker

6. Appendix IV, Page 1, 2. Location Characteristics, be amended by the deletion of the words, "public or separate high", after the words, "an existing".

Moved by: D. Bronconnier

Carried: 9-1

Opposed: R. Parker

PROPOSAL:

Response to City Council direction regarding liquor store development in C-1 and C-1A districts and consideration of "proliferation" as a criteria for the evaluation of liquor store developments.

ISSUE:

On 2000 April 17, City Council considered a CPC report and recommendations from the Standing Policy Committee (S.P.C.) on Operations and Environment on liquor store development, and the following motion was passed:

- "1. That the Recommendation contained in the Report to Calgary Planning Commission OE2000-12, (CPS2000-15) C.P.C. Report, Liquor Store Impacts on Residential Communities, be filed.
2. That Administration be directed to amend the Land Use Bylaw to restrict liquor stores in the C-1 and C-1A areas for consideration at the Regular Combined Council Meeting of 2000 November 06 or sooner.
3. That Administration be directed to review the possibilities of including rules in the Land Use Bylaw regarding separations or proliferation with respect to liquor stores.

Motion Arising:

Moved by ALDERMAN JONES, SECONDED BY ALDERMAN ERSKINE, that with respect to Calgary Planning Commission Referred Report OE2000-12, the Administration be directed to consult with the public, through various means, for a report back to Council."

BACKGROUND AND HISTORY:

In July 1999, City Council passed a resolution requesting the Planning & Building Department to provide a report on the impacts of liquor store development on residential communities. A report was prepared for consideration by the Calgary Planning Commission at its 2000 January 12 meeting. The CPC approved the recommendation that City Council receive the report for information.

At its 2000 February 14 meeting, City Council referred the report to the S.P.C. on Community and Protective Services. At the 2000 March 15 meeting of the S.P.C. on Community and Protection Services, the report was referred to the S.P.C. on Operations and Environment.

The report was presented and discussed at the 2000 April 05 meeting of the S.P.C. on Operations and Environment with recommendations to Council regarding liquor store development in C-1 and C-1A sties and regarding proliferation of liquor stores. The committee recommendations were considered by City Council at its 2000 April 17 meeting and, with revisions, were adopted by motion.

In response to this direction, Planning & Transportation Policy has comprehensively reviewed the existing CPC criteria for the evaluation of liquor store development permits and reviewed the Land Use Bylaw to incorporate amendments requested by Council. Meetings have been held with representatives of the Federation of Calgary Communities (FCC), Inner City Coalition (ICC), the Calgary Board of Education, Business License Division staff, the Alberta Liquor Store Association and issues discussed with Alberta Gaming and Liquor Commissions staff. Draft proposals were circulated and discussed with representatives of the FCC, ICC, the Calgary Board of Education and Calgary Separate School Board.

DISCUSSION AND ANALYSIS:

The Land Use Bylaw 2P80 does not restrict liquor stores in the C-1 and C-1A districts or contain provisions regarding proliferation of liquor stores. The existing guidelines for evaluating liquor stores entitled "Issues to be Addressed in Processing Discretionary Development Permit Applications for Liquor Stores" are used in conjunction with the Land Use Bylaw in the review of liquor store development permit applications. These guidelines (Appendix I) were adopted by the Calgary Planning Commission in 1993 and have been received by Council for information.

The following summarizes issues related to the direction of Council regarding liquor stores in the C-1 and C-1A Districts and proliferation of liquor stores. Proposed amendments are discussed later in the report.

C-1 and C-1A Local Commercial Districts

In 2000 July, there were 205 liquor stores in Calgary. Of these stores, 20 were located on sites designated C-1 and 16 were located on sites designated C-1A. The 36 liquor stores in the C-1/C-1A Districts represent 17.6 percent of the total number of liquor stores in Calgary. There are 33 liquor stores (16.10 percent) in the C-3 District. A total of 104 liquor stores (50 percent) are located in Direct Control (DC) Districts. The DC Districts vary in size, location and specific

rules for development. Amendments to the Land Use Bylaw will not affect sites currently designated Direct Control. The distribution of liquor stores by land use district is summarized in Appendix II.

The purpose statement for the C-1 and C-1A Local Commercial Districts states that the intent of the district is to provide for uses "... which do not rely on patronage from beyond the immediate neighbourhoods". As such, consideration can be given to characteristics of a proposed development which would not be in keeping with the local commercial purpose of the district. Traffic and activity levels of proposed liquor stores in local commercial sites have been raised as a concern, particularly where such sites are internal to a neighbourhood. In response to this issue and Council's direction, it is proposed that liquor stores be restricted to those C-1 and C-1A sites on the periphery of neighbourhoods. The amendment is discussed further in the Proposed Amendment section of this report.

General Rules for Commercial and Industrial Districts

It is proposed that the Land Use Bylaw be amended to include direction regarding interface of liquor stores with residential areas. The proposed amendment addresses the location of activity areas and screening and landscaping where a liquor store abuts a residential district. The rule would apply not only to C-1 and C-1A sites but all other commercial and industrial districts where liquor stores may be located adjacent to residential development. The amendment is further discussed in the Proposed Amendment section of the report.

Proliferation of Liquor Stores

The motion of Council directs the Administration to "... review the possibilities of including rules in the Land Use Bylaw regarding separations or proliferation with respect to liquor stores." The number of facilities of a particular type in an area and their distribution may be used as a guide in reviewing a development permit for a discretionary use. Such consideration must address planning-related impacts of the use such as traffic, parking and noise. A community may be well served by the number of facility of a particular type in the area and as such, the number of facilities can be considered in development permit decisions.

An amendment to the Land Use Bylaw is not required to establish authority to consider a concentration or proliferation of a use; however, it is proposed that a new guideline be included in the liquor store development permit review criteria to establish a radius within which additional liquor stores should be more closely reviewed to consider any cumulative impacts of the facilities on the adjacent area. This is further discussed in the Proposed Amendments section of this report.

As previously noted, proliferation criteria would apply to proposed liquor stores in districts where liquor stores are listed as a Discretionary Use. Liquor stores are a Permitted Use in an approved sector (community) shopping centre building within a C-5 Shopping Centre Commercial District and as such any provisions regarding proliferation would not apply to such developments.

PROPOSED AMENDMENTS:

The following outlines amendments proposed to the Land Use Bylaw and guidelines for liquor store development. The proposed amendments are grouped under "Land Use Bylaw" and "General Criteria for Liquor Stores" and are attached as Appendix II and III respectively to this report.

A. Land Use Bylaw**General Rules for Commercial and Industrial Districts**

The proposed addition to the Special Site Requirements of the General Rules for Commercial Districts and the General Rules for Industrial Districts would apply to liquor stores in any commercial or industrial district on a site adjacent to a residential district. The rule directs consideration of the location of entrances, loading facilities parking, activity areas, screening and landscaping where there is such an interface with residential development. The proposed amendments are as follows:

33 General Rules for Commercial Districts*(7)(d) Liquor Stores**

- (i) *where a liquor store abuts a residential district or a local street or a lane separating the site from a residential district, the location of the entrance, loading facilities, parking, vehicular and pedestrian access and other activity areas, visual screening and landscaping shall be to the satisfaction of the Approving Authority."*

This wording is also proposed to be included as a new subsection "(6.2) Liquor Stores" within Section 43 General Rules for Industrial Districts.

C-1 and C-1A Local Commercial District

In order to address City Council's direction to "restrict" liquor stores in the C-1 / C-1A districts, it is proposed to limit liquor stores to those C-1 / C-1A sites with frontage on primary collector or major streets. This is intended to encourage such uses to locate on the periphery of neighbourhoods and minimize liquor store traffic on internal streets. The proposed amendment is as follows:

35(5)(g.1) Special Site Requirements**Liquor Store Location***

A liquor store shall only be located on a site with frontage on a major street or primary collector."

B. General Criteria for Liquor Stores Amendments

Liquor store development must take into account a list of issues adopted by the Calgary Planning Commission in 1993.

The existing list of issues (Appendix I) was intended for interim use and was to be revised following a period of experience with liquor store development. It is proposed that the list be revised from a series of questions to a guideline format and that it be updated to reflect current practices and provide further direction than the original list.

The following includes the individual criteria proposed for evaluation of liquor stores and a brief discussion of each item.

(1) Location in Relation to Existing Liquor Stores

To address the direction of Council regarding proliferation of liquor stores, it is proposed to add a guideline containing a specific distance (150 metres) within which additional liquor stores and their combined impacts should be considered as part of the development review process. This provision allows for additional scrutiny of cumulative impacts without imposing a rigid separation distance. The proposed guideline is as follows:

"Where a proposed liquor store is within 150 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) Location Characteristics

This provision of the guidelines contains direction regarding the consideration of land use characteristics in the immediate vicinity of a proposed liquor store, including uses which may be impacted by a liquor store. Additional consideration is proposed where a high school would be within a 150-metres (approximately one block) radius of a proposed store. The proposed guideline is as follows:

"(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 proposed liquor store is within 150 metres radial distance of an existing public or separate high school, potential impacts of the liquor store on the school must be considered in evaluating the application."

(3) Parking

The current list of issues references a specific parking standard for liquor stores (8 stalls per 93 square metres). This reference is incomplete since there are varied parking requirements depending on such factors as site size, type of shopping centre and location. The standards are clearly set out in the Land Use Bylaw and do not need to be repeated as a guideline. The list of issues also seeks information on whether all parking will be located on site. The bylaw allows for alternate parking off-site where certain criteria are met. The proposed guideline clarifies that alternate sites should not be used for liquor store parking. The proposed guideline is as follows:

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

(4) Loading

The loading component of the guidelines has been divided into two parts. The first part deals with the adequacy of the site to accommodate on-site loading and manoeuvring. The second deals with minimizing impacts of loading on adjacent uses and other uses on the same site.

The proposed guideline is as follows:

"(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

Reference to Crime Prevention Through Environmental Design (CPTED) considerations has been added to recognize current development permit review practice and emphasize consideration of CPTED principles in liquor store development permit reviews. The proposed guideline is as follows:

"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

The current list of issues directs bottle return activities to liquor stores within districts that allow "bottle return depots" (C-5, C-6 and I-2). This direction has been retained with a proposed modification to reflect Provincial legislation that allows liquor stores to accept certain used beverage containers. Provision for

such service would be limited to a minor accessory function within liquor stores and provide for limited bottle return functions at stores in a broader range of districts. A related guideline is proposed to restrict outside storage of empty containers and ensure that they are adequately screened where outside storage is allowed. The proposed guidelines are as follows:

- "(a) *A liquor store may accept empty beverage containers where the liquor store is within a Land Use District that includes bottle return depots as a use or if the beverage container collection component of the liquor store operation is a minor accessory use.*
- (b) *All empty beverage containers must be stored indoors unless otherwise allowed in the Land Use District and the outside storage and related screening are acceptable to the Approving Authority."*
- (7) **Sale of Liquor Related Products**

The guideline regarding the sale of liquor related products is intended to reflect Provincial legislation. The principal use must be liquor sales, in accordance with Provincial licensing policy with allowance for a limited range of liquor-related items to be available in the store. The proposed guideline is as follows:

"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."

Miscellaneous

Reference in the current list of issues to an "Approval in Principle" letter from Provincial licensing authorities is no longer required due to changes in Provincial procedure and has not been included in the proposed guidelines.

Reference to store size in Local Commercial Shopping Centres and traffic being drawn into communities has been removed as the proposed amendment to the Land Use Bylaw requires any C-1 / C-1A liquor store development to be situated on higher capacity roads generally on the periphery of neighbourhoods. As such, traffic would not be drawn into neighbourhoods and a store size restriction to reduce traffic in a neighbourhood is not necessary.

Consideration was given to the issue of hours of operation for liquor stores. Provincial legislation provides for maximum hours from 10:00 a.m. to 2:00 a.m. While hours of operation have been an area of concern in a number of development appeals, the hours are a matter of Provincial jurisdiction and, as such, the City cannot legislate the hours of operation of liquor stores.

At this writing, responses to the proposed Land Use Bylaw amendments and revised guidelines have been received from the FCC, ICC and Calgary Separate School Board. The responses are attached in Appendix V.

SUMMARY AND CONCLUSION:

The proposed amendments to the Land Use Bylaw, General Rules for Commercial and Industrial Districts and the C-1 and C-1A Districts provide for increased consideration of possible off-site impacts of liquor stores on adjacent residential areas. The proposed General Criteria for Liquor Stores expand and update the current list of issues used in evaluating applications for liquor store development.

The proposed amendments provide for consideration of possible impacts of a concentration of liquor stores and provide more effective guidelines for the evaluation of potential impacts of liquor stores on adjacent uses, including other commercial uses.

The recommendation is in two parts as follows:

1. Amendments to the Land Use Bylaw for adoption by City Council.
2. Approval of new guidelines as contained in the proposed "General Criteria for Liquor Stores" to be adopted by the Calgary Planning Commission as direction regarding consideration of liquor store development permits.

PLANNING & TRANSPORTATION POLICY BUSINESS UNIT RECOMMENDATION:

APPROVAL

1. Recommend that City Council APPROVE, by bylaw, the amendments to the Land Use Bylaw 2P80 with respect to liquor stores, as set out in Appendix III of this report.
2. Recommend that the Calgary Planning Commission APPROVE, by resolution, the "General Criteria for Liquor Stores", as set out in Appendix IV of this report to replace the "Issues to be Addressed in Processing Discretionary Development Permit Applications for Liquor Stores" as set out in Appendix I of this report and forwarded to City Council for information.

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Issues to be Addressed in Processing Discretionary Development Permit Applications for Liquor Stores

In its capacity as Approving Authority, the Calgary Planning Commission directs the Planning and Building Department to take in to 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. Parking-- does the store meet the 8 stalls per 93 square meter standard?
2. Is all the parking provided on the site?
3. Is loading and delivery handled in a manner compatible with adjacent uses?
4. Does the proposed store contain any bottle exchange service? If so, is it in the Land Use District that allows bottle depots?
5. With respect to proposals in Local Commercial Shopping Centres, is the liquor store of a size that is
 - a) too large for a neighbourhood/local commercial use
 - b) likely to draw significant traffic from beyond the immediate community area?
6. Is the non-alcohol sales area clearly accessory and restricted to alcoholic sales-type items?
7. Are there existing liquor outlets in the immediate vicinity?
8. Do we have a copy of "Approval in Principle" letter from Alberta Liquor Control Board?
9. Are there any characteristics about the proposed location that would warrant additional consideration, i.e. schools?

(Source: Attachment to M-93-032 Calgary Planning Commission Report Nov. 3, 1993)

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LICENSED LIQUOR STORES *

Land Use District	Number of Liquor Stores	Percentage of Total Liquor Stores
C-1	20	9.76%
C-1A	16	7.80%
C-2	4	1.95%
C-3	33	16.10%
C-5	4	1.95%
C-6	7	3.41%
CM-2	3	1.46%
DC	104	50.73%
I-2	10	4.88%
PS	4	1.95%

* July 2000

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Proposed Amendments to the Land Use Bylaw 2P80

1. The following amendments are proposed to Bylaw 2P80.
2. Section 33(7) is amended by the addition of the following:

"(d) Liquor Stores

Where a liquor store abuts a residential district or a local street or a lane separating the site from a residential district, the location of the entrance, loading facilities, parking, vehicular and pedestrian access and other activity areas, visual screening and landscaping shall be to the satisfaction of the Approving Authority."

3. Section 43 is amended by the addition of the following:

"(6.2) Liquor Stores

Where a liquor store abuts a residential district or a local street or a lane separating the site from a residential district, the location of the entrance, loading facilities, parking, vehicular and pedestrian access and other activity areas, visual screening and landscaping shall be to the satisfaction of the Approving Authority."

4. Section 35(5) is amended by the addition of the following:

"(g.1) Special Site Requirements

Liquor Store Location

A liquor store shall only be located on a site with frontage on a major street or primary collector."

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GENERAL CRITERIA FOR LIQUOR STORES

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 150 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. Location 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 proposed liquor store is within 150 metres radial distance of an existing public or separate high 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.

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6. Beverage Container Collection

- (a) A liquor store may accept empty beverage containers where the liquor store is within a Land Use District that includes bottle return depots as a use or if the beverage container collection component of the liquor store operation is a minor accessory use.
- (b) All empty beverage containers must be stored indoors unless otherwise allowed in the Land Use District and the outside storage and related screening are acceptable to the Approving authority.

7. Sale of Liquor Related Products

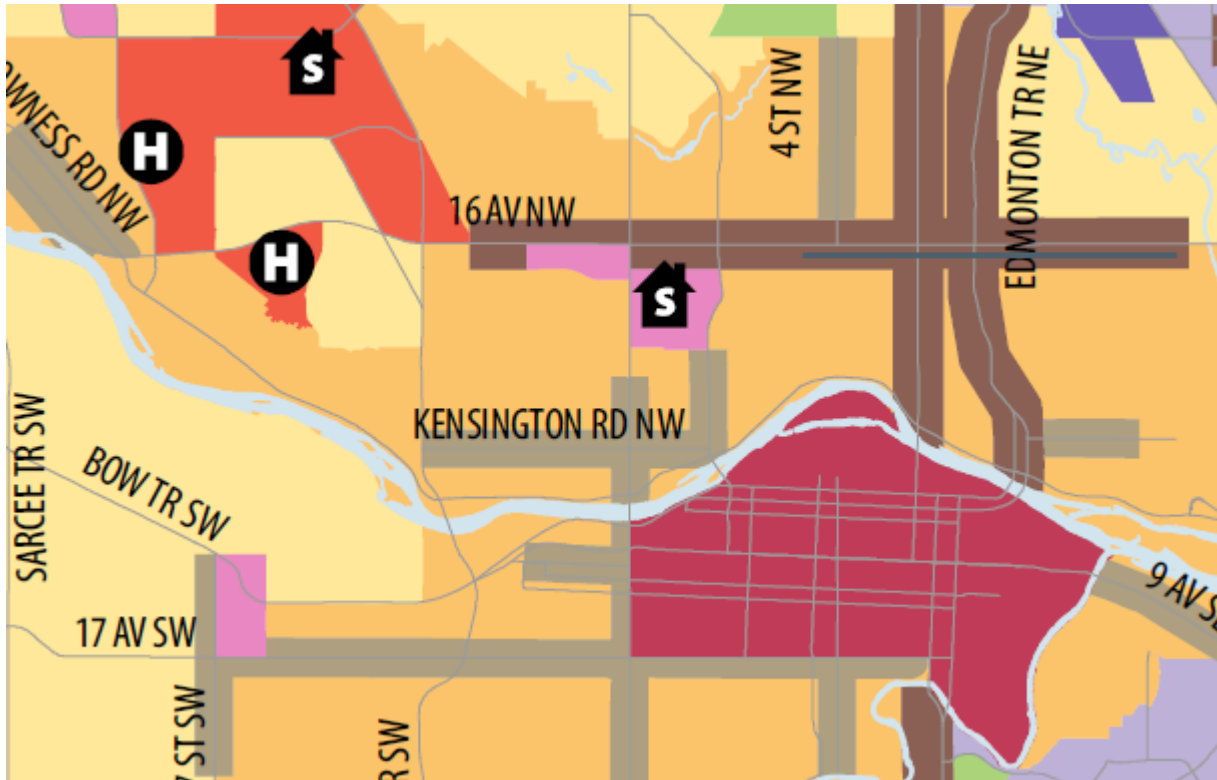
The sale of liquor related products such as soft drinks, mixes, glassware, corkscrews and liquor related books and magazines may be allowed where the items to be sold and the amount sold comply with Gaming and Liquor Act requirements and the sales area for such complementary items is consistent with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

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APPENDIX C

Excerpts Municipal Development Plan

MAP 1 Urban Structure



Urban Structure

(By Land Use Typology)

Activity Centres

- Greater Downtown
- Major Activity Centre
- Community Activity Centre

Main Streets

- Urban Main Street
- Neighbourhood Main Street

Developed Residential

- Inner City
- Established

Developing Residential

- Planned Greenfield with Area Structure Plan (ASP)
- Future Greenfield

4.1 Retail

Retail development serves numerous purposes. It provides local and regional goods and services, supports employment areas, provides employment, contributes to the health and vitality of the local economy and provides opportunities to integrate transit into the design of concentrated centres of activity. Retail developments also play a special role in providing publicly accessible spaces and in shaping unique public gathering destinations across the city. These combined factors suggest there is a significant public interest in the location and urban design of retail development.

4.1.1 RETAIL STRUCTURE

The retail landscape in Calgary has evolved over the years to include a wide variety of locations and scales. There are older patterns of development that have formed over many decades, and there are patterns and retail formats that have emerged more recently. Providing direction for this diversity of retail requires an approach that respects the current retail landscape as well as the desire to ensure that future retail developments are better aligned with the overall integrated land use and transportation strategies of the MDP.

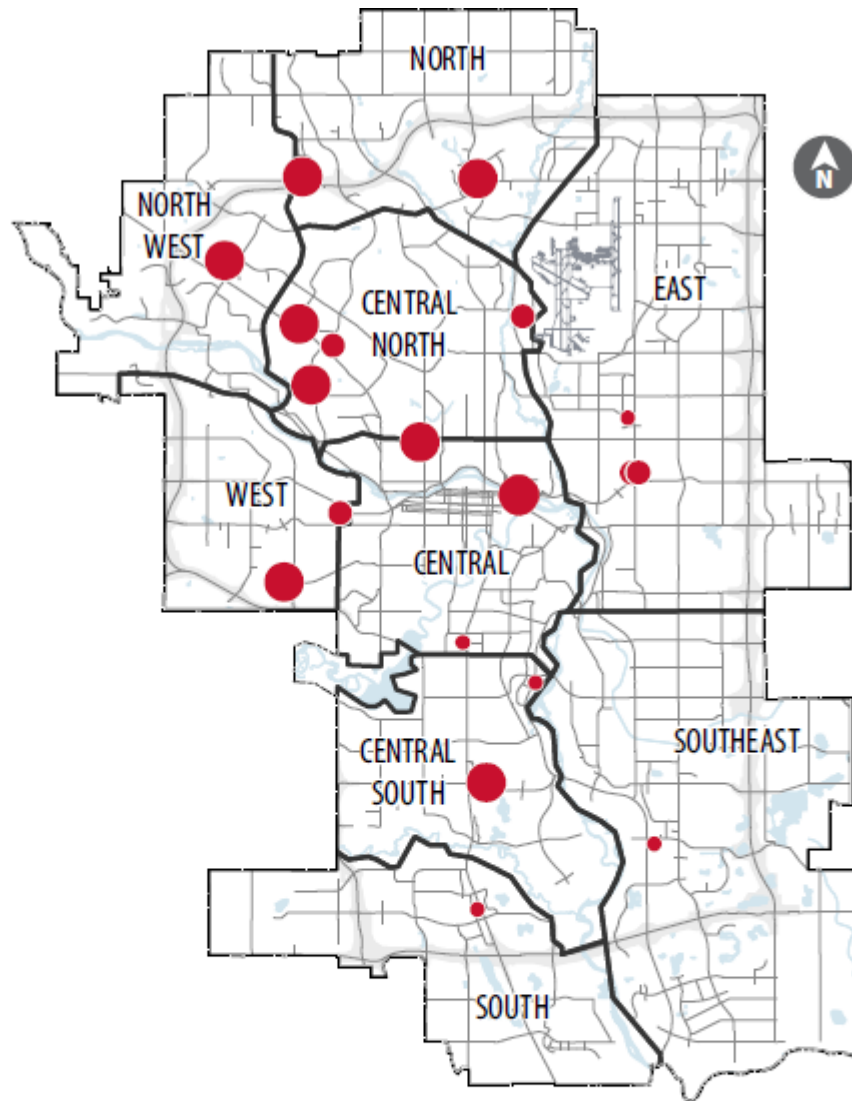
The retail structure emphasizes the role and function of the various retail scales and their importance in providing retail service at the local and city-wide level. This categorization places less emphasis on the built form, which is often subject to shorter term, trend based designs. By utilizing this approach, it is simpler to categorize and monitor changes in retail over time. It also provides a framework for planning future retail developments in Calgary.

Policies

- a. Retail development is categorized into six groups that define its role and function within Calgary. The size of the retail centre should not be defined by an individual retail development, but rather by all retail developments within the immediate vicinity. The six retail categories are:
 - i. Regional
 - A. Super Regional Retail Centre
 - B. Regional Retail Centre 1
 - C. Regional Retail Centre 2
 - ii. Local
 - A. Community Retail Centre 1
 - B. Community Retail Centre 2
 - C. Neighbourhood Retail Centre

The nine retail sectors (see Figure 4-1) should be used to monitor the distribution of retail throughout the city.

Within each of the nine retail sectors, the distribution between Regional and Local retail should be approximately 45 per cent Regional and 55 per cent Local within each of the nine retail sectors (see Figure 4-1).



Legend

Existing Regional Retail Distribution, by Type

- Super Regional Retail Centre
- Regional Retail Centre 1
- Regional Retail Centre 2

Retail Sector Boundary

Transportation/Utility Corridor

City Limits

Figure 4-1: Calgary retail sectors and regional retail distribution, by type

4.1.2 RETAIL CATEGORIES

The following table provides the framework for retail categories to determine the appropriate type and distribution of retail:

Retail Centre Category	Approximate Size (sq. m.)	Location Criteria	Suggested Proportion of Retail In Sector (percent)
Super Regional Retail	Larger than 93,000	Key city gateway locations	20
Regional Retail 1	46,500 to 93,000	Serving a retail sector	20
Regional Retail 2	9,300 to 46,500	Serving a retail sector	5
Community Retail 1	Approx. 9,300	Serving multiple communities	20
Community Retail 2	Less than 9,300	Serving one or more communities	20
Neighbourhood Retail	Less than 1,900	Serving a sub-area of a community	15

Table 4-1: Framework for retail categories

Policies

City-wide retail

- a. Redevelopment, improvements and expansion of existing retail areas should be a priority.
- b. The creation of new or the redevelopment of existing community and neighbourhood retail centres to serve community needs should be a priority.
- c. The city should strive to achieve an appropriate mix of retail types within each of the nine retail sectors (see Table 4-1: Framework for retail categories).
- d. A retail area should conform to the policies of the relevant typology area, as defined in Part 3-Typologies for Calgary's future urban structure.
- e. Create and retain viable local retail and mixed-use areas that encourage business creation, residential development and community services; while maintaining compatibility with the neighbourhood oriented character of the retail.
- f. Support the development and maintenance of areas with a wide range of character and function that provide for the employment, service, retail and housing needs of Calgary's existing and future population.
- g. Support comprehensively planned retail developments at all scales to provide for high quality public systems (e.g., sidewalks, pathways, open spaces) and designed to allow for intensification to accommodate residential uses.
- h. Facilitate the development of retail areas within communities, by providing:
 - i. A full mix of uses to be developed over time.
 - ii. Active ground floor uses.
 - iii. Conveniently located, safe and accessible pedestrian linkages that connect retail entrances with internal and public pedestrian networks and transit stops.
 - iv. Enhanced public realm pedestrian linkages and gathering spaces on site.

Established retail areas

- i. Retail should be included as part of the mixed-use at Activity Centres and along Main Streets.
- j. Redevelopment of older shopping centres and commercial strips should include mixed use developments that create greater residential and employment variety while retaining a retail function.

Greenfield retail areas

- k. Regional retail centres should be identified through a regional context study (RCS) process or in absence of an RCS, the Area Structure Plan (ASP) process may be considered. The location, scale and size of these sites will further be refined through a subsequent Area Structure Plan process.
- l. Regional Retail centres should provide for:
 - i. Direct on-site linkages and amenities for pedestrians.
 - ii. Reduced visual and environmental impact of large parking lots.
- m. New Regional Retail centres should be evaluated in terms of their impact on the city as a whole and their immediate surroundings, based on the following criteria:
 - i. Consistency with the growth strategy of the MDP.
 - ii. Compatibility with local area plans and the location relative to Activity Centres and Main Streets.
 - iii. The physical impact of the centre with regard to:
 - A. Integration with transit networks to serve retail centres.
 - B. The ability of the street system to handle the associated traffic volumes.
 - C. The need for other possible public expenditures.
 - D. Integration with surrounding community development.
 - E. The quality of the site development, including the landscaping, parking, access, pedestrian and vehicular circulation.
- n. The location of community and neighbourhood retail centres should be identified through the Area Structure Plan process, and located and appropriately separated from other larger retail centres to support viability of the local retail. As a general guide, local retail developments should be:
 - i. Located to support integrated residential development, or to serve adjacent higher density residential areas of the community.
 - ii. Supported by a convenient pedestrian network that provides direct access to the retail site.
- o. Retail sites should be planned around transit stops or stations and should provide good accessibility by a variety of modes to provide connections to surrounding neighbourhoods and developments.

APPENDIX D

Main Streets Initiative

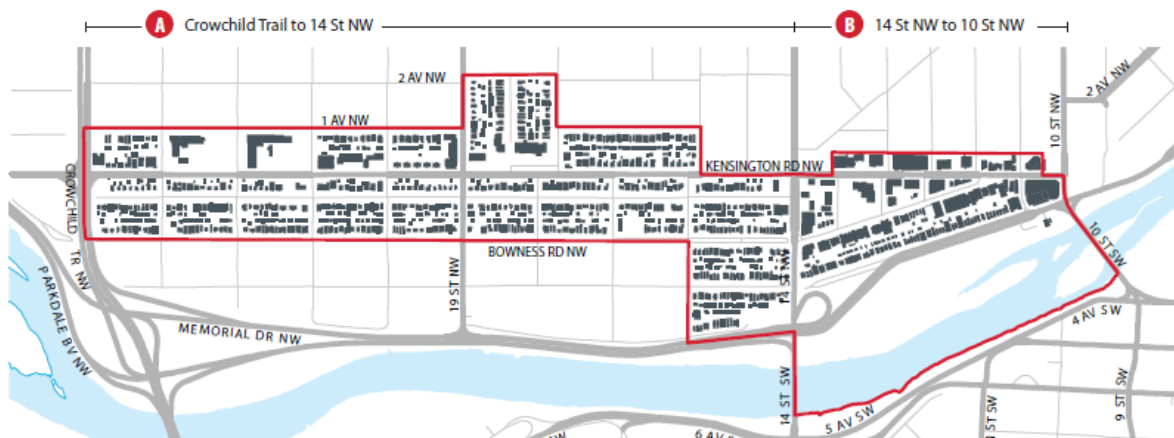
Main Streets Implementation Plan April 2018

Kensington Road NW **now**

The Kensington Road NW main street stretches from Crowchild Trail to 10 Street NW through one of Calgary's oldest communities, West Hillhurst.

West Hillhurst was annexed by the City in 1907. The area saw significant housing development after the Second World War. Once part of Calgary's streetcar system,

Kensington Road is now home to many well established businesses and unique shops, and has become a destination for both local residents and visitors. The population in West Hillhurst has increased slightly in the past few years and is anticipated to grow more as the community accommodates new commercial and residential developments.



24 | The Main Streets Initiative What we've learned

Map Source: City Website The Main Streets Initiative

Neighbourhood Main Streets Study Area

19 Street NW is part of this Study Area



CITY OF CALGARY MAIN STREETS

The site is located along the Kensington Road NW Main Street Study Area. Main Streets are Municipal Development Plan (MDP) identified active corridors important to Calgary's long-term growth, with access to transportation options, infrastructure and amenities that make these areas great places to live, work or visit and well-suited for growth and intensification. The MDP includes long term growth target minimums for Main Street areas.

Calgary

Main Streets implementation plan

update April 2018

SDAB2021-0076 Additional Submission





The Municipal Development Plan identifies 24 Main Street areas for strategic growth and municipal investment. Following an exploratory scoping period that focused on engagement options and scope of analysis, the Main Streets initiative was formally launched in November of 2014. In 2014 and 2015, thousands of citizens provided ideas and worked with city planners to discuss the future of their community, this, along with concentrated sessions with special interest stakeholders, refined desired outcomes.

Detailed analysis on growth trends, community desires, market demands, City of Calgary investment and existing local area planning policies was completed in 2016. This examination looked at 33 sections of the original 24 streets to better align analysis efforts with community boundaries and areas of similar context. Recommendations for implementation are based on identifying key areas for a staged approach for planning, investment and innovation.



Planning

private investment tools

The Main Street initiative focuses on implementation of policies, goals and targets contained in the Municipal Development Plan (MDP). The MDP, local area plans and the Land Use Bylaw (LUB) provide the framework for reviewing and rendering decisions on this change. Updating this framework based on best practices is a key implementation deliverable. The Developed Areas Guidebook, city initiated land use district redesignations with a variety of existing and new districts, along with amendments to local area plans, will prime the key main street areas for private investment.



Investment

public realm, public infrastructure

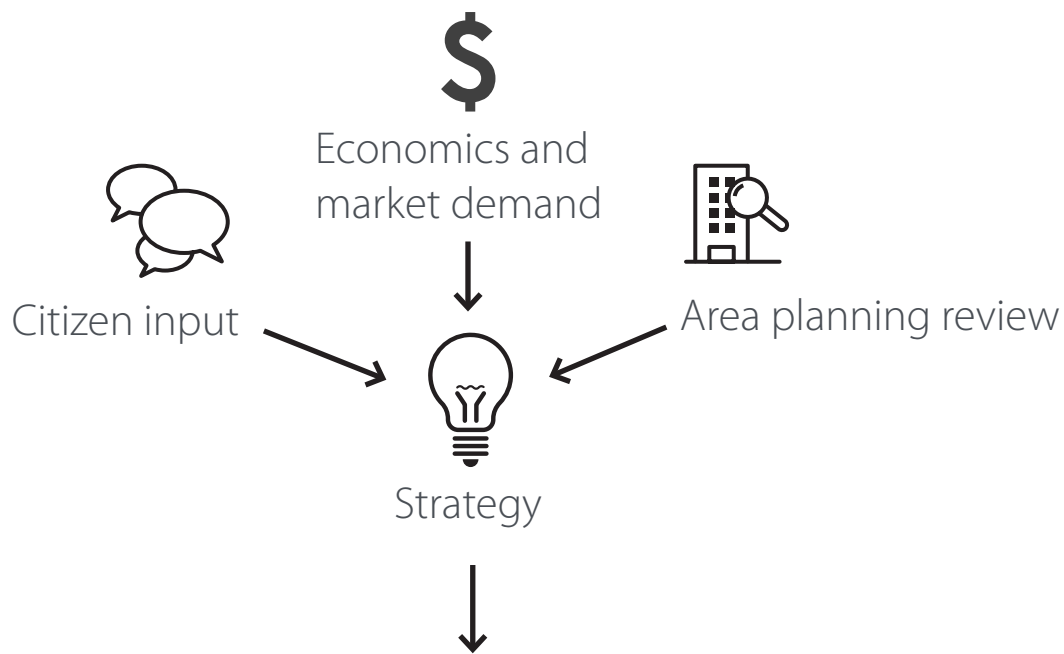
There is a strong desire from main street communities to have a safe, comfortable, high quality street and sidewalk environment that encourages all modes of mobility along the main street, with public gathering places and spaces that foster community interaction. Water infrastructure upgrades impact the cost of new construction projects. Builders and developers are looking for information regarding cost of service connections to city networks earlier in the design process.



Innovation

enabling vibrancy

Unique character, specialty retail, destinations for restaurants and entertainment are key elements that help define commercial areas along main streets. This amenity attracts new residents and further growth to the commercial area. Stakeholders are seeking new and innovative solutions to a variety of issues, including parking management, historic resource conservation, enhancement of local businesses and flexibility for retail and commercial areas to provide more events and activities to draw more people to main streets.



Implementation actions

Planning

- City initiated land use redesignations
- amendments to local area plans



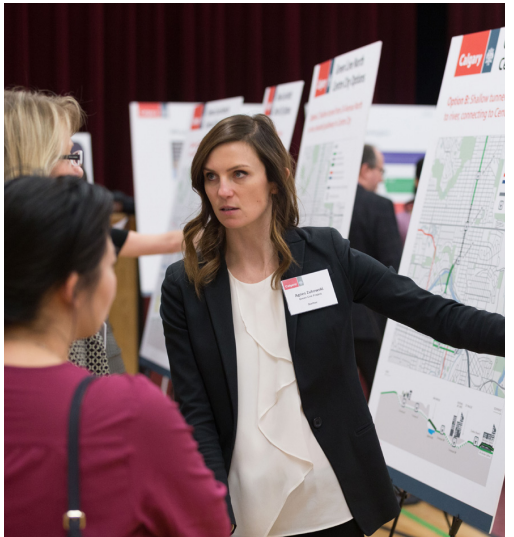
Investment

- streetscape master plans
- streetscape construction
- water service analysis
(review capacity of water, sanitary, storm networks)



Innovation

- parking management
- heritage strategy
- vitality creation





Staged implementation

The main street areas were reviewed on four primary evaluation matrixes; existing land use district capacity, planning need, redevelopment readiness and infrastructure knowledge and cost. Council approved a staged approach for implementation with PUD2016-0564 and identified 9 main street areas for an initial detailed implementation focus. Council approved the Main Streets Implementation Plan with PUD2017-0241 that included a sequence list of 33 main street areas. To accommodate city wide strategic planning goals, a new approach is required.

Updated analysis provides a list of 35 main street areas for implementation, with a group of 20 main street areas recommended for immediate and near term action (2018 to 2022). These 20 priority main streets will be prepared for private and public investment; private investment supported by an updated land use framework approved by City Council, then design and construction of a new streetscape and public realm funded by the City of Calgary. A specific sequence list of action for the priority main street areas will not be assigned, allowing flexibility to address changing corporate needs and strategic Council direction.



All 35 main street areas will be receiving benefit of programs or services created by innovative solutions related to ongoing project work (e.g. parking management, land use for heritage conservation and vitality creation). Many of the remaining 15 main street areas are receiving a variety of both planning and capital upgrades, with many planning projects or programs at various stages of completion, often infrastructure networks have been recently upgraded or approved for improvement. Several of these areas have adequate planning (local area plans and land use districts) in place. A review of these areas is recommended once land frameworks have been adopted by Council for initial 20 priority main streets, projected to be completed in 2020.

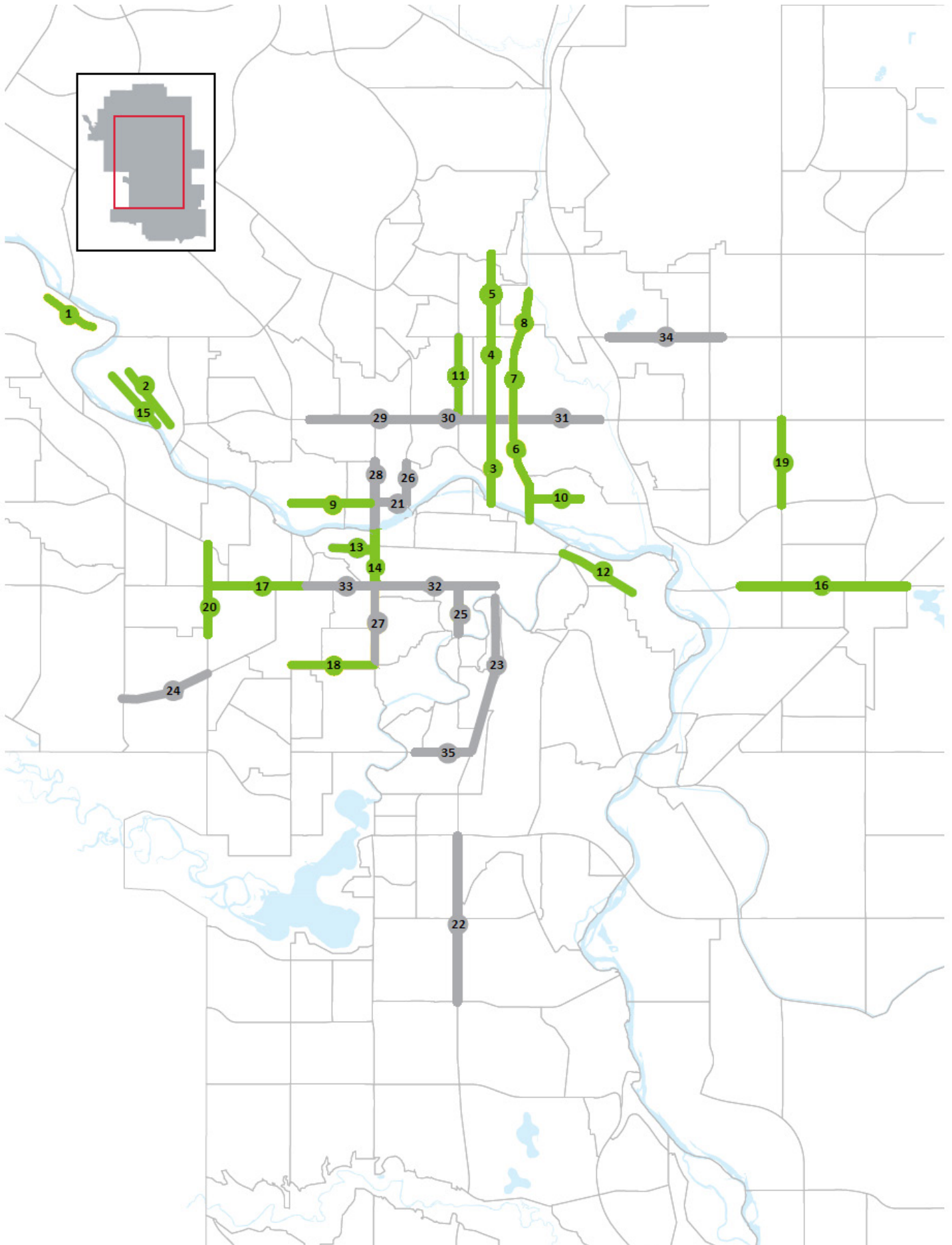


● Priority main street areas (Planning/Investment 2018-2022)

1. Bowness Rd. N.W. (Bowness)
2. Bowness Rd. N.W. (Montgomery)
3. Centre St N - South of 16 Ave. N
4. Centre St N - 16 Ave. to 32 Ave. N
5. Centre St N - North of 32 Ave. N
6. Edmonton Tr N.E. - South of 16 Ave. N.E.
7. Edmonton Tr N.E. - 16 Ave. N.E. to 32 Ave. N.E.
8. Edmonton Tr N.E. - North of 32 Ave. N.E.
9. Kensington Rd. N.W. - Crowchild Tr. to 14 St. N.W.
10. 1 Ave. N.E.
11. 4 St. N.W.
12. 9 Ave. S.E.
13. 10 Ave. S.W.
14. 14 St. S.W. - Bow River to 17 Ave. S.W.
15. 16 Ave. N.W. (Montgomery)
16. 17 Ave. S.E.
17. 17 Ave. S.W. - 37 St. S.W. to Crowchild Tr. S.W.
18. 33 Ave. S.W.
19. 36 St. N.E.
20. 37 St. S.W.

● Long term main street areas (Review 2020-2022)

21. Kensington Rd. N.W. - 10 St. to 14 St. N.W.
22. Macleod Tr. South
23. Macleod Tr. North
24. Richmond Rd. S.W.
25. 4 St. S.W.
26. 10 St. N.W.
27. 14 St. S.W. - 17 Ave. S.W. to 33 Ave. S.W.
28. 14 St. N.W. - Bow River to 8 Ave. N.W.
29. 16 Ave. N.W. - Banff Tr. to 10 St. N.W.
30. 16 Ave. N.W. - 10 St. N.W. to Centre St. N
31. 16 Ave. N.E. - Centre St. N to Deerfoot Tr. N.E.
32. 17 Ave. S.W. - 14 St. S.W. to Macleod Tr. S.E.
33. 17 Ave. S.W. - Crowchild Tr. to 14 St. S.W.
34. 32 Ave. N.E.
35. 50 Ave. S.W.

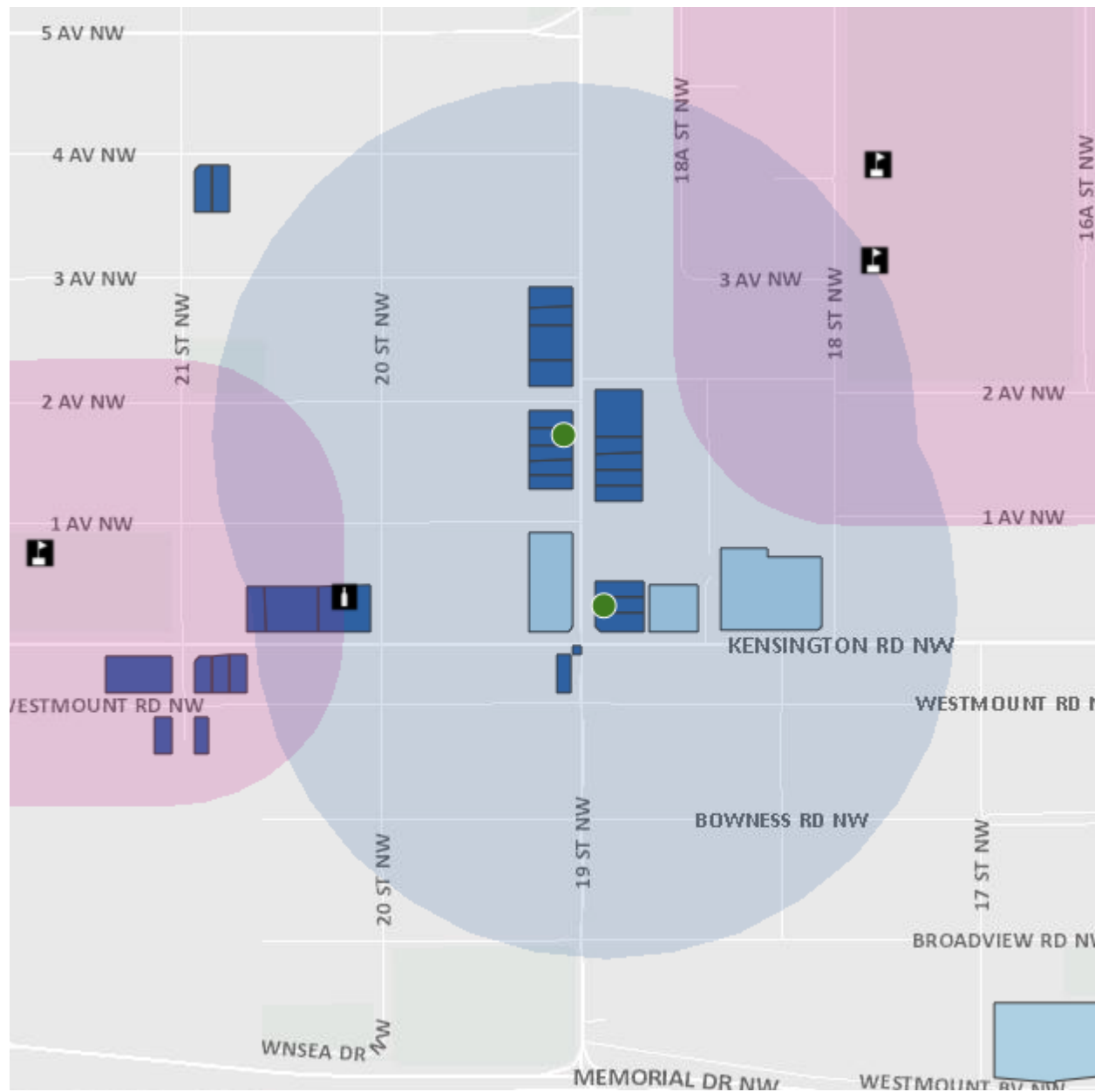


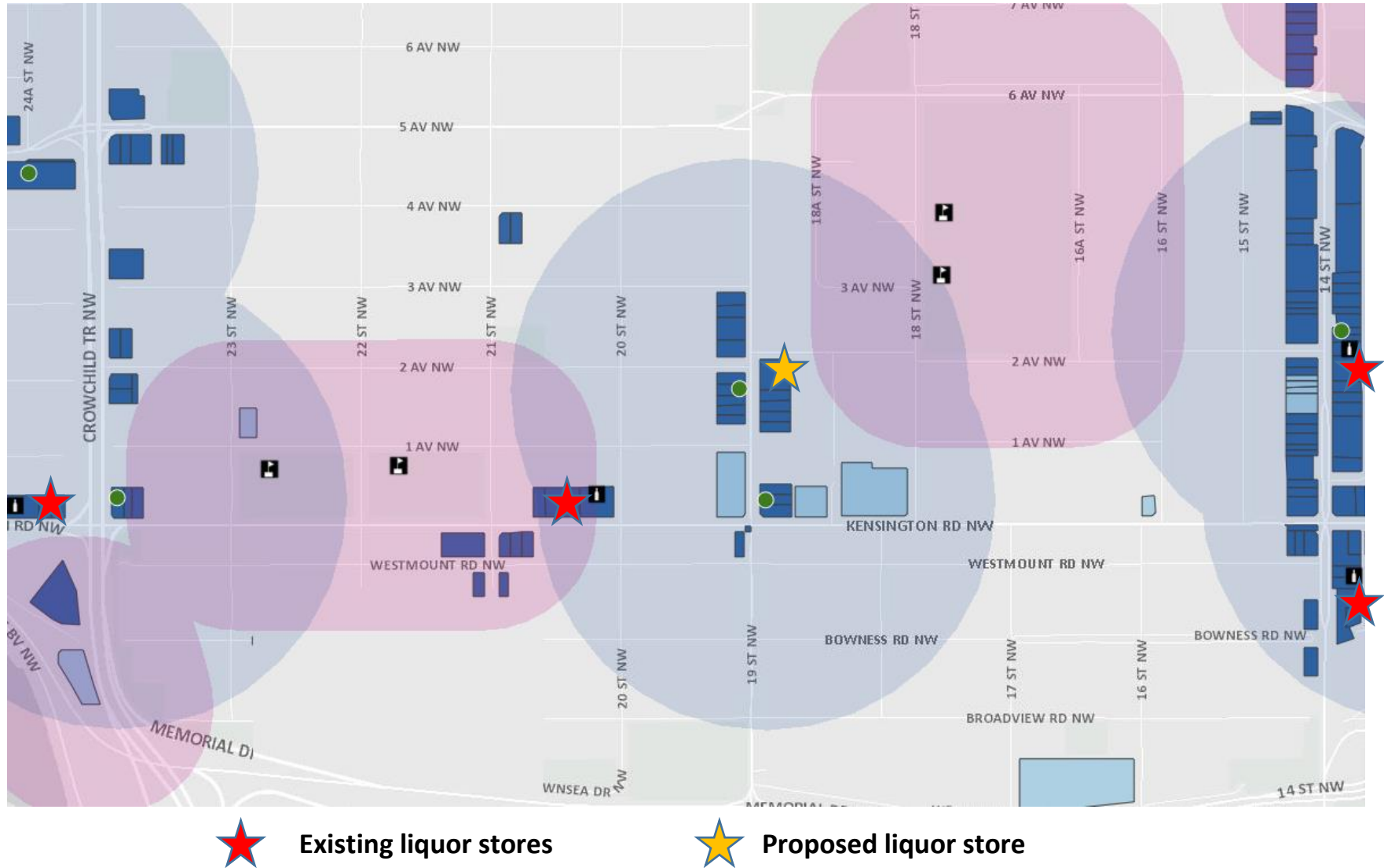
APPENDIX E

Maps

Cannabis Store Locations

Liquor Store Locations





Distances from proposed liquor store to other existing approved liquor stores:

- **Grape Wine & Spirits 2104 Kensington Rd – 240.5 m**
- **Co-op Liquor Store 2530 Kensington Rd – 1.84 km**
- **Liquor Depot North Hill Mall – 1.2 km**
- **Spirits of Kensington 201 14 Street NW – 830 metres**
- **Hotshot Liquor Store 336 14 Street NW – 770 metres**

APPENDIX F

Case law

Newcastle Centre GP Ltd v Edmonton (City), 2014 ABCA 295

In the Court of Appeal of Alberta

Citation: Newcastle Centre GP Ltd v Edmonton (City), 2014 ABCA 295

Date: 20140916
Docket: 1303-0291-AC
Registry: Edmonton

2014 ABCA 295 (CanLII)

Between:

Newcastle Centre GP Ltd.

Appellant

- and -

**The City of Edmonton and the Subdivision and Development
Appeal Board of the City of Edmonton**

Respondents

- and -

**Liquor Stores Limited Partnership, by its General
Partner, Liquor Stores GP Inc.**

Respondent by Order

The Court:

**The Honourable Mr. Justice Jean Côté
The Honourable Madam Justice Marina Paperny
The Honourable Mr. Justice Stephen Hillier**

Memorandum of Judgment

Appeal from the Decision by the Subdivision and
Development Appeal Board of the City of Edmonton
Dated the 7th day of November, 2013

Memorandum of Judgment

The Court:

[1] The appellant has a large shopping centre and wishes to have a liquor store as a tenant, and to construct there a building for that purpose. The zoning permits that. However, the development officer had to refuse a development permit under the terms of the zoning bylaw, because there is another liquor store within 500 meters.

[2] The appellant appealed to the Subdivision and Development Appeal Board, because it has the power to waive or relax all regulations under the bylaw, except use restrictions. The only criticism or objection heard by the Board came from the owner of the existing liquor store. Its one objection is described below. The Board denied the appeal, and the appellant appeals further to us (with leave).

[3] The appellant submits that the Board wrongly thought that it had no power to relax the various bylaw restrictions on liquor stores too close to each other. Whether that is so is not completely clear. The Reasons of the Board conflict on this topic. (The paragraphs cited below are from its portion called “Reasons for Decision” or “Reasons of Decision”.)

[4] There are many indications that the Board thought that it could not contradict the bylaw. Paragraph 4 mentions that the bylaw itself gives grounds to relax the 500-meter requirement, but points out that none of those grounds is met here. That implies that the Board cannot contradict the bylaw. And paragraph 5 refers to the 500-meter restriction as “absolute”. The appellant had expressly suggested relieving against this separation distance because a major road intervened, and because the two stores would be in different shopping centres. Paragraph 5 merely says that the bylaw does not list those as mitigating factors. And paragraphs 7 and 8 state that the relevant restrictions in the bylaw have a legitimate rationale.

[5] Yet paragraph 6 conceded that the relevant section of the bylaw came within the Board’s variance power.

[6] An attempt to try to reconcile the Reasons’ internal conflicts would be to interpret the Reasons as follows. We, the Board, have a power to grant variances, but the bylaw creates a presumption of harm to the public, and we the Board cannot intervene unless that presumption is rebutted by the applicant. That is an error.

[7] The legal test for such waivers is in the *Municipal Government Act*, and is clear. Section 687(3)(d) mandates this test:

the proposed development . . . would not (A) unduly interfere with the amenities of the neighbourhood, or (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land . . .

[8] We have noted the Board's various references to the tests and presumptions in the bylaw. But these are different from the Board's own powers under the *Act*.

[9] The Board may have enunciated a test for variance: "the overall greater public interest" (Reasons, paragraph 8). That phrase is in quotation marks in the Reasons, and as they say, it comes from s 617 of the *Municipal Government Act*. But that is not a test for development appeal boards waiving zoning bylaws' regulations. It is a test for municipal councils restricting individual rights when enacting "plans and related matters". Who enacts and who can waive rules, are two very different questions. The overall greater public interest in restricting liquor outlets is not the same as the tests in s 687(3)(d). Nor does s 617 enact a presumption.

[10] Counsel for the respondent suggested to us that paragraphs 4, 5, 7, and 8 are not reasons by the Board for what it did, but mere recitals of facts or law. We disagree. They are in the brief "Reasons for Decision" portion at the end, which comes after 5-1/2 pages of recitals. We must take the Reasons at their word, and not imagine something different.

[11] Were the Board's Reasons adequate? Was the result of applying the proper tests in s 687(3)(d) so obvious as to require no explanation in the Reasons? No. It is not self-evident that or how two liquor stores within 500 meters would interfere with neighbourhood amenities, nor that or how they interfere with or affect use, enjoyment, or value of neighbouring pieces of land. This is not a boiler factory in a residential neighbourhood. The problem only arises because there would be two liquor stores in the area. One alone is a permitted use.

[12] Therefore, if there is any interference with neighbourhood amenities, or with use, enjoyment, or value of other land parcels, the Board had a duty to explain that in its Reasons, and it did not. A mere conclusory statement does not suffice, and that is all that paragraph 10 is.

[13] There was only one adverse effect postulated by the respondent flowing from this proposed second liquor store. It was that if the existing liquor store ever later needed a new development permit (eg to move, enlarge, renovate, or rebuild), then it would be the second liquor store, and so might be refused a new development permit.

[14] Does that possibility of future harm to the tenant relate to the neighbourhood or its amenities? Does it affect the use, enjoyment, or value of any other parcels? Or does it relate instead to the other business or its owner? The Board made no fact findings to link the respondent's permit-for-a-move concern with any test in s 687(3)(d).

[15] Indeed, the Board made its error express. Its Reasons, paragraph 9, say "affect the Respondent". They do not say affect its parcel or lot, nor say affect the neighborhood.

[16] We conclude that the Board used the wrong legal test for variances.

[17] We allow the appeal, quash the decision of the Subdivision and Development Appeal Board, and send the matter back to the Board to rehear before a fresh panel.

[18] The appellant will have its costs of the appeal to this Court payable on assessment, by the respondent Liquor Stores. The City and the Board took no part here, and will neither receive nor pay costs.

Appeal heard on September 4, 2014

Memorandum filed at Edmonton, Alberta
this 16th day of September, 2014

Côté J.A.

Paperny J.A.

Authorized to sign for: Hillier J.

Appearances:

J.W. Murphy, Q.C.

K.A. Haldane
for the Appellant

J.C. Johnson (No appearance, no factum)
for the Respondent City of Edmonton

P.A. Smith, Q.C. (No appearance, no factum)
for the Respondent Edmonton SDAB

R. Noce, Q.C.
for the Respondent by Order Liquor Stores Limited Partnership

Appeal Board rec'd: November 2, 2021
Submitted by: K. Fukada, Neighbour

November 2, 2021

Comments Re: Subdivision and Development Review Board
Appeal: SDAB2021-0076

Email: info@calgarysdab.ca

Subdivision and Development Review Board
1212 31 Avenue NE
Calgary AB T2E 7S8
Phone: (403) 268-512

Dear S&D Review Board,

We would like to express our strong opposition to the Change of Use Liquor Store (Revision to DP2019-0979).

We firmly believe that having two liquor stores on 19th Street by 2nd Avenue NW and the existing Grape and Wine liquor store at 2104 Kensington Road is not appropriate given it is close to 3 major schools: Queen Elizabeth Elementary School, Queen Elizabeth High School and Madeleine D'Houet School. There is also AKIDEMY Pre-School – 1966 Kensington Rd NW on the same block (as this proposed liquor store) and one block North there is the West Hillhurst Pre-School at 1940 6th Avenue.

In addition, we have three major large format liquor stores also in proximity to these two liquor stores. Liquor Depot at North Hill Mall, Coop Liquor at 2530 Kensington Rd and Kensington Wine Market 1257 Kensington Rd.

Our understanding is that there needs to be a minimum of 300 m between any liquor stores and also their proximity to all of these schools should not be this close. Both of these rules are being violated in this case. In addition, many young students commuting from their homes will walk by these liquor stores on a regular basis.

We are available to discuss this matter further and if you have any questions regarding this matter, please do not hesitate to contact us – (H. 403-668-4338)

Thank you for your kind consideration of this critically important matter.

Best regards,

Gillian Stark-Fukada and Kasey Fukada
Residents of: 225 – 18A St. NW, Calgary, AB T2N 2H1

SDAB2021-0076 Additional Submission

Appeal Board rec'd: November 2, 2021
Submitted by: S. MacDonald, Neighbour

From: Susan MacDonald <susanem@telus.net>
Sent: Tuesday, November 2, 2021 8:07 PM
To: Calgary SDAB Info
Subject: [EXT] SDAB2021-0076

Follow Up Flag: Follow up
Flag Status: Flagged

We agree with the refusal for the liquor store DP2021-5444. We strongly object to another liquor store in our neighborhood. We already have 2 liquor stores close by. Negative impact is Increase in traffic, late light noise, limited parking, crime, violence, neighborhood safety.

Residents at 119-19 street NW

Sent from my iPhone

Appeal Board rec'd: November 2, 2021
Submitted by: Chris Wong, Neighbour 223 18A Street NW

From: chrisw@mailcan.com
Sent: Tuesday, November 2, 2021 9:32 PM
To: Calgary SDAB Info
Subject: [EXT] Written Submission for SDAB2021-0076

Follow Up Flag: Follow up
Flag Status: Flagged

I will not be able to attend the hearing re SDAB2021-0076 @ 222 19th Street NW but I offer these written comments.

I oppose this application on the basis of the metrics established in the "Liquor Store Separation Distance Guidelines" as:

1) The application is well within the 300m separation guidelines from "The Grape Wine and Spirits" on 2104 Kensington Road.

2) The proposed site:

- i) Has close proximity to the K - 12 Queen Elizabeth schools
- ii) Is adjacent to the major east-west connector (2nd Ave NW) in West Hillhurst used by said students
- iii) The major crosswalk used by said students to cross 19th Street NW for access to 2nd Ave has its terminus in proximity to the applicant

Regards,

Chris

From: Michael Wing <michaelwing@hotmail.com>
Sent: Wednesday, November 3, 2021 12:01 AM
To: Calgary SDAB Info
Subject: [EXT] Appeal #2021-0076

Follow Up Flag: Follow up
Flag Status: Flagged

To the Board Members of the Calgary SDAB:

My wife and I are in agreement with the Development Authority's decision to reject DP2021-5444, and as such are not in favour of the appeal by the applicant.

The Development Authority's basis for refusal, being that the proposed liquor store would be less than the required 300m distance from the nearest liquor store, is valid and there is not a compelling reason for why the applicant should be granted a relaxation (and a very significant relaxation at that, with the distance being 240m from the nearest liquor store or 20% closer than the required minimum separation).

The Bylaw Rules are not throwaway guidelines - they were created with much deliberation with the express intent to ensure sound planning and suitable development throughout the city to foster an appropriate balance of diverse residential and commercial uses. To ignore the Bylaw Rules in the absence of any material rationale would be a mistake.

The current liquor store and the proposed liquor store are in the same community, would serve the same residents, and are not separated by a major road, highway, or other limiting barrier. The two locations are just steps from each other and are separated by residential homes and pedestrian walkways, not major commercial developments. So the short distance is not a misrepresentation of the true proximity or overlapping territory of both locations (as opposed to, for example, a business in West Hillhurst and a business in Sunalta which could be fairly close in distance but are separated by the Bow River).

It should also be noted that the proposed liquor store, while not in contravention of the 150m minimum distance from a school, is only just 200m from THREE schools. 200m is still a relatively short distance, especially given that the proposed liquor store is located directly on the route used by many students walking to and from school. It would be different if the proposed liquor store was only 200m from one school, and was in a low traffic area for pedestrian activity. But this is in a very busy corner where students of all ages, from elementary to junior high to high school, walk past daily.

The applicant's contentions in Schedule A of the Report to the SDAB are speculative in nature and not supported by facts or studies (for example, the applicant states in Schedule A, comment #2 that "From a planning perspective, the location of the proposed store is an appropriate location for a liquor store." but no rationale or support is presented to bolster this argument).

We respectfully request that the SDAB uphold the Bylaw Rules and the decision of the Development Authority, and affirm the refusal of DP2021-5444.

Appeal Board rec'd: December 8, 2021
Submitted by: C. Treacy, Neighbour

December 7, 2021

Calgary Subdivision and Development Appeal Board
P.O. Box 2100, Station M, #8110
Calgary, AB
T2P 2M5

Dear Mr. Chair and Board Members:

RE: SDAB2021-0076/DP2021-5444, Change of use: Liquor Store (revision
to DP2019-0979) 222 19 Street NW

I am resident and registered owner of 2113 & 2115 4 Avenue NW. I am writing in support of the proposed liquor store at 222 19 Street NW, which is on walking distance from my property. The proposed store will be a benefit to the neighbourhood. In my opinion, 222 19 Street NW is an appropriate location for a liquor store, in keeping with the other retail stores and businesses on 19 Street.

Some of the letters and emails submitted in opposition state that the proposed liquor store will result in crime, violence and impact the neighbourhood safety. I respectfully disagree. Our community is a friendly and safe neighbourhood. I welcome any new retail businesses that will contribute to the revitalization of 19 Street. New retail businesses on 19 Street will encourage residents to walk to the local stores rather than drive to other liquor stores more than miles away. The redevelopment and densification occurring along 19 Street will increase the values of the residential properties in the immediate neighbourhood.

Please allow the appeal and approve the proposed liquor store.

Yours Truly,

A handwritten signature in black ink, appearing to be 'C. Treacy', with a large, stylized loop at the end.

SDAB2021-0076 Additional Submission

Calvin Treacy
T: (403) 934-0583
E: ctreacy@shaw.ca

Appeal Board rec'd: December 6, 2021
Submitted by: R. Grol, Agent for Appellant/Applicant



October 31, 2021

City Appeal Board, Subdivision and Development Appeal Board
P.O. Box 2100, Station M, #8110
Calgary, AB T2P 2M5
info@calgarysdab.ca

Dear Distinguished City of Calgary Official:

RE: SDAB2021-0076/DP2021-5444, Change of use: Liquor Store (revision to DP2019-3729) 222 19 Street NW.

Our company is the registered owner of the property 218 19 Street NW, which is next door to the proposed development. Our property is zoned for multifamily residences and will have commercial on the ground floor.

We are writing to express support of the proposed liquor store at 222 19 Street NW as it will be an asset to the neighbourhood and enhance the retail environment on 19th street. As density grows in this area, services and vendors are needed to support. Furthermore, we were pleased to hear this proposed store will be a relatively large format and will carry high-end product line which will match the desires in the Hillhurst neighbourhood.

I understand there is another nearby liquor store, but it does not carry the selection demanded by the residents in the area. Furthermore, many residents of apartments in this area do not have a car and it is not feasible to walk, especially during colder winter months. Feel free to give me a call to expand on any of the points above. I would respectfully request the Board allows the appeal and approve the proposed store.

Your truly,

A handwritten signature in black ink, appearing to read "J. Gulas".

Jason Gulas
Hillhurst Boutique Ltd.
1023 Cameron Avenue SW
Calgary, AB T2T 0K2
403-472-0861



iyyecburg
BURGERS - SHAKES - BUBBLE TEA

November 5, 2021

Email: info@calgarysdab.ca
Subdivision and Development Appeal Board
P.O. Box 2100
Station M, #8110
Calgary, AB T2P 2M5

Dear Sir/Madam:

RE: SDAB2021-0076/DP2021-5444, Change of use: Liquor Store (revision to DP2019-3729) 222 19 Street NW

Our business will be located at 222 19th Street NW in the same building as the proposed development and liquor store.

I am writing to express our strong support for the proposed liquor store at 222 19 Street NW. I'm writing to support because we have liquor stores as neighbors at both of our other locations and I am thankful we do. These co-tenants are terrific to deal with and there is plenty of synergy between our two businesses as we share customers. We have never had any issues with these co-tenants or their clientele. I have no concerns with the new liquor store at the proposed location, especially given its up-market image it will have.

Furthermore, as proud Calgarians ourselves we take joy in supporting local businesses and owners like the owners of this liquor store. Simplicity and convenience is something we sell and having a co-tenant like this will bring more of this to our customers.

Please allow the proposed store to proceed at the proposed location.

Sincerely,

Muzzamil Hussain, B.A., L.L.B
Co-founder & President
403-470-5275

November 2, 2021

City Appeal Boards
Subdivision and Development Appeal Board
P.O. Box 2100, Station M, #8110
Calgary, AB T2P 2M5



To whom it may concern,

RE: SDAB2021-0076/DP2021-5444, Change of use: Liquor Store (revision to DP2019-3729) 222 19 Street NW.

Our company is the registered owner of the property 222 19 Street NW. There is a Development Permit application for a proposed liquor store in the development onsite that is under construction. The DP has been refused by the Development Authority of the City of Calgary. The applicant has appealed the decision to the Board.

We are writing in support of the appeal and the proposed liquor store. Based on discussion with our retail advisors and with dozens of potential tenants, they would welcome and appreciate the proposed store at the subject location. Both the larger size of the store and the high-end design would be a great amenity for tenants and the surrounding community. Its location will add convenience to tenants and locals and save trips to other stores of its kind across the city. Furthermore, the proposed store will enhance the retail environment on the street and the overall neighborhood.

We urge the Board to allow the appeal and approve the proposed store.

Kind regards,

Nguyen Quach
Hillhurst Manor Ltd.
P.O. Box 75065 Westhills
Calgary, AB T3H 3M1
T: (250) 317-1275