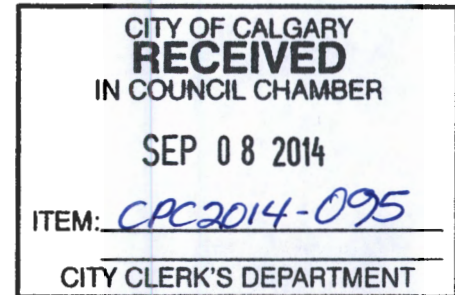


CHRISTOPHER S. DAVIS, B.COMM., LL.B.
Barrister & Solicitor
Phone 403.457.2100
Cell 403.701.2775
Email chris@chrisdavislaw.ca
File No. 2000.001
Your File No.



September 4, 2014

Mayor Naheed Nenshi and Members of Calgary City Council
800 Macleod Trail SE
Calgary, AB T2G 2M3

Dear Mayor Nenshi and City Council:

Re: City Council - Monday September 8, 2014 (Public Hearing)
Item 7.6 – Proposed Child Care Facility
LAND USE AMENDMENT SIGNAL HILL (WARD 6)
9 Signature Close SW
BYLAW 86D2014, CPC2014-095

Further to the above matter, we represent Mr. Robert Neill, the owner of the home immediately adjacent to and south of the applicant's site (residing at 13 Signature Close SW). Mr. Neill has submitted a letter to Council expressing his strong reservations over the subject land use amendment (Attachment 2, Letter 5).

It is our client's position that the proposed amendment is inappropriate for the following reasons:

1. **Contrary to Policy.** As noted by senior City official Malcolm (Mac) Logan at Planning Commission, this application does not meet Calgary "Child Care Service and Development Guidelines" for a daycare facility (2009, June; M2009-009). Specifically, the application is deficient under the guidelines as it:
 - a. Is not on a collector street (i.e. not on the periphery of the neighborhood). The proposed use will increase traffic load into and out of the "residential" neighborhood. Parent vehicles will have to turn around and go back out the same way they came in. A collector street is typically a "snow route" with regular plowing, whereas this clearing will not happen on Signature Close.
 - b. Is not proximate to an activity area (e.g. school site, park). There are some linear parks in the area, but the nearest play facility is at Sirocco Drive and over 250 meters distant.
 - c. Has insufficient on-site outdoor space dedicated for a play area. The rear yard modestly slopes uphill away from the house and the yard is terraced reducing the available yard space. Also means adjacent residents to the west

/ rear have yards that look down and directly into this backyard. They will have very little buffering from the attendant and expected play activity associated with the proposed facility (suggested to be between 10 and 15 children).

- d. Has insufficient on-site parking. The existing driveway can accommodate 2 vehicles. There are a maximum of 4 parking stalls on-site. The use will require least two staff parking spaces and two pick-up and drop-off stalls, barely meeting the minimum use requirements (section 165 LUB). There is minimal available street parking (given existing front drives and recycling pickup demands).
- e. Is not a corner lot (relates to parking, yard size, number of adjacent properties directly affected)

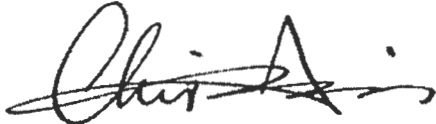
2. **Municipal Development Plan.** This senior City planning document encourages "child care services" as part of a complete community. This is achievable, however, without the proposed land use amendment:
 - a. Within the R-C1 district, "home based child care – class 1" (allowing for up to 6 children) is a permitted use;
 - b. Within R-C1, "home based child care – class 2" (allowing for up to 10 children) is a discretionary use;
 - c. The "home based child care" uses require that the use be "incidental use by a resident of a" dwelling.
 - d. With this application, the applicant wishes to be released of the obligation and responsibility of residency. The applicant implies that it will reside at the site, but *with the approval of the requested land use amendment, there will be no residency requirement*. The application seeks to introduce a commercial use within a low density residential community.
3. **Land Use Bylaw 1P2007.** Section 20 states that "Direct Control Districts must only be used for the purpose of providing for developments that, due to their unique characteristics, innovative ideas or unusual site constraints, require specific regulation unavailable in other land use districts". Child Care Services are a discretionary use in some multi-dwelling districts and in many commercial districts, based on sound planning considerations. There are better locations for this type of intensity of use (e.g. the C-N2 / Commercial Neighbourhood 2 site located south of the subject site, and very close to the large local play area at Sirocco Drive and Signal Hill Drive SW; "child care service" is discretionary to this district).
4. **Demographics and Demand.** Based on 2011 City demographic information, the population of children between the ages of 0 to 4 was 4.2% of residents in Signal Hill. In communities west of 69th Street, the figure for this cohort almost doubles (e.g. Springbank Hill – 8.3%; Discovery Woods – 7.9%; Aspen Woods – 10.4%). The demand for Child Care Services in Signal Hill is in decline; the Signal Hill community is a mature 25 year old community built in the late 1980's and early 1990's. The proposed use is not serving a current community need.

For the above reasons, the application is unwarranted and our client respectfully asks that City Council decline the requested land use amendment.

Thankyou for your consideration of our client's concerns over the proposed land use amendment for a "child care service".

Sincerely,

CHRISTOPHER DAVIS LAW

A handwritten signature in black ink, appearing to read 'Chris Davis', with a stylized flourish at the end.

Per: Christopher S. Davis
Barrister & Solicitor

ENC.

Copied to:
Client