

# Community Association Response



July 20, 2023

Mr. J Yun  
Planner - Greater Downtown - Community Planning  
City of Calgary

Dear Mr. Yun;

Re: LOC2023-0104 and Proposed Amendments to the Lower Mount Royal ARP

I am writing on behalf of the Mount Royal Community Association Planning and Development Committee (PDC) regarding the proposed LOC2023-0104 and the associated amendment to the Lower Mount Royal ARP. I have attached the proposals as they came via the file manager rather than the typical circulation package. This process has involved multiple steps that included issuance of a temporary DP for a home occupation, complaints registered with 311 on breaches of the DP conditions and finally, multiple attempts to draft a DC District.

The PDC over this period, has held a virtual meeting for neighbours, reviewed the proposals with the Board and has met itself to discuss and submit numerous letters to the City in this regard. Our message has been consistent throughout this process; the commercial use at the location is inappropriate based on MDP objectives, the ARP aspirations for the area and fundamental planning principles and best practices.

The process started with a proposal to apply for a home occupation permit as a temporary measure while a rezoning request was being developed. Concerns were raised from the beginning by the PDC about commercial creep, impact of the nature of the business (irregular operating hours, no parking, excessive signage) on adjacent residential uses and conflicts with various policy documents. The PDC asked on April 25, 2022, that if the home occupation DP was approved, could the conditions of approval be circulated, but that required multiple emails before the conditions were sent to us on February 27, 2023. It was obvious the owner was not following conditions of approval and a complaint was sent to 311 on March 3, 2023. The City responded on April 17, 2023, that "The location has been warned to get into compliance with the approved development permit." We still do not know how many conditions were breached and whether they have been resolved and the business is now in conformity. Given the concept of a home occupation was to allow for an unobtrusive "hidden" style of activity, the application made a mockery of the home occupation opportunity.

The PDC has been asked four times to comment on the concept of a DC District, a rough draft of the DC District and a second draft of the DC plus the ARP amendment. (July 17, 2022, August 26, 2022, March 24, 2023, and July 7, 2023). Rather than repeat the issues the PDC has raised over 18 months, I will provide a summary.

#### Policy Approach -

It is important to frame discussions around the policies and concepts that are meant to direct and help communities evolve. Those principles need to be addressed prior to moving to the implementation tools provided by our land use bylaw and development permit system.

#### MDP

Policy 2.2.1 (p.29) to "Direct a greater share of new growth to the Activity Centres and Main Streets..." The City is investing millions of dollars and staff time in expanding and upzoning Main Streets where commercial development should be located. Allowing for a commercial use to migrate from the most appropriate location 2.5 blocks south only weakens the Main Street concept. The new use will either be isolated or draw more commercial uses away from the heart of the Main Street which is at cross purposes of the rationale of designating Main Streets.

Objective "Reinforce the Stability of Calgary neighbourhoods" (p. 37) and "Respect and enhance neighbourhood character and vitality" (p. 41). The introduction of a commercial use, especially one with irregular hours of evenings and weekends creates the opposite effect to those objectives and does not benefit the neighbours or the commercial area where it truly belongs. The twin effect of eroding the Main Street concepts and destabilizing a residential area is significant. The question of the greater public good needs to be addressed as compared to individual benefit.

#### Lower Mount Royal ARP

Goal "To encourage the development of 17<sup>th</sup> Ave. as a Regional Pedestrian Oriented Commercial Strip (p. 5). Allowing for commercial uses outside 17<sup>th</sup> Ave dilutes the emphasis of creating a commercial district.

Office Conversions (Figure 3) indicates where such conversions May be feasible but does not include 8<sup>th</sup> St. where this proposal is located. It goes on to state "The conversion of single detached...to low intensity office uses may be allowed under certain conditions. However, conversions should not be permitted in the area outlined on Figure 3..." (p. 11). The ARP, on p. B10 suggests "Only offices which do not generate an inordinate amount of traffic or affect the residential character of the community should be permitted. For this reason, medical and dental clinics are excluded."

Therefore, any attempt to pretend the tattoo parlor could be an office use was pushed aside in favour of attempting to rationalize the use as a home occupation.

In conclusion, both policy documents are clear in their intent for this part of Mount Royal. It should be considered as a residential area without any commercial intrusion.

#### Regulatory Expectations

Section 20 of the LUB outlines when a Direct Control District may be appropriate. The PDC asserted that just because someone wants to introduce a commercial use in a residential area does not make the situation unique, innovate or address non-existent site constraint issues. The City response was:

*"The City itself in not insisting on proceeding with a DC District, but rather has found the only possible means of Council to accommodate the applicant's vision for the proposed land use (and appropriate rules) can only be considered through a proposed Direct Control District. Whether the DC is deemed ultimately*

*to satisfy conditions of Section 20(1) and (2) is left to the will of Council. In the view of Administration, we believe the proposed DC meets the intent of ensuring matters that are regulated by subdivision or development permit, can continue to do so." (Yun email of April 18, 2023)*

The City has the right and the obligation to say no to the use of a Direct Control District. It is suggested the City did not exercise its authority in allowing this item to proceed.

The proposed DC District is simple and many issues that have been raised previously have been "pushed off" to other regulatory processes such as the development permit itself. It does not deal with parking, how much of the building can be used for such purposes and hours of operation, but it did attempt to limit the signage which helps reduce the visual impact of a commercial enterprise in a residential neighbourhood. The LUB Section 36 addressing discretionary uses needs to be carefully examined where it states "...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." Given the use is proposed to be discretionary, it makes no sense in proceeding as the use would fail that basic criteria and in fact should not be allowed in the first place.

The proposed amendment to the ARP is again simple and is reasonable, assuming a commercial use such as a parlor is an appropriate use.

However, both the DC amendment and the ARP amendment have assumed that such a use is appropriate. It is not!

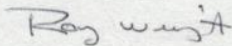
#### **Conclusions**

The proposed Direct Control District and the proposed amendment to the ARP are contrary to planning policy, do not meet the requirements of the LUB, negatively impact the residential environment it wants to locate in and finally detracts from the commercial area that is viable and best equipped to accommodate such a use.

**Therefore, The Mount Royal Community Association PDC recommends that:**

- 1. Council refuse the proposed LOC2023-0104 amendment and the associated ARP amendment and further:**
- 2. Direct the Department to NOT renew DP 2022-02011**

Yours truly,



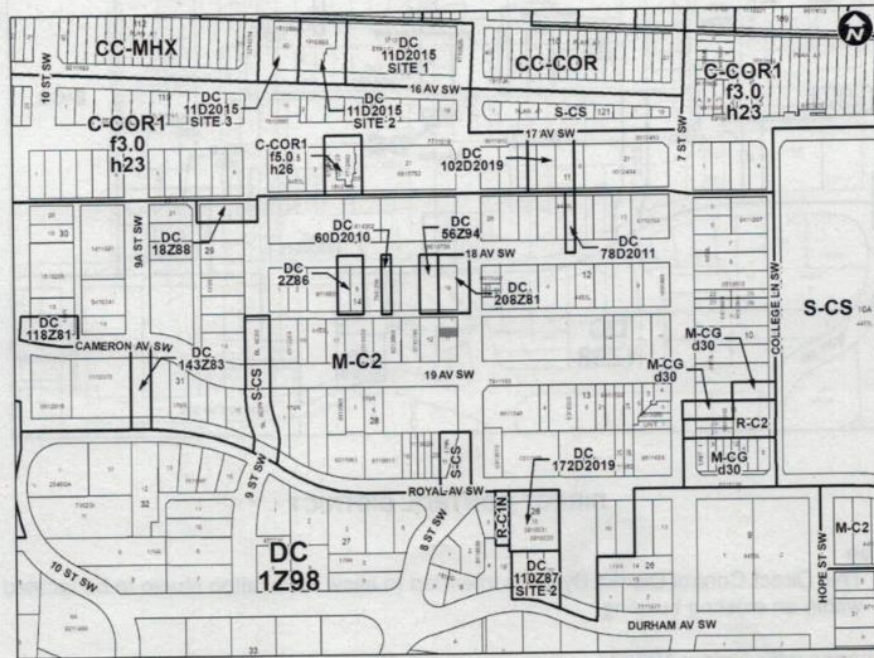
Roy Wright RPP, MCIP  
Co-Chair PDC  
Cc: CA Ward 8  
President, MRCA  
PDC  
Executive Director- 17<sup>th</sup> Ave BIA

CPC202X-XXXX  
Choose ATTACHMENT NUMBER.

## Proposed Direct Control District

1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw and replacing it with that portion of the Land Use District Map shown as shaded on Schedule "B" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "B".

### SCHEDULE A

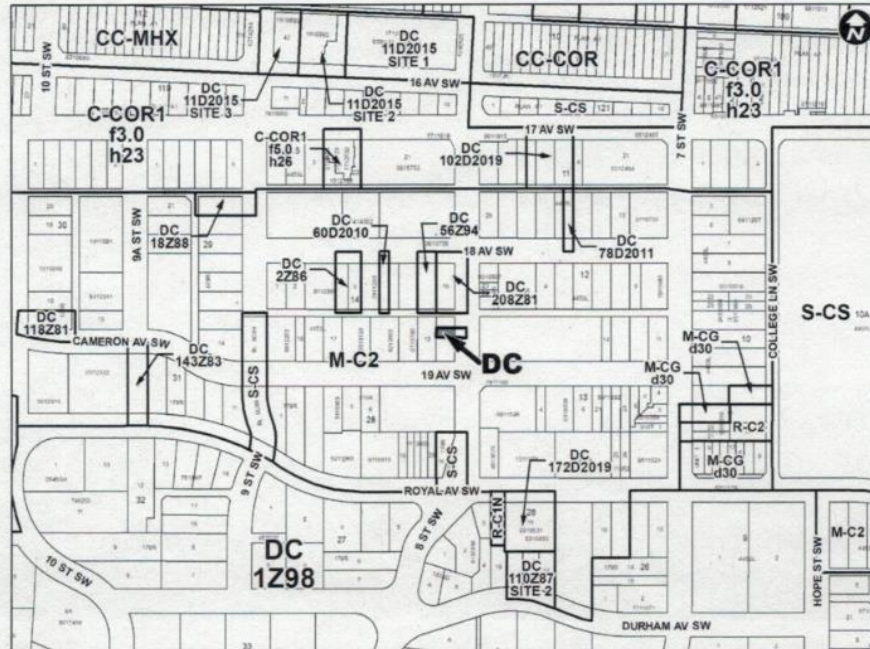


CPC202X-XXXX Choose ATTACHMENT NUMBER.  
ISC:UNRESTRICTED

Page 1 of 3

CPC202X-XXXX  
Choose ATTACHMENT NUMBER.

**SCHEDULE B**



**DIRECT CONTROL DISTRICT**

**Purpose**

- 1 This Direct Control District Bylaw is intended to allow for a tattoo studio to be located within an existing building.

**Compliance with Bylaw 1P2007**

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District Bylaw.

**Reference to Bylaw 1P2007**

- 3 Within this Direct Control District Bylaw, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

**Defined Uses**

- 4 In this Direct Control District:

(a) "Tattoo Studio" means a use:

- (i) where the marking and/or piercing of the skin of a person by any means including branding, needles, pricking, and body piercing takes place; and

CPC202X-XXXX  
Choose ATTACHMENT NUMBER.

- (ii) that is located within an existing **building** at the time of adoption of this Direct Control Bylaw.

**Permitted Uses**

- 5 The **permitted uses** of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

**Discretionary Uses**

- 6 The **discretionary uses** of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of the following **use** when located within an existing **building** at the time of adoption of this Direct Control District Bylaw:

- (a) **Tattoo Studio.**

**Bylaw 1P2007 District Rules**

- 7 Unless otherwise specified, the rules of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply in this Direct Control District.

**Bicycle Parking Stall Requirements**

- 8 The minimum number of required **bicycle parking stalls - class 2** for a **Tattoo Studio** is 4.0 per 115.0 square metres of **gross usable floor area** for the **use**.

**Signs**

- 9 The maximum dimensions of a **Sign – Class A** must not exceed 1.0 square metre.

**Relaxations**

- 10 The **Development Authority** may relax the rules contained in Sections 7 through 9 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

CPC202X-XXXX  
Choose ATTACHMENT NUMBER.

## Proposed Amendments to the Lower Mount Royal Area Redevelopment Plan

1. The Lower Mount Royal Area Redevelopment Plan attached to and forming part of Bylaw 20P82, as amended, is hereby further amended as follows:

- (a) In Section 3.0 Land Use, after subsection 3.1.3.3 - Private Amenity Areas, add the following new policy:

#### "4. Non-Residential Uses

A tattoo studio may be accommodated within the existing single detached dwelling located at 1815 – 8 Street SW through a land use redesignation application. A future development permit application for a tattoo studio within the existing building shall ensure the following criteria are met:

- a) Signage on the site should be limited to those that identify the business operating within the site.
- b) Signage affixed to the exterior of the existing building shall not be illuminated and maintain the residential character of the existing building; and
- c) The hours of operation should be limited and established through the conditions established for a development permit.