

# Community Association Response



August 26, 2024

Hello,

I am writing on behalf of the Tuscany Community Association (TCA) regarding the Subject LOC 2024-0093 / DP2024-02097 updated DP application. The TCA submitted comments to the initial application and this document has been updated to reflect the re-submission by the applicant.

**The TCA has very significant concerns with the application as described below.**

As the Development Permit (DP) is tied closely to the land use in this specific case, we will add all comments in one submission for your holistic consideration.

The TCA has been approached by several of the neighbours to the subject site with their concerns. As this updated application comments time frame falls in the holiday period prior to the start of school, many families are currently away on vacation. As such, it is our hope that previously submitted comments by residents regarding the LOC 2024-0093 / DP2024-02097 be considered.

**Areas of Concern:**

**Land Use:** As per Land Use Bylaw 1P2007: Direct Control Districts

20 (1) 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.**(2) Direct Control Districts must not be used:

(a) in substitution of any other land use district in this Bylaw that could be used to achieve the same result either with or without relaxations of this Bylaw; or

(b) to regulate matters that are regulated by subdivision or [development permit](#) approval conditions.

(3) An applicant for a Direct Control District must provide a written statement indicating why, in the applicant's opinion, a Direct Control District is necessary and why the same results can not be achieved through the use of a land use district in this Bylaw.

(4) The [General Manager](#) must review each application for a Direct Control District and advise [Council](#) as to whether or not the same result could be achieved through the use of a land use district in this Bylaw.

This application does not meet the necessary criteria for a Direct Control district necessary to override the planning outlined in the Revised West Scenic Acres Area Structure Plan as commercial zoning exists in and around the community of Tuscany to accommodate commercial use.

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The request to change the parcel to a Direct Control (DC) in order to accommodate commercial development is significant. Unlike rezoning to allow for other types of housing, this is an entirely different use than was originally contemplated for this lot/area and so there must be adequate consideration of whether the proposal fits within proper planning principles.

Commercial child care facilities exist in Tuscany, in neighbouring communities, and a new development in the Gateway commercial area in the Haskayne Area Structure Plan allows for further development of commercial areas in proximity to the community of Tuscany.

When considering whether to change a land use from residential to commercial, it is important to understand whether the new land use would meet an extenuating need in the community. There are currently 14 City of Calgary licensed Home Based Child Care providers in Tuscany, as well as the Shining Wonders Montessori Preschool and Childcare. Kaleidoscope Kids Pre-School runs a program from the Tuscany Market, the Coded Minds Program runs at Tuscany School and the Tuscany Club offers an Out of School child care program. Daycare spaces are available in surrounding communities including Royal Oak, Arbour Lake, Scenic Acres and Silver Springs. Numerous companies also provide pick up service for after school care at schools across Tuscany including the Tuscany Residents Association. We do not believe that the need for this type of facility outweighs taking a residential home out of current housing stock.

**Engagement:**

Prior to the initial application and also before the re-submission, neither the Tuscany Community Association nor neighbouring residents were engaged on this matter by the applicant as recommended by The City when undertaking this type of application.

Initial application: Local residents became aware of the original application via the on street sign boards and due to the DMAP outage and May long weekend many felt they had little time to understand the application and appropriately respond.

Local residents posted the details of the application to the community Facebook page to make neighbours aware so they had time to respond. It was only after this post that the applicant provided information in response to raised concerns on the same Facebook page. A copy of some comments the applicant has posted can be found at the end of this letter. The applicant comments to residents does not correspond to the application details on numerous design details as noted below.

Re-submitted application. The applicant again did not engage with neighbours or the TCA regarding the updated application. The applicant did not update their comments on their social media posts to reflect differences between their initial statements and the proposed application.

**Scale:** The permitted use for child care in Tuscany is currently Home Based Child Care – Class 1 which allows for up to 6 children per dwelling unit resulting in 12 trips per day. A home base

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business per Home Occupation – Class 2 permits up to 3 business associated vehicle visits per week.

This proposal is to provide supervision to 39 children with 7 staff members. This is a size and scale that is far greater than would otherwise exist on a residential lot in the community. 39 children with a drop off and pick up each per day results in 78 trips per day just for clients. This volume of traffic far exceeds the delivery and visit limits for current permitted uses on residential lots.

Additionally, the staff number noted on the application is 7. The staff traffic volume can be estimated at 4 trips per day (arrival, lunch departure and arrival, departure) to be an additional 28 additional trips per day for staff.

The minimum trip count would be 106 trips per day which far exceeds the current permitted use allowances counting students and 1 staff rotation.

As the applicant has stated on social media, the facility will be open from 6 am to evening pickup. This suggests a 12 hour a day operation which would result in overlap staff times impacting parking and access requirements. Additionally, it can be suggested that the staff count indicate only staff at any given time, not the total staff count accessing the property per day further increasing the anticipated trip count.

It is unknown what additional delivery or support services are expected at this proposed location such as for material delivery, cleaning services or facility maintenance. Such services will result in additional trip/parking requirements over and above the minimum trip count noted.

**Facility Vehicle:** The applicant has noted in response to questions on the community social media page that the facility will have a 'special child care vehicle' to pick up and drop off children. Where will this vehicle be parked and what is the size? There is no designated parking spot for the child care vehicle noted on the application drawings.

**Parking Design:** Further to the issues noted regarding volume, the TCA has concerns with the parking design for 8 parking spots. These includes 3 parking spots (2 employee, 1 client drop off) and 2 bike parking spots (unknown users) at the back, 2 parking spots in the garage (both for employees) and 3 parking spots at the front (all for clients).

Backyard Parking (3: 2 staff, 1 client) are proposed for the backyard. The staff/client trip volume would have a significant impact on the lane use, lane safety and the reasonable use by neighbouring properties. The back lane is a gravel lane. The rear yard parking is of out of context and will impede City garbage and recycling vehicles as well as emergency response vehicles if no enforcement of on property parking is provided. Furthermore, residential gravel lanes have not been designed to accommodate the increased vehicular volumes that will accompany this

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commercial development deteriorating the reasonable enjoyment of use by adjacent property owners.

We also note a contradiction in what the applicant has said about the proposed parking in back and what is presented on the DP application. In comments on the community social media page the applicant stated:

*[Applicant]: the backyard parking slots will be for the staff parking so it will still remain quiet. Most of the pick and drop will be on the front (school) side which will be adding only two slots in the front.*



Front Parking (5: 2 staff, 3 client) The two employee parking spots in the garage area are potentially blocked from access if client parking is being utilized at the front as shown in the design. As a community association we do not have the knowledge to review bylaws in detail, but feel that the design may be in contravention of the Calgary Parking Bylaw which states in 3 (1) (g) that "a driver of a vehicle shall not stop or park that vehicle... within 1.5 meters of an access to a garage, private road or driveway, or vehicle crossway over a Sidewalk". The Parking Plan is unclear as to the sizing of the width and length allowances for each vehicle. As the neighbouring property driveway is very close to the property line it would seem that client vehicles in this location would also be blocking safe access for the neighbouring property.

There is a change to the area in the front of the property to the west of the Play Area marked in grey with a different marking than the driveway on the design. It is unclear where the sidewalk is located, what material is intended, or the intended purpose/use of the area. If the area is to be hard-scaped it would create a confusion for both pedestrians and car users.

The expected traffic volume at the front of the property and parking is a safety concern creating a potential pedestrian safety issue, especially considering the volume of young children entering/existing vehicles. The travelling public are not accustomed to this type of use in such close proximity to a signalized intersection.

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**Surface Coverage:** We are concerned with the increase of impermeable surface area as well as the removal of almost all soft landscaping on the property. The Storm water runoff will be increased with no consideration of adequate accommodation via existing City storm water infrastructure or impact to the neighbouring properties.

**Snow Storage:** There is no area available for holding snow. As almost all of the lot is to be utilized and require snow removal, where will the snow be stored to not impact the neighbouring properties? Shovel snow from private property is not permitted to be shovelled onto public spaces.

**Location / General:** The subject lot is not located on a typical corner lot. It is not located on a collector road. It is not a bus route and does not receive priority route snow clearing. Clients will have to circle through residential areas including a gravel lane for access/egress. There is very limited drop off and parking areas on the lot side of the street due to the proximity of a major community intersection at Tuscany Blvd NW and Tuscany Hills Rd NW.

There are no pavement markings on Tuscany Hills Rd NW creating safety issues for NB to WB traffic and for NB to EB turning movements on Tuscany Blvd NW. The Mobility Department at the City of Calgary should be consulted and costs estimated to upgrade the traffic signal at this location which has been corridor optimized to prioritize through movements on Tuscany Blvd NW. Neither the community or the City of Calgary should bear the costs, direct or indirect of the mobility impairment resulting from approving this commercial development.

**Location / Across from a CBE school:** The property is across the street from Twelve Mile Coulee School (TMC), a very busy middle school. In the coming school year TMC will welcome approximately 800 Grade 6-9 students from Tuscany, Rockland Park and Scenic Acres. The addition of Scenic Acres students this school year will result in additional busses from previous years. The school drop off and pick up times around TMC are already very busy especially during inclement weather and can result in hundreds of vehicles in and around the school. As well, TMC is proud to be one of the highest bike use schools in Calgary with additional bike racks installed to accommodate the use. A high pedestrian, bike, scooter, school bus and car traffic zone exists in this area.

The clientele of this proposed development will all be primarily dropped off and picked up by vehicles. There will be increased potential for incidents with vulnerable road users simply due to increased and inappropriate increase to volumes at this key intersection.

**Location / Access and Safety:** This is an issue of major consideration noted by the TCA and many residents which have commented on the application. The intersection of Tuscany Blvd NW and Tuscany Hills Rd NW is very busy at peak times. On turning from Tuscany Blvd NW to Tuscany Hills Rd NW, a median initially divides the road. This will result in a high number of U-turns in a high traffic/high pedestrian area further exasperating vulnerable road user safety. Should clients park

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on the west side of Tuscany Hills Rd, many may jaywalk rather than going back to the intersection cross walk, particularly in times of inclement weather when driver visibility is already reduced. Due to the proximity of the intersection on the north side and neighbouring homes on the south side, on street parking in front of the lot is limited to 1-2 spots. Depending on traffic volume clients may start utilizing the lane for access or to turn around. The scale of the proposal along with the safety issues at this location are a very significant concern.



**Garbage Collection:** A commercial facility of this scale will require appropriate garbage, recycling and green bin collection. No commercial garbage location nor garbage pick up area is noted on the plans which currently shows only 5 standard residential garbage bins. Adding commercial garbage, recycling and green bin collection will add further strain to the back lane access. The property sides 12 Mile Coulee Natural Park Area which is a significant corridor for wildlife. Managing garbage in this scenario is an important consideration.

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**Outdoor Play Area Location / Noise:** In response to the question of noise and outdoor play area noise by residents following the initial application, the applicant responded as:

*[Applicant]: this daycare will be just in front of the playground of TMC School and its play area will be on the green belt side. Kids age 2-5 years and play hours will be same as of the school. So it won't add any decibel to the existing noise in the area.*

The on-property Play Area is split into two sections, one at the front and one at the back. Both impact neighbours and noise levels are a concern.



The application drawing titled "Play Area/Park" notes a 'neighbour community kids play area'.

This noted "neighbour community kids play area" is Twelve Mile Coulee School (CBE School Board) land. This is an open field with no fencing on the east side and some fencing on the north side. The field is used for children from TMC during recess, lunch, gym and other outdoor class use and playtime. The use of school lands during the school day is restricted to school use. The CBE has confirmed the fields noted only become open for public booking on evenings starting at 6:00pm or on weekends. This land is not available for use by the applicant.

The land to the NW of the property is the Tuscany Club managed by the Tuscany Residents Association (TRA). The TRA General Manager submitted the following comments regarding the proposal. "We are opposed to the Land use change if the applicant is making the assumption that their approved day care will be permitted with full access to the Tuscany Club, without following the admission rules and policies."

The green space to the north and east of the property is 12 Mile Coulee Natural Area Park, an environmentally sensitive and protected green-space that is well used by residents with dogs, bikes and as a running path. It is not an appropriate play space for young children and is open and sided by Tuscany Blvd NW, a very busy major roadway in the community.

The applicant has not designated an appropriate outdoor play area for the facility.

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**Summary:**

The TCA supports home-based child care services that follow current regulations. Neither we, nor the neighbours, have any issues with the dayhome on this site that is currently operating.

However, we are very concerned with commercial development in a home that is well above currently accepted levels for other home-based businesses. This level of intensity exceeds the safe capacity for this area and poses an unacceptable hazard to existing adjacent land uses, the travelling public and the adjacent land owners that have a reasonable right to the enjoyment of their property.

Given the significant traffic and safety concerns affecting both the childcare facility families, the families travelling to Twelve Mile Coulee School, and adjacent property owners, The TCA requests traffic and safety studies to be completed and funded by the applicant prior to consideration of the application and to be reviewed by appropriate City of Calgary experts. Further to the issues noted, the safety review should ensure there is adequate access for emergency services to the property given the volume of vehicles, fencing, narrow outdoor walk ways and numerous access doors/gates on the outside of the property.

Thank you for taking these concerns into account when considering this application.

Sincerely,

Erin Chrusch, President, Tuscany Community Association

Monika Furtado, Director, Planning and Development

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Applicant posted comments on the Talking about Tuscany Facebook Page:

May 21, 3:30 pm

Request the @admins to allow our point of view.

This is about the ongoing discussion about the proposed commercial Daycare in front of the TMC school with zone change of a residential property. We have applied for this application for Daycare with the help of a professional company who planned this proposal. They have done similar jobs before and are well-aware of the City regulations for such DP applications. Before we applied, there is a pre-application stage where city does the preliminary screening for a location and the proposed plan. Once they approve it in pre-screening, they allow to submit a proper proposal. We had briefed some neighbors about it and just saw this campaign against this proposal. We respect the opinion of all the neighbors and residents and believe this is there fundamental right to raise their concerns. I saw some concerns posted on the social media and thought it would be appropriate to answer all the concerns which I have seen in different comments. Please see those concerns and our answers to each of them. Regards,

1- There should not be a business in the residential area.

Answer: Schools and Pre-schools don't seem good in commercial areas. This is not like a grocery shop or bar where public will be visiting. This will be a daycare with known capacity and just registered parents visiting. It's in front of a large school anyway.

2- The traffic in this street is already crazy at rush hours because of school pick n drops and this will add further to the problem.

Answer: the daycare hours start 6 AM and parents drop their kids an hour before the school starts. Similarly they pick them at 5-6 PM when the street is free from the school rush. So it will not add any additional traffic at any time.

3- This will make it noisy for the neighbors.

Answer: this daycare will be just in front of the playground of TMC School and its play area will be on the green belt side. Kids age 2-5 years and play hours will be same as of the school. So it won't add any decibel to the existing noise in the area.

4- Since it will be adding parking slots in the backyard side, the back alley's quiet street will have high traffic.

Answer: the backyard parking slots will be for the staff parking so it will still remain quiet. Most of the pick and drop will be on the front (school) side which will be adding only two slots in the front.

5- The planned 59 kids are too much for this property.

Answer: Numbers of kids and size of play area are decided on the basis of an algorithm designed by the subject specialist in the City's planning department and it's pretty much standard in the whole North America. As per that standard, the actual number was calculated to be over 80 kids. The limitation of 59 kids is based on the limited possible parking slots. And there is number of daycare providers for each age group. For example, for toddlers, there must be one educator for maximum 3 children.

6- This will not be safe for so many kids at one place.

Answer: this place will be modified to meet the safety standards. It will have water sprinklers for fire safety and proper exits and ventilation as per the city guidelines. City has a special department to monitor and control daycares. It's bound to have a proper licensed daycare manager/director and trained staff with continuous supervision and surveillance to meet the city requirements. Those who are knowledgeable about how it operates, know that daycare are much safer and better regulated compared to day-homes. And that's why government is promoting such facilities.

7- The owners should find a commercial property for this activity.

Answer: unfortunately the commercial area in Tuscany is very small with no further room available. That's why hundreds of Tuscany parents go to Dalhousie and Royal Oak to drop their kids in daycares.

8- This location is very busy and not suitable for a daycare.

Answer: This location is best possible in whole Tuscany since its corner of a large crossing with Tuscany Club on one Corner and School ground on the other and green belt on the side. This is in front of the school play

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area and a preschool and daycare is best suited next to the similar activity. Also there are 2 bus stops next to it which is a great plus for parents and staffs who prefer to come by bus.

9- The property value of the neighbors will go down.

Answer: it depends on who is the buyer. We also bought this property because our kids were able to walk to the school. Most of the families with younger kids prefer such locations where they don't have to worry about pick and drops.

10- There is no precedent in the city for a commercial daycare in residential areas.

Answer: There are hundreds of similar daycares in almost all communities in residential areas, mostly on corner slot. Even in Tuscany, there is a similar daycare few hundred meters from this property. (Search on Google maps) They are licensed for 30 kids because that is smaller house with no parking options.

11- It will affect the business of existing day-homes.

Answer: The new \$10 per day per child program is for daycares and it will benefit so many families financially. Some people still prefer day-home environment. It will definitely help families going outside Tuscany for their kids daycare needs.

12 - So many people talking against this proposed daycare.

Answer: daycares have much stricter regulations and controls from the city compared to day-homes. There are hundreds of families with younger kids who are excited and happy to see if it is coming here. However we trust the judgment by the city experts and don't want to run similar campaign in our favor. We also respect what people think and respect their opinion but we don't want to rally for our opinion and don't want to influence anyone on social media or elsewhere. We will be happy with whatever City decides at the end of the day.

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