

Community Association Letter

Planning Committee
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brcacalgary.org

22 May 2018

Circulation Control
Planning, Development & Assessment #8201
The City of Calgary
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Attn: CPAG.Circ@calgary.ca
cc: Kate VanFraassen, File Manager (kate.vanfraassen@calgary.ca)
Ali McMillan, BRCA Planning Director (planning@brcacalgary.org)

To Whom It May Concern:

RE: LOC2018-0091 (911 General Ave NE)

Thank you for the opportunity to comment with respect to the application for a Land Use Amendment affecting land 911 General Ave NE (LOC2018-0091).

This Land Use Application was discussed at a meeting of our Planning Committee convened 22 May 2018. Notice of that meeting was given to neighbours adjacent to the subject parcel and by posting in the general plaza. Approximately 4 neighbours attended (2 from the same building, 2 concerned about cannabis in this location of general plaza who live 2 blocks away), as did many regular Planning Committee members. The applicant was also invited to the meeting, and did attend. This matter has also been the subject of very significant discussion in the neighbourhood more generally, and also specifically at the level of BRCA's Board of Directors. This letter consolidates all such relevant feedback of which the Planning Committee is aware. It has not been uncommon for members of our Planning Committee to have heard people simply talking about this issue in General Plaza during the period of the sign having been posted.

The application is seeking a new land use designation for the site of DC to MU-2 to allow for a Cannabis Store. BRCA is strongly opposed to such re-designation by means of this application for several reasons:

- a. This location is the central gathering place for the community – the General Plaza. The commercial area already contains a tobacco outlet and a liquor store – both of which have window wraps. We are promoting active frontages and family uses for this location in the heart of the community. These existing non-family / non-active uses are already tending to dominate the plaza area that we would prefer to see develop more active uses, in keeping with original rationales. This strip is already saturated with adult uses of liquor and tobacco. The “come and go traffic” of drop off and pick up uses are not conducive to creating a “sticky street” or public plaza where people linger and provide vibrancy.

Please see also the language in our community's existing ARP (currently under reconsideration) on Pg. 23: "4. Active frontages are required for developments along 1 Avenue as specified below: a) between ... 7A and 9A Street NE all development shall provide active frontages along 1 Avenue NE" (note: in a practical sense, General Avenue effective "fronts" 1 Avenue NE, a fact of which all would have been well aware at the time of the Bow Valley Lands update that was made to create The Bridges area in the (otherwise dated) Bridgeland-Riverside ARP.)

- b. The location is one block removed from the Community Center, where there are daycare and school uses and a central community playground. Although we recognize that the location does not technically fall afoul of the "minimum distance" requirements established by new Guidelines, we believe it is nevertheless important to take a purposive approach to understanding those requirements. In particular, according to the Guidelines, setbacks exist "to ensure Cannabis Stores are not located too close to public and private schools in order to limit convenient access and lower the profile and visibility of cannabis to young persons." The point here about "lowering the profile and visibility" for young persons is key. The proposed location is very much at the heart of our community. It is a "short" one-block walk to our community association building, adjacent to a playground. In practice, General Avenue and those community-centre and playground lands tend to function together (e.g. parents and tots visit Starbucks, then wander the block to the playground). It is actually difficult to imagine a location that would, in our community, result in a Cannabis Store having greater profile and visibility for young persons that this one would have. We have, additionally, even received comments from pre-adult members of our community strongly opposed to the use in this location, precisely for this reason.
- c. There are many cannabis applications presently affecting the community. Further to the comments immediately above, we feel there are better locations suited to this use due to the competing planning merits / diversity of uses in those other locations. We understand, in particular, that there are three other locations being applied for in close proximity to this one. We feel that a maximum of one approved location would be appropriate in this radius, and the clear preference will be for a different location away from the central square/ General Plaza. Despite the desire by many to have this be simply another "use" in the community there is significant push back from residents about this specific location due to proximity to family amenities and public space. This might be no different if it were another liquor store or tobacco application. In any event, BRCA feels that it is wrong to approach the multitude of competing applications presently in front of us simply with a "first come first served" mentality, when the reality is that this is a one-time legal transition that Canada and Alberta will be experiencing in 2018. While in future (as with any other proposed "change of use") a "first come first served" approach may best reflect issues of private enterprise and commerce, in 2018 as these new Guidelines are being implemented for the first time, it would be wrong in our estimation to ignore that a multitude of Cannabis Shops will not be approved as "uses" within the same area. This is in keeping with the Guidelines: "To avoid the potential for negative perceptions that may be created about a community when there is an over concentration or clustering of Cannabis Stores along a main street or in a community." To avoid such overconcentration in our community—with many applications pending—it will be necessary and appropriate to approve some and deny others. And surely the basis for doing that ought to be based upon sound planning principles applied without any particular reliance upon "first come first served" when there are several applications currently pending, others of which are more responsive to concerns expressed by the community.

- d. The DC was created as part of a comprehensive development with a list of uses we are satisfied with. We do not see a need to change it. The City's own process obviously reflects the reality that the terms of Direct Control districts reflect a bespoke approach to defining uses for particular areas (e.g. as posted on the City's guidance page for land use: "A Direct Control District MAY NOT allow for cannabis businesses. Please contact the Planning Services Centre at 403-268-5311 for more information and to get more information on cannabis uses in Direct Control Districts." We think the hurdle ought to be greater in the case of a proposed use for a Cannabis Shop in a Direct Control district than elsewhere, and especially where the diversity of uses apparently expressed by the existing Direct Control rules has resulted in the (over) expression of inactive frontages (liquor, tobacco, dental offices, pizza take-out) and "adult-oriented" uses (liquor, tobacco). This area is intended to be a General PLAZA—a place of congregation, of community socializing, and of interaction. The proposed use facilitates none of that.
- e. The proposed land-use change further (if only theoretically, for the time being) would allow for the possibility for a much higher building to be constructed (or somehow renovated into existence?) at this location in future. Several residents have brought forward this issue. Though we appreciate that this is the result of the applicant choosing a district type to suit its needs, in the result we nevertheless must express concern as well about the theoretical maximum height of this proposed land-use amendment. (Buildings do burn down or experience damage, for example.). Please consider, among other things, that this site is only 1.5 blocks away from the lands affected by the current Bucci proposal to build to a 15-storey height within The Bridges.
- f. Please see our comments on related DP2018-1665.

In conclusion, BRCA recognizes that one or more Cannabis Shops are very probably coming to our community as a result of applications currently pending. Not everyone is happy about that change in public-policy but BRCA is not so motivated. The issue here is only a planning issue. As an oversimplification, but only a very slight one, the only neighbourhood comments we have received that are supportive of this application are ones that express support not as a matter of planning (i.e. whether this spot is suitable and/or better than another nearby spot) but only as a sort of sentiment in support of the broader public-policy issue that involves legalization *per se*. As stated above, BRCA has no interest in fighting against settled public policy through the guise of planning objections. The key here is: picking the right suitable spot(s) for what will be happening soon. This is not a suitable spot at all, and certainly not the best of those currently being proposed.

Sincerely,

BRIDGELAND-RIVERSIDE COMMUNITY ASSOCIATION

Per: BRCA Board of Directors
Planning Committee