REPORT TO COUNCIL

To: **Mayor and Councillors**

Subject: Body Art and Tattoo Service Separation Amendment (Ladyluck Tattoo Relocation)

File #: 6620.00

Doc #:

From: Anton Metalnikov, RPP, MCIP
Planning Assistant II

Date: January 4, 2022

RECOMMENDATION:

1. THAT the January 4, 2022 report entitled Body Art and Tattoo Service Separation Amendment (Ladyluck Tattoo Relocation) be received for information; and

2. THAT Council consider 1st and 2nd Readings of Zoning Bylaw Amendment No. 185, Bylaw 3199.

PURPOSE:

Bylaw No. 3199 proposes to amend the Zoning Bylaw to exempt one of two properties at a time from the 400-metre separation requirement for tattoo parlours. This proposed Zoning Bylaw text amendment was prepared in response to an application by Ladyluck Tattoo Inc. Ladyluck Tattoo has made this application to accommodate their relocation, from an existing property currently under a redevelopment application (20785 Fraser Highway, for a 6-storey, 200-apartment unit and 1,518 m^2 commercial mixed-use building that received Third Reading at the December 13, 2021 Regular Council Meeting), to a new location at 20258 Fraser Highway. This new location is also considered an 'interim location', as the applicant has indicated they will seek to relocate back to 20785 Fraser Highway once the redevelopment is completed.

POLICY:

Two properties are affected by this Zoning Bylaw text amendment: 103 – 20258 Fraser Highway, which is designated Transit-Oriented Core in the Official Community Plan (OCP), and 20785 Fraser Highway, which is designated Mixed-Use in the OCP. Both designations accommodate a variety of commercial and residential uses.

Both properties are zoned C1 Downtown Commercial Zone, which allows for Body Art and Tattoo Services ("tattoo parlours") under the Personal Service definition. Seven other zones also accommodate Personal Service uses and, therefore, tattoo parlours:

- CD1 Comprehensive Development Zone (20175 Langley Bypass);
- CD-8 Bylaw 950 Comprehensive Development Zone (Langley Centre North shopping centre; 20085 Langley Bypass);
- CD9 Comprehensive Development Zone (Fraser Crossing shopping centre; 20821-20901 Fraser Highway);
- CD10 Comprehensive Development Zone (Langley Centre South shopping centre; 20150 Langley Bypass);
- CD15 Comprehensive Development Zone (Cascades Casino; 20393 Fraser Highway);
- CD23 Comprehensive Development Zone (the Collection Auto Mall; 5955-6025 Collection Drive); and
- CD64 Comprehensive Development Zone (Highland Centre; 20555 56 Avenue).

Within its General Provisions, the Zoning Bylaw requires a minimum 400-metre separation between tattoo parlours. All existing tattoo parlours within 400 metres of one another currently exist as legally non-conforming uses. Should any of these properties be vacated for over 6 months, they would become subject to all Zoning Bylaw regulations, including separation distances. If a tattoo parlour was to relocate to a new location, even if already operating in Langley City, it would only be permitted to move to a location at least 400 metres away from any other tattoo parlour.

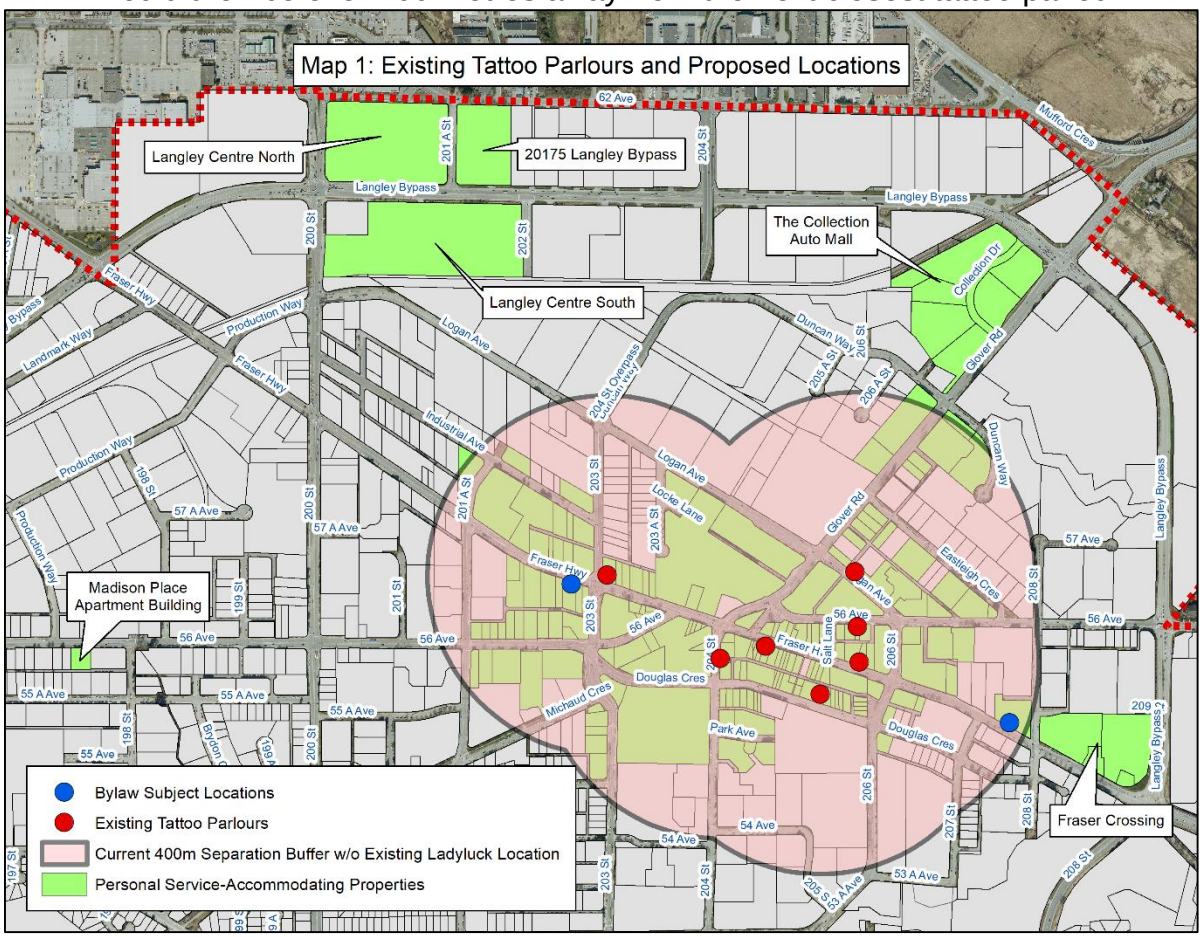
COMMENTS/ANALYSIS:

This proposed Zoning Bylaw text amendment was prepared in response to an application by Ladyluck Tattoo Inc., which has operated in its current location at 20785 Fraser Highway for 27 years and will be required to vacate it due to an application that has been made for its redevelopment by a third party. Ladyluck Tattoo wishes to stay in the City of Langley as it relocates and the intent of Bylaw 3199 is to accommodate this, as there is a lack of potential relocation options available under existing Zoning Bylaw regulations due to the location of existing tattoo parlours and the 400-metre separation required between them.

Map 1 on the next page shows the 400 metre separation distance buffers for tattoo parlours in the City (not including the current or proposed Ladyluck locations, shown as blue dots). As illustrated in Map 1 below, there are six locations zoned for tattoo parlours that fall outside the 400-metre separation buffer from existing establishments, none of which are viable for relocation:

- Madison Place (19730 56 Avenue), which is developed as an apartment building with no commercial units;

- The Collection Auto Mall, which contains only large buildings intended to be used for vehicle dealerships; and
- Fraser Crossing and the three large-format shopping centres on the Langley Bypass, which consist of units oversized for the operational requirements of small businesses such as Ladyluck Tattoo. Fraser Crossing is within 400 metres of Ladyluck Tattoo's existing location and would therefore only be able to accommodate a tattoo parlour if Ladyluck Tattoo was to relocate there, as it would then be over 400 metres away from the next closest tattoo parlour.

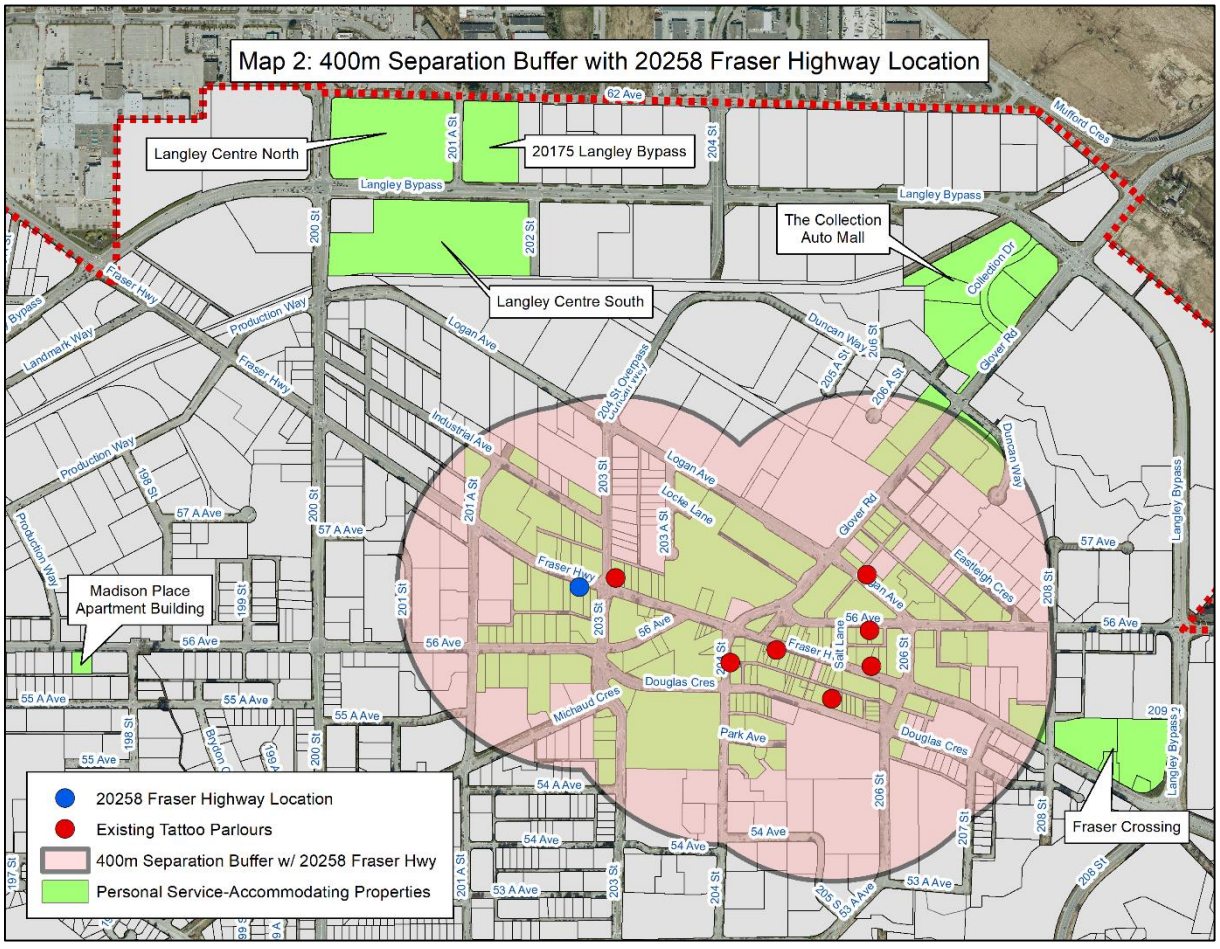


In response to these conditions, the applicant has applied to exempt two properties from the 400-metre separation requirement: 103 – 20258 Fraser Highway, which Ladyluck Tattoo plans to move into ahead of the demolition of its existing building, and 20785 Fraser Highway, which is the applicant's current location that they wish to return to once its redevelopment is complete. In other words, the applicant would relocate to 103 – 20258 Fraser Highway while their current property undergoes redevelopment (over several years) and return to 20785 Fraser Highway once it is complete.

The Zoning Bylaw text amendment is written in a manner that ensures that the primary intent of the separation requirement (supporting business variety through a dispersal

of similar businesses) is maintained while accommodating the desire of a longstanding Langley City business to remain in the city, and eventually return to their existing location, while being required to relocate due to circumstances beyond their control. This is accomplished by the exemption's wording of "**one instance** of [a Body Art and Tattoo Service] shall be permitted on **one of the…two properties at a given time]**", which would allow the applicant to move between the two locations without further bylaw amendment applications in the future while ensuring that no additional tattoo parlours enter the 400-metre buffered area and no other business is able to take advantage of this exemption, as Ladyluck Tattoo will occupy one of the two properties at any given moment in the long-term. Should Ladyluck Tattoo cease to operate in the City of Langley, the Zoning Bylaw could be amended again to remove this exemption.

If Bylaw 3199 is adopted by Council and Ladyluck Tattoo relocates to 103 – 20258 Fraser Highway, the buffer area created by the 400-metre separation requirement would change, as illustrated in Map 2. This would not impact any properties not already affected. When Ladyluck Tattoo returns to 20785 Fraser Highway, the resultant buffer area would change again, as illustrated in Map 3 on the next page, to return to its current shape. The 400-metre separation exemption could also then be repealed.



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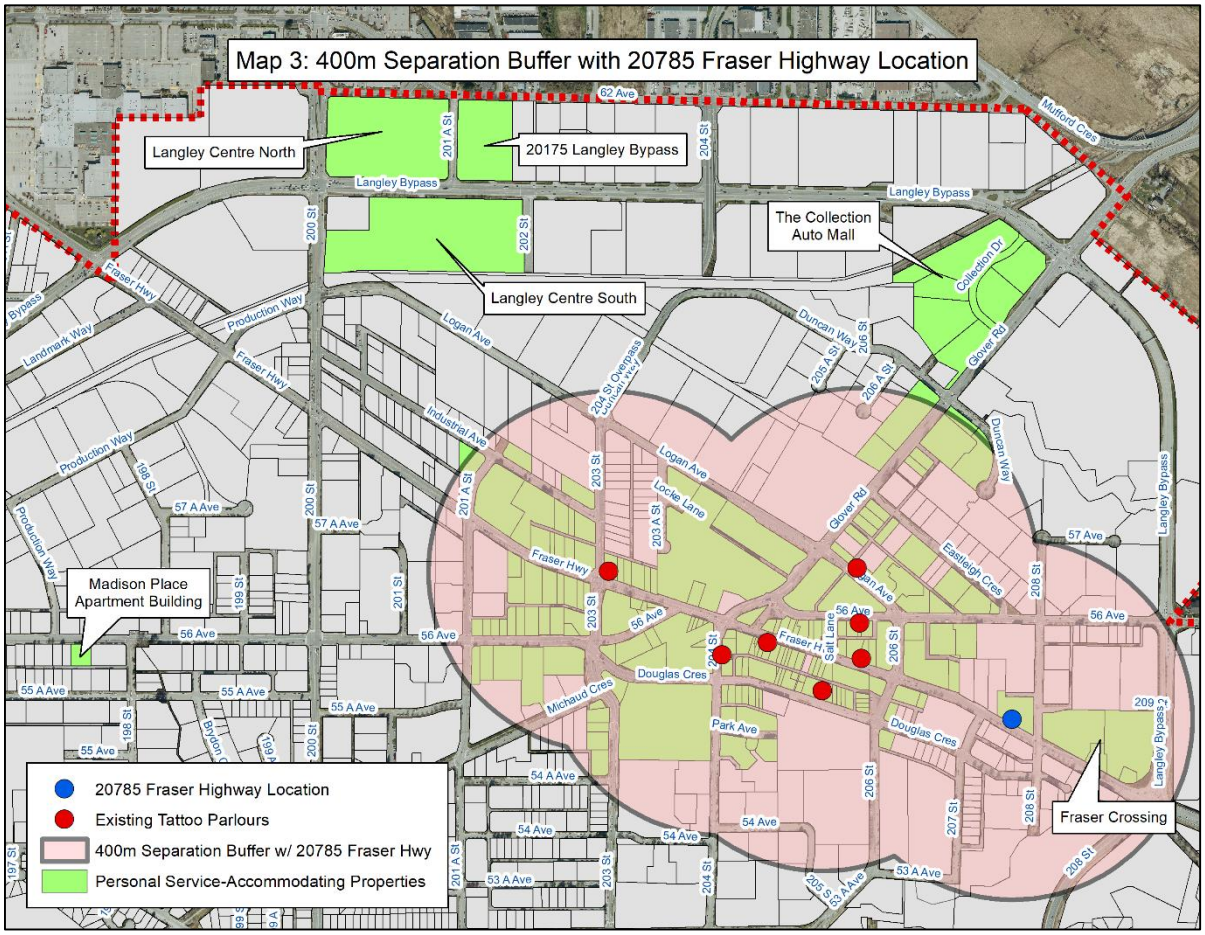

During the time that Ladyluck Tattoo would occupy 103 – 20258 Fraser Highway, it is possible that a tattoo parlour could open at the Fraser Crossing shopping centre, which would be within 400 metres of 20785 Fraser Highway, which Ladyluck Tattoo intends to return to. Because 20785 Fraser Highway is already within 400 metres of another tattoo parlour (on Fraser Highway west of 206 Street) and Fraser Crossing is a "self-contained" shopping centre with storefronts facing its own internal parking area, staff believe the intent of the 400-metre separation requirement to maintain a variety of businesses in the City's commercial areas would continue to be met if this was to occur.

If the redevelopment of 20785 Fraser Highway is not ultimately completed and Ladyluck Tattoo is able to remain at or return to this location, the proposed 400-metre separation exemption could be removed from the Zoning Bylaw.

Bylaw 3199 would enable a longstanding Langley City business, which is being compelled to vacate its existing location as a result of a redevelopment application, to remain in the city and ultimately return to its existing location. If the bylaw is adopted, it will not affect the rights or permissions of any other tattoo businesses nor will it increase the number or concentration of such businesses within the city's Downtown.

The proposed 20258 Fraser Highway relocation site, despite being less than 100 metres away from an existing tattoo parlour at 20305 Fraser Highway, will also not result in an over-concentration of this business activity in this area, given these addresses are separated by a major arterial intersection (Fraser Highway and 203 Street) and are located on separate block faces. As such, staff recommend that Council consider 1st and 2nd Readings of Bylaw 3199.

BUDGET IMPLICATIONS:

None.

ALTERNATIVES:

1. Amend the proposed exemption wording to permit a tattoo parlour at both subject locations at the same time.
    - This is not recommended, as it would invite the possibility of an additional tattoo parlour locating in the City's Downtown beyond those that currently exist and increasing the concentration of similar businesses.

2. Amend the proposed exemption wording to permit a tattoo parlour at only the property addressed 103 – 20258 Fraser Highway.
    - This is not recommended, as it does not provide the business the opportunity to return to its current location, which is further from other tattoo parlours, and would create the need for another Zoning Bylaw amendment application in the future to allow for this.

3. Amend the proposed exemption wording to permit a tattoo parlour at only the property addressed 20785 Fraser Highway.
    - This is not recommended, as it does not allow the business to remain in the City of Langley while it awaits the redevelopment of its existing location.

4. Do nothing.
    - This is not recommended, as it would result in the business being required to leave the City of Langley due to circumstances beyond their control.

Respectfully Submitted,

Anton Metalnikov, RPP, MCIP
Planning Assistant II

Concurrence:

Roy M. Beddow, RPP, MCIP
Deputy Director of Development Services

Concurrence:

Carl Johannsen, RPP, MCIP
Director of Development Services

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.

Francis Cheung, P. Eng.
Chief Administrative Officer