

Community Association Letter

Received 2020 July 13

Hello,

Regarding DP2018-5551:

The policy goals of the Banff Trail ARP for increased density at this location notwithstanding, community feedback has consistently noted:

- That the proposed provides for a development which is significantly out of context and inconsistent with the surrounding pattern of development.
- Also, that proposed commercial use is not compatible with the existing neighborhood context at this location, or in line with policy stipulations of the ARP or its spirit and intent.
- Moreover, this particular location is not practicably suitable for an Assisted Living Facility (in particular when there are other much more suitable and proximate locations for such a facility).

The Banff Trail Community Association acting as the “eyes of the community” also has concerns regarding the stated intentions of the applicant. On several lots (7 in total including 1812 17 AVE NW) in the adjacent Community of Capitol Hill, the applicant has received Land-use Resignation and Development Permit approvals from council under the auspices that an Assisted Living Facility was the intended build - DP2015-2602 was approved August 7, 2018. As of July 13, 2020, an Assisted Living Facility has not been built at this location. In fact, the land is currently being sold as an “*opportunity to build*” under the approved MC-1 land designation (MLS® Number: C4281571). The concern of the Banff Trail Community Association is that the applicant is here again looking to petition Council to change another Land-use designation and further grant a Development Permit not in line with stated intentions of the applicant but simply for possible speculative gain. The appearance or practice of treating the communities and the approval process as a bait and switch, does not foster great communities, promotes cynicism, and is corrosive to best practices and collaborative outcomes.

Given the above the Banff Trail Community Association recommends that Council NOT approve DP2018-5551 or the related Land-use re-designation application LOC2017-0097 also currently under review.

Additionally, the Banff Trail Community Association maintains the position and recommendation outlined in the *Briefing Memo* provided to members of City Council and City Planning Administration dated January 28, 2020 – attached for reference - and which in part reads:

“the Banff Trail Community Association Board does not support any current re-development applications which require amendment of the Banff Trail Area Redevelopment Plan and / or related municipal statutory policy and recommends that council vote to NOT to approve any such applications or recommendations from Administration or the Calgary Planning Commission.”

Thank you and please feel free to contact me with any follow-up questions or concerns,
Wayne Howse
Banff Trail Community Association,
Planning & Development

BRIEFING MEMO

To: Giyan Brenkman, Sr. Planner, City of Calgary,

Cc: Madeleine Krizan, Planner, City of Calgary, Councilor Farrell & Ward 7 Office, Mayor Nenshi and Calgary City Council, David Duckworth, City Manager

From: Banff Trail Community Association Board

January 28, 2020

Subject:

Area Redevelopment Plan and Proposed Policy and Land Use Amendments in Banff Trail

At the December 19, 2019, Meeting of the Calgary Planning Commission Giyan Brenkman, Sr. Planner, City of Calgary, made a combined presentation for items 7.2.2, 7.2.3, & 7.2.4 regarding Policy and Land Use Amendments at three separate locations in NW Community of Banff Trail (Ward 7). During his presentation Mr. Brenkman referred to a noticeable difference in message with more recent comments received from the Banff Trail Community Association, postulating a change in the community at some level but admitting his confusion.

The Banff Trail Community Association Board offers the following.

Background

The Banff Trail Community Association (BTCA) held its Annual General Meeting (AGM) on September 22, 2019. This event advertised in advance throughout the community saw a significant increase in attendance over previous years. In line with bylaw the AGM marks the dissolution of the previous board and related committees and occasions the election of a new board and subsequent re-establishment of committees.

The noted increase in attendance at this year's AGM is largely due to concerns about proposed development in the area, and the accompanying concern over the disregard for the restrictive covenant on several hundreds of properties in the area by both City Planning and re-development applicants.

Related to this were concerns about the previous board. In particular, the associated Planning & Development (P&D) committee. Recognizing that volunteering for a community association can be time consuming and potentially stressful, we always want to suppose that volunteers are doing their best and representing the views and opinions of the community they serve. We acknowledge the volunteer effort and commitment of the previous P&D committee. That said based on feedback received we must also recognize that many community members were

frustrated with the direction, methods, and messaging of the previous BTCA P&D committee and voted as such. Further, the current board recognizes previously provided comments to the City as not widely shared or held by community members. In part, we reference stakeholder engagement comments collected by the City to help support this view.

Considerations

The BTCA in acting for the City as the “eyes of the community” has variously engaged with residents and considered feedback received related to proposed area re-development applications. Respecting that a diversity of opinion exists across any group the BTCA provides the comments below as an *‘on the whole’* summation of *‘what we have heard’* from residents. Their input was provided by email, at board meetings, or through various other direct engagement opportunities and community organized events and open houses.

Resident’s concerns include the fact that several current re-development applications require amendments to statutory planning policy provided for by the Banff Trail Area Redevelopment Plan (ARP) and related Land Use Policy. The ARP as a planning document has seen numerous, substantial amendments since its adoption, including significantly those in 2016 with community wide amendments wherein several areas and corridors were identified for modest intensification and catalogued by building typology, use, and maximum building height. Several recent applications for proposed amendments to the ARP are significant deviations from that set forth in the ARP at these locations. Importantly the proposed amendments also do not align with recent community feedback recorded in Stakeholder Engagement Report documents in which it is noted that citizens are generally unsupportive regarding additional amendments or changes to the ARP (Spring 2018). Primarily the concern is that the implications of allowing these additional spot amendments sets a tantalizing precedent for subsequent proposals to proceed in a similar manner with applications for yet additional accretive nonconformity and deviation from the policies, stipulations, and maximums provided for in the ARP as a planning document.

Related to the above is the concern that granting such amendments fosters cynicism and a lack of trust on the part of the community towards the planning and engagement process, city administration, as well the applicant / developers and their perceived practices. The roll-on effect here being potentially corrosive to the promotion of collaborative outcomes and fostering “great communities”.

Further to this we note the corollary advanced by residents that the particular goals of these specific applications can be realized elsewhere without statutory amendment. Importantly it was repeatedly noted that the policy goal of modest intensification which respects the fabric of the community is currently well and effectively underway with re-development through infilling in many areas of the community including along some of the busier corridors like 19th street and 24th Avenue. Simply put the policy goals of the ARP can be achieved (and are currently being achieved) without policy amendment.

Resident's concerns also pertain to the legal considerations and influences of the Restrictive Covenant 1358GL on several of the current applications under consideration. Respecting the City's recent amendment to the ARP acknowledging the City initiated misalignment of ARP planning policy with this Covenant, for area residents, the concern is that the advocacy and advancement by the City of policy goals in direct contravention of an enforceable legal contractual instrument such as Restrictive Covenant 1358GL backed as it is by civil case law is not only confusing but promotes a situation the result of which is wasted effort and cost for applicants and citizens alike. Importantly, residents note that the policy goals of the ARP for modest increase in density can be achieved differently than the proposed at these locations, and again the specific goals of these applicants can be realized elsewhere.

Recommendation

Considering the above the Banff Trail Community Association Board does not support any current re-development applications which require amendment of the Banff Trail Area Redevelopment Plan and / or related municipal statutory policy and recommends that council vote to NOT to approve any such applications or recommendations from Administration or the Calgary Planning Commission.

On behalf of the Banff Trail Community Association Board,



Andy Boothman
President, Banff Trail Community Association
Association



Wanda Rose
Vice President, Banff Trail Community Association



Wayne Howse
Planning & Development, Banff Trail Community Association

A list of the current Banff Trail Community Association Executive is provided below for your information:

President – Andy Boothman (*president@banfftrailcommunity.ca*)
Vice President – Wanda Rose (*vp@banfftrailcommunity.ca*)
Treasurer – Nathan Chandler
Secretary – Jennifer Joss