

Reconsideration of the Council Decision to Withhold Second and Third Reading of Bylaws 14P2019 and 49D2019

RECOMMENDATION(S):

That Council:

1. Reconsider the motion at the 2019 February 25 Combined Meeting of Council to withhold second and third reading of Bylaw 14P2019 and 49D2019, until after a development permit is at the point of approval by the Calgary Planning Commission;
2. Give second and third readings to Bylaw 14P2019 for the proposed amendments to the Banff Trail Area Redevelopment Plan (Attachment 2); and
3. Give second and third readings to Bylaw 49D2019 for the redesignation of 0.15 hectares \pm (0.37 acres \pm) located at 2440 and 2436 – 22 Street NW (Plan 9110GI, Block 12, Lots 9 and 10) from Residential – Contextual One / Two Dwelling (R-C2) District to Multi-Residential – Contextual Low Profile (M-C1) District (Attachment 3).

HIGHLIGHTS

- Administration is requesting Council reconsider its decision to withhold second and third reading of Bylaws 14P2019 and 49D2019 due to concerns regarding insufficient engagement for one of the first major intensification projects in the area. Subsequent to Council's decision in 2019 February, five major redevelopment applications along 24 Avenue NW with similar proposed land use districts have been approved. In addition, extensive public outreach for these development applications and planned transportation improvements have occurred. Thus, there has been additional engagement and the applicant and community have a better understanding of expectations at the development permit stage.
- What does this mean to Calgarians? The land use is consistent with the intensification expected near rapid transit and provides additional opportunities for more housing choice within an established area.
- Why does it matter? The proposal is in alignment with the intent of the Banff Trail Area Redevelopment Plan while also promoting more efficient uses of existing infrastructure. If second and third reading are not approved, the bylaw will expire, requiring a new application for land use redesignation.
- At the 2019 February 25 Meeting of Council, concerns regarding the proposed land use redesignation and associated policy amendment were heard. Concerns were predominantly related to insufficient engagement for the application and the proposed intensification as this was the first major redevelopment application along this stretch of 24th Avenue NW.
- On 2019 June 11 and 2019 October 24, this application, along with all the major redevelopment projects along 24 Avenue NW hosted a public engagement session.
- As a result of planned intensification along 24 Avenue NW and upgrades to Crowchild Trail N, major transportation infrastructure improvements along the 24th Avenue Corridor are under construction

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- At the 2020 December 17 Meeting of Calgary Planning Commission (CPC), Administration recommended approval of the associated Development Permit DP2018-5551 for an Assisted Living development. At this meeting, CPC deemed DP2018-5551 unacceptable and recommended the Development Authority refuse the application. However, during discussion, it was noted by CPC that their concerns did not relate to the proposed land use redesignation and associated policy amendment which they supported at its meeting of 2018 December 18.
- At the Combined Meeting of Council of 2019 February 25, second and third reading of Bylaws 14P2019 and 49D2019 were withheld by Council. Administration was directed to return to Council after a development permit was at the point of approval by CPC.
- Background and Previous Council Direction is included as Attachment 1.
- Strategic Alignment to Council's Citizen Priorities: A city of safe and inspiring neighbourhoods.

DISCUSSION

At the 2019 February 25 Combined Meeting of Council, Council's concerns regarding this proposed land use and associated policy amendment predominantly related to insufficient engagement for the first development application along the 24 Avenue NW corridor and the proposed intensification (refer to Attachment 4 – Report CPC2018-1377 for LOC2017-0097).

Since the 2019 February 25 Combined Meeting of Council there have been an additional five development applications which provide for similar or higher density along 24 Avenue NW in Banff Trail. These applications are in different stages of review and approval. Three land use redesignations to Mixed Use – General (MU-1) District were approved on 2020 February 03 at the Combined Meeting of Council. More recently, a land use redesignation for a DC Direct Control District based on the Multi-Residential – High Density Low Rise (M-H1) District was approved at the 2020 December 14 Combined Meeting of Council.

Following the 2019 February 25 decision, there has been additional coordinated public outreach associated with these applications including two open houses held on 2019 June 11 and 2019 October 24 that involved applicants for the multiple redevelopment applications along 24 Avenue NW, in conjunction with City representatives for the Banff Trail Area Improvements Project. Improvements to 24 Avenue NW are currently underway, with construction beginning on the eastern portion of the road, east of 19 Street NW. The portion of 24 Avenue NW fronting the subject site is scheduled to be completed in the 2021 construction season.

DP2018-5551 for an Assisted Living development on the subject site was submitted and recommended for approval at the 2020 December 17 Calgary Planning Commission Meeting (refer to Attachment 5 – Summary of DP2018-5551). Administration considered the integration of the development within the community and adjacent to the 24 Avenue NW corridor. Ultimately, CPC determined that DP2018-5551 was unacceptable due to planning concerns relating to building configuration and interface with adjacent sites as well as other issues regarding internal building operations, questions relating to the proposed green roof and an unknown operator. CPC did note that their concerns did not relate to the proposed land use redesignation and policy amendment (refer to Attachment 6 - DP2018-5551 - Reasons of Refusal) which they supported at its meeting of 2018 December 13.

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The applicant has verbally indicated that he intends to file an appeal to the Development Authority's decision to refuse DP2018-5551, however first reading of the bylaws will expire on February 25 2021, before the appeal will be heard, impeding the applicants right of appeal.

As a standalone land use application, Administration continues to support the use and intensity proposed. For the reasons above, particularly the additional extensive public outreach that has occurred since the Combined Meeting of Council of 2019 February 25, Administration is recommending the decision to withhold second and third reading of bylaws 14P2019 and 49D2019 be reconsidered, and second and third reading of the bylaws be granted.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- ☒ Public Engagement was undertaken
- ☐ Public Communication or Engagement was not required
- ☒ Public/Stakeholders were informed
- ☒ Stakeholder or customer dialogue/relations were undertaken

Applicant-Led Outreach

Since the Combined Meeting of Council on 2019 February 25 additional applicant lead outreach has occurred for both the land use and development permit applications (refer to Attachment 7 - Applicant Outreach Summary). This included meeting the Community Association Planning Board, participating in joint open houses with The City and other developers and distributing letters to surrounding residents. Concerns raised are listed in the Applicant Outreach Summary (Attachment 7) and included in the City Lead Outreach summary below.

City-Led Outreach

Since the Combined Meeting of Council on 2019 February 25 additional City-led outreach has occurred through the Development permit application. In keeping with Administration's standard practices, the development permit was circulated to external stakeholders, notice posted on-site, and published [online](#).

Additionally, community outreach for the six applications along 24 Avenue NW in Banff Trail is consistent with The City's Community Outreach Tool Kit and piloted an approach whereby Community Planning, Transportation Infrastructure, and all six applicants held joint open houses / information sessions to inform the community and collect feedback on the development proposals and The City led projects in the area.

Issues captured from above outreach relevant to the land use redesignation and associated policy amendment include:

- building height and shadowing / loss of light for adjacent properties and impacts to local gardens;
- loss of trees;
- increase in traffic and lack of parking in the area;
- lack of true walkability and bike lanes;
- does not align with the ARP;

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- conflicts with Restrictive Covenant on title; and
- lack of community engagement by applicant.

Banff Trail Community Association has provided feedback to both the land use redesignation and the development permit application in the form of a letter dated 2020 July 13 and a Memo provided to members of City Council and City Planning Administration dated 2020 January 28. These indicate that the Community Association does not support any redevelopment applications currently contemplated along 24 Avenue NW which require an amendment of the Banff Trail Area Redevelopment Plan (refer to Attachment 8 - Community Association Letter).

If approved by Council, the second and third reading Bylaws 14P2019 and 49D2019 will be advertised for 21 days, as per the Alberta Municipal Government Act.

IMPLICATIONS

Social

The recommended land use allows for a wider range of housing types than the existing R-C2 District and as such, the proposed change may better accommodate the housing needs of different age groups, lifestyles and demographics in this community well served by existing infrastructure and in close proximity to services and transit.

Environmental

Administration has reviewed this application against the applicable policies for its alignment with the [Climate Resilience Strategy](#). The applicant has provided confirmation of providing a green roof for the proposed development, which would help mitigate stormwater management.

Economic

The proposed land use provides for increased housing and employment opportunities within the community.

Service and Financial Implications

No anticipated financial impact.

RISK

There are no known risks associated with this application.

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ATTACHMENT(S)

1. Background and Previous Council Direction
2. Proposed Bylaw 14P2019
3. Proposed Bylaw 49D2019
4. Report CPC2018-1377 for LOC2017-0097
5. Summary of DP2018-5551
6. Reasons for Refusal of DP2018-5551
7. Applicant Outreach Summary
8. Community Association Letter

Department Circulation

General Manager	Department	Approve/Consult/Inform
Stuart Dalglish	Planning and Development	