

Community Association Response

Received 2021 March 12

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Re: LOC2021-0019 (2404 22 ST NW)

To: Madeleine Krizan, File Manager

From: The Banff Trail Community Association

There are current City of Calgary approvals for the proposed development at this location. With that, this new application for a change of land use to a Direct Control (DC) land use, as it is unsupported by the City of Calgary Land Use Bylaw 1P2007, and provides no legitimate planning rationale, is meritless, unnecessary, and inappropriate.

Based on this and what follows, **The Banff Trail Community Association recommends against LOC2021-0019** and recommends that Calgary Planning Commission and Council vote to **NOT** to approve this application if endorsed by administration.

POLICY BACKGROUND:

Referring to the City of Calgary Land Use Bylaw 1P2007 (accessed online at lub.calgary.ca):

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 cannot 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.*

CONTEXT AND CONSIDERATIONS:

1. There are current City of Calgary approvals for the proposed development at this location.

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2. The application is not supported by the City of Calgary Land Use Bylaw 1P2007 (LUB):
- (i) The application clearly states that a written decision was made by the Sub-Division Appeal Board (SDAB) to uphold the existing DP approval. Therefore, LUB Section 20(2) sub sections (a) and (b), cited above, manifestly apply; and with existing City approvals for the proposed development in place, this subsequent application for the employment of a Direct Control (DC) land use here is as unnecessary as it is inappropriate.
 - (ii) Furthermore, the application has not satisfied LUB Section 20(3) for DC requirements which is to indicate why a DC is "*necessary, and why the same results cannot be achieved through the use of a land use district in this Bylaw*". Again, with existing City approvals for the proposed development in place, this subsequent application for the employment of a Direct Control (DC) land use here is unnecessary and inappropriate.
 - (iii) Neither does the application satisfy LUB Section 20(1), which states "*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.*" - because none of these conditions apply here. There is nothing unique or innovative with the development that would justify the DC. Nor, importantly are there any unusual site constraints to consider pertaining to planning matters from *the legally proscribed perspective of City of Calgary Planning Administration, Development Authority, and City Council.*
3. No reinforcement of current City of Calgary approvals as this application seeks is necessary, appropriate, or defensible.

Being unsupported by the City of Calgary Land Use Bylaw 1P2007 and providing no planning rationale this application is meritless.

Given the above, the **Banff Trail Community Association does not support LOC2021-0019** and recommends that Administration, the Calgary Planning Commission and Council **NOT** support it either.

Thank you, The Banff Trail Community Association