

**Land Use Amendment in Banff Trail (Ward 7) at 2304 and 2309 – 23 Avenue NW,
LOC2022-0196**

RECOMMENDATION:

That Calgary Planning Commission recommend that Council:

Give three readings to the proposed bylaw for the redesignation of 0.11 hectares \pm (0.27 acres \pm) located at 2304 and 2309 – 23 Avenue NW (Plan 9110GI, Block 11, Lot 26; Plan 9110GI, Block 10, Lot 20) from Residential – Grade-Oriented Infill (R-CG) District to Direct Control (DC) District to accommodate rowhouse development, with guidelines (Attachment 2).

HIGHLIGHTS

- This land use amendment application seeks to redesignate the subject parcels to a Direct Control (DC) District based on the Residential – Grade-Oriented Infill (R-CG) District to address the unusual site constraints created by a restrictive covenant on title which restricts development to a “Single or Two Family dwelling house and a private garage”.
- This application supports the transit oriented development vision for the Banff Trail area in alignment with the *Municipal Development Plan* (MDP) and *Banff Trail Area Redevelopment Plan* (ARP).
- What does this mean to Calgarians? The land use amendment would promote more housing choice for inner city living with access to alternative transportation modes, as well as the more efficient use of existing infrastructure and surrounding institutional uses.
- Why does this matter? With more housing choice within existing developed areas adjacent to existing LRT infrastructure, Calgary may increase its population diversity in close proximity to existing services and facilities in Banff Trail.
- In 2022, a development permit application was approved for a four-unit rowhouse building (DP2021-8595) on 2309 – 23 Avenue NW.
- In 2017, a land use amendment application was approved by Council (269D2017) to implement the new density policies of the *Banff Trail ARP* which designated the two subject parcels with the Residential – Grade-Oriented Infill (R-CG) District.

DISCUSSION

This application was submitted by Ellergodt Design on 2022 November 03 on behalf of the landowners Lubomir Hrazdira, Maria Hrazdira, Filip Hrazdira and Lorena Hrazdira with the intent to build a four-unit rowhouse development with secondary suites on each of the subject parcels as per the Applicant Submission (Attachment 3).

The subject site is located in the northwest community of Banff Trail at the two western corners of the intersection of 23 Avenue NW with 22 Street NW. The site is approximately 250 metres (four-minute walk) to the Banff Trail LRT Station, where Council has made investments in pedestrian, transportation, and road improvements through the larger Banff Trail Area Improvement project from 2020 to 2023. Improvements were also made to 24 Avenue NW to the north of the subject parcels to support the future vision of residential densification.

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The two parcels in this application are subject to a restrictive covenant that restricts the use of the parcels to a single or semi-detached dwelling. While restrictive covenants are not binding on Council or Administration in making land use or development permit decisions, they present a potential impediment to redevelopment at the time of construction should another landowner choose to enforce the restrictive covenant. The covenant is restricting the construction of a four-unit rowhouse building with a development permit (DP2021-8595) on 2309 – 23 Avenue NW.

The ARP states that for parcels in Banff Trail that are subject to the restrictive covenant and where the restrictive covenant is not in alignment with the goals and objectives of the ARP, The City of Calgary supports the direction of the ARP (Section 2.1.2 - Context). This is the basis of Administration's recommendation to Calgary Planning Commission in this report.

A detailed planning evaluation of the application, including location maps and site context, is provided in the Background and Planning Evaluation (Attachment 1).

PUBLIC ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- ☒ Outreach was undertaken by the Applicant
- ☒ Public/interested parties were informed by Administration

Applicant-Led Outreach

As part of the review of the proposed land use amendment application, the applicant was encouraged to use the [Applicant Outreach Toolkit](#) to assess which level of outreach with the public/interested parties and respective community association was appropriate. In response, the applicant completed a postcard drop to the nearest or most affected neighbours and a total of 68 postcards were delivered with the applicant's contact details to answer any questions that may come up. A map of the area where the postcards were delivered is included in the Applicant Outreach Summary (Attachment 4). The applicant also reached out to the Banff Trail Community Association with a request for comments but did not receive a reply.

City-Led Outreach

In keeping with Administration's practices, this application was circulated to the public/interested parties, notice posted on-site, published [online](#), and notification letters were sent to adjacent landowners.

Administration received one letter of support and 12 letters of opposition from the public. The letter of support states that younger families and couples are attracted to the rowhouse building form and the hope is to have more families living in Banff Trail. The letters of opposition include the following areas of concern:

- secondary suites add additional unwanted density and create a shortage of on-street parking due to limited on-site garages;
- the loss of on-site trees due to the larger building footprint for rowhouse buildings;
- the lack of LRT capacity at the Banff Trail station during peak hours;
- rear lane congestion due to additional garbage, recycling, and compost bins;

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- the proposal is not in alignment with the existing Residential – Contextual One / Two Dwelling (R-C2) District character of Banff Trail;
- increasing the carbon footprint of the city by cutting down trees to provide rowhouses;
- interference with the terms of the restrictive covenant; and
- an increase in density will further exacerbate traffic congestion and demand for street parking.

The Banff Trail Community Association did not provide comments on the application. Administration contacted the community association to follow up, and no response was received.

Administration considered the relevant planning issues specific to the application and has determined the proposal to be appropriate. While one site has an approved development permit, the number of units, on-site parking, and site design will be reviewed and determined at the development permit stage for the other site.

Following Calgary Planning Commission, notifications for a Public Hearing of Council for the land use amendment application will be posted on-site and mailed out to adjacent landowners. In addition, Commission's recommendation, and the date of the Public Hearing will be advertised.

IMPLICATIONS

Social

The site is in a transit-oriented development area in close proximity to major employment centres such as Foothills Hospital, Alberta Children's Hospital, and the University of Calgary. The proposed DC District will therefore add certainty that the already approved diversity of housing options in the R-CG District will be executable on a highly appropriate site.

Environmental

This application does not include any actions that specifically address the objectives of the *Calgary Climate Strategy – Pathways to 2050*. Further opportunities to align future development on these sites with applicable climate strategies will be explored and encouraged at subsequent development approval stages.

Economic

Council approved a City-led redesignation of the subject parcels to R-CG in alignment with the MDP and *Banff Trail ARP* and to make more efficient use of existing infrastructure and services. The City of Calgary has actively invested in the Banff Trail area through pedestrian and transportation improvements and intensification throughout the community is in alignment with Council's investment.

Service and Financial Implications

No anticipated financial impact.

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RISK

If this land use amendment application is not supported, there may be impediments to the implementation of the MDP and the *Banff Trail ARP*. Private investment and redevelopment that are envisioned in the MDP and ARP may not be achievable on these parcels even though they are situated less than 250 metres from the existing LRT station (four-minute walk). The proposed land use amendment is also in line with numerous other developments in Banff Trail that were successful in redevelopment where the restrictive covenant does not exist on title.

ATTACHMENTS

1. Background and Planning Evaluation
2. Proposed Direct Control District
3. Applicant Submission
4. Applicant Outreach Summary

Department Circulation

General Manager (Name)	Department	Approve/Consult/Inform