

# Background and Planning Evaluation

## Background and Site Context

The subject site is located in the community of Banff Trail and consists of two legal parcels on two separate corners of the intersection between 23 Avenue NW and 22 Street NW. The first parcel is situated at 2304 – 23 Avenue NW on the northwest corner of the intersection and is developed with a single detached dwelling and a single detached garage with vehicular access from 23 Avenue NW, although a rear lane exists along the western property line of the parcel. The second parcel is situated at 2309 – 23 Avenue NW on the southwest corner of the same intersection and is currently vacant after a single detached dwelling and garage were demolished in 2022. A rear lane exists along the western property line. Both parcels are approximately 0.06 hectares ± (0.14 acres ±) in size and approximately 15 metres wide and 37 metres deep.

The area immediately surrounding the subject parcels consists of existing and new infill single and semi-detached dwellings with the Branton School and sports fields 350 metres (five-minute walk) to the southeast. The Banff Trail LRT station is situated approximately 250 metres (four-minute walk) to the west. Several rowhouse developments and local neighbourhood commercial sites are spread throughout the community. Large scale institutional uses are located along the edges of the community such as the University of Calgary, Southern Alberta Institute of Technology, McMahon Stadium and Foothills Medical Centre.

Many properties in Banff Trail are subject to a 1952 restrictive covenant restricting the use of affected lots to single and semi-detached dwellings. These covenants, registered against individual properties and/or entire subdivision plans, were used as an early land use planning tool before municipalities adopted land use bylaws and other planning legislation designed to govern land development. While these 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.

There are several successful rowhouse developments scattered throughout the community with a similar context to the parcels subject to this land use amendment application.

## Community Peak Population Table

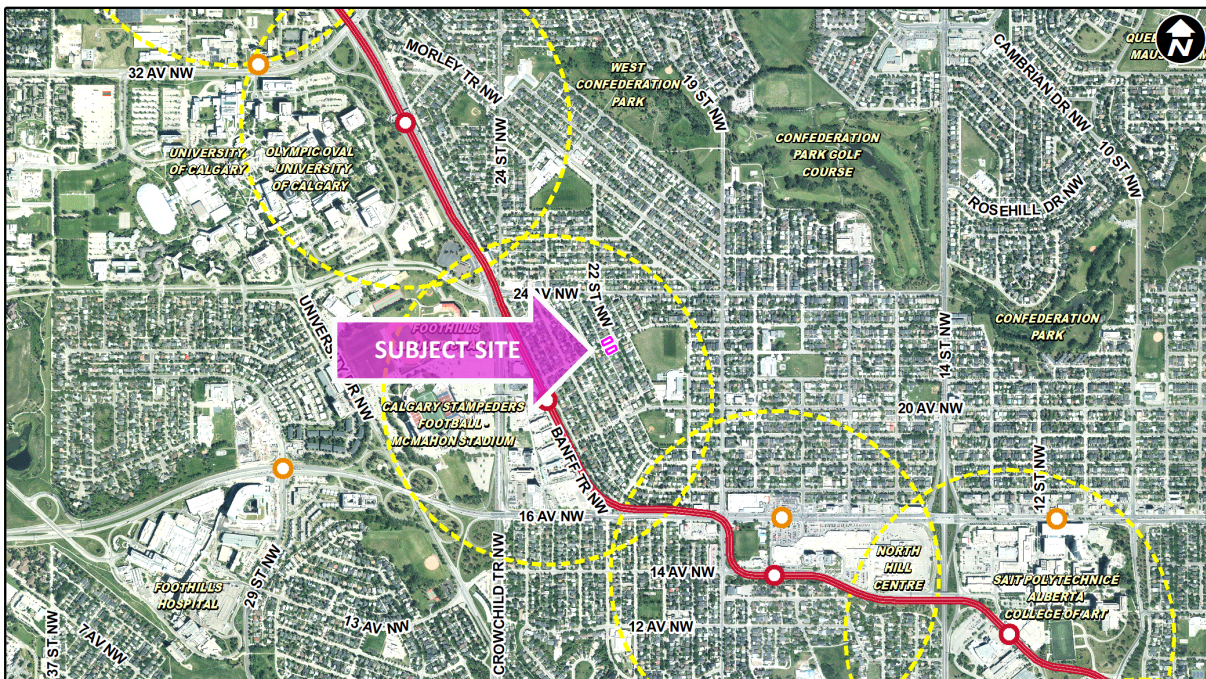
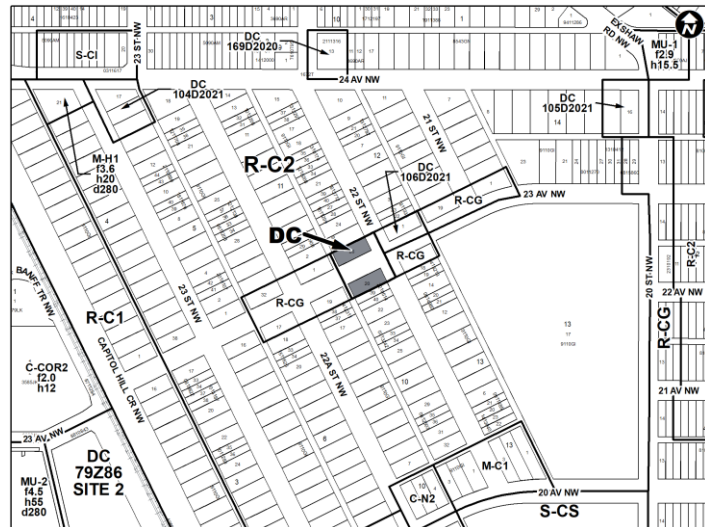
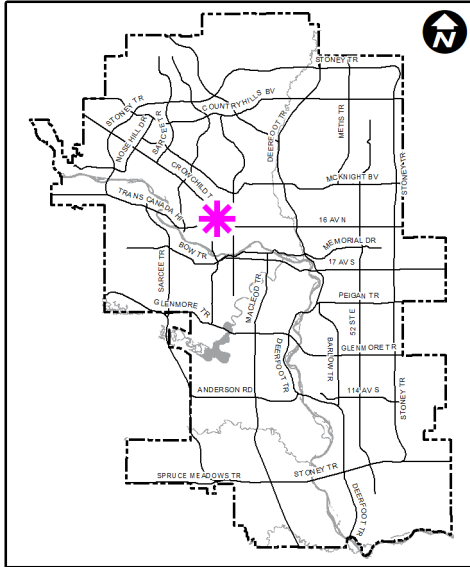
As identified below, the community of Banff Trail reached its peak population in 1968.

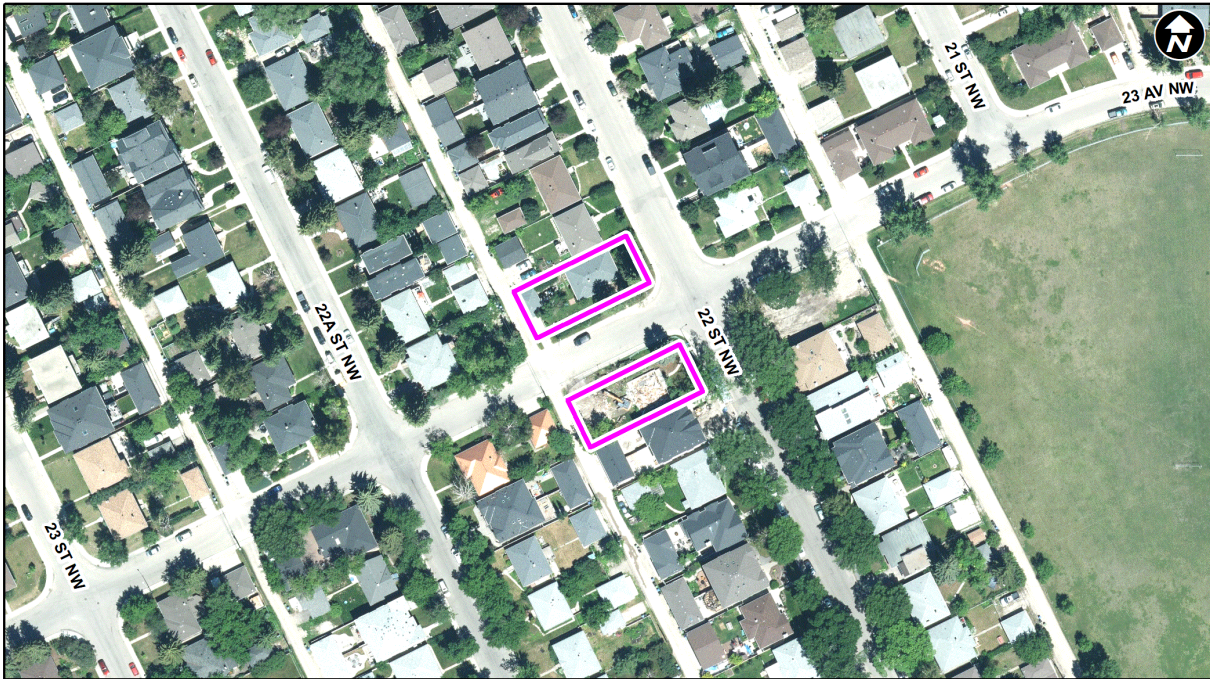
<b>Banff Trail</b>	
Peak Population Year	1968
Peak Population	4,883
2019 Current Population	4,153
Difference in Population (Number)	- 730
Difference in Population (Percent)	- 14.9%

Source: *The City of Calgary 2019 Civic Census*

Additional demographic and socio-economic information may be obtained online through the [Banff Trail Community Profile](#).

## Location Maps





## Previous Council Direction

In 2013, Council directed Administration to work with interested parties to identify potential areas for modest intensification in Banff Trail. As a result of this direction, the *Banff Trail Area Redevelopment Plan* (ARP) was amended in 2016 to include several new typologies, including Low Density Rowhouse. The Low Density Rowhouse typology was applied to numerous sites, including the subject parcels.

In 2017, Council approved a City-initiated redesignation to the Residential – Grade-Oriented Infill (R-CG) District of several blocks along strategic corridors in Banff Trail. This action supported the implementation of the Land Use Plan (Figure 2 – Land Use Plan) in the *Banff Trail ARP*.

In 2019 September, Council adopted Bylaw 56P2019 to amend the ARP and remove the Special Study Area overlay from the intersection of Crowchild Trail NW and 24 Avenue NW. The amendment supported redevelopment in alignment with the goals and objectives of the ARP where it conflicts with a restrictive covenant that limits development to one or two dwelling units.

## Planning Evaluation

### Land Use

The existing Residential – Grade-Oriented Infill (R-CG) District allows for a range of low density residential uses from single detached dwellings to rowhouse and townhouse buildings at a maximum density of 75 units per hectare. The district is primarily used to develop rowhouse buildings to a maximum building height of three-storeys (11 metres) where one façade of each dwelling unit must directly face a public street. The R-CG District would allow

for a maximum of four dwelling units on each of the subject parcels with the ability for secondary suites (one per dwelling unit).

The proposed land use district is a Direct Control (DC) District, based on the current R-CG District on the subject parcels, with the intent to allow for development that requires a minimum density of 55 units per hectare (minimum of three dwelling units on each subject parcel), a maximum density of 75 units per hectare (maximum four dwelling units per parcel), and excludes Single Detached Dwelling, Semi-detached Dwelling, Contextual Semi-detached Dwelling, Duplex Dwelling, and Cottage Housing Cluster as uses.

Pursuant to Section 20 of the Land Use Bylaw 1P2007, this application for a DC District has been reviewed by Administration. The use of a Direct Control District is deemed necessary due to the unusual site constraint created by the restrictive covenant on title which limits development to a “Single or Two Family dwelling house and a private garage”. The existence of the restrictive covenant prevents the landowners from developing their land in accordance with the approved R-CG District and the policies of the ARP.

This proposal allows for the applicant's intended four-unit rowhouse building, while maintaining the R-CG District base for low density residential development. The same result could not be achieved through the use of a standard land use district in the Land Use Bylaw.

Additionally, the proposed DC District supports redevelopment that aligns with the City's approved policy goals and investments, expressed through the MDP and the *Banff Trail ARP*. It also ensures that the local area plan is implementable, and ultimately buildable.

The proposed DC District includes a rule that allows the Development Authority to relax Section 6 of the DC District Bylaw. Section 6 incorporates the rules of the base district in Bylaw 1P2007 where the DC District does not provide for specific regulation. In a standard district, many of these rules can be relaxed if they meet the test for relaxation of Bylaw 1P2007. The intent of this DC rule is to ensure that rules regulating aspects of development that are not specifically regulated by the DC can also be relaxed in the same way that they would be in a standard district.

### **Development and Site Design**

The rules of the R-CG District (referenced in the proposed DC District) as well as the policies of the MDP and Banff Trail ARP will provide guidance, as already existing, with the exception that single detached and semi-detached dwellings will no longer be allowed in the approved DC District. A minimum of three dwelling units per parcel is also applicable.

A future development permit on 2304 – 23 Avenue NW will review the site layout and apply the rules of the R-CG District, while the approved development permit (DP2021-8595) on 2309 – 23 Avenue NW will allow for a four-unit rowhouse (with four secondary suites) building.

### **Transportation**

Transportation, parking and access related aspects have been reviewed and addressed through the previous land use amendment application (LOC2016-0325) as well as the approved development permit (DP2021-8595) on 2309 – 23 Avenue NW. A future development permit will review the same for proposed development on 2304 – 23 Avenue NW.

The subject site is well served by Calgary Transit service, including bus stops located on 19 Street NW within 400 metres (four to five-minute walk) of the parcels, and the Banff Trail LRT Station is located within 250 metres (four-minute walk) of the parcel. Twenty-Second Street NW is designated as an on-street bikeway.

Unregulated on-street parking is available on 22 Street NW and 23 Avenue NW adjacent to the subject parcels. The subject site is located within Residential Parking Permit Zone E.

### **Environmental Site Considerations**

No environmental concerns were identified.

### **Utilities and Servicing**

Water and sanitary mains are available on 22 Street NW. A storm sewer main is available from 23 Avenue NW. No upgrades to the mains would be required based on a future development proposal of a four-unit rowhouse with secondary suites.

## **Legislation and Policy**

### **South Saskatchewan Regional Plan (2014)**

The recommendation by Administration in this report has considered, and is aligned with, the policy direction of the [South Saskatchewan Regional Plan](#) which directs population growth in the region to cities and towns, and promotes the efficient use of land.

### **Growth Plan (2022)**

The recommendation aligns with the policy direction of the Calgary Metropolitan Region Board's [Growth Plan](#) (GP). The proposed land use amendment builds on the principles of the GP by promoting efficient use of land and regional infrastructure, and establishing strong, sustainable communities.

### **Municipal Development Plan (Statutory – 2009)**

The subject site is located within the Residential – Developed – Inner City area as identified on Map 1 – Urban Structure in the [Municipal Development Plan](#) (MDP). The proposal contributes to achieving the applicable MDP policies that encourage redevelopment and modest intensification of inner-city communities to make more efficient use of existing infrastructure, public amenities, and transit, while delivering small and incremental benefits to climate resilience. The proposal is a low density proposal in a predominately low density area in close proximity to the existing Banff Trail LRT station.

### **Calgary Climate Strategy (2022)**

The redesignation of this site supports additional housing in a transit supportive area which contributes to the overall goals of the [Calgary Climate Strategy – Pathways to 2050](#) by supporting more household mobility options and could reduce greenhouse gas emissions as a result of lower vehicle usage. Further building-level strategies to meet the *Climate Strategy* objectives will be explored and encouraged at subsequent development approval stages.

### **Banff Trail Area Redevelopment Plan (Statutory – 1986)**

The subject site is located within the Low Density Rowhouse area as identified on Figure 2 - Land Use Plan in the [Banff Trail Area Redevelopment Plan](#) (ARP). The Low Density Rowhouse area is intended to allow for a modest increase in density with a greater variety of housing types. Developments should be grade-oriented. This land use amendment does not require an ARP amendment as the plan supports the development of rowhousing.

Section 2.1.2(b) of the ARP provides specific comment regarding the potential for conflict between the policy goals of the ARP and the restrictive covenant affecting the subject parcels. Section 2.1.2 - Context in the ARP states the following:

*“Many parcels in Banff Trail have a caveat registered against the certificate of title which may restrict development. These restrictions include, but are not limited to, restricting development to one or two-unit dwellings. In some cases this caveat is not in alignment with the goals and objectives of this Plan and where such conflicts occur, The City of Calgary supports the direction of this Plan.” (Bylaw 56P2019)*

The proposal in this land use amendment is in alignment with the *Banff Trail ARP*.

### **South Shaganappi Communities Local Area Plan**

Administration is currently working on the [South Shaganappi Communities Local Area Plan](#) which includes Banff Trail and surrounding communities. Planning applications are being accepted for processing during the local area planning process.