



## PUBLIC SUBMISSION FORM

Please use this form to send your comments relating to an upcoming Council or Committee matter, or to request to speak on an upcoming public hearing item.

In accordance with sections 43 through 45 of [Procedure Bylaw 35M2017](#), the information provided **may be included** in the written record for Council and Council Committee meetings which are publicly available through [www.calgary.ca/ph](http://www.calgary.ca/ph). Comments that are disrespectful or do not contain required information may not be included.

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**Please note that your name and comments will be made publicly available in the Council agenda. Your e-mail address will not be included in the public record.**

I have read and understand the above statement.

### ENDORSEMENT STATEMENT ON TRUTH AND RECONCILIATION, ANTI-RACISM, EQUITY, DIVERSITY, INCLUSION AND BELONGING

The purpose of The City of Calgary is to make life better every day. To fully realize our purpose, we are committed to addressing racism and other forms of discrimination within our programs, policies, and services and eliminating barriers that impact the lives of Indigenous, Racialized, and other marginalized people. It is expected that participants will behave respectfully and treat everyone with dignity and respect to allow for conversations free from bias and prejudice.

I have read and understand the above statement.

First name (required) wanda

Last name (required) rose

Are you speaking on behalf of a group or Community Association? (required) No

What is the group that you represent?

## PUBLIC SUBMISSION FORM



What do you wish to do?  
(required)

Submit a comment

How do you wish to attend?

You may bring a support person should you require language or translator services. Do you plan on bringing a support person?

What meeting do you wish to attend or speak to? (required)

Council

Date of meeting (required)

Sep 12, 2023

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

(required - max 75 characters)

LOC2022-0196 / Bylaw 154D2023

Are you in favour or opposition of the issue? (required)

In opposition

If you are submitting a comment or wish to bring a presentation or any additional materials to Council, please insert below. Maximum of 15 MB per submission (5 attachments, 3 MB per pdf document, image, video)  
If you have additional files to attach, email them to [publicsubmissions@calgary.ca](mailto:publicsubmissions@calgary.ca)

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

September 7, 2023

Re: **LOC2022-0196 / Bylaw 154D2023**

Attn: Members of Calgary City Council

**I recommend that Council vote to NOT to approve this application - LOC2022-0196**

The singular published objective of this Application is to re-designate the subject properties from R-CG to DC/R-CG for no other purpose other than the express design of intentionally interfering with the terms of a restrictive covenant, a private contract co-registered on the applicant's title as well as hundreds of other titles in the area.

The Applicant cites a recent decision of the Alberta Court of King's Bench where another developer utilized a DC Bylaw to circumvent the contractual requirements of the restrictive covenant. Notably, that decision is under appeal on the basis that the City does not have the jurisdiction to enact a DC bylaw as section 617 of the *Municipal Government Act* is not complied with, nor are the preconditions for a DC bylaw in the Land Use Bylaw met. Municipal officials know that this decision is currently under appeal, as the City is a Respondent to the Appeal.

Further, when those developers in the case referred to above obtained their DC bylaws, they noted that it should be limited to their properties and confirmed that this would not be the "thin edge of the wedge". Permitting this Application to operationalize a DC bylaw on these two properties, is inviting a 'trickle to a flood'. There is a Land Use Bylaw and applicable land use zoning (as redesignated as part of City led land-use re-designations) in place at these sites. Additional, spot-zoning as requested by the Applicant should NOT be permitted.

My ward Councilor will not freely speak to this matter citing that he has been advised as such by City Legal because the matter is before the courts. I expect all Municipal Officials (both elected and unelected) heed this proscription and in turn **vote to NOT to approve this application.**

Thank you,

Wanda Rose

Ward 7 Resident

2425 22 ST NW



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I have read and understand the above statement.

First name (required) Tracy

Last name (required) Thomson

Are you speaking on behalf of a group or Community Association? (required) No

What is the group that you represent?

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What do you wish to do?  
(required)

Submit a comment

How do you wish to attend?

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What meeting do you wish to attend or speak to? (required)

Council

Date of meeting (required)

Sep 19, 2023

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

(required - max 75 characters)

Land Use Redesignations to DC at both 2304/2309 23 Ave NW LOC2022-0196

Are you in favour or opposition of the issue? (required)

In opposition

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Re: LOC2022-0196 / Bylaw 154D2023

September 11, 2023

**Re: Proposed Development  
LOC2022-0196 / Bylaw 154D2023**

Attn: Members of Calgary City Council

We won't spend a lot of time on crafting a letter to express our frustration and disappointment over this Proposed Development. "Tell us what you think" on your many signs is becoming little more than a cruel joke played on residents. We have spent days of our time including attending at City Hall trying to tell you what we think about various Proposed Developments affecting us as Banff Trail residents. The time, careful thought and belief that we might be heard all seem to be of no avail. In fact, it seems to us now that the push for denser development may trump the rule of law for us and our neighbours (see Restrictive Covenant No. 1358GL registered against the land subject to the captioned proposal).

We are born and raised Calgarians on the receiving end of another assault on our property rights by virtue of these "Direct Control" end runs on the Land Title System. We don't feel good about being voiceless in matters that directly affect our enjoyment of life.

I recommend that Council vote **NOT** to approve this application – LOC2022-0196

Yours truly,

*Tracy Thomson & Jim Thomson*

Jim and Tracy Thomson  
Ward 7 Residents  
2423 22 ST NW



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I have read and understand the above statement.

First name (required) Christopher

Last name (required) Brovald

Are you speaking on behalf of a group or Community Association? (required) No

What is the group that you represent?

**PUBLIC SUBMISSION FORM**



What do you wish to do?  
(required)

Submit a comment

How do you wish to attend?

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Council

Date of meeting (required)

Sep 19, 2023

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(required - max 75 characters)

LOC2022-0196

Are you in favour or opposition of the issue? (required)

In opposition

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Comments - please refrain from providing personal information in this field (maximum 2500 characters)

Please find attached a letter submitted to the City of Calgary Planning Commission on April 7, 2023 regarding LOC2022-0196. I urge Council vote to NOT to approve this application. I have also included previous letters submitted to the Planning Commission on March 12, 2021 and November 27, 2018, regarding similar applications. Thank you for your consideration of my comments regarding this matter.



Jori and Christopher Brovald  
2362 22A Street NW  
Calgary, AB T2M 3X5

November 27, 2018

VIA E-Mail: [jennifer.maclaren@calgary.ca](mailto:jennifer.maclaren@calgary.ca)

Jennifer MacLaren  
Planning & Development  
The City of Calgary  
Calgary Municipal Building  
800 Macleod Trail SE  
P.O. Box 2100, Postal Station "M", IMC #8108  
Calgary, Alberta, T2P 2M5

Attention: Jennifer MacLaren

RE: Reference Number DP2018-5224 – Proposed Development Application Requesting Approval of a Development Permit at 2404 22 Street NW

Dear Jennifer;

Please accept this letter as our response to the posted request for comments with respect to the application being made by Formed Alliance Architecture Studio for the development of a 3-story Rowhouse Building and garage(s) (the "Development") consisting of 4 dwelling units and 4 secondary suites at 2404 22 Street NW. My wife and I are the owners of 2362 22A Street NW, located one block away from the Development and will be significantly impacted by this and similar-type development in the community of Banff Trail.

I should highlight that we currently reside in a duplex and are not opposed to redevelopment within our community, however our residence is next to a lot under the R-CG designation and we have serious concerns about how applications such as the Development will affect our home and community. We did receive information on the R-CG designation from the City of Calgary in the summer of 2017 and I attended an information session in Banff Trail, however the details presented through those mediums were very misleading. The information pamphlet included a section titled, "What's an R-CG" and the third bullet in the section stated, "Approximately 3 to 4 dwelling units\* (an increase from the current maximum of 1 or 2 units\*... \*individual "maximums" may vary based on the size, configuration and existing land use designation of each property.)" At the information session I tried to get clarification on what was meant by this statement, specifically when it related to secondary suites. My primary concerns centered around parking and waste collection (black, blue and green carts). Unfortunately, none of the representatives hosting the information session were able to answer my questions.

Now that the first application for a 4-dwelling unit with 4-secondary suites has been submitted for Banff Trail (within the vicinity of my residence), we are very concerned about the issues identified earlier, as well as some additional issues. In regards to parking, it is our understanding that each residence will be entitled to 2 street parking permits, but this will also apply to the secondary suites. Although 4-single car garages will be part of the Development, this could result in an increase to 12-16 vehicles parking in

the area (as a number of residents will use their single car garage for storage), not to mention guests of the 8 households. The City of Calgary has suggested that due to the proximity of the LRT, residents of these homes will not own cars. This is highly unlikely due to the limited reach of Calgary's transit system and the likelihood that the units in the Development will be valued between \$565,000 and \$674,000 (based on current listing for Rowhouses in Banff Trail and Capital Hill). When combined with the large volume of street parking near Branton School, day-use parkers using the LRT and existing Banff Trail residents, the additional parking for R-CG infills with secondary suites will significantly infringe upon current residents.

With respect to garbage, food & yard waste and recycling, we are very concerned about how this will be dealt with in a rowhouse with secondary suites. Simply put, with the Development there will be insufficient room to accommodate storage of 12 to 24 carts (exact numbers unknown as my questions have gone unanswered) on the property, as well as pick-up of 8 to 16 carts on blue/green days in the back alleyway. As homeowners adjacent to an R-CG property, it is very worrisome that these carts will likely be stored along our property line.

Although these were our primary concerns regarding the R-CG district, we also have serious concerns about the loss of trees in the neighborhood. Based on similar 4-dwelling rowhouses, a significant number of mature trees will be lost as more R-CG corner properties are constructed. The community of Banff Trail was founded in 1951 and the trees play an important role in defining the character of the neighborhood. Corner-property rowhouses with garages that take up the entire lot and require most or all trees to be removed will severely take away from the beauty and environmental health of Banff Trail.

Finally, we would like to note that the development of corner-property rowhouses will have a significant impact on the value of adjacent properties. With the Development (and future developments) of corner-property rowhouses, existing homeowners will see an increase in parking related issues, increases in trash/compost, noise pollution and a loss of mature trees. Not only will this negatively impact existing resident's way of life, it will also significantly lessen property values. We believe these should be seriously considered and the approval of DP2018-5224 should be denied.

If you would like to discuss this matter further or require any clarification, please do not hesitate to contact us at [cbrovald@hotmail.com](mailto:cbrovald@hotmail.com) or 403-880-9952.

Regards,

Christopher Brovald  
Jori Brovald

cc: Druh Farrell – Councillor Ward 7 (via: <http://www.calgary.ca/>)

cc: Kathryn Davies – Banff Trail Community Association ([development@banfftrailcommunity.ca](mailto:development@banfftrailcommunity.ca))

cc: Barry Clement – Banff Trail Community Association ([president@banfftrailcommunity.ca](mailto:president@banfftrailcommunity.ca))

cc: Beatrice Kozlowski – Banff Trail Community Association ([vp@banfftrailcommunity.ca](mailto:vp@banfftrailcommunity.ca))

March 12, 2021

City of Calgary  
P.O. Box 2100, Stn. M  
Calgary, Alberta, Canada T2P 2M5

**RE: LOC2021-0019 and LOC2021-0020, Attention: Ms. Madeline Krizan - File Manager**

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Dear Ms. Krizan,

Please accept these comments as our opposition to the applications for land use re-designations in the community of Banff Trail, identified as LOC2021-0019 and LOC2021-0020 (the “**Applications**”), made by Civicworks on behalf of the owners of the lands subject to such applications (the “**Applicants**”).

With respect to these Applications, it appears the singular published objective is to prohibit the use of these lands for single detached homes, side-by-side homes, and duplex homes.

For reference, as you are no doubt aware, provisions of the City of Calgary Land Use Bylaw in respect of the redesignation to direct control districts are contained at Part 2, Division 2. Section 20 addresses the overall use of direct control districts, and provides that:

“s20(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” and

s.20(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.”

In respect of subsection 20(1), these proposed land use redesignations fail to satisfy the stated requirements for the permissive use of direct control districts. The Applicants have not identified any “unique characteristics, innovative ideas or unusual site constraints” of the proposed developments that require specific regulation unavailable in other land use districts, and certainly none that specifically require the prohibited use of the subject lands for single detached homes, side-by-side homes, and duplex homes. Many developments similar to the proposed developments have been constructed under RC-G and MU-1 designations respectively without any need to prohibit other uses. There is no bona fide rationale advanced by the Applicants to explain how or why the advancement of the proposed developments requires that these prohibited uses be implemented through direct control districts. Thus, having failed in every regard to satisfy s.20(1), these Applications should be denied.

In respect of subsection 20(2), the existing land use designations for the subject lands (being those implemented by the City in accordance with the Banff Trail ARP after significant public consultation and review) can be used to achieve the same result for the proposed developments regardless of whether the Applications are approved. In fact, the Applicants recently circulated postcard mailers to the community to reassure neighbors and other stakeholders that the proposed land use re-designations are unrelated to the proposed development plans for the lands, which have been approved by the City of Calgary, and which proposed developments “remain unchanged”, and such re-designations are only being sought to “provide an additional layer of certainty” and to “reinforce existing City Counsel approvals”. Providing additional certainty and reinforcing existing approvals are not valid reasons under the City of Calgary Land Use Bylaw to approve the Applications, and specifically, utilizing the land use re-designation process to designate these properties as direct control districts would directly contradict s.20(2)(a) of same. Again, it then follows

that having made these Applications with a purpose contrary to the requirements of s.20(2), these Applications should be denied.

Given the seemingly meritless nature of the Applications, it begs the question as to what purpose a re-designation of these lands to direct control districts achieves, and how this benefits the Applicants.

As the City is aware, there is ongoing active litigation between groups of landowners in the Banff Trail neighborhood, which includes the Applicants, regarding the enforceability of the Banff Trail restrictive covenant (“RC”), which is registered against, among others, the lands subject to the Applications. Such RC prohibits the construction of more than two dwelling houses on each parcel of land subject to the RC. The lawful constraints of the RC on planning and development in certain parts of Banff Trail are undoubtedly well known to the City, being that a City solicitor wrote a letter of support for the benefit of, among others, the Applicants, in support of their court application seeking the discharge of such RC, and the City has filed a brief further affirming such support and advocating for the discharge of the RC.

Accordingly, while these Applications should fail on their merits, they must also necessarily be understood in context of such ongoing litigation, including the City’s demonstrated preference in support of the Applicants with respect to the active litigation in the Court of Queen’s Bench of Alberta regarding the application to discharge the RC.

Understood in that context, if approved, these Applications appear to serve a singular self-serving purpose: to attempt to create an artificial land use conflict for the Applicants, for the direct benefit of such Applicants in the ongoing litigation regarding the RC. Such conflict, if successfully constructed, will result in the Applicants owning lands that cannot be developed both in compliance with the proposed City land use re-designation and with the requirements of the RC. Bona fide conflicts of this nature have been identified in prior Alberta court cases as a factor to consider in whether to order a discharge of restrictive covenants in the nature of the Banff Trail RC.

As all interested parties should be aware, such a bona fide conflict does not exist today. Under the current land use designations for these subject lands (which, to reiterate, were recently re-designated at the initiation of the City in accordance with the Banff Trail ARP), there are permissive and compatible potential developments that would concurrently comply with such existing land use designations and the RC. While such compatible developments may not be the Applicants’ preferred choice, they are nevertheless permissive and compliant. Consequently, a bona fide land use conflict does not currently exist. It would appear that the Applicants also recognize this lack of a bona fide conflict, otherwise these Applications would not be before the City for approval.

Thus, to put more bluntly, the Applications propose to arbitrarily and unreasonably prohibit use of the Applicant’s lands for single detached homes, side-by-side homes, and duplex homes, with no apparent valid planning purpose for such prohibition, and with absolutely no identifiable rationale to demonstrate compliance with s.20 of the Land Use Bylaw. Instead, the sole purpose of the Applications appears to be the creation of a fiction of impossibility for the Applicants to comply with both the sought-after land use re-designation and with the RC in their own development efforts. Undoubtably, if successful in achieving these re-designations, the Applicants will then attempt to point to this conflict, transparently self-inflicted as it may be, as evidence that the RC must be ordered discharged by the courts. Such a situation, if supported by the City through approval of the Applications, can only be viewed as an absurd abuse of the land re-designation process in the context of reasonable and appropriate planning policy, and one that would surely generate concern of bias in respect of the City’s approval process in light of the City’s documented preference and support for the Applicants in the aforementioned RC litigation.

It must also be noted that there is, of course, no certainty that the courts will rule in favour of the Applicants and order the discharge of the RC. Even if the Applications are approved, the RC may very well be determined to remain lawful and enforceable by the courts. In such circumstance, the outcome for such subject lands from a planning perspective would be, to put it lightly, sub-optimal – no uses permitted by the direct control district land use re-designations would be permitted under the RC, and vice-versa. Such lands and the existing structures thereon would effectively be undevelopable, pending a reversal of these

proposed land use re-designations to those currently in force under the Banff ARP, and under which there are permissive and compatible uses. That sort of flip-flopping on appropriate land use designation cannot and should not be supported as appropriate planning policy.

Further, given this uncertainty in the outcome of the RC litigation, it also cannot be the case that the mere existence of the RC creates “unique characteristics” or “unusual site constraints” for purposes of satisfying s.20(1) of the Land Use Bylaw, if that rationale is advanced by the Applicants. Given the City’s existing approvals for the Applicants’ proposed developments, it will be the courts, and not the City, who ultimately determine whether such proposed developments may proceed, based on the outcome of the RC litigation. If the Applications are approved by the City based on submissions that the existence of the RC forms a “unique characteristic” or “unusual site constraint” that satisfies s.20(1), yet the RC survives litigation and is determined to remain lawful and enforceable, it cannot then follow that the Applications were ever actually compliant with s.20. A re-designation of these subject lands to direct control districts in such circumstances would have served no further benefit in advancing the proposed developments than the existing designations of RC-G and MU-1, ultimately failing to satisfy s.20(1) and directly contravening s.20(2). Instead, approval of the Applications in such circumstances would have been a purely speculative effort to sway the court to discharge the RC and to thus eliminate the “unique characteristic” or “unusual site constraint”. Such a speculative intervention in litigation to the anticipated benefit of the Applicants (and, arguably, the City), with no other compelling purpose for the re-designation, and no certainty of outcome, is clearly not valid or appropriate use of direct control districts pursuant to s.20. Accordingly, the City should firmly reject any suggestion that the existence of the RC should be considered as part of the approval process for the Applications.

In summation, the City of Calgary must not allow the land use redesignation process to be abused for such frivolous purposes, solely in a transparent attempt to advance the private litigation interests of the Applicants by creating a self-inflicted land use conflict between the proposed land use re-designations and the existing RC, and for no other valid planning or development purpose. For the City to recommend an approval for these Applications in light of the foregoing would have the appearance of an arbitrary, unfair, inequitable, and biased exercise of the land use re-designation process set out under the Land Use Bylaw, especially in light of the City’s noted written support and intervention on behalf of the Applicants in the ongoing litigation regarding discharge of the RC. We would instead expect that these Applications will be reviewed solely on their merits (or lack thereof), absent consideration of the impact of the RC on the proposed developments, and based solely on the criteria for land use re-designation to direct control districts under the Land Use Bylaw. In that respect, it must be concluded that these Applications wholly fail to satisfy the specific requirements for the re-designation of lands to direct control districts, and such Applications should thus be soundly rejected.

**Accordingly, as residents of Banff Trail, we strongly object to the proposed Applications to re-designate the subject lands as direct control districts pursuant to LOC2021-0019 and LOC2021-0020 and recommend that all applicable parties including Calgary Planning Commission and Council vote AGAINST approving these Applications if endorsed by administration.**

Sincerely,

Christopher Brovald

April 7, 2023

City of Calgary  
P.O. Box 2100, Stn. M  
Calgary, Alberta, Canada T2P 2M5

**RE: LOC2022-0196, Attention: Mr. Giyan Brenkman - File Manager**

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Dear Mr. Brenkman,

I have hesitated to spend time submitting comments on this land use re-designation because all previous attempts to voice against the development of row-houses (8-unit buildings) and apartment complexes in Banff Trail have failed. It has become clear to me that allowing residents of the community to voice opposition in these cases is just part of the process the City of Calgary does to claim community engagement, but it really doesn't matter what the residents say. The City of Calgary has already determined that increasing density in Banff Trail is the goal and Direct Control Districts allow for this goal regardless of any opposition from residents. Nevertheless, I would like to submit the following comments so there is no claim that there is support for the land use re-designation.

Who benefits from accommodating rowhouse development in Banff Trail?

Developers:

1. Revenue: Developers make more money. Are the Developers of these 8-unit complexes required invest anything into the community (playgrounds, community centre, etc)?

New Owners

1. Possibly better off, however there is no shortage of areas near transit that allow for rowhouse development in neighborhoods that do not have Restricted Covenants (RC) on title.

Who is harmed from accommodating rowhouse development in Banff Trail?

Existing Residents in the Community

1. Restricted Covenant is Worthless: Once a property is designated as Direct Control, the land-owner can remove the RC on title, making the all other area RCs completely worthless (even though properties were purchased with a RC on title).
2. Loss of Property Value: Residents adjacent to row-houses/apartment complexes will have a harder time selling their homes when living next to an 8-unit complex when similar properties remain next to a single unit or duplex.
3. Street Parking: At a community engagement session, the City of Calgary tried to suggest that residents in rowhouses (in Banff Trail) wouldn't own cars because the community was so close to the LRT. I use the LRT on a regular basis to travel downtown, but our family of 4 still needs two vehicles (to drive to kid's events, the mountains, the grocery store, etc....). If rowhouses are being sold for \$500k to \$700k, the owners will own vehicles. Residents without vehicles also "rent" out visitor spots to people who access the LRT.
4. Loss of Trees: the rowhouse developments remove mature trees that define Banff Trail to accommodate the footprint of the rowhouse/garage
5. Access to the LRT During Peak Hours: Increased density will add more users to Calgary Transit (the LRT), but no accommodation is made for increased ridership at the Banff Trail station. During peak times (between 7:30am and 8:30am), LRT trains are full by the time they get to Banff Trail. Banff Trail residents (myself included) have had to wait for 3 trains before being able to board a train during the morning rush hour.
6. Alleyway Congestion: Garbage, Recycling and Compost bins from each unit contribute to significant congestion in the alleyways.

As mentioned at the start of this letter, I have serious doubts that the opinions of those against re-designation of properties in Banff Trail have any sway with the Planning Commission or with City Council (even though the number of impacted residents opposed far exceeds the number in favor of redesignation).

I would ask members of the Calgary Planning Commission and City Council to honestly think of how they would vote on a redesignation of lands next to their residence, if it were to increase the density from a maximum of 2 units to a maximum of 8 units. Would you support densification if there was absolutely no benefit to you?

**Accordingly, as a resident of Banff Trail, I strongly object to the proposed Application to re-designate the subject lands as direct control districts pursuant to LOC2022-0196 and recommend that all applicable parties including Calgary Planning Commission and Council vote AGAINST approving these Applications.**

Sincerely,

Christopher Brovald

Cc: Councillor Terry Wong, Ward 7