

**Land Use Amendment in Banff Trail (Ward 7) at 2221 – 23 Avenue NW,
 LOC2023-0287**

RECOMMENDATION:

That Calgary Planning Commission recommend that Council:

Give three readings to the proposed bylaw for the redesignation of 0.06 hectares \pm (0.14 acres \pm) located at 2221 – 23 Avenue NW (Plan 9110GI, Block 13, Lot 16) 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 seeks to redesignate the subject parcel to a Direct Control (DC) District based on the Residential – Grade-Oriented Infill (R-CG) District to address 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 community in alignment with the *Municipal Development Plan* (MDP) and *Banff Trail Area Redevelopment Plan* (ARP).
- What does this mean to Calgarians? This land use amendment would promote greater housing choice in a community with access to alternative transportation modes, as well as the more efficient use of existing infrastructure and nearby amenities.
- Why does this matter? More housing choice adjacent to existing LRT infrastructure may increase population diversity in close proximity to existing services and facilities in Banff Trail., and may better accommodate the evolving needs of different age groups, lifestyles and demographics.
- In 2022, a development permit (DP2022-01431) was approved on this site for a four-unit rowhouse building with secondary suites.
- In 2017, a land use amendment application was approved by Council (269D2017) to implement the new density policies of the ARP which designated the subject parcel Residential – Grade-Oriented Infill (R-CG) District.

DISCUSSION

This application, located in the northwest community of Banff Trail, was submitted on 2023 September 26 by QuantumPlace Developments on behalf of the landowner, Navita Cheba, The application proposes a redesignation to Direct Control (DC) District to enable the development of four dwelling units with secondary suites, as indicated in the Applicant Submission (Attachment 3).

The approximately 0.06 hectare (0.14 acre) parcel is located at the southeast corner of 23 Avenue NW and 22 Street NW and is currently vacant. The site is approximately 320 metres northeast of the Banff Trail LRT Station (a five-minute walk). In the immediate area, Council has made investments in pedestrian, transportation, and road improvements through the larger Banff Trail Area Improvements project completed between 2020 and 2023. Improvements were also made along 24 Avenue NW just north of the site in support of anticipated population increase in the community.

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The parcel is subject to a restrictive covenant that restricts the use of the parcel 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 which received development permit approval in 2022.

The ARP states that for parcels subject to a restrictive covenant that 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).

ENGAGEMENT AND COMMUNICATION

- 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 contacted the Banff Trail Community Association (CA), Ward 7 Councillor’s Office and adjacent landowners. In addition, the applicant provided project information and an online feedback form via their engage website. The Applicant Outreach Summary can be found in Attachment 4.

City-Led Outreach

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

Administration received five letters of opposition from the public, noting the following areas of concern:

- rowhouse development will result in loss of property value;
- traffic congestion and safety concerns for students attending nearby schools;
- the application interferes with the terms of the restrictive covenant on title;
- the lack of LRT capacity at Banff Trail Station during peak hours;
- insufficient supply of on-street parking to support increased density; and
- rear lane congestion due to additional waste and recycling bins.

No comments from the Banff Trail CA were received. Administration contacted the Community Association to follow up, and no response was received.

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Administration considered the relevant planning issues specific to the application and has determined the proposal to be appropriate. The building and site design, overall number of units, parking, traffic impacts and waste and recycling have been considered during the development permit review.

Following Calgary Planning Commission, notifications for a Public Hearing of Council 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 including Foothills Medical Centre, Alberta Children's Hospital and the University of Calgary. The proposed DC District will provide additional certainty that the rowhouse and townhouse uses listed in the existing R-CG District can be realized, which may better accommodate the housing needs of different age groups, lifestyles and demographics.

Environmental

The applicant has indicated that they plan to pursue specific measures as part of the approved development permit which will align with the *Calgary Climate Strategy – Pathways to 2050* (Program F).

Economic

Council approved a City-led redesignation of the subject parcels to the R-CG District in alignment with the MDP and ARP that may 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 in alignment with Council's investment.

Service and Financial Implications

No anticipated financial impact.

RISK

If this land use amendment application is not supported, there may be impediments to the implementation of the MDP and the ARP. Private investment and redevelopment envisioned in the MDP and ARP may not be achievable on this parcel even though it is situated less than 350 metres from the existing Banff Trail LRT station (a five-minute walk).

ATTACHMENTS

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

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Department Circulation

General Manager (Name)	Department	Approve/Consult/Inform