

# Background and Planning Evaluation

## Background and Site Context

The subject site is located in the northwest community of Banff Trail at the southeast corner of 23 Avenue NW and 22 Street NW. The parcel is approximately 0.06 hectares (0.14 acres) in size and is approximately 15 metres wide by 37 metres deep. The original dwelling and detached garage were demolished in 2022 and the site is currently vacant.

Surrounding development is characterized by a mix of residential development including single detached, semi-detached dwellings and rowhouses. Land use in Banff Trail is predominantly the Residential – Contextual One / Two Dwelling (R-C2) District and the Residential – Grade-Oriented Infill (R-CG) District. The site has good access to parks and open space, schools and primary transit service. Nearby schools include:

- Branton School, approximately 150 metres southeast (a two-minute walk);
- St. Pius X School, approximately 530 metres east (an eight-minute walk);
- Capitol Hill School, approximately 600 metres east (an eight-minute walk); and
- William Aberhart High School, approximately 730 metres northwest (a 10-minute walk).

Banff Trail LRT Station is approximately 320 metres southwest of the site (a five-minute walk), and Foothills Athletic Park and the University of Calgary campus are both within 1 kilometre to the west (a 15-minute walk).

Many parcels in Banff Trail are subject to a restrictive covenant registered in 1952, restricting development on the affected parcels to single and semi-detached dwellings. These covenants, registered against individual properties and/or entire subdivision plans, were used as an early 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.

Council has previously approved Direct Control Districts for each of the other three corner parcels that share the intersection of 23 Avenue NW and 22 Street NW with this parcel (Bylaws [106D2021](#) and [154D2023](#)).

## Community Peak Population Table

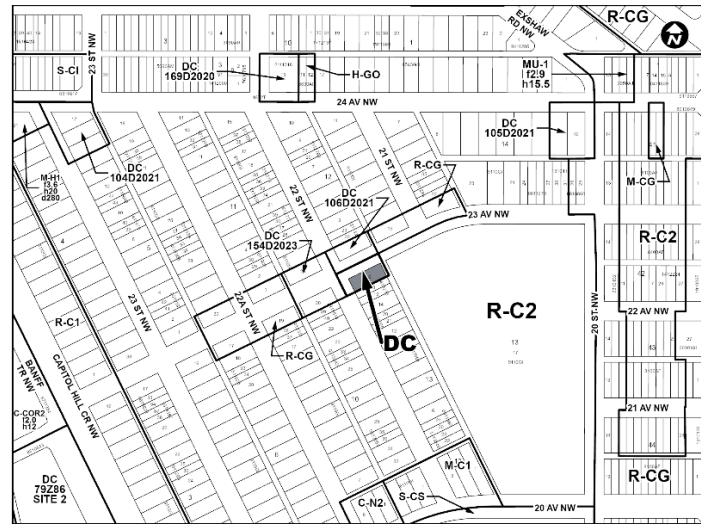
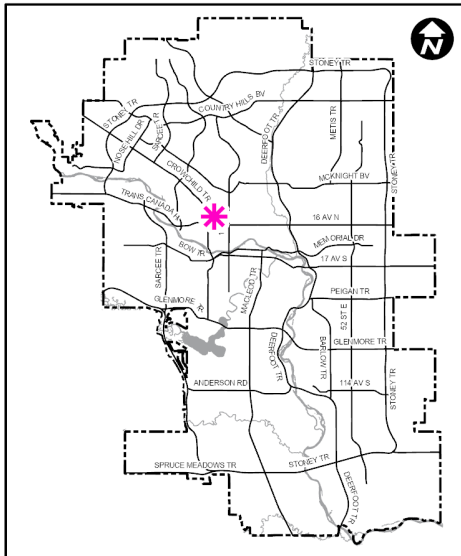
As identified below, the community of Banff Trail reached its peak population in 1968.

<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 parcel.

In 2017, Council approved a City-initiated redesignation (Bylaw 269D2017) 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 ARP.

In 2019 September, Council amended the ARP (Bylaw 56P2019) to 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 there was conflict with a restrictive covenant that limited 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 housing forms such as single detached, semi-detached, duplex dwellings, rowhouses and townhouses. The R-CG District allows for a maximum building height of 11 metres and a maximum density of 75 dwelling units per hectare. Based on the subject site parcel area, this would allow up to four dwelling units with the ability for secondary suites.

The proposed land use district is a Direct Control (DC) District, based on the R-CG District. The intent of the DC is to allow for development that requires a minimum density of 55 units per hectare (minimum of three dwelling units) and maintains the maximum density of 75 units per hectare (maximum four dwelling units). The DC District also excludes Single Detached Dwelling, Semi-detached Dwelling, Contextual Semi-detached Dwelling, Duplex Dwelling and Cottage Housing Cluster 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 necessary to provide for the applicant's proposed development 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 provides specifically for the applicant's intended four-unit rowhouse development, while maintaining the R-CG District base to ensure development is compatible with other forms of 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.

The proposed DC District supports redevelopment that aligns with The City's approved policy goals and investments, expressed through the *Municipal Development Plan* (MDP) and the *Area Redevelopment Plan* (ARP). It also ensures that the ARP can be implemented the way it was envisioned.

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**

If approved by Council, the rules of the R-CG District (referenced in the proposed DC District) as well as the policies of the MDP and ARP will provide guidance for redevelopment, with the exception that single detached and semi-detached dwellings will no longer be allowed in the approved DC District, and development must provide a minimum of three dwelling units (or 55 units per hectare).

The approved development permit for this site (DP2022-01431) satisfies the minimum density requirements of the proposed DC District, and a new development permit would not be required if this land use amendment is approved.

### **Transportation**

Pedestrian access to the site is available from existing sidewalks along 23 Avenue NW and 22 Street NW. Existing on-street bikeways, part of the current Always Available for All Ages and Abilities (5A) Network, are located along 22 Street NW and 24 Avenue NW, supporting access to and from the site by alternative transportation modes.

The subject site is well served by Calgary Transit Service and has direct and convenient access to Banff Trail LRT Station, approximately 320 metres southwest of the site (a five-minute walk). Bus routes are also available on 19 Street NW with southbound and northbound stops located within 400 metres, or a six-minute walk from the site (Routes 65 – Market Mall/Downtown West and 105 – Dalhousie Station/Lions Park Station).

Vehicular access to the proposed development will only be permitted from the rear lane. The subject parcel falls within Residential Parking Permit (RPP) Zone E, and on-street parking is available on 23 Avenue NW and 22 Street NW adjacent to the site.

A Transportation Impact Assessment was not required as part of this application.

### **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)**

Administration's recommendation aligns 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)**

Administration's 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 parcel is located within the Residential – Developed – Inner City Area as identified on Map 1: Urban Structure in the [Municipal Development Plan](#) (MDP). The applicable MDP policies encourage redevelopment and modest intensification of established communities to make more efficient use of existing infrastructure, public amenities, and transit. Redevelopment is intended to occur in a form and nature that respects the scale and character of the neighbourhood context. The proposal is in alignment with relevant MDP policies, as it would ensure modest intensification in close proximity to existing LRT infrastructure.

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

Administration has reviewed this application in relation to the objectives of the [Calgary Climate Strategy - Pathways to 2050](#) programs and actions. The applicant has committed to providing four electric vehicle-ready stalls as part of the approved development permit, supporting Program F: Zero emissions vehicles – Accelerate the transition to zero emissions vehicles of the *Climate Strategy*. The redesignation also provides small and incremental climate benefits by allowing more people to live near existing services and amenities and optimizing transit infrastructure within a transit-oriented development area.

### **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. New development should be grade-oriented including rowhouse buildings and therefore, this land use amendment does not require an ARP amendment.

Section 2.1.2(b) of the ARP provides specific direction regarding the potential for conflict between the policy goals of the ARP and the restrictive covenant affecting the subject parcel. 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 proposed land use amendment is in alignment with the 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 and are reviewed using existing legislation and Council approved policy.