

# Background and Planning Evaluation

## Background and Site Context

The subject site is located in the northwest community of Banff Trail, on the corner of Capitol Hill Crescent and 23 Avenue NW. Comprising three parcels, the site is directly across the street from the eastern (northbound) platform of Banff Trail LRT Station.

The site is approximately 0.22 hectares (0.54 acres) in size and is approximately 61 metres wide by 36 metres deep. The site fronts onto Capitol Hill Crescent NW and a lane exists to the east to provide access to the site.

Surrounding development is characterized by a mix of single and semi-detached homes, predominantly designated Residential – Contextual One / Two Dwelling (R-C2) District. There are also properties in the Residential – Grade-Oriented Infill (R-CG) District approximately 200 metres northeast of the site (a three-minute walk) and a recent Multi-Residential – High-Density Low-Rise (MH-1) District site 275 metres to the north (a five-minute walk). Motel Village is located 150 metres (a three-minute walk) to the west and includes a variety of commercial uses

The site is well located close to a number of schools and recreational facilities, including:

- McMahon Stadium grounds, approximately 250 metres to the west (a three-minute walk);
- Branton Junior High School, approximately 300 metres to the east (a five-minute walk);
- Banff Trail Community Association, approximately 430 metres to the east (a seven-minute walk); and
- University of Calgary campus, approximately 450 metres to the northwest (an eight-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.

## Community Peak Population Table

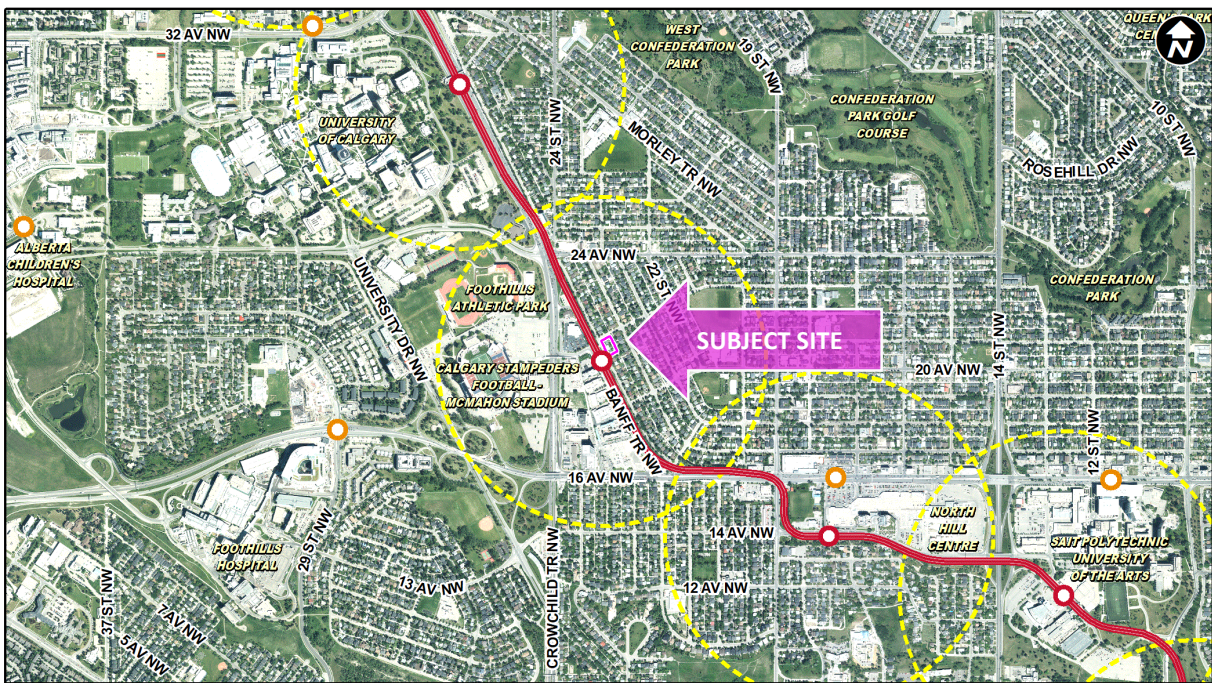
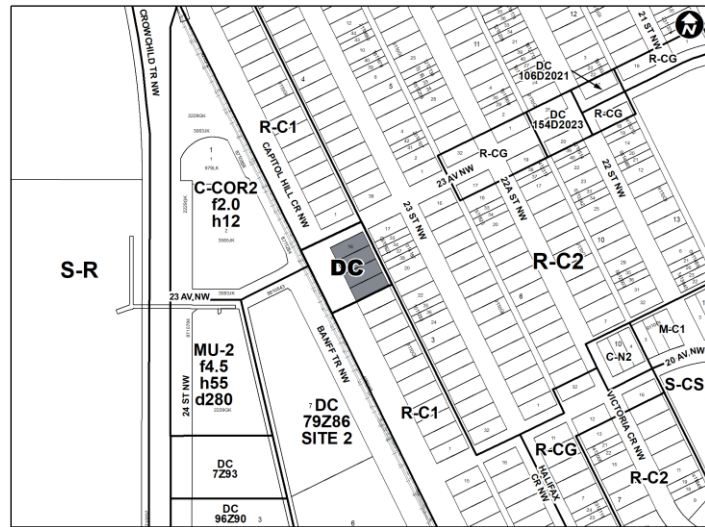
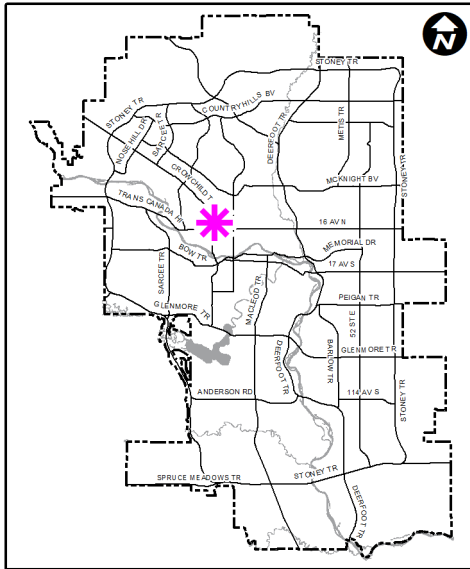
As identified below, the community of Banff Trail reached its peak population in 1968.

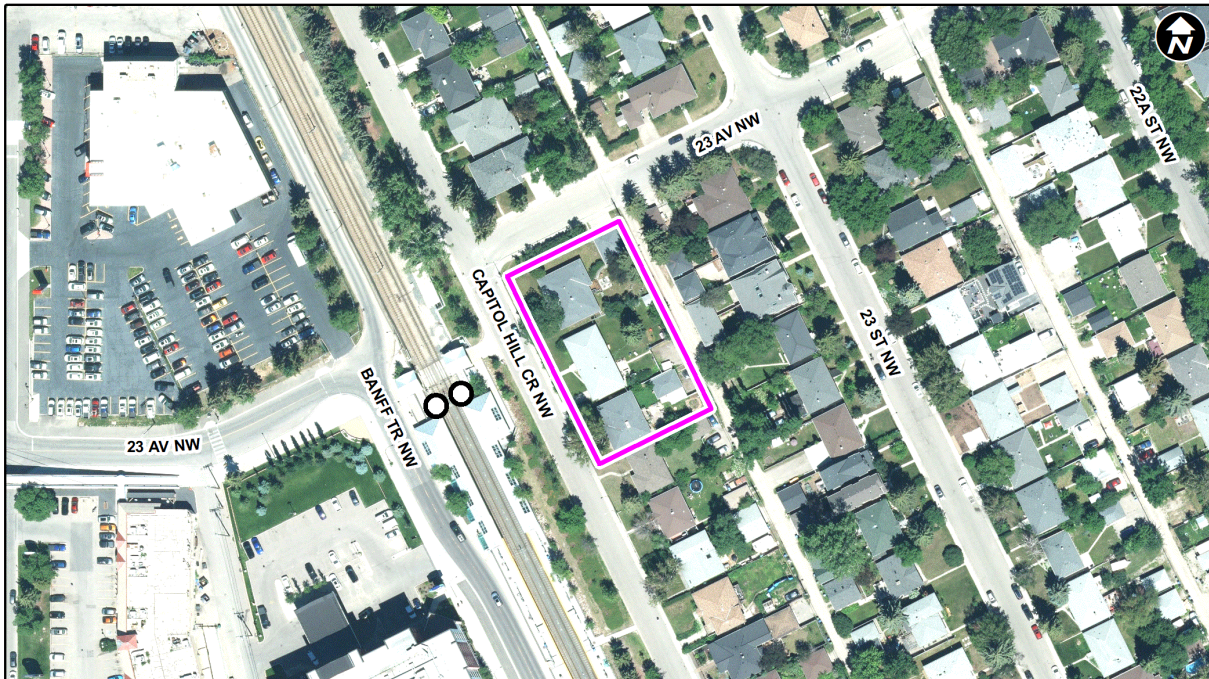
<b>Banff Trail</b>	
Peak Population Year	1968
Peak Population	4,883
2019 Current Population	4,153
Difference in Population (Number)	- 730
Difference in Population (Percent)	- 14.9%

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

None.

## Planning Evaluation

### Land Use

The existing Residential – Contextual One Dwelling (R-C1) District allows for contextually sensitive single detached houses. Given that the site comprises three lots, this would only enable the retention or replacement of the three existing dwellings up to a potential height of 10 metres. Secondary suites are a discretionary use in the R-C1 District.

The proposed land use district is a Direct Control (DC) District based on the Mixed Use - General (MU-1) District, where both residential uses and commercial uses are supported at grade. The DC District allows for development that requires a minimum density of 150 units per hectare (minimum of 33 dwelling units). The DC District excludes Dwelling Unit as a use and adds the use of Multi-Residential Development. In addition, DC District includes:

- a maximum building height of 23 metres (6 storeys);
- a maximum floor area ratio (FAR) of 4.0; and
- a minimum number of motor vehicle parking stalls, recognizing the proximity of the LRT platform.

The MU-1 District permits Dwelling Unit uses that allow for the construction of a single detached home. To mitigate the risk of this district being misconstrued as permissive and allowing for development in conformity with the restrictive covenant, the Dwelling Unit use has been removed from the DC District.

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 and a private garage. The existence of the restrictive covenant prevents the landowners from developing their land in accordance with the approved policies of the ARP.

Achieving the vision and goals contained in The City's statutory plans is in the public interest. The DC will allow for more housing opportunities for inner city living with access to alternative transportation modes and a more efficient use of existing infrastructure. 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 includes a rule that allows the Development Authority to relax most parts of the DC, excepting those that regulate density and land use. Section 6 incorporates the rules of the base district in Bylaw 1P2007 where the DC 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 proposed DC District and the policies of the *Banff Trail ARP* will enable a mixed-use development on the subject site.

Given the corner site context, proximity to Banff Trail LRT and that this site might be considered a gateway into the community, additional items that will be considered through the development permit process include, but are not limited to:

- well-considered amenity space design;
- shifting mass away from immediately affected parcels;
- ensuring an engaging interface along Capitol Hill Crescent NW and 23 Avenue NW;
- investigating public realm opportunities to include landscaping and traffic calming;
- vehicular access and parking adequacy; and
- mitigation of shadowing, overlooking and privacy concerns.

### **Transportation**

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

The site is well served by Calgary Transit with the Banff Trail LRT Station directly opposite to the west.

Access to the site will be from the lane and will be confirmed at the development permit stage. On-street parking is prohibited along Capitol Hill Crescent NW southbound and two-hour on-street parking is available northbound.

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

**Environmental Site Considerations**

No environmental concerns were identified.

### **Utilities and Servicing**

Water, sanitary and storm services are available to service the subject site. Details of site servicing, as well as appropriate stormwater management will be considered and reviewed as part of any development permit application.

## **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 policy amendment and 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 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 modest and incremental benefits to climate resilience.

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

This application does not include any specific actions that address objectives of the [Calgary Climate Strategy - Pathways to 2050](#). Further opportunities to align development of this site with applicable climate strategies will be explored and encouraged at subsequent development approval stages.

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

The site is located within the Medium Density Mid-Rise area, identified in Figure 2: Land Use Plan in the [Banff Trail Area Redevelopment Plan](#) (ARP). The Medium Density Mid-Rise typologies are intended to allow for medium density residential development, including townhouses, apartments, and live/work units. The Medium Density Mid-Rise typology allows for a maximum building height of six storeys. Figure 3: Maximum Building Heights, identifies the site at a height of 20 metres. The applicant is requesting a minor amendment to this map to provide a maximum building height of 23 metres. This is to accommodate the typically higher floor to ceiling heights for commercial developments that would represent the main floor of the future development of the site. The intention is to retain a six-storey development.

Section 2.1.2(b) of the ARP also provides specific comment regarding potential for conflict between the policy goals of the ARP and the caveat (restrictive covenant) affecting this site:

*“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.”*

To address the conflict with the restrictive covenant, the DC proposes a minimum density of 150 units per hectare, and to prohibit the development of single dwelling units. The Medium Density Mid-Rise typology implies that the corridor will be redeveloped to an intensity outside of the existing single detached housing forms currently in existence along this corridor. The proposed land use amendment is in alignment with the applicable policy of the ARP.

**South Shaganappi Communities Local Area Planning Project**

Administration is currently working on the [South Shaganappi Community Local Area Planning Project](#) 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.