

## Land Use Amendment in Banff Trail (Ward 7) at multiple addresses, LOC2024-0165

### RECOMMENDATION:

That Calgary Planning Commission recommend that Council:

Give three readings to the proposed bylaw for the redesignation of 0.11 hectares  $\pm$  (0.27 acres  $\pm$ ) located at **2406 – 23 Avenue NW and 2407 – 23 Street NW** (Plan 9110GI, Block 4, Lots 37 and 38) from Residential – Grade-Oriented Infill (R-CG) District to Direct Control (DC) District to accommodate transit-oriented development, with guidelines (Attachment 2).

### HIGHLIGHTS

- This land use amendment seeks to redesignate the subject parcels to a Direct Control (DC) District based on the Housing – Grade Oriented (H-GO) 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 more efficient use of existing infrastructure and nearby amenities.
- Why does this matter? More housing choice adjacent to existing Light Rail Transit (LRT) infrastructure is important and this proposal 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.
- A development permit has been submitted and is under review.
- There is no previous Council direction related to this proposal.

### DISCUSSION

This application, located in the northwest community of Banff Trail, was submitted on 2024 June 18 by Horizon Land Surveys on behalf of the landowner, Ayodeji Gbobaniyi. The application proposes a redesignation to a Direct Control (DC) District to enable the development of townhouse and rowhouse style development, as indicated in the Applicant Submission (Attachment 3). A development permit (DP2024-06523) for a multi-residential development with 11 dwelling units, 11 secondary suites and a garage was submitted on 2024 September 9 and is under review.

The approximately 0.11 hectare (0.27 acre) site is located at the corner of 23 Street NW and 23 Avenue NW and is currently developed with two single detached dwellings with detached garages. The site is approximately 100 metres east of the Banff Trail LRT Station (a two-minute walk) and 550 metres (a nine-minute walk) from 16 Avenue NW, which is a designated Urban Main Street.

The parcels are subject to a restrictive covenant that restricts the use of the parcels to a single or semi-detached dwelling. Restrictive covenants are not binding on Council or Administration in

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making land use or development permit decisions. However, they do present a potential impediment to redevelopment at the time of construction should another landowner choose to enforce the restrictive covenant.

The ARP states that for parcels subject to a restrictive covenant that are 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 the 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) and the Ward 7 Councillor's Office. In addition, the applicant delivered post cards outlining the proposed change to neighbours within a 100-metre radius. The Applicant Outreach Summary can be found in Attachment 4.

#### **City-Led Outreach**

In keeping with Administration's practice, 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 four letters of opposition from the public, noting the following areas of concern:

- potential impacts on existing infrastructure;
- loss of mature trees and impacts on climate;
- increasing density and loss of community character; and
- loss of privacy and shadowing on existing adjacent residents.

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

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 and traffic impacts and waste and recycling will be considered during the development permit review.

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Following Calgary Planning Commission, notification for a Public Hearing of Council will be posted on-site and mailed to adjacent landowners. In addition, Commission's recommendation and the date of the Public Hearing will be advertised.

**IMPLICATIONS**

**Social**

The proposed DC District will provide additional certainty that land use bylaw rules listed in the H-GO District can be realized and facilitate transit-oriented development, which may better accommodate the housing needs of different age groups, lifestyles and demographics.

**Environmental**

This application does not include any specific actions that address the objectives of the *Calgary Climate Strategy – Pathways to 2050*. Further opportunities to align future development on this site with applicable climate strategies is being explored and encouraged through the development approval.

**Economic**

The proposed land use would allow for more efficient use of land, existing infrastructure and services while providing more housing choices in the community.

**Service and Financial Implications**

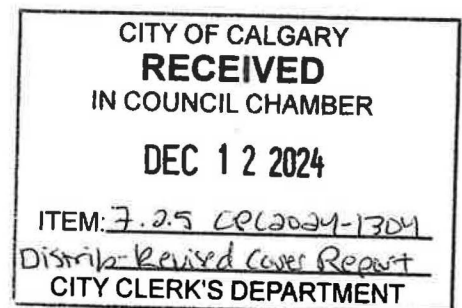
No anticipated financial impact.

**RISK**

There are no known risks associated with this proposal.

**ATTACHMENTS**

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



Department Circulation

General Manager (Name)	Department	Approve/Consult/Inform