

**Planning & Development Report to
Public Hearing Meeting of Council
2018 February 20**

**ISC: UNRESTRICTED
C2018-0151
Page 1 of 5**

Application to Amend the Calgary International Airport Vicinity Protection Area Regulation – Private School and Place of Worship

EXECUTIVE SUMMARY

A site-specific amendment to the Calgary International Airport Vicinity Protection Area Regulation (177/2009) is required to allow a school and place of worship on the subject parcel within the 35-40 Noise Exposure Forecast contours. The subject parcel is located at 3687 63 Avenue NE.

Approval of the Development Permit is subject to an amendment of the Regulation by the Minister of Municipal Affairs, Province of Alberta. The application for amendment was sent to the Minister on May 15, 2017. The Minister requires a Resolution of Council in support of the amendment in order to finalize the application.

ADMINISTRATION RECOMMENDATION:

That Council approve by Resolution and direct Administration to finalize the application to the Minister of Municipal Affairs for a request to amend the Calgary International Airport Vicinity Protection Area Regulation (177/2009) to allow a private school and place of worship on the subject parcel located at 3687 63 Avenue NE.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2003 September 15 the following Bylaw 97Z2003 (CPC2003-135), for Direct Control land use and outline plan (Site 2, I-2 General Light Industrial), was approved by Council:

ADOPT, As Amended, Moved By Alderman Jones, Seconded By Alderman Colley-Urquhart As Follows:

That Bylaw 97Z2003, Being a Bylaw of The City of Calgary to Amend The City of Calgary Land Use Bylaw 2P80 (Land Use Amendment #LOC2003-0036), be introduced and read a first time, a second time, and a third time, as amended.

Amendment moved by Alderman Hawkesworth, seconded by Alderman Farrell, as follows:

That Schedule B of Bylaw 97Z2003 be amended under Site 2, 15.21 hectares \pm (37.58 acres \pm), 1. Land Use, by the addition of the following:

“, with the following uses deleted:

- Auto body and paint shops
- Automotive sales and rentals
- Automotive services
- Automotive specialties
- Recreational and commercial vehicle repair, services, sales and rentals”

“And the following use added:

Where the offices are a discretionary use, they shall have certainty of use”

BACKGROUND

The Calgary International Airport Vicinity Protection Area Regulation is a provincial regulation that governs land use development close to the Calgary International Airport. The Regulation prohibits certain land uses from being developed near the airport that will negatively affect

Application to Amend the Calgary International Airport Vicinity Protection Area Regulation - Private School and Place of Worship

airport operations, including its runway arrivals and departures. The Regulation was enacted in 1979, and was recently amended on October 26, 2017 as part of the review of the Municipal Government Act and all regulations associated with it.

The Regulation established Noise Exposure Forecast contours around the airport lands, as a determination of expected noise levels. It predicts likely noise impact from aircraft on an area by considering such factors as types of aircraft, time of arrivals and departures, and future runway expansions. These contours take into consideration the alignment of the airport's latest runway expansion.

Subdivision and development authorities must comply with the Airport Vicinity Protection Area Regulation provisions when making decisions on applications for properties located within the contours. Exemptions are possible through a process of amending the Regulation. Only a municipality through Council or the City Manager can petition the Minister of Municipal Affairs for such an amendment, and as of October 26, 2017, the application must include a Resolution of Council that the Council supports the proposed amendment, per section 7(1) of the Regulation.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

A Development Permit was approved on this parcel for an office in 2007 under DP2007-2473, a use that is not prohibited by the Regulation. The approved development included a three-story office building and an underground parkade. Construction commenced in 2010 and stopped in 2011 with the completion of the parkade up to the foundation and elevator shafts. The building permit remains active with the parcel fenced and no safety concerns present.

A new Development Permit (DP2017-0756) is currently under review to propose a change of use to remove the approved office use, and replace with a private school and place of worship. The proposed uses align with Municipal Development Plan, are contained within the Direct Control land use district, and are supported by Administration. The building will continue to be constructed as per the approved 2007 development permit with minor interior changes and the change in use. A new building permit will be required for the interior changes.

The parcel is located in a 35-40 contour area. In the Regulation, Schedule 3, Section 4(1) schools and places of worship are prohibited within this contour. The City made an application for exemption to the Regulation on May 15, 2017 via the City Manager's Office, and has been awaiting a decision by the Minister of Municipal Affairs. A copy of the application can be found in Attachment 1.

On January 30, 2018, the Minister of Municipal Affairs sent correspondence to the City Manager requesting The City to provide a Resolution of Council in support of the application made on May 15, 2017. A copy of the letter is provided in Attachment 2. The Resolution of Council addresses the requirement under the new Regulation enacted in October 2017. The Minister of Municipal Affairs must receive this Resolution of Council to finalize the application and render a decision on the request for exemption. If the exemption is approved, the Development Permit will then be approved for the change of use to a private school and place of worship.

Application to Amend the Calgary International Airport Vicinity Protection Area Regulation - Private School and Place of Worship

Stakeholder Engagement, Research and Communication

The Regulation states under Section 7(2) that reasonable consultation in respect of the proposed amendment must take place with any affected municipality and landowners, the Airport Operator, and the general public. To meet this requirement, the following circulations occurred, with responses as noted:

Circulation	Summary of Response
Ward 3 Councillor, Jim Stevenson	Circulated March 21, 2017. Response received, no objection
Calgary Airport Authority	Circulated April 6, 2017. The Calgary Airport Authority provided a written response stating objection to the application and they continue to stress the importance of the Airport Vicinity Protection Area and its objective of creating a compatible land use framework for development in the vicinity of the airport. The Airport Authority also highlights the importance of the Protection Area to protect the industry and business of the airport. The Airport Authority cites within the Regulation that the proposed development is located within the 35-40 contours, and that the proposed uses are prohibited within this area. Letter was received prior to the application for exemption, and can be found in Attachment 1.
Rocky View County	Circulated April 6, 2017. Rocky View County requested that The City of Calgary remain committed to limiting exemptions as the contours should be considered permanent, that periodic administrative reviews (by the Province) of the regulatory language is considered appropriate, and that exemptions to provide for specific uses may erode the value of the regulation over time and should, therefore, be limited. Letter was received after the application for exemption, and can be found in attachment 3.
City of Airdrie	Circulated April 6, 2017. No response received
Transport Canada	Circulated April 6, 2017. No response received
NAV Canada	Circulated April 6, 2017. Response received, no concerns Letter was received after the application for exemption, and can be found in attachment 3.

Notification of Community and other Stakeholders

The subject parcel is located within the community of Westwinds, which does not have a residential population, nor a Community Association. Therefore, a circulation was not sent. In

Application to Amend the Calgary International Airport Vicinity Protection Area Regulation - Private School and Place of Worship

addition, the parcel was Notice Posted for seven days on March 14, 2017, no additional comments were received.

Strategic Alignment

The Municipal Development Plan outlines goals for achieving a sustainable city through a prosperous economy, shaping a more compact urban form, and creating great communities. Within Section 4.3.3, the MDP recognizes the applicability of the Regulation, as well as the fact that the airport is a global logistics centre that contributes to the city's economy, creates jobs, and supports businesses and industry throughout Calgary while being a major transportation hub for travelers to and from Calgary.

The Municipal Development Plan supports creating complete communities that ensure a range of community retail and services, schools, recreation facilities and community buildings that are accessible to Calgarians. This allows residents the opportunity to access community facilities, including schools and places of worship within their communities.

Administration's decision to pursue an application for exemption from the Regulation, and subsequently approve the Development Permit should the exemption be granted, supports the goal to create complete communities by locating the school and place of worship adjacent to the existing communities of Martindale and Castleridge.

Social, Environmental, Economic (External)

Social

The location of the subject parcel provides a school and place of worship, and a social gathering place for nearby communities, which will retain and attract population in the community for those regularly attending this facility.

Environmental

Opportunities to include a new school and place of worship adjacent to existing communities will result in residents having easier access to these facilities near to their community. In addition, across the street from the subject parcel is the McKnight-Westwinds LRT station, served by six additional bus routes. This will assist in reducing dependency on vehicular trips, and by association, may contribute to reducing greenhouse gases and traffic congestion.

Economic

The addition of the school and place of worship will add approximately 450 jobs through the construction phase as well as employees of the school and place of worship jobs.

Financial Capacity

Current and Future Operating Budget:

No operating budget implications are identified

Current and Future Capital Budget:

No capital budget implications are identified.

Application to Amend the Calgary International Airport Vicinity Protection Area Regulation - Private School and Place of Worship

Risk Assessment

If the Resolution of Council is not approved, the support of the application from the Minister of Municipal Affairs will be withdrawn, and thus, the Development Permit will be refused. With a refusal, the opportunity to finish a stalled and partially built development would be lost, as would the opportunity for the user to begin operating in a location that meets their needs in a timely manner.

If the Resolution of Council is approved, and the Regulation amended to allow for the exemption, there is a risk of potential noise complaints to the Airport, or negative impacts on users. As part of the application package to the Minister, an Aircraft Noise Assessment was completed for the building that states that the current design meets Alberta Building Code standards. In addition, a letter was provided by the applicant and their tenant acknowledging and understanding that the occupants of the building will be impacted by noise emissions. These two items are in Attachment 1. Through the review of the development permit, Administration recognized the potential noise impacts on these uses, and is satisfied that the development will meet minimum building code standards, and the tenants understand the potential noise impacts of the location, which will assist to minimize potential noise complaints.

REASON(S) FOR RECOMMENDATION(S):

Based on the review of the proposed development, and consultation with Regulation stakeholders and other community stakeholders, Administration supports the request for an exemption from the Calgary International Airport Vicinity Protection Area Regulation. The Minister of Municipal Affairs has requested a Resolution of Council stating that Council supports the proposed amendment to the Regulation.

ATTACHMENT(S)

1. Attachment 1 – Application for an Exemption, May 15, 2017
2. Attachment 2 – Letter from the Minister of Municipal Affairs
3. Attachment 3 – Correspondence from Circulations