

Planning & Development Report to
Combined Meeting of Council
2020 July 27

ISC: UNRESTRICTED
C2020-0751

Land Use Bylaw Amendments to Support Business Needs

EXECUTIVE SUMMARY

Administration has assessed the current rules of the Land Use Bylaw (Bylaw) to determine amendments that can be made in the short, medium and long-term to support businesses in opening and operating during Calgary's economic recovery and post COVID-19. To respond swiftly to industry and business requests that have been identified in 2019 and 2020, Administration is proposing eight (8) amendments to Bylaw 1P2007, identified in Attachment 1. These changes have been determined as having a positive impact on businesses, without major impacts of on citizens. In addition, these proposed changes align with the future direction of the renewed Land Use Bylaw, and will help to pilot ideas, create baseline data and help socialize bigger changes that could be seen in future work. More information on potential amendments to the bylaw that can be adopted in the medium and long-term can be found in Attachment 2.

ADMINISTRATION RECOMMENDATION:

Administration recommends that Council hold a Public Hearing for the proposed amending bylaw and give three readings to the proposed Land Use Bylaw Amendments in Attachment 1.

PREVIOUS COUNCIL DIRECTION / POLICY

No previous Council direction. This report responds to industry and business community needs in opening and operating during Calgary's economic recovery and post COVID-19.

BACKGROUND

In recent years, businesses have been under increased pressure due to Calgary's economic downturn, and most recently, the state of emergency caused by the COVID-19 pandemic. While the State of Local Emergency was lifted on 2020 June 12, social distancing requirements will remain in place until further notice. As such, businesses will continue to be limited in their occupancy based on their available floor space.

As part of ongoing efforts to better support businesses and communities, and to increase efficiencies, Administration has been directed to undertake a Land Use Bylaw renewal (City Planning and Policy 2020 Workplan PUD2020-0016). The renewal supports the move to a planning system that is more outcome-oriented and in which there is clear line-of-sight between the City's vision, community plans and the Bylaw. As a result, Administration has reviewed the existing Bylaw and considered amendments that can be made in the short, medium and long-term that would help businesses open and operate in this current economic environment, while being aligned with the future direction for the renewed Land Use Bylaw.

The subject amendments were presented at the 2020 June 17 Business Sector Support Taskforce meeting, where they received support and endorsement. Subsequently, the amendments were presented at the 2020 June 18 meeting of Calgary Planning Commission (CPC) as a verbal item. CPC raised no concerns regarding the amendments and unanimously upheld Administration's recommendation to forward the proposed bylaw directly to the 2020 July

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27 Combined Meeting of Council, where it is recommended that Council holds a Public Hearing and give three readings to the proposed bylaw amendments.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The following section summarizes the proposed amendments to the Bylaw. The amendments are outlined in detail in Attachment 1. These amendments, while minor in nature, could increase a business's ability to maintain health, safety and social distancing requirements, and provide increased flexibility in operational functions.

1. Eliminate the requirement for permitted uses to meet parking requirements when the permitted uses are going into an existing building in commercial, industrial and mixed-use districts

Existing buildings are difficult to reconfigure to meet the parking requirements of today, particularly given original construction dates. As such, Bylaw relaxations are often granted for permitted uses going into existing buildings that do not meet required parking minimums. This amendment will allow uses in these locations to go through a quicker application process without the need for the provincially mandated three (3) week advertising and appeal period.

2. Delete the prohibition of speakers for Outdoor Cafes

Pre-pandemic, Outdoor Cafe operators had indicated a desire for speakers. With significant uptake of Outdoor Cafes throughout the city to manage capacity and distancing requirements, the opportunity for speakers in Outdoor Cafes will allow restaurants to transfer their interior ambience to their outdoor patrons. It is noted that Outdoor Cafe applications will continue to be reviewed as a discretionary use, with the ability to create permanent conditions to ensure contextual sensitivity. Further, noise will continue to be controlled and enforced through the Community Standards Bylaw, which states that there can be no outdoor speaker system within 150 metres of a residential development between 10 p.m. and 7 a.m. Monday through Sunday.

3. Eliminate the size maximum for an Outdoor Cafes near residential and eliminate the distance required from a residential parcel

An Outdoor Cafe is currently limited to a maximum area of 25 square metres, and must be located at least 25 metres away from any low density residential district, as well as many of the multi-residential districts, unless separated by a street or building. The proposed amendment will eliminate these rules, however appropriate size and distance to both low density residential development and multi-residential development can be determined through the discretionary application review process. Eliminating the need to be separated from a residential parcel by 25 metres will allow more businesses to expand their outdoor operations and meet social distancing requirements.

4. Increase allowable Pop-Up and Interim Uses to include eating and drinking uses

Pop-Up Uses and Interim Uses were introduced to the Bylaw on 2020 May 27 through Council's adoption of 42P2019. At that time, Administration indicated that restaurant uses were desired by

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industry, and Calgary Planning Commission expressed an interest in seeing restaurant uses added to the list of Pop-Up and Interim Uses. Nevertheless, food uses were excluded from the amendment due to restaurants being regulated by both Alberta Health Services and the Alberta Building Code. The report indicated that Administration would revisit the concept of allowing restaurant uses in Pop-Up and Interim Uses in the future. While restaurant uses continue to be provincially regulated, Administration has identified the potential for pop-up and interim food uses to be located in spaces that were previously occupied by similar uses, limiting the potential upgrades required to meet regulations and codes. Notwithstanding, it is noted that any such use that involves a food preparation will be required to meet the relevant regulations and codes.

It is highlighted that the additional uses included in this amendment are not listed uses within all of the districts that they can operate as Pop-Up and Interim Uses, and as such a land use redesignation could be required in order to make a use permanent. Nevertheless, considering the provincial regulations mentioned, the likelihood of food uses opening in a space that was not previously used as a restaurant is negligible.

The proposed amendment will provide businesses with the opportunity to trial their concepts while seeking approvals for a permanent location. Many cities have already trialed pop-up restaurants with great success, as the use benefits both restaurateurs and the public.

5. Extend the timeline for Special Function - Class 1.

Expanding the time maximum for Special Function – Class 1 uses from 15 days to 60 days would allow retail stores to have more outdoor events, openings and sales. Further, the amendment would allow for extended outdoor events including those that are educational, recreational, sporting, social and worship related, thus accommodating social distancing requirements without the need for a permit.

6. Increase the outdoor limit for retailers, Pop-Up Uses and Interim Uses to have outside merchandise beyond 6 metres from the entry.

Presently, the Bylaw allows Retail and Consumer Service uses to display merchandise outside of a building, provided the merchandise is within six (6) metres of the public entrance and is not located in a setback area, a parking area or on a sidewalk if it impedes pedestrian movement. The proposed amendment eliminates the six (6) metre limit, increasing space for businesses to display merchandise outside of their stores, while maintaining that merchandise cannot impede pedestrian movement.

Stakeholder Engagement, Research and Communication

In order to ensure a speedy response to business needs, the review and decision making structure that was established by Administration and approved by Council was utilized to address the recommendations and decisions in response to COVID. As such, the proposed amendments were presented at the 2020 June 17 Business Sector Support Taskforce meeting, as well as the 2020 June 25 COVID Corporate Governance Committee, which includes a

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number of Business Improvement Area (BIA) and industry representatives. Both the Taskforce and Committee expressed full support and endorsement of the proposed amendments.

Subsequently, the amendments were presented at the 2020 June 18 meeting of Calgary Planning Commission (CPC) as a verbal item. CPC raised no concerns regarding the amendments and recommended that they proceed to advertising for the 2020 July 27 Combined Meeting of Council, where it is recommended that Council holds a Public Hearing and give three readings to the proposed bylaw amendments.

Experience and discussions with industry and Council in 2019 and 2020 emphasized the need and desire for these amendments. Combined with an uncertain economic outlook, stakeholders have indicated that Administration needs to act swiftly to show support for the future of our city. Administration has shared the proposed changes with the Federation of Calgary Communities (FCC), Building Industry and Land Development (BILD) and the National Association for Industrial and Office Parks (NAIOP), all of whom provided a letter of support (Attachment 3). Administration intends to focus resources towards the education and communication needed to ensure the success of these amendments, should they be approved by Council.

Strategic Alignment

The proposed amendments continue to focus Administration's resources on the policy priorities identified by Council in 2020 through PUD2020-0016 (City Planning and Policy 2020 Workplan). The Workplan's focus remains on implementing the Municipal Development Plan and Calgary Transportation Plan through effective policies and tools while undertaking initiatives that support investment and local businesses. The proposed amendments also align with the focus of a renewed Land Use Bylaw, and will help to pilot ideas, test initiatives and provide baseline data to use as the renewal continues. This aligns with Council's priorities N2, N3 and N4 for "A City of Safe and Inspiring Neighbourhoods".

Social, Environmental, Economic (External)

The proposed initiatives support economic activity related to building and development and Calgary's comeback. These amendments support community vitality in a time where social distancing is required and where social norms are being tested. Environmental impacts will be minimized through reduced parking requirements and more emphasis on other modes of transportation. These amendments show City support for the development of great communities for everyone – where citizens and businesses can thrive.

Financial Capacity

Current and Future Operating Budget:

No Impacts

Current and Future Capital Budget:

No Impacts

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Risk Assessment

While there are minimal risks anticipated with these proposed amendments, there is a need to review their effectiveness over time and to ensure Administration continues to identify amendments that could help support great communities, local businesses and citizens.

REASON(S) FOR RECOMMENDATION(S):

Administration recommends approval of the Land Use Bylaw amendments proposed in this report as they will help support businesses in opening and operating with minimal impacts on citizens or surrounding communities.

ATTACHMENT(S)

1. Proposed Amendments to Land Use Bylaw 1P2007
2. Potential Amendments in the Medium and Long-Term
3. Letters of Support from BILD, NAIOP and FCC
- 4. Proposed Bylaw 32P2020**