

## **Amendments to the Airport Vicinity Protection Area (AVPA)**

### **EXECUTIVE SUMMARY**

The Calgary International Airport Vicinity Protection Area Regulation (AVPA) identifies uses that are prohibited within certain parts of Calgary based on the Noise Exposure Forecast (NEF) contour areas included in the regulation. The NEF contour areas describe forecasted noise impacts from aircraft flying over communities as they arrive or depart the Calgary International Airport. The AVPA's purpose is to ensure development within the NEF contours is compatible with respect to noise from overflying aircraft and airport operations.

On 2020 February 24 and 25 Council provided Administration direction to continue discussions with the Calgary Airport Authority (CAA) and return with proposed amendments, based on updated NEF contour areas, to the AVPA Regulation that modernize the regulation. The proposed amendment introduces the updated NEF contour areas and AVPA boundary that reflect the reduced noise of modern aircraft and innovations in airport operational protocols such as management of runway usage and new landing procedures.

The proposed amendments to the AVPA Regulation balance the interests of both The City of Calgary and the Calgary Airport Authority. They reflect and maintain commitment to the benefits of the AVPA Regulation in protecting airport operations, while recognizing the benefits modernized NEF contour areas will have in supporting the continued development in Calgary through appropriate regulation that is not unnecessarily restrictive. The mechanism by which these amendments may occur is through a Resolution of Council to request the Province of Alberta to update the Calgary AVPA Regulation.

### **ADMINISTRATION RECOMMENDATION:**

That the Standing Policy Committee on Planning & Urban Development recommend that Council:

1. Approve by resolution the proposed Calgary International Airport Vicinity Protection Area Regulation changes outlined in Attachment 5, directing Administration to submit a joint amendment application with the Calgary Airport Authority to the Minister of Municipal Affairs; and
2. Disband the working group formed through Council resolution 2018 December 17 (PUD2018-1400), known as the Airport Vicinity Protection Area Committee, and acknowledge the completion of its mandate.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

On 2020 February 24 and 25, Council approved the following relating to Verbal Report IGA2020-0219:

That Council:

1. Direct that Administration respond to the Government of Alberta as per the discussion at the 2020 February 20 Intergovernmental Relations Committee Closed Meeting; and
2. Direct Administration to bring forward the item discussed to the SPC on Planning and Urban Development as soon as possible; and

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3. Direct that Closed Meeting discussions and presentation remain confidential pursuant to Section 21 (Disclosure harmful to intergovernmental relations) of the *Freedom of Information and Protection of Privacy Act* to be reviewed by 2021 December 31.

Additional previous Council direction is in Attachment 1.

#### **BACKGROUND**

The Provincial government introduced the AVPA regulation in 1979 to guide development decisions around airports. The AVPA regulation utilizes NEF areas to support airport operations with consideration to the noise impacts to sensitive uses developing around it. The purpose of the regulation is to ensure land use compatibility between the airport and development on surrounding lands.

The City and the CAA have worked collaboratively since 2016 to consider changes to the AVPA Regulation that facilitate Calgary's ongoing development (and redevelopment) and recognize the importance of the Calgary International Airport in Calgary's position as Canada's premier inland port. To this end, a working group (known as the AVPA Committee) was established in 2018 December 18 (PUD2018-1400) to work towards modernizing the AVPA Regulation, with a focus on areas of shared interest. At formation, the AVPA Committee included Stuart Dalgleish, General Manager of Planning & Development, Councillor Gondek, Chair of the Standing Policy Committee on Planning & Urban Development, Councillor Chahal, Ward 5 Councillor, Councillor Carra, Ward 9 Councillor, and senior members of the CAA administration. On 2019 July 29 Council approved a change to the composition of the committee appointing Councillor Carra as the designate of the Chair of the Standing Policy Committee on Planning & Urban Development.

In February 2019, The City and the CAA requested that the Government of Alberta amend the AVPA Regulation to no longer limit small scale residential intensification within certain areas of the NEF 30-35 contour area. On 2019 October 9, the Government of Alberta adopted updates to the AVPA Regulation, thereby lifting restrictions on secondary suites, backyard suites and low density residential (2 units mid-block and up to 4 units on corners) for the communities of Inglewood, Mayland Heights and Vista Heights within the 30-35 NEF contour.

Beginning in 2019, the Government of Alberta's Department of Municipal Affairs has been reviewing provincial legislation with the goal of reducing *red-tape*, this review includes the AVPA Regulation. While the Department of Municipal Affairs has recently confirmed the continued use of the AVPA Regulation, in communicating that decision the Minister acknowledged the importance of continued discussion to modernize the AVPA, including updates to NEF contours. These efforts were identified as important to ensure the AVPA is efficient and does not impede appropriate development within each of the NEF contours.

#### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

In response to Council direction on 2020 February 24-25, Administration and the CAA, through the AVPA Committee, undertook a series of collaborative discussions to establish the content of the current proposal for updates to the AVPA. The discussions focussed on shared objectives and raised key issues in support of modernization of the AVPA Regulation through the

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introduction of updated NEF contour areas. At the time of this report, a total of five meetings have been held with the CAA since 2020 February 25.

### *Updating the NEF Contour Areas*

A natural first step to modernizing the AVPA Regulation was to utilize current measurement techniques to establish whether changes in regulations and technologies of the aviation industry made it necessary to update the existing NEF contours. The CAA engaged a third-party aviation consultant, AirBiz, to conduct this review and analysis. The analysis applied a consistent methodology to consider aircraft type as an indicator of noise expectations and considered airport operational protocols such as management of runway usage and new landing procedures.

The report containing results of the review and analysis is provided as Attachment 2. The results provide new contour boundaries that reflect current aircraft noise impacts while balancing the need to protect operations of an international airport in an urban context, and consequently can be used to support changes to the NEF contour areas. Protecting airport operations can be challenging if incompatible uses can proliferate in its vicinity. Additionally, as the NEF contours have been reduced spatially, it is fitting that the AVPA boundary is redrawn to reflect the new NEF contours. This re-delineation of the AVPA boundary is recommended and initiated by Administration as a housekeeping measure for the AVPA Regulation. Current and proposed new NEF contour mapping and AVPA boundaries are found in Attachment 3.

The AVPA Regulation is structured to propose restrictions on sensitive uses (e.g., schools or medical care centers) by identifying NEF contour areas. The least restrictive NEF contour area is represented as NEF 25, and the areas step up to the most restrictive at NEF 40. If approved, the proposed changes will not change the types of restricted uses in the AVPA boundary but will adjust where the restricted uses apply. Land use restrictions will be reduced accordingly in areas where the new mapping prescribes a less restrictive NEF contour area than exists in the current mapping. A summary of the changes is contained in Attachment 4.

Highlights of the updated NEF areas include:

- A total of 22,921 parcels (approximately 3,058 hectares) spanning 19 communities and five wards that are affected by the current NEF contours, would not be touched by the proposed NEF contours and would no longer be subject to restrictions of uses associated with the NEF contour areas.
- A total of 7,473 parcels (approximately 4,230 hectares) would be unaffected by the NEF changes.
- A total of 2,752 parcels (approximately 3,320 hectares) would move to a less-restrictive NEF contour area.
- A total of 2,084 parcels (approximately 227 hectares) would move to a more-restrictive NEF contour area. Of these 2,084 parcels, 2,029 (97 per cent) would move from currently unrestricted by any NEF contour to the NEF 25 contour, where the only restricted use is for campgrounds.
- A total of 55 parcels (approximately 49 hectares) already affected by current NEF contours would move to a more-restrictive NEF contour area (either moving from NEF 25 to NEF 30, or from NEF 30 to NEF 35). To address these parcels, it is proposed to only prohibit the uses within these parcels current NEF contour in order to not further restrict potential uses. This is reflected within the proposed AVPA Regulation (Attachment 5).

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### *Responding to the Updated NEF Contour Areas and Modernizing the AVPA Regulation*

The City of Calgary is working with the CAA on engagement of affected stakeholders because The City has an interest in enabling economic growth through development and redevelopment of lands within Calgary. If Council approves the resolution requesting an amendment of the AVPA Regulation, a package will be sent to the Government of Alberta for consideration, including the proposed amendment contained in Attachment 5. Should the Government of Alberta amend the AVPA Regulation in accordance with the proposal, the new NEF contour areas will begin to affect land use and development decisions in Calgary. Calgary will then have an AVPA Regulation that reflects contemporary airport operations and provides clarity to regulators, residents, developers, builders and business owners.

There are no changes proposed to Part 3 Division 2 of the Land Use Bylaw, which requires that City decisions on development permits follow the AVPA Regulation.

With the completion of this work with the CAA, the AVPA Committee will have fulfilled its mandate and therefore may be disbanded. As part of continuous business improvement Administration will continue working in partnership with the CAA in the administration of the regulation. If future changes are required regarding the AVPA arising from this work, they will be brought forward for Council consideration through the Standing Policy Committee on Planning & Urban Development.

### **Stakeholder Engagement, Research and Communication**

The [Calgary.ca/AVPA](http://Calgary.ca/AVPA) webpage was updated to share the proposed changes to the AVPA Regulation. This was the main source of information for stakeholders including Community Associations, residents, developers, builders and building owners. The City of Calgary has been engaging with affected stakeholders because of the importance of changes to the AVPA to Calgary's citizens, property owners, and business community.

Administration met with the Crossroads Community Association which represents Mayland Heights and Vista Heights on 2020 July 07 and the Inglewood Community Association (ICA) on 2020 July 23. These communities have historically been involved and interested in matters related to the AVPA Regulation and its influence on development in their communities. The meetings with Community Associations were important for promoting awareness and to follow-up on a commitment made to return with updated NEF information during discussions held in 2019 when this potential change was first discussed. During the 2020 July meetings, Administration and the CAA presented the proposed changes and detailed the supporting methodology and provided the community associations the opportunity to ask questions. The ICA expressed concern regarding the short timeline for communication with residents. In response to this concern, Bold Signs were posted in the Inglewood and Crossroads communities, and in 11 other affected neighbourhoods, to increase awareness of the proposed amendments.

Community Associations representative of 71 communities and larger landowners within the AVPA Regulation boundaries were emailed information about the proposed amendments and the PUD committee date. The same information was provided to the development industry through Dispatch, the Planning & Development email newsletter.

For landowners of parcels moving into a higher NEF contour with more restrictive land use potential, letters were delivered providing notification of the revised contours. The City of

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Calgary, through the Council Resolution to the Province of Alberta, will recommend that these properties are frozen to only the prohibited uses in their original NEF contour to not create any further restrictions on that small portion of AVPA parcels.

On 2020 August 07, the following stakeholders received notification of the proposed changes for their review and comment: Transport Canada, NAV CAN, the City of Airdrie and Rocky View County. At time of completion of this report, no additional comments were received from these organizations.

Applicants have been advised through file managers regarding the impact to current land use and development permit applications if the proposed changes to the NEF contour areas are accepted by the Government of Alberta. Where there may be benefit to applicants of these proposed changes, Administration has been working with the affected applicants to define a customized timeline for decisions on their files that best meets customer needs.

As part of increasing awareness of the AVPA, enhancements are planned to the AVPA website to enable landowner and developers to determine if properties are impacted by the regulation. This includes information on use restrictions that may apply or acoustical considerations in planning development. Information technology systems used by front line staff and planners highlight lands subject to the regulation and support communication pre-application on the impact of the regulation.

### **Strategic Alignment**

The collaboration between The City and the CAA to modernize the AVPA Regulation is aligned with Calgary's strategic vision for economic development and diversification, including solidifying our position as Canada's premier inland port. The proposal aligns with The City's Goods Movement Strategy, Calgary Economic Development's Transportation & Logistic pillar and the Municipal Development Plan (MDP). Policies in section 4.3.3 of the MDP regarding adherence and attention to the AVPA Regulation will not change because of this proposal.

The Interim Growth Plan identifies the airport as a Transportation and Trade – Regional Mobility Corridor. The Interim Growth Plan ensures that local area planning policies demonstrate that the proposed land-use, built form, and density optimize the proximity and adjacency to regionally significant mobility corridors. Also, the AVPA boundary is recognized in the Interim Growth Plan.

### **Social, Environmental, Economic (External)**

In terms of economic impact, the proposed AVPA Regulation amendments will remove development restrictions in some areas that shift between NEF contour areas or are removed from NEF contour areas altogether. This has an impact for greater development opportunity within the framework of existing Local Area Plans and the Land Use Bylaw. The airport itself is a strong economic actor in the Calgary context by providing employment, trade, transportation and business opportunities.

From a social perspective, updating the AVPA and NEF contours contributes to safe and healthy communities through removal of some restrictions on uses that contribute to complete communities that might not have been possible under existing restrictions.

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Environmentally, with the ability to intensify existing communities, improving efficiency of land use and infrastructure, there is greater potential for re-use of brownfield sites or properties that might be underutilized or even vacant.

### **Financial Capacity**

#### ***Current and Future Operating Budget:***

No operating budget implications are identified.

#### ***Current and Future Capital Budget:***

No capital budget implications are identified.

### **Risk Assessment**

The adoption of modernized NEF contour mapping into City of Calgary processes is needed so that effective guidance can be provided on land use decisions. Without these updates, Administration will continue to rely on out-of-date information. Maintaining the current NEF contour mapping does not accurately reflect the impacts of noise from modern airport operations or aircraft. Without consideration of the most up-to-date information, development may be impeded unnecessarily in some areas and proceed inappropriately in others.

### **REASON(S) FOR RECOMMENDATION(S):**

The proposed amendments to the AVPA Regulation are based on current assessment, analysis and modelling of forecasted noise impacts and airport operations. The amendments introduce updated NEF contour areas and an AVPA boundary that reflect the reduced noise of modern aircraft and innovations in airport operations.

The proposed amendments to the AVPA Regulation balance the interests of both The City of Calgary and the Calgary Airport Authority. They reflect and maintain commitment to the benefits of the AVPA Regulation in protecting airport operations, while recognizing the benefits modernized NEF contour areas may have in supporting the continued development of Calgary through additional development potential and reduced regulation.

With the decision of Council on making the request to amend the AVPA Regulation, the AVPA Committee will have fulfilled its mandate and should be disbanded.

### **ATTACHMENT(S)**

1. Attachment 1 – Previous Council Direction – PUD2020-0968
2. Attachment 2 – YYC Noise Exposure Contours Discussion Paper – PUD2020-0968
3. Attachment 3 – Proposed and Current NEF Contour and AVPA Boundary Maps – PUD2020-0968
4. Attachment 4 – Effects of Proposed NEF Contour Changes – PUD2020-0968
5. Attachment 5 -- Proposed Amendments to the Calgary International Airport Vicinity Protection Area Regulation – PUD2020-0968
6. Attachment 6 – Calgary Airport Authority Letter of Support – PUD2020-0968
7. Attachment 7 – Public Submissions