

Lifting Specific Use Restrictions in the Airport Vicinity Protection Area Regulation

RECOMMENDATION(S):

That the Standing Policy Committee on Planning and Urban Development recommends that Council support by resolution the proposed Calgary International Airport Vicinity Protection Area Regulation amendment provided in Attachment 2, and direct Administration to submit a joint amendment application with the Calgary Airport Authority to the Minister of Municipal Affairs.

HIGHLIGHTS

- The purpose of the report is to request the Province remove the restriction of certain uses in the Noise Exposure Forecast (NEF) 35 contour area in the Airport Vicinity Protection Area (AVPA) Regulation following review by the AVPA Committee.
- What does this mean to Calgarians? An additional 1170 Hectares of land within the city will have potential to develop Places of Worship and Halls and Auditoriums.
- Why does it matter? These changes remove barriers, create additional development opportunities, and provide greater flexibility in finding locations for these large assembly uses that service Calgarians.
- The AVPA Regulation outlines uses that are not allowed within certain locations in Calgary, identified as NEF contour areas, due to potential noise impacts from aircraft flying over communities as they arrive or depart.
- Noise impacts to indoor assembly uses such as Places of Worship and Halls and Auditoriums can be mitigated through design review required by development and building permit processes.
- The proposed lifting of restrictions does not remove the need to align with applicable planning policies, regulations and other rules, such as Local Area Plans and the Land Use Bylaw.
- The Province ultimately approves changes to the AVPA. Removal of these use restrictions were evaluated against the updated NEF contours that Council has requested the Province consider for approval. If Council approves the recommendations, this change will be sent to the Province as an addition to the request to amend the AVPA with updated NEF contours.
- On 2020 September 14, Council approved a resolution to request the Province to consider amending the AVPA with updated NEF contour areas. The AVPA Committee was directed to work with the Airport Authority to consider and explore the removal of development restrictions on Places of Worship and Halls and Auditoriums in the NEF35 contour of the AVPA. The discussion of the plan and timing is subject to Airport Authority's executive and board review.
- Strategic Alignment to Council's Citizen Priorities: A prosperous city
- Background and Previous Council Direction is included as Attachment 1.

DISCUSSION

The purpose of the AVPA is to ensure development considers compatibility with respect to the impact of noise from aircraft flying over neighbourhoods and airport operations. The AVPA

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regulation identifies uses that are not allowed in certain parts of Calgary based on the NEF contour areas. These contours are designed to forecast noise impacts from aircraft flying over communities during arrival at or departure from the Calgary International Airport.

On 2020 September 14, Council approved a resolution to request the Province update the NEF contours to accurately reflect the noise impacts with consideration of advancements in aviation technology and airport operations. In addition, Council directed the AVPA Committee, in collaboration with the Airport Authority, to consider removal of the restriction of Places of Worship and Halls and Auditoriums uses in the NEF 35 contour area.

The AVPA Committee includes the General Manager of Planning & Development, Chair of the Standing Policy Committee on Planning and Urban Development, Councillors from Wards 5 and 9, and senior members of the Airport Authority administration. Between 2021 January and March, the committee met twice to provide guidance on the scope and develop a recommendation to consider removing the restriction of these uses. This included evaluating options ranging from lifting the restriction of the uses broadly in the NEF35 area to a targeted approach to identify specific lands that would benefit from the removal of the restriction. The AVPA Committee's recommendation is to address the motion of Council by removing the restriction of Places of Worship and Halls and Auditoriums from the table of prohibited uses in NEF35 (Attachment 2).

These assembly use types largely take place indoors and noise impacts can be addressed through other controls. Those controls include the development permit applications with conditions and specific building code requirements in the NEF35 contour area. An example of design considerations may include limits on outdoor area use given location in NEF35 contour area. Alberta Building code considerations could include laminated windows and extra insulation. Attachment 3 provides summary of the acoustical requirements of the building code within the NEF contour areas. In addition, the Airport lands comprise 64 per cent of the NEF 35 contour area and therefore Airport has additional oversight on development of uses in these areas. These requirements and controls assist in balancing the proliferation of these uses while also providing additional opportunity for uses that have difficulty finding suitably large assembly sites. Achieving that balance is important to ensuring land availability to support the Calgary International Airport's operation as an inland port. Attachment 4 shows the subject area lands that would be impacted by lifting the restriction of these uses.

If Council approves a resolution to request this amendment to the AVPA Regulation, a package would be sent to the Province for consideration. This would add to the request currently under consideration by the Province to update the proposed NEF contour changes submitted following Council resolution 2020 September 14. Administration does not have a timeline for the consideration of the request.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder or customer dialogue/relations were undertaken

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Consultation took place between 2021 February 24 to March 10. Notification was sent to the following stakeholders, and included access to a survey regarding the proposal to lift the prohibition of Places of Worship and Halls and Auditoriums:

- Faith based organizations;
- Community Associations adjacent to or with lands within NEF35 areas; and
- National Association for Industrial and Office Parks (NAIOP), Building Industry and Land Development (BILD) Calgary Region, Building Owners and Managers Association (BOMA).

The proposed change was circulated to NAV CANADA, Transport Canada, City of Airdrie and Rocky View County. Information was also shared with the development industry through an article in Planning & Development's e-newsletter, Dispatch. This newsletter provides updates on projects, policies and engagement opportunities. Results of the survey and circulation responses are provided as Attachment 5. Roadside signage was also installed adjacent to and within the NEF35 contour area, raising awareness of the proposed change. On 2021 March 3, the proposed change was presented to the Executive Board of the Airport Authority. Attachment 6 is a letter of support from the Airport Authority.

IMPLICATIONS

Social

The proposed change would provide greater flexibility in locating Places of Worship and Halls and Auditoriums. Places of Worship and Halls and Auditoriums contribute to supporting great communities that foster a sense of togetherness, cooperation and feeling of association. Great communities are one of the seven goals on which the Municipal Development Plan is built.

Environmental

Not applicable

Economic

Right sizing regulations ensures unnecessary barriers to development are not encumbering opportunities. Lifting this restriction allows additional development opportunity for these uses while maintaining appropriate controls to support the Calgary International Airport as an important inland port.

Service and Financial Implications

No anticipated financial impact

Removing the AVPA restriction on Places of Worship and Halls and Auditoriums is done in recognition that noise impacts are mitigated by acoustical requirements in the building code. For the customer and Calgary community this approach provides the right level of regulation for the development of these indoor assembly uses.

RISK

Two risks have been identified:

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1. Unconnected uses in close proximity to airport activities need to be balanced with strengthening Calgary’s position as an inland port. In particular, it is important to recognize that the AVPA regulation coincides with one of Calgary’s largest industrial areas. The work associated with the Citywide Growth Strategy: Industrial has an action to represent the importance of the industrial sector in the AVPA work. In lifting the prohibition of these uses, there are controls in place to balance these needs, continue to respect the predominance of industrial uses, ensure the Airport Authority’s position in the movement of goods and services, and support airport operations.
2. Attendees of Places of Worship and Halls and Auditoriums may find that the noise from airport operations has not been completely mitigated through building code requirements, leading to possible complaints to the Airport Authority.

ATTACHMENTS

1. Previous Council Direction, Background
2. Proposed Amendments to the Airport Vicinity Protection Area Regulation
3. Building Code Acoustical Requirements in the AVPA
4. Proposed NEF 35 Contour Map
5. Stakeholder and Survey Responses
6. Calgary Airport Authority Letter

Department Circulation

General Manager	Department	Approve/Consult/Inform
Stuart Dalgleish	Planning & Development	Approve