

Land Use Bylaw Amendments to Support Business and Economic Recovery

RECOMMENDATIONS:

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

1. Give three readings to the proposed Bylaws for amendments to Land Use Bylaw 1P2007 (Attachments 2 and 3); and
2. Adopt, by resolution, the proposed amendments to the *Child Care Service Policy and Development Guidelines* (Attachment 6).

HIGHLIGHTS

- Administration is proposing amendments to the Land Use Bylaw (Bylaw) that support businesses through the continued hardships of COVID-19 and Calgary's economic recovery. The proposed amendments will modernize and simplify existing regulations, provide increased flexibility for business operations, and reduce the need for change of use applications.
- *What does this mean for Calgarians?* Less city processes and reduced cost for business owners.
- *Why does it matter?* The proposed amendments will support the economy and the vibrancy of our communities.
- The proposed business-friendly amendments will reduce the number of uses by consolidating some similar uses into one. This will allow businesses to more easily adapt to changes brought on by COVID-19 and Calgary's economic situation by reducing the need for land use changes to accommodate evolving business practices.
- Additional amendments to the Bylaw will create alignment with provincial changes to child care, clarify the intent of the road rights-of-way table, extend the expiry date of the Centre City Enterprise Area (Enterprise Area) to July 1, 2023, align time limits for a recreational vehicle (RVs) to be parked in front driveways with current on-street time limits, simplify mechanical screening requirements, and update appeal authorities per provincial changes.
- Strategic Alignment to Council's Citizen Priorities: A prosperous city.
- Background and Previous Council Direction is included as Attachment 1.

DISCUSSION

With input from industry stakeholders, Administration reviewed the Land Use Bylaw to identify amendments that could support businesses during Calgary's economic recovery and post COVID-19. The recommended amendments were selected due to their ability to be implemented quickly and without the need for extensive engagement.

Administration is proposing amendments to Land Use Bylaw 1P2007, as identified in Attachments 2 and 3.

The amendments achieve the following:

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1. Consolidate the Bylaw's current seven restaurant uses to two, based on whether or not the establishment will be licensed, and increasing the maximum public area of the smallest restaurant from 75 square metres to 150 square metres.
2. Consolidate the Bylaw's current uses of Cannabis Counselling, Counselling Service, Health Services Laboratory – With Clients and Medical Clinic into the new use of Health Care Service.
3. Absorb the Bylaw's current Market use into the existing use of Retail and Consumer Service use;
4. Clarify the screening requirements for mechanical equipment and deliver a visual guide (Attachment 5) for internal staff and applicants.
5. Extend the expiry of the Centre City Enterprise Area from 2021 July 1 to 2023 July 1.
6. Amend Home Based Child Care facilities by eliminating Class 2 and enabling Class 1 to have one non-resident employee in order to align with Provincial changes in February. A separate bylaw (Attachment 3) is provided as the effective date for these amendments will be delayed for 6 months.
7. Amend the City's Child Care Policies (Attachment 6) to reflect the changes in the Land Use Bylaw.
8. Add Child Care Service to the list of "commercial multi-residential uses".
9. Allow RVs to be parked on front driveways for 36 hours, rather than 24 hours, to align with the Traffic Bylaw.
10. Change reference to "Subdivision and Development Appeal Board" to Appeal Body, to align with recent changes by the Provincial Government to the Municipal Government Act.
11. Update the table for Setbacks from Road Rights-of-Ways to respond to a Notice of Motion, changing the title to Public Realm Setbacks and adding a purpose statement.

The overall benefits and outcomes with these amendments are to increase the flexibility for business owners to change their operations by removing additional layers of approval. This reduces cost and time for businesses when moving to a new space, changing to another use (in the case of the new Health Care Service use), or expanding their operations (in the case of the restaurant amendments). Proposed amendments that result from provincial changes will align City and Provincial requirements, thus creating less confusion for applicants and the general public.

An explanation of the context and benefits for each change is provided in Attachment 4.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

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

In response to industry feedback, Administration identified the proposed Bylaw amendments due to their ability to be implemented quickly and without the need for extensive engagement. In addition to presenting to the 2021 April 15 BAC Working Group, Administration presented the

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proposed amendments to a supportive Business Sector Task Force at the 2021 April 21 meeting. Both groups include a number of business and industry representatives, including several Business Improvement Area and Building Industry and Land Development (BILD) representatives.

The Business and Local Economy team was engaged to allow communication of the proposed amendments through established channels including online, Planning & Development's Dispatch newsletter and direct communications to stakeholders via emails and meetings.

In accordance with the requirements of the Municipal Government Act, the proposed amendments will be advertised on 2021 June 5 and 2021 June 12.

Should the proposed amendments be approved by Council, Administration will focus resources on communicating with the business community, in order to allow for seamless implementation.

Outcomes

Input from Calgary Planning Commission

Administration presented the proposed amendments at the 2021 May 6 meeting of Calgary Planning Commission (CPC). A summary of CPC's input is included as Attachment 7.

Input from the Business Advisory Committee

These amendments respond the Business Advisory Committee's Priority 2: to identify opportunities to streamline process and permitting for changes of use. The proposed amendments were brought to the 2021 April 15 meeting of the Business Advisory Committee (BAC) Working Group, who was supportive of the proposal and advised that even bolder changes are required to create the flexibility that businesses need.

IMPLICATIONS

Social

Helping businesses open and operate directly supports individual citizens and communities.

Environmental

There are no environmental implications anticipated with implementing these recommendations.

Economic

By making it easier to open and operate a business in Calgary, the proposed amendments support job creation and retention, which provide income to citizens and tax revenue to The City.

Service and Financial Implications

No anticipated financial impact

Revenue from development permit fees will be reduced; however this will be offset by fewer City staff resources needed since fewer applications will have to be processed. Development permit fees use a cost recovery approach so there is no anticipated financial impact.

RISKS

Collectively, the proposed amendments will create minimal risk. Individually, there is a risk that continuing to exempt building additions from requiring a development permit within the Enterprise

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Area could result in issues with surface drainage and building massing as it will continue to be unregulated by Administration. Additionally, without a development permit, some bylaw provisions, such as locational criteria or outdoor lighting limits, are not being reviewed for compliance, resulting in off-site impacts or non-conforming uses. There continues to be a need to review the effectiveness of the Enterprise Area exemptions over time.

Further, the elimination of Home Based Child Care – Class 2 from the Bylaw could hinder Calgary’s ability to meet one of the objectives of the Municipal Development Plan (MDP), which is to encourage child care services in communities. While this amendment is required to bring the Bylaw into alignment with provincial policies, Administration has addressed misalignment with the MDP by allowing Child Care Service to be considered a “commercial multi-residential use”, and allowed one non-resident employee for Home Based Child Care – Class 1.

Finally, with the consolidation of uses, and specifically for the new use of Health Care Service, there are several situations where one use that is presently permitted will become discretionary with approval of the proposed amendments, and vice versa. These instances are unavoidable due to the layout of the existing Bylaw as well as the regulations of the Municipal Government Act. In order to mitigate any negative impacts and understand positive impacts, Administration will review the effectiveness of these amendments over time.

ATTACHMENT(S)

1. Previous Council Direction, Background
2. Proposed Land Use Bylaw Amendments
3. Proposed Land Use Bylaw Amendments for Home Based Child Care
4. Rationale for Proposed Amendments
5. Mechanical Equipment Screening Guide
6. Proposed Amendments to the Child Care Service Policy and Development Guidelines
7. 2021 May 06 Calgary Planning Commission Discussion

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Stuart Dalgleish	Planning & Development	Approve
Doug Morgan	Transportation	Inform
Chris Arthurs	City Manager’s Office	Inform
Katie Black	Community Services	Inform
Jill Floen	Law	Inform