

#### Introduction

The Change of Use is an initiative in partnership with the Business and Local Economy (BLE) team and the Business Advisory Committee (BAC). The main goals of the initiative are:

- 1. Build a better understanding of businesses needs and perspectives when interacting with The City to open and manage their business, especially with the Change of use domain.
- 2. Identify opportunities to streamline the Change of Use (Policy; Land Use Bylaw; Timeline and Cost) process when opening a business

The purpose of this report is to document and analyze the feedback obtained from targeted stakeholders during the meetings.

# Approach

External stakeholders were identified to participate in two workshops described below. There were seven stakeholders who are characterized as experienced applicants and represent the major players in business in the Calgary market. They range from real estate and land development corporations, commercial property management, brokers and realtors. The two workshops were:

**Issues and Opportunities identification -** In order to obtain stakeholders feedback the workshop was focused on two key questions:

- When executing or going through Change of Use (COU) related activities what are the main difficulties and challenges that you encounter? What gives you a headache?
- What would make your life as a business owner easier? What would be a good relief for you? What do you dream about?

Business and Local Economy (BLE) has also engaged with key internal stakeholders from Planning & Development to build a better understanding of details related to Change of use.

**Empathy Mapping** – In order to build empathy towards the stakeholders when navigating the processes and activities related to Change of Use the workshop was focused on the participants telling their personal stories guided by the following questions:

Doing	Feeling	Thinking
<ul> <li>What are the things you did before even begin the COU process?</li> <li>What are the things you did to begin the COU process?</li> <li>What are the things you did while waiting for an outcome?</li> <li>What are the things you did when you got the outcome of the process?</li> </ul>	How did you feel at each part of the COU process?	What went through your mind at each part of the COU process?

In addition to the above workshops the BLE team conducted a very high-level environmental scan with the cities of **Edmonton and Ottawa**.



# **Summary of findings**

During the issues and opportunities identification workshop, the Business Advisory Committee (BAC) and the Business and Local Economy (BLE) engaged with key stakeholders to better understand their pains and gains and provide input on the processes when doing business with The City of Calgary.

Below there is a summary of the key findings based on the feedback from internal and external stakeholders

City Policy/ Land Use Bylaw	External Policies	Culture Change – People's	Customer Support and Awareness	Technology
		behaviors and mindsets		
		Major Issues		
<b>Regulation</b> - The Land Use Bylaw	Increase of complexity - External	Working towards a "Yes" - Current	Business startup requirements	Integrated User Experience -
overregulates the market limiting	policies add more layers and	City culture reinforces decisions	<b>awareness</b> - Business owners are	Technology is not fully integrated
flexibility.	contribute to a longer timeline in	towards a "No" instead of working	not aware of the approvals required.	with the various stages and types of
	completing the Change of Use	towards a possible "Yes".	It is a challenge to understand how	COU processes resulting in not the
<b>Process Time</b> – The Land Use Bylaw	processes and requirements		their business model related to the	most optimal user experience.
generates processes that increases			type of approvals required to start a	
the time to be completed resulting			business.	
in delays to start a business and				
consequently revenue lost.				
<b>Process Cost</b> - The upfront COU				
permit fees and cost to the customer				
to put together required documents				
for the applications can be cost				
prohibitive for new businesses.				





The external stakeholders have identified from the above the following priorities, in no order of importance:

- Within the Land Use Bylaw Regulation:
  - o Prescriptive commercial zoning with too many discretionary uses
  - Lack of value and logic in the permitted use category
- Land Use Bylaw processes and time that result in lack of clarity and uncertainty
- The shift in mindset to work towards a "Yes"

#### **Change of Use detail findings**

Table 1 highlights the details around the major issues based on key internal and external stakeholder feedback.

Table 1 – Change of Use (COU) major issues details

Theme	Major Issue	Context and details around the components of the major issue OR Sub-issue	Comments from stakeholders	Potential Considerations
		There are too many uses in the current Bylaw.	"Broaden existing uses"	Reduce and consolidate commercial uses such as
				Restaurant.
			"Permits per capita are higher than other	
			cities, are we over regulating?"	Regulate intensity and impact of uses
City Policy/	Regulation - The Land			Remove rules from the use definition and add to the land use districts.
City Policy/ Land Use Bylaw	Use Bylaw overregulates the market limiting flexibility.			Current Work in Progress: Short-term business friendly land use bylaw amendments to be approved by Council in July/2021.
	nexibility.	The requirements (i.e. Land Use designations) from the 2P80 bylaw delivered better economic benefits than the ones in the 1P2007.	"Desirable uses are not listed in all districts and there is no explanation"	Reduce/consolidate land use districts, list more uses and if uses are not listed provide a rationale.
			"Reduce number of districts i.e. C-N1	
			doesn't allow for vet clinic and C-N2 does"	
		The requirement to define a specific use for a location newly	"Is there a way to have more flexibility on	Do not list the uses in the bays on the permit
		established poses two challenges:	the base DP uses? New tenants aren't	drawings. Instead list the uses for the parcel. This



Theme	Major Issue	Context and details around the components of the major	Comments from stakeholders	Potential Considerations
		issue OR Sub-issue		
		<ul> <li>Front-end - for the investor who needs to identify which one is best appropriate</li> <li>Future - for the investor who might be limited to commercialize the location and for the potential</li> </ul>	always known and causes more COU permits late"  "In Phoenix they give you multiple options	would allow flexibility for where the uses can go in the building and eliminate more permitting requirements.
		business who might need to apply for a change of use permit, depending on the type of business.	of uses in bays on the base DP"  "There is lack of trust on developers"	
			"Applicants that don't live in the city do not understand the process and just want to check the boxes, then the city holds them up and just says no"	
		Permitted Change of Use (COU) process/category has minimum impact and does not deliver significant benefits. Current mechanisms in the Land Use Bylaw (i.e. Tenancy Change) are not fully utilized to streamline the experience	"Why does the city need this?  "What is the value to a customer or citizen?"	Pilot removing permitted change of use applications.
	Process Time – The Land Use Bylaw generates processes	for businesses.	"Tenancy change is the same process except DP has a fee"	Re-allocate staff to review applications to ensure there is no time delay for approval.
City Policy/ Land Use	that increases the time to be completed resulting in delays to		"If change of use is permitted, why do you need a change of use?"	
Bylaw	start a business and consequently revenue lost.		"Revenue lost from processing permitted COU is insignificant."	
	1030.	Daniel de COLL de marit en alientie de teles e face de la College	"What is the value in the data for the city?"	
		Permitted COU permit applications take a few days. Permits take up to 12 weeks to issue if the COU is for permitted with relaxation or discretionary. The business opening is delayed, the business owner loses income and the landlord loses		
		rental income or the tenant.		



Theme	Major Issue	Context and details around the components of the major issue OR Sub-issue	Comments from stakeholders	Potential Considerations
		External circulation referees add 3 weeks to the application review timeline.	"Many do not make comments."	Review list of circulation referees and determine if there is room to remove referees who do not provide feedback.
				Decrease 3-week timeline for comment circulation referees.
				Pilot removing circulation referees for non- contentious uses.
		Advertising dates for public online notices result in a 1-week delay.	"If a development permit is approved by Monday it makes the Thursday advertising window (2 days). If approved Tuesday or later, it will not get posted until the following Thursday (8 days)."	Increase number of days for the public notice to 2 days a week.
	Process Cost - The upfront COU permit fees and cost to the customer to put together required documents for the applications can be cost prohibitive for new businesses.	The fee for discretionary/relaxation change of use is substantially higher than for the permitted change of use. \$200.00 vs. \$625.00. If the application is not approved, the business owner loses their money and has to start all over again.	"There is a huge fee jump from permitted to discretionary"	Based on the experience with COVID19 relief (fees waived until end of 2021), explore a long-term fee structure and reduction for permitted to discretionary change of use categories.
<b>.</b>	Increase of complexity - External policies add more	The Municipal Government Act, which determines the advertising period timeline of a development permit was changed from 2 week to a 3-week advertising period.		
External Policies	layers and contribute to a longer timeline in completing the Change of Use	Requirements from Alberta building code (Safety Codes Council) - adds to the complexity of starting a business increasing time and potentially holding up applications.	"Other cities have a code check up front"  "Ottawa has a code compliance mechanism"	Safety Codes Officers to review change of use development permit applications and provide preliminary code comments upfront.



requirements.    Requirements from Alberta Health Services adds to the complexity of starting a business increasing time and potentially holding up applications   Subdivision Appeal board can add 2 months to the process if the permit decision or permit conditions are appealed.   Regulations related to Subdivision and Development Regulations (TSOR) area (landfill/waste) automatically put business in the extended/longer timelines to complete the COU process.   Working towards a result reinforces decisions towards a mand mindsets	Theme	Major Issue	Context and details around the components of the major issue OR Sub-issue	Comments from stakeholders	Potential Considerations
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Theme	Major Issue	Context and details around the components of the major issue OR Sub-issue	Comments from stakeholders	Potential Considerations
	approvals required to	Customers might not be able to operate in the space they		More education tools for customers such as online
	start a business.	chose because applications can be refused or appealed.		content or webinars.
		The removal of the letter of authorization has compromised	"Letter of authorization allows the	Review letter of authorization requirement for
		owners' legal rights and interests, and the ability of owners	landowner to understand what units have	contentious uses, such as Cannabis Store or Liquor
		to successfully manage properties for the best interest of the	COU for future leasing deals, i.e. COU lapsed	Store.
		owners and tenants alike.	and didn't allow the use again"	
			"New development sites have a number of	
			COU applications on the development map,	
			landlords do not know what is going on, on	
			their sites"	
			"Tenants often negotiate lease provisions	
			which include exclusivity in certain uses, in	
			their agreements; sometimes protecting for	
			exclusivity in current uses / sometime	
			protecting for potential future uses for	
			business expansion; and there is significant	
			potential for multiple use conflicts without	
			the owners' diligent oversight"	
		Customers do not submit complete applications. Collecting	"Combine customer transactions to limit	More education tools for customers.
		permit documents causes delays. Drawings do not have	multiple contact with city staff"	
		enough detail.		More upfront discovery, staff to ask more
				questions.
		Incorrect addressing provided by customer or landlord for		Consult with an Addressing Technician.
		business location. An incorrect address would require a new		
		permit application to be submitted at the correct address.		Confirm with business owner/landlord or
	Internated Hear	Challenges with the online systems were identified by	"Customers on annulu for the cores =	landowner.
Tooknolo	Integrated User	Challenges with the online systems were identified by	"Customers can apply for the wrong	Current systems are MyID, POSSE and Beanstream.
Technology	Experience -	customers and city staff.	application"	Explore automation of systems.
	Technology is not fully	<ul> <li>Applications are not easy to use.</li> </ul>		



Theme	Major Issue	Context and details around the components of the major	Comments from stakeholders	Potential Considerations
		issue OR Sub-issue		
	integrated with the various stages and types of COU processes resulting in not the most optimal user experience.	<ul> <li>There is no integration of various systems required to complete the change of use and other processes.</li> <li>There is no technical support available for some systems.</li> <li>Applications have been lost in the online system.</li> <li>The systems require some manual processes which can lead to delays.</li> </ul>	"It can take 3 days to process a payment online"  "The staff do not follow up"	Identify COU applications with repeat errors. Fix questions/gaps that lead to the errors.
		The city website does not provide information needed for customers to determine what application they need apply for. If the information is there, it is not linked.	"One stop shop map for your property. i.e. maps and info on all depts."  "Applicant is not always the business owner, the applicant would not know the business details, and they would like to apply for the COU only."	Explore automation of systems and a more front facing system for customers. I.e. a map that you click on the address and it tells you the potential permits/licence you need for the business model.  Scan and compare to other city websites to make improvements.

## **Empathy Mapping**

During the empathy mapping workshop, the Business Advisory Committee (BAC) and the Business and Local Economy (BLE) engaged with key external stakeholders to build empathy towards and them when navigating the processes and activities related to Change of Use.

Below there is a summary of the key findings based on the feedback from external stakeholders

STAGES

Customers DO

Customer FEELINGS

#### ASSESSING/RESEARCHING NEED

#### **APPLYING**

#### WAITING

#### OUTCOME





- Cross reference of MyProperty site with LUB to determine district
- Leasing team checks LUB to determine need for application



**(P) Frustrated** to start a process that has the same use.

**(PR/D) Rushed and Annoyed** with the requirements and need to start a new process with Building Permit later

**(PR/D) Helpless** to know there is no way to help the tenant

**(PR/D) Overwhelmed** with how the process is convoluted and complex

**(PR/D) Worried** with how unpredictable the process is and if The City will work with you depending on the description of the use

- Can I make a case to city staff for not needing to go through the process?
- Why is The City dictating how the place should look like?
- Why can't it (LUB + Process) be flexible and innovative to accommodate market and environment changes?
- Why does it take so much time, cost and can't follow the businesses' needs?
- Why doesn't the city trust the developer to determine the parking for the development?





· Gather required documentation to apply

- It saves time to apply as a landlord/ developer on behalf of tenant. They are more familiar with application requirements.
- · Makes the payment



**(P+ PR/D) Somewhat Disappointed** with the application system which is cumbersome and not very user friendly. The system does not always determine the correct use & the wrong application can be submitted and go through the entire process.

- Why are we cutting the cheque/ paying?
- Why can't I pay it online?

Permitted (P)

happens



Permitted with Relaxation & Discretionary (PR/D)

1	Review	Circulation	Decision	Appeal	
	Average 2 weeks	3 weeks	1 week	3 weeks	

- Call to check on progress and/or advise the urgency of approval
- · Check application status online

· What is the situation between the lease and the client?

• Where is my file in the process?

· What can I do help expedite the process?



**(PR/D) Annoyed** with the different levels and inconsistencies of customer service from staff

**(PR/D) Stressed** with the waiting and for being unable to make any projections if the application will be approved while waiting

**(PR/D) Anxious and Pressured** with the cascading effects the waiting period cause from the leadership team to the construction team and finally the client **(PR/D) Worried** with how much money is being on hold/lost due to the waiting for the outcome of the application.

- Work with the client/tenant to continue business development
- Start Building Permit application process



(PR/D) Relieved that one hurdle is cleared (PR/D) Worried that the risk of losing a client/tenant is still high

**(PR/D) Stressed** to start another process with the Building Permit application

**(PR/D) Devastated** if application is refused and they will have to start the process all over again at another location or go to appeal.

- Why can't we let the market control certain types of business in certain locations?
- What can be done to reduce the unknown entitlement with The City (biggest risk for companies)?

#### EGEND

(P) - Related to Permitted Use

(PR/D) – Related to Permitted with Relaxation &

Discretionary





## **High-level Environmental Scan**

The table below provides a few highlights from the conversations BLE had with representatives responsible for the change of use processes in Edmonton and Ottawa.

Components	Calgary	Edmonton	Ottawa
(Bylaw/ Policy) How is the land/development regulated?	<ul> <li>Land use bylaw.</li> <li>Development permit is required for all permitted and discretionary uses. Excludes pop up and interim uses in section 134.2.</li> <li>Tenancy change is required for some business activities to confirm the land use approval for the business licence.</li> </ul>	<ul> <li>Zoning bylaw.</li> <li>Development permit is not required if there is a building permit requirement.</li> <li>No development permit required when business have same activities under the bylaw section 12.2.</li> <li>No tenancy change process. A zoning approval is part of the business licence application.</li> </ul>	<ul> <li>Ontario building code.</li> <li>Zoning bylaw</li> <li>Site Plan control Bylaw.</li> </ul>
(Customer Support) What supports are the available for the customer?	<ul> <li>Where: Majority information online</li> <li>What: Checklists are provided with details needed to review the applications.</li> <li>Who: A Planning Services Technician on rotation answers all enquires in the planning call centre, front counter or through the live chat function online.</li> <li>Pilot for a Business Experience Representative underway until December 2021.</li> </ul>	<ul> <li>Where: Majority information online</li> <li>What: Checklists are provided with details needed to review the applications.</li> <li>Who: A rotating staff member (1 month per staff) is assigned to help applicants and act as single point of contact.</li> </ul>	<ul> <li>Where: Majority information online</li> <li>What: There are online guides to help navigate the "zoning codes".</li> <li>Who: dedicated <u>Business Information</u> <u>Officer</u> (BIO) guides the applicant through the permit application, license and external approval process. Acts as a single point of contact.</li> </ul>



Components	Calgary	Edmonton	Ottawa
(Process time) How long does it take to complete an application?	<ul> <li>Permitted – average 2-5 days</li> <li>Permitted with relaxation and discretionary – average 9-12 weeks.</li> <li>Total advertising &amp; circulation period</li> </ul>	<ul> <li>Permitted – average 1 to 2 weeks.</li> <li>Discretionary – average 25 calendar days.</li> <li>Total advertising &amp; circulation period is 3 weeks as per the Municipal Government</li> </ul>	Unable to determine.
Other findings:	<ul> <li>is 6 weeks.</li> <li>There is a 3-week time added for external circulation referees (Councilor, Business improvement area, community association) to make comments as per internal policy.</li> <li>Building permit can be taken in while the development permit is in advertising and is put on hold for the release of the development permit. There is no customer liability waiver.</li> <li>No letter of authorization is required from the property owner.</li> </ul>	<ul> <li>Act.</li> <li>There are no external circulation referees (Councilor, Business improvement area, community association) to make comments unless there are exterior alterations or zoning clearances required.</li> <li>Building permit customer <u>liability waiver</u> is signed by the applicant to allow building permit review to go ahead prior to development permit release.</li> <li>No letter of authorization is required from the property owner. It is only a virtual check mark from the applicant when they apply.</li> </ul>	There is no separation of change of use and building permit.

# Findings from cities outside of Canada

#### Houston

No zoning policy/bylaw. The City does not get involved in "programming" what businesses locate where.

Application only for:

- Deed restricted neighborhood (almost always single family)
- Liquor stores or adult entertainment