

## Advancing Climate Action through the Land Use Bylaw

### RECOMMENDATION:

That the Infrastructure and Planning Committee recommend that Council give three readings to the proposed Charter Bylaw amending the Land Use Bylaw (Attachment 2) to implement climate adaptation and mitigation actions.

### RECOMMENDATION OF THE INFRASTRUCTURE AND PLANNING COMMITTEE 2023 MAY 10:

That Council give three readings to **Proposed Bylaw 2H2023** Charter Bylaw amending the Land Use Bylaw (Attachment 2) to implement climate adaptation and mitigation actions.

### Opposition to Recommendations:

Against: Councillor Chabot and Councillor McLean

### HIGHLIGHTS

- This report provides quick win amendments to the Land Use Bylaw to advance climate actions, with some recommendations presenting cost and savings to building owners.
- **What does this mean for Calgarians?** These initial land use bylaw amendments will make it easier for Calgarians to complete exterior insulation and cladding retrofits by removing the requirement to obtain a development permit (details in Attachment 3). Improving the insulating quality of Calgary's building stock can reduce energy utility costs and make buildings more comfortable.
- **Why does this matter?** The [Calgary Climate Strategy - Pathways to 2050](#) has committed to a target of net zero emissions by 2050. Buildings represent approximately two thirds of Calgary's greenhouse gas emissions. The proposed amendments are a means to help improve the energy efficiency of Calgary's existing building stock and reduce greenhouse gas emissions.
- The proposed amendments provide development permit exemptions intended to simplify the City's application process.
- The proposed amendments intend to clarify the City of Calgary, Development Authority's responsibility to consider climate adaptation/mitigation for discretionary development permit reviews (details in Attachment 2).
- Background and Previous Council Direction is included as Attachment 1.

### DISCUSSION

The Council-approved Climate Strategy – Pathways to 2050 sets out The City's climate vision, guiding principles, goals, and targets to respond to The City of Calgary's Climate Emergency Declaration. The [2023 - 2026 Service Plans and Budgets, Attachment 10: 2023-2026 Climate Implementation Plan](#) focuses on corporate and community-based climate programs and prioritized actions to be taken over the current four-year business cycle.

Several of the prioritized action items refer to supporting and incentivizing climate innovation, energy efficient development, and deep energy retrofits, through updates to the Land Use

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Bylaw. In response, Administration is proposing an initial suite of climate mitigation and adaptation-focused Land Use Bylaw amendments.

Administration reviewed how other Canadian municipalities approach climate action through development planning and zoning regulations. The findings are that several municipalities in North America already have, or are actively pursuing, land use/development regulations to support climate mitigation and adaptation efforts.

A review of Land Use Bylaw 1P2007 was conducted to identify climate action opportunities. Currently, the Land Use Bylaw includes a range of regulations that support climate action. Two additional opportunities to improve the Land Use Bylaw were identified: apply development permit exemptions for exterior insulation and cladding retrofits to all land use districts and clarify the Development Authority's ability to consider climate adaptation and mitigation when rendering a decision or applying development conditions on a development permit.

### **Development Permit Exemptions for Exterior Insulation Retrofits**

Building retrofits for exterior insulation and cladding typically requires a development permit approval. Development permit exemptions currently apply to buildings in low density residential districts (single and semi-detached houses). The proposed amendments will expand exemptions to buildings in all land use districts, applying to a broad variety of building types and scales. The proposed exemptions do not apply to buildings listed on the City of Calgary Inventory of Evaluated Historic Resources.

Exterior insulation and cladding retrofits will continue to require a building permit review and inspection, to ensure compliance with the Alberta Building Code and applicable building occupant health, durability and fire safety requirements. This will allow for an evaluation of site-specific requirements, such as type and thickness of insulation, type and combustibility of cladding, existing and new distance to property lines, with the intent of verifying compliance with the Alberta Building Code.

### **Administrative Sections of the Bylaw**

Another finding is that the Land Use Bylaw does not explicitly identify climate as being a consideration when reviewing discretionary development permits. Although these discretionary powers already exist in the Bylaw, with the recent climate emergency declaration, it is important to make clear to applicants and Calgarians, the importance of climate mitigation and adaptation in the planning process. Electric vehicle parking, relaxations to allowable gross floor area, projections into setback areas to accommodate thicker insulation and a larger building footprint, location and screening of high-performance mechanical air heating/cooling are some examples of how existing and future development can respond to climate change, which may require consideration during the application review process.

This report marks the first step to advancing climate action through the Land Use Bylaw. In review and through discussion with partners, new opportunities are being explored, which are anticipated to be a crucial aspect of the Land Use Bylaw Renewal.

## **EXTERNAL ENGAGEMENT AND COMMUNICATION**

- Public engagement was undertaken.  Public/interested parties were informed.

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- Dialogue with interested parties was undertaken.  Public communication or engagement was not required.

Engagement was conducted with internal and external partners, helping us to ensure the amendments are implementable. The proposed amendments are technical and as such, industry experts were engaged to provide feedback. The City has extensively engaged the public on climate actions through the [Calgary Climate Strategy - Pathways to 2050](#) and other climate initiatives.

Public/interested parties were informed:

- Public facing website [Climate Action through the Land Use Bylaw \(calgary.ca\)](#)
- Targeted e-mail communication to potentially interested parties.
- Councillor Toolkit and meetings with Councillor's as requested.
- A Net Zero Building Working Group was created to advance climate action through the Land Use Bylaw.
- Presentations to BILD Calgary Region on 2023 March 27 and 2023 March 29.

The proposed amendments were presented, as part of a larger discussion on how The City can take action through the Land Use Bylaw, to the 2023 February 21 Climate Advisory Committee, as well as the 2023 February 23 Calgary Planning Commission. Much of the discussion was focused on the exploration of other potential climate actions, and there was general support for the proposed amendments.

### **IMPLICATIONS**

#### **Social**

Making regulatory changes in support of a more sustainable future aligns with a Truth and Reconciliation Commission of Canada's call to action to reform municipal laws and policy. Through other project work including an equity audit of the Land Use Bylaw we have learned that caring for the environment and consideration of land stewardship is an important aspect of reconciliation.

#### **Environmental**

The proposed amendments are direct actions The City can take to respond to climate change. Development permit exemptions for insulation retrofits will make it easier for older buildings to improve overall energy performance and thus reduce energy consumption. Introducing climate language to the Land Use Bylaw will improve clarity for applicants and Administration on integrating climate action through land development and building construction.

#### **Economic**

The proposed amendments will provide economic benefits through the proposed development permit exemptions, as associated planning application timelines and costs will no longer apply for insulation retrofits.

#### **Service and Financial Implications**

No anticipated financial implications.

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### **RISK**

The proposed amendments pose no risks to buildings or adjoining, neighbour buildings, as insulation and cladding construction is subject to the Alberta Building Code.

### **ATTACHMENT(S)**

1. Previous Council Direction and Context
2. **Proposed Bylaw 2H2023**
3. Proposed Land Use Bylaw Amendment Rationale
4. Presentation
5. **Public Submissions Received at Committee**

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Stuart Dalgleish	Planning & Development	Approve
Josh White	Planning & Development	Approve
Deborah Hamilton	Planning & Development	Consult
Carolyn Bowen	Planning & Development	Consult