

**Planning and Development Services Report to
Infrastructure and Planning Committee
2023 April 05**

**ISC: UNRESTRICTED
IP2023-0317
Page 1 of 3**

Amending the Public Realm Setback Rules

RECOMMENDATION:

That the Infrastructure and Planning Committee recommend that Council give three readings to the Proposed Bylaw (Attachment 2) to amend Land Use Bylaw 1P2007 to clarify the Public Realm required setback relaxation rules.

**RECOMMENDATION OF THE INFRASTRUCTURE AND PLANNING COMMITTEE, 2023
APRIL 5:**

That Council give three readings to **Proposed Bylaw 28P2023** (Attachment 2) to amend Land Use Bylaw 1P2007 to clarify the Public Realm required setback relaxation rules.

HIGHLIGHTS

- Administration has learned through multiple development permit applicants that a technical amendment is required to clarify that the setbacks required in the Public Realm setback table may be relaxed for portions of buildings located underground and for temporary uses at grade level.
- The Public Realm setback table determines if a proposed development requires additional building setback to accommodate public realm improvements.
- For portions of buildings underground (i.e., building parkade) or temporary uses (i.e., a building approved for a limited time) a relaxation would only be supported if it would not impact underground utilities or planned public realm improvements.
- **What does this mean to Calgarians?** Landowners will know if their building can possibly encroach into the required setback thereby making more use of their land.
- **Why does this matter?** The additional setback area is used by The City to accommodate improvements to the public realm, such as tree planting, sidewalks, furniture, and bike lanes. Allowing for an encroachment balances the optimal use of a parcel and the need for public realm amenities.
- Background and Previous Council Direction is included as Attachment 1.

DISCUSSION

Land Use Bylaw 1P2007 contains a table that identifies streets along which buildings must be setback from the right-of-way. While originally intended for road widening, the setback would also allow space to be provided for trees, sidewalks, street furniture, and bicycle infrastructure.

Notice of Motion PFC2020-0106 directed Administration to clarify the intent of the table in the Bylaw to communicate that the increased setback provides for more than road widening, and to better indicate how the table supports accomplishing The City's goals for both public realm and context specific mobility improvements.

On 2021 June 21, Council approved Bylaw amendments (PUD2021-0649 Land Use Bylaw Amendments to Support Business and Economic Recovery) to provide this clarification. The previously titled "Road Rights-of-Way" table was renamed the Public Realm Setback Table and the purpose statement was rewritten to inform users of the required setbacks and that they also support improvements to the public realm, pedestrian mobility, and other mobility options.

**Planning and Development Services Report to
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**ISC: UNRESTRICTED
IP2023-0317
Page 2 of 3**

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Since that date, Administration learned through discussions with multiple development permit applicants that a subsequent amendment would assist to clearly state the required setbacks may be relaxed under specific circumstances. This addition would facilitate development and support achieving both the landowner's and The City's goals.

While Administration has previously relaxed the required setback on development permit applications, this report proposes an amendment that clarifies this opportunity still exists, ensuring The City is responsive to the needs of landowners and businesses. Through the development permit review process, Administration will review the technical feasibility of allowing an encroachment into this setback to ensure that underground utilities, tree plantings, street furniture, and other improvements would not negatively be impacted.

No other Bylaw amendments are necessary.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken | <input type="checkbox"/> Dialogue with interested parties was undertaken |
| <input type="checkbox"/> Public/interested parties were informed | <input checked="" type="checkbox"/> Public communication or engagement was not required |

Public engagement was not required for this proposed amendment.

IMPLICATIONS

Social

The Public Realm setback table enables infrastructure and amenity enhancements that foster increased physical and mental well-being, public safety, social connections, and interactions for all Calgarians.

Environmental

Attractive and green streets encourage more pedestrian and cycling activity and provide cooling of heat islands within communities which aids in reducing Greenhouse Gas emissions. More efficient use of a parcel may reduce the need for more above-ground structures and support energy efficient designs.

Economic

Optimizing the use of a parcel provides landowners and businesses with design flexibility thereby supporting the financial viability of development projects. Quality public realm spaces attract more people and activity to an area and provide an economic benefit to the businesses that serves it.

Service and Financial Implications

No anticipated financial impact

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**ISC: UNRESTRICTED
IP2023-0317
Page 3 of 3**

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RISK

Not supporting the proposed amendment carries the risk of not fully addressing the Council direction in the original Notice of Motion. Furthermore, not allowing the Public Realm setbacks to be relaxed risks The City not achieving the objectives of the Municipal Development Plan, Calgary Transportation Plan, Local Area Plans, the Complete Streets Guide, and Main Streets program. Collectively, public realm and growth and redevelopment are key components of these policies. Allowing a relaxation into the required setback maximizes the development opportunity of a parcel and supports public realm goals. Additionally, limiting the development potential of a parcel increases the cost of development and may result in lower quality development or development not occurring at all.

ATTACHMENTS

1. Previous Council Direction
2. **Proposed Bylaw 28P2023**
3. Presentation

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Stuart Dalgleish	Planning and Development Services	Approve
Deb Hamilton	Community Planning	Consult