

## **AIRPORT VICINITY PROTECTION AREA (AVPA) REGULATION IN THE INGLEWOOD AREA**

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### **EXECUTIVE SUMMARY**

On 2016 March 07 Council provided direction to Administration to determine whether there would be support from the public and affected stakeholders for Council to request that the Minister of Municipal Affairs amend the Calgary International Airport Vicinity Protection Area Regulation (AVPA). The objective of the proposed amendment was to allow for additional residential development in the Inglewood community on lands located within the 30-35 Noise Exposure Forecast (NEF 30) contour (Attachment 1). Currently, while the AVPA Regulation allows for existing residential development to remain, or be redeveloped with the same number of dwelling units that currently exist, new residential development or redevelopment within the NEF 30 contour areas is prohibited.

This report summarizes the consultation undertaken with affected property owners and stakeholders as required in the AVPA Regulation and provides an analysis of various options.

Comments and feedback received from the community were mixed: some are opposed to any change of the Regulation's residential prohibition, while some support, primarily, limited changes. Both the Calgary Airport Authority (CAA) and Transport Canada expressed through this process that they are opposed to the blanket lifting of the residential prohibition in Inglewood's NEF 30 contour area. However, both agencies stated they would not oppose the development of secondary suites within NEF 30 areas.

Administration is currently participating in the Province's review of the AVPA Regulation, as part of the overall review of the Municipal Government Act and has requested that amendments be made that would allow for low density forms of residential development and small-scale subdivisions within the NEF 30 contour areas. Administration has also requested that improvements be made to the process for seeking exemptions from the Regulation to shorten the timeline and make it easier for applicants to go through this process.

Based on the consultation, Administration concluded that the changes to the AVPA Regulation submitted as part of the Provincial review would allow for additional residential development within Inglewood's 30 NEF contour, while taking into consideration the concerns raised by the Calgary Airport Authority (CAA), Transport Canada and the public. The resulting recommendations would balance protection of airport operations with achieving modest redevelopment in the Inglewood community. In addition, Administration also recommends continuing to explore opportunities with the Calgary Airport Authority to seek its support for exemptions for higher intensity residential development in important intensification areas in Inglewood.

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### ADMINISTRATION RECOMMENDATION(S)

That the SPC on Planning & Urban Development recommends that Council direct Administration to:

1. Advocate with Municipal Affairs for amendments to the Airport Vicinity Protection Area Regulation (AVPA) Regulation to allow for a range of low density residential redevelopment and small scale subdivision in all areas affected by the Noise Exposure Forecast (NEF) 30 contour area, including Inglewood, and for a clearer and simpler process for site-specific exemptions for higher intensity developments; and
2. Consult with the Calgary Airport Authority to seek its support for exemptions for higher intensity residential development in important intensification areas within the NEF 30 contour area in Inglewood.

### PREVIOUS COUNCIL DIRECTION / POLICY

On 2016 March 07 the following Notice of Motion (NM2016-08) was adopted by Council:

Moved by Councillor Carra, Seconded by Councillor Magliocca, that Councillor Carra's Motion, NM2016-08 be adopted, after amendment, as follows:

Now therefore be it resolved that Council direct Administration to:

1. engage with the public and affected stakeholders including the Calgary Airport Authority, regarding a proposed amendment to the Airport Vicinity Protection Area Regulation to exempt specific lands in the community of Inglewood lying within the N.E.F. 30 contour from the regulation prohibiting residential development and redevelopment in that area, and
2. prior to sending the amendment request to the Minister of Municipal Affairs, return to Council through the SPC on Planning and Urban Development with a report detailing the consultation with the public and affected stakeholders and to make any further recommendations to Council, if necessary, regarding the proposed amendment before the end of Q4 2016.
3. That Council keep the In Camera discussions confidential pursuant to Sections 21(1)(a)(i) of the *Freedom of Information and Protection of Privacy Act*.

### BACKGROUND

The Calgary International Airport Vicinity Protection Area (AVPA) is a provincial regulation that implements Transport Canada requirements. It was adopted in 1979, amended in 2009, and renewed in 2014. Municipal Affairs is currently undertaking another review of the AVPA as part of its overall examination of the Municipal Government Act and all regulations associated with it.

The intent of the 1979 Regulation was to protect the operations of the Calgary International Airport from development that could interfere with the airport's ability to fully function. Transport Canada's Noise Exposure Forecast system established noise exposure forecast (NEF) areas around the airport. The NEF is a determination of expected noise levels in areas within the

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vicinity of an airport. It predicts likely noise impact on a community from aircraft by considering such factors as types of aircraft, time of arrivals and departures and future runway expansions. Anticipated noise levels were predicted and shown on noise contour maps in the Regulation, with an assigned NEF value for each contour. These contours also accounted for the alignment of the airport's new runway. The legal effect of the Regulation in 1979 was to grandfather existing residential uses and limit additional residential development in areas of Calgary lying within the AVPA that had historically been residential. Subsequent amendments have continued to restrict increases in residential units in these areas.

Subdivision and development authorities must comply with the AVPA Regulation's provisions when making decisions on subdivision and development permit applications for properties located within the protected area. In certain NEF areas, residential development is considered a sensitive use and is, therefore, prohibited. Exemptions are possible, through a process of amending the AVPA Regulation. Only a municipality can petition the Minister of Municipal Affairs for such an amendment, which may take several months due to circulation and review processes that must be undertaken prior to the Minister making a final decision.

One of the goals of the Municipal Development Plan (MDP) is to achieve intensification in areas that have been identified as main streets, corridors, activity centres and transit nodes. Most of these typology areas are not impacted by the AVPA Regulation, however portions of Inglewood would not be able to meet their intensification potential and contribute to the achievement of the goals of the MDP and the development of a vibrant community.

Recently, Municipal Affairs commenced a review of all regulations enabled under the Municipal Government Act (MGA), including the AVPA Regulation. The objective of the Regulation review is to obtain stakeholder opinions and perceptions regarding the Regulation's provisions, effectiveness for land use surrounding the Calgary International Airport and any need for changes that would continue to promote compatible land uses within the AVPA regulated area. Administration has attended a meeting with Ministry representatives and other stakeholders, such as The Calgary Airport Authority, and provided a written submission. In its submission, Administration requested clarification on the potential for low density residential development or redevelopment in the NEF 30 contour areas. It also requested that a better process for petitioning for amendments to the Regulation for exemptions for either specific sites or larger portions of a community be developed in collaboration with The City.

Administration has been in contact with staff from Municipal Affairs to discuss the City submission described above. Municipal Affairs is generally supportive of low density residential development and small-scale subdivision amendments, which are also in keeping with their own regulation consultation feedback. Municipal Affairs is not supportive of exemptions that are general rather than site-specific, or that otherwise delegate decision authority to the municipality.

In addition to the direction to explore an exemption for Inglewood, additional direction was provided by Notice of Motion NM2016-19 on 2016 June 13, which is also related to the AVPA. Administration was asked to work with NAV Canada and the Government of Alberta to help provide direction and certainty to landowners living within all NEF 30 contour areas. Presently,

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there are eight residential communities within or partially within NEF 30 contour areas and impacted by the Regulation's residential prohibition. Administration's report in response to this direction is also on the 2016 December 07 agenda for the SPC on Planning and Urban Development so that both reports can be considered at the same committee meeting. The other report's recommendations focus on low density redevelopment including secondary suites in all communities affected by the AVPA Regulation.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

The expected process for requesting amendments to the AVPA requires that a municipality (not private land owners) submit an application for an amendment to the Regulation to the Minister, following consultation with any affected municipality, landowners, the Airport Operator and the general public.

To meet the consultation requirement, Administration sent individual notification of the proposal for a community-wide exemption from the AVPA Regulation to 1,144 affected property owners and 48 adjacent property owners in Inglewood, the Calgary Airport Authority, NAV Canada, Transport Canada and the Inglewood Community Association. The City of Airdrie and the Rocky View County also received notification of the proposal, as required in the AVPA Regulation. Administration held two public meetings in the Inglewood community and provided information and opportunities for feedback from Inglewood residents through The City's social media channels and web site.

Administration received responses from the Calgary Airport Authority and Transport Canada. Both agencies expressed that they are opposed to a blanket exemption of the residential development prohibition in Inglewood's NEF 30 contour area. However, both agencies stated they would not oppose the development of secondary suites within the NEF 30 contour areas, but remain opposed to any additional residential density (See Attachment 2 for the response from the Calgary Airport Authority). Currently, secondary suites are not specifically mentioned in the Regulation; however, they fit within the definition of "residence" in the Regulation and are therefore prohibited. No remarks regarding the proposed blanket exemption were received from Nav Canada, or The City of Airdrie. Rocky View Country provided a letter expressing concern that the NEF contours not be adjusted. See attachment 3.

Comments and feedback received from the Inglewood community were evenly divided. Approximately half of those who provided feedback support exempting the community from the AVPA to allow for at least some additional residential development opportunities. A small portion of this group was supportive of a full exemption to enable increased development. Most supporters favoured a limited exemption that would allow for development of secondary suites, or that would limit the type of redevelopment that could occur.

Approximately half of the respondents were opposed to any change to the Regulation's prohibition of residential development in the NEF 30 contour area, primarily as a way to retain the existing character of the neighbourhood.

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The comments provided by the public are generally related to land use issues rather than to the noise of aircraft and the operations of the airport. Land use planning processes are in place to address those concerns as planning and development occur in the community.

Administration explored three options to determine the best solution that would balance feedback from the public, protection of airport operations and achievement of MDP's intensification goals.

### **Option 1 – Removal of the Prohibition in Inglewood**

Request the complete removal of the residential prohibition from the AVPA Regulation's NEF 30 contour area as it affects the Inglewood community.

Reasons in support:

- Allows residential infill in a popular well established area of the inner city.
- Increased population in this inner city area will assist with meeting MDP goals of creating a compact urban form, and optimizing the use of existing public investment and municipal infrastructure.

Reasons against:

- Opposition from some area residents who desire limitations on redevelopment.
- Opposition from Transport Canada and the CAA expressing concerns that the airport's operations could be curtailed if additional population is introduced into this area.
- Indications received from the Administration at Municipal Affairs that there is no support for a community-wide exemption of the prohibition of residential development in the NEF 30 contour areas.

### **Option 2 – Advocate with Municipal Affairs to allow low density development in the NEF 30 contour areas**

Request an amendment to the AVPA Regulation's NEF 30 contour areas to allow low density residential infill development and the subdivision of larger lots for narrow lot infill development.

Reasons in support:

- The Province is currently reviewing the AVPA Regulation, which provides an excellent opportunity to advocate now for changes to allow for modest residential intensification in the NEF 30 contour areas, as well as to make improvements to the process for seeking site specific exemptions from the Regulation.
- Administration at the Ministry has expressed a willingness to support development of low density residential redevelopment and small scale subdivision and a willingness to improve the process for site-specific exemptions.
- Changes to the AVPA Regulation will be able to be applied to all communities affected by the AVPA.

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- Provides landowners in the affected areas with a limited range of low density residential development and allow subdivision of their properties.
- Provides a small scale approach to optimizing the use of existing public investment and municipal infrastructure.

### Reasons against:

- Opposition from Transport Canada and the CAA with concerns that the airport's operations could be curtailed if additional population is introduced into this area.
- Does not fully meet the goal of NM2016-08.
- Higher density residential development would still require a site-specific exemption.

### **Option 3 – Continue Negotiations with the Calgary Airport Authority**

Continue to advocate with the Calgary Airport Authority to gain the Authority's support for exemptions for residential redevelopment in areas in Inglewood impacted by the AVPA Regulation.

### Reasons in support:

- MDP goals would be supported through residential intensification in Inglewood.
- Further consultation with the CAA may assist in attaining support and a level of co-operation for mutual benefit in cases of an exemption for important redevelopment areas in Inglewood currently impacted by the AVPA.
- The changes being sought to the AVPA Regulation respect the original intent of the 1979 Regulation with regard to residential infill potential in the NEF 30 contour areas.

### Reasons against:

- Transport Canada and CAA concerns that the airport's operations could be curtailed if additional population is introduced into the NEF 30 areas.

### **Conclusions**

Based on the analysis undertaken, and finding a balance between the various perspectives heard through the consultation, Administration is recommending Options 2 and 3. Option 2 would seek changes to the AVPA Regulation as part of the MGA Regulation review that is currently underway. Provincial Regulation changes are anticipated to be completed in spring 2017.

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Administration is confident from discussions held to date that the Ministry of Municipal Affairs would support the following amendments to the AVPA Regulation, within the NEF 30 contour areas, to allow for:

- low density forms of residential development;
- small-scale subdivisions; and
- improvements to the process for seeking site specific exemptions from the Regulation for higher density residential developments, to shorten the timeline and make it easier for applicants to go through this process.

These changes would allow for some low density intensification in Inglewood and would provide clarity to residents on what is permitted as far as redevelopment of their properties is concerned. If approved by the Province, these changes would be applied to other communities that are affected by the AVPA Regulation.

As well, under Option 3, Administration would continue to explore opportunities with the Calgary Airport Authority to gain its support for exemptions for important redevelopment areas in the Inglewood community. The Province has indicated it would support further changes if the Airport Authority and The City have collaborated on a solution.

### **Stakeholder Engagement, Research and Communication**

Community and stakeholder engagement was accomplished through two public meetings: one held June 21<sup>st</sup>, the other held September 13<sup>th</sup>, as well as letters sent directly to affected property owners, adjacent property owners and stakeholders. In addition, the use of social media (Twitter and Facebook), the Engagement online web site and calgary.ca provided information regarding the AVPA's residential development prohibition, Notice of Motion 2016-08, and details related to the proposed amendment of the Regulation's residential prohibition in Inglewood's NEF 30 contour area. Attachment 4 contains a comprehensive summary of the feedback received at the two open house events and from the online web site. Attachment 5 contains comments received from the Inglewood Community Association.

### **Strategic Alignment**

The MDP contains goals for achieving a prosperous economy, shaping a more compact urban form and creating great communities. The MDP recognizes the Calgary International Airport as a global logistics centre, helping to diversify the city's economy, create jobs and support businesses and industry throughout Calgary. The MDP also supports intensification of inner city areas that provide a transition from high density areas and is consistent and compatible with the existing character of the neighbourhood. The recommendation balances these goals by continuing to support the Airport's operations while seeking modest development of additional housing choices in inner city areas.

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### Social, Environmental, Economic (External)

#### Social

Modest increases in residential development would provide additional housing options in the community which helps to retain and attract population and assist with affordability.

#### Environmental

Modest opportunities for increased population in inner city areas will result in more people living in closer proximity to inner city public transit facilities, services and employment opportunities. This will assist in reducing dependency on vehicular trips and/or the length of these trips and, by association, green house gases and traffic congestion.

#### Economic (External)

Modest residential development can contribute to the economy and the community by adding population to support local businesses. Balancing residential development with protection of the Calgary International Airport's operations also supports the airport as a major employer and a hub for transport of people and goods.

### Financial Capacity

#### Current and Future Operating Budget:

No operating budget implications are identified.

#### Current and Future Capital Budget:

No capital budget implications are identified.

### Risk Assessment

There is a risk that the request submitted to the Provincial review will not result in the outcome proposed, resulting in no change to the development opportunities in Calgary's existing neighbourhoods affected by the AVPA. In that case, Administration would continue to bring forward site-specific requests for exemption, as they arise.

### REASON(S) FOR RECOMMENDATION(S):

Based on the analysis and consultation, Administration has concluded that requesting a full removal of the residential prohibition in the AVPA's NEF 30 contour area for the Inglewood community is unlikely to be successful. However, the current Provincial review of the AVPA Regulation has provided Administration with the opportunity to engage the Ministry regarding modification of the Regulation to allow low density forms of residential development and small-scale subdivision. Further, a simpler, streamlined process for site-specific amendments for higher-intensity forms of residential redevelopment has been requested. Administration is confident that there is support from the Ministry for these objectives, which would support MDP direction to encourage redevelopment in the inner city. In addition, continued consultation with the Calgary Airport Authority has the potential to assist in balancing airport operational requirements with intensification to meet MDP goals.



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**ATTACHMENT(S)**

1. NEF 30 Area in Inglewood
2. Response from Calgary Airport Authority
3. Response from Rocky View County
4. AVPA Exemption Report Back: What We Heard, September 22, 2016
5. Response from the Inglewood Community Association