

Planning & Development Report to
SPC on Planning and Urban Development
2018 December 03

ISC: UNRESTRICTED
PUD2018-1400

Calgary Airport Vicinity Protection Area Regulation Amendment

EXECUTIVE SUMMARY

Administration and the Calgary Airport Authority (Airport Authority) have been engaged in collaborative discussions regarding a potential amendment to the Calgary International Airport Vicinity Protection Area (AVPA) Regulation to allow for residential intensification within certain areas of the 30-35 Noise Exposure Forecast protection area. The purpose of this report is to inform Council of the resulting proposed amendment to the AVPA Regulation and recommend Council support and approve by resolution that Administration submit a request jointly with the Airport Authority to the Minister of Municipal Affairs to amend the AVPA Regulation. Administration is working with the Airport Authority on a Memorandum of Understanding which, when completed, will set out the details for implementing the proposed amendment and the basis for ongoing collaboration between The City of Calgary (The City) and the Airport Authority.

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ADMINISTRATION RECOMMENDATION:

That the SPC on Planning and Urban Development recommend that Council:

- 1) By Resolution support the proposed Calgary International Airport Vicinity Protection Area Regulation amendment provided in Attachment 1, and direct Administration to submit a joint amendment application with the Calgary Airport Authority to the Minister of Municipal Affairs; and
- 2) Upon the Government of Alberta amending the Airport Vicinity Protection Area Regulation as identified in Recommendation 1, direct Administration to finalize a Memorandum of Understanding with the Calgary Airport Authority that provides for the processes to implement the amendment; and
- 3) Direct Administration to provide Council with an update following the decision by the Minister of Municipal Affairs regarding the proposed amendment application, as identified in Recommendation 1.

RECOMMENDATION OF THE SPC ON PLANNING AND URBAN DEVELOPMENT, DATED 2018 DECEMBER 03:

That Council:

1. Request that the Office of the Mayor connect with the Provincial Minister of Municipal Affairs to clearly state that a 10-year moratorium on Transit Oriented Development (“TOD”) adjacent to any substantial municipal and/or provincial investments in transit infrastructure is unacceptable.
2. Direct that Administration and the Office of the Mayor secure a negotiated allowance for the ability for TOD areas within the AVPA, and particularly the Inglewood MAX Purple TOD area.
3. Request that Intergovernmental Affairs strive to achieve this outcome no later than January 2019.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2016 December 19 Council approved three key actions in two separate reports (PUD2016-0904 and PUD2016-0905) directing Administration to:

- i. Advocate with Municipal Affairs for amendments to the 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 (PUD2016-0905);
- ii. Consult with the Calgary Airport Authority to seek its support for exemptions for higher intensity residential development in important intensification areas within the Noise Exposure Forecast 30 contour in Inglewood, (PUD2016-0905); and

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- iii. Advocate with Municipal Affairs for amendments to the AVPA Regulation to allow for a range of low density residential redevelopment including secondary suites and small-scale subdivision in all areas affected by the NEF 30 contour area (PUD2016-0904).
- iv. Administration provided two verbal updates to Intergovernmental Affairs Committee, in closed sessions, on the status of the collaborative discussions with the Airport Authority, on October 18 (IGA2018-122) and November 15 (IGA2018-1296). The content of these updates may be made public once the Government of Alberta has amended the AVPA Regulation to address the proposed changes and the matter is resolved (or implementation is complete).

BACKGROUND

Enacted in 1979, The Calgary International AVPA Regulation is a provincial regulation under the Municipal Government Act that governs land use and development close to the Calgary International Airport. The Regulation prohibits certain land uses from being developed near the airport that could negatively affect airport operations, including its runway arrivals and departures.

The AVPA Regulation establishes Noise Exposure Forecast (NEF) contours around the airport lands, as a prediction of expected noise levels. These contours are used to identify compatible land uses based on potential aircraft noise impacts to citizen complaints, public health, and quality of life, and consider such factors as types of aircraft, time of arrivals and departures, and future runway expansions. These contours take into consideration the alignment of the airport's latest runway expansion.

Subdivision and development authorities must comply with the AVPA Regulation provisions when making decisions on applications for properties located within the protection areas. Exemptions are possible through a process of amending the AVPA Regulation. Only a municipality through Council can petition the Minister of Municipal Affairs for such an amendment, and as of 2017 October 26, an amendment request must include a Resolution of Council indicating support, as per section 7(1) of the Regulation.

The AVPA Regulation was amended on 2017 October 26, as part of the review of the Municipal Government Act and all regulations associated with it. The amendment to the AVPA Regulation was minor and included enabling secondary basement suites in very specific circumstances within the 30-35 NEF contour area.

Administration researched how other municipalities in Canada manage residential development near airports. The municipalities reviewed included Montreal, Vancouver, Toronto, Winnipeg, and Edmonton. All of these municipalities have land use and development restrictions in close proximity to an airport, in most cases associated directly with NEF contours.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Collaborative Workshops

In response to Council direction on 2016 December 19, Administration, the Airport Authority, and Municipal Affairs met to discuss a potential comprehensive amendment to the AVPA

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Regulation to allow for residential intensification. Subsequently, Administration and the Airport Authority undertook a series of collaborative discussions, held from 2018 July to 2018 November, to establish the content of the amendment request. Specifically, the discussions centred on potential exemptions for residential uses within the 30-35 NEF contours, which includes portions of the communities of Inglewood, Mayland Heights and Vista Heights. While other areas of the city are within the 30-35 NEF contours, they were not included in the discussions as these areas were developed after the AVPA Regulation was enacted and residential development was excluded to comply with the regulation. A map of the NEF contour areas is provided in Attachment 2.

Rationale for Amending the AVPA Regulation

The rationale for seeking an amendment to the AVPA Regulation is based on the need to balance the strategic objectives of The City and the Airport Authority. Through the collaborative discussions, Administration and the Airport Authority shared their objectives, raised key issues, and assessed information related to noise complaints and potential residential growth. Both parties agreed that they share the objective of supporting the continued growth of the airport and associated logistics hub, recognizing its important role in the economic development of the city.

Further, Administration shared its strategic objectives as outlined in the Municipal Development Plan (MDP), Transit Oriented Development Policy Guidelines and resulting objectives of the draft Inglewood Area Redevelopment Plan. The Airport Authority communicated their objective of supporting the continued growth of airport operations while respecting overall community safety and well being.

Agreement has been reached to jointly seek changes to the AVPA Regulation as detailed in the proposed amendment in Attachment 1 and summarized below. These changes are considered by both parties to uphold the shared objective of supporting the continued growth of the airport and associated logistics hub, while allowing for residential intensification, supporting transit ridership and increasing housing choice.

To provide a period of certainty and to be able to monitor the impacts of the potential changes, the proposed amendment includes a requirement that no further requests for amendment or exemption are to be submitted by The City for 10 years.

Proposed Amendment Request & Alignment to Council Direction

The Airport Authority and Administration jointly developed a request for amendments to the AVPA Regulation to allow for residential intensification within the protection area (refer to Attachment 1). The proposed changes to the AVPA Regulation are as follows:

- 1) Removal of restrictions on secondary suites and backyard suites from existing residential lots in the communities of Mayland Heights, Vista Heights and Inglewood (refer to Attachment 3);
- 2) Allow for low density residential infill, including single lot subdivision for additional single-detached dwellings and semi-detached dwellings in the communities of Mayland Heights, Vista Heights and Inglewood;
- 3) Allow for row housing without secondary suites at end block locations within the communities of Mayland Heights and Vista Heights;

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- 4) Allow for row housing with secondary suites at end block locations within the community of Inglewood in recognition of the new Bus Rapid Transit station and proximity of the 9th Avenue SE Main Street; and
- 5) No further requests for amendments or exemptions are to be submitted by The City of Calgary for 10 years.

The proposed amendment request achieves much of the direction provided by Council (see summary table below) and provides a significant step forward in allowing the affected communities to redevelop to the level of other comparable neighbourhoods. The changes would broadly achieve Council directions of (i) and (iii) referenced above in Previous Council Direction, including providing a clearer and simpler process for site specific exemptions.

Administration did advocate for higher density residential development, highlighting the need to support significant transit investments including the Green Line and BRT. However, the Airport Authority considered the risks to current and potential future airport operations to be too high. Specifically, the Airport Authority is concerned about the scale of this type of residential intensification, and the potential for sudden increases in population in concentrated locations directly under the flightpath of a major runway. The proposed amendment request does not therefore achieve Council’s key direction (ii) to support exemptions for higher intensity residential development in important intensification areas, as no agreement could be reached.

Table 1. Summary of Alignment to Council Direction.

Previous Council Direction	Achieved in Proposed Amendment
i. a. Advocate with Municipal Affairs for amendments to the 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;	Yes
i. b. A clearer and simpler process for site-specific exemptions for higher intensity developments (PUD2016-0905);	Yes
ii. Consult with the Calgary Airport Authority to seek its support for exemptions for higher intensity residential development in important intensification areas within the Noise Exposure Forecast 30 contour in Inglewood, (PUD2016-0905);	No
iii. Advocate with Municipal Affairs for amendments to the AVPA Regulation to allow for a range of low density residential redevelopment including secondary suites and small-scale subdivision in all areas affected by the NEF 30 contour area. (PUD2016-0904).	Yes

This amendment request has been endorsed by the Calgary Airport Authority Board of Directors. A resolution of Calgary City Council stating support for the proposed amendment to

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the AVPA Regulation is required to submit the proposed amendment to the Government of Alberta.

Memorandum of Understanding

To provide further detail about the implementation of the proposed amendment, including ongoing collaboration, regular meetings (at a minimum on an annual basis) on matters of mutual interest. Administration and the Airport Authority are developing a Memorandum of Understanding. The Memorandum of Understanding will be finalized and executed after the AVPA Regulation has been amended by the Government of Alberta.

Stakeholder Engagement, Research and Communication

In 2016, Administration hosted two open houses and provided an online questionnaire regarding a proposed amendment to the AVPA Regulation to exempt residential development from the current restrictions in the 30-35 NEF contour area, specifically within the community of Inglewood. The first open house was held on 2016 June 21, as part of a larger Inglewood Ramsay Area Redevelopment Plan event. In response, 28 comment forms were received. The second open house was held at the Inglewood Community Association Hall on 2016 September 13, whereby 34 people were in attendance and 11 comment forms were received. In addition to the engagement events, letters were sent to all affected property owners. The summary of the 2016 engagement is included as Attachment 4.

Administration and the Airport Authority has collaborated over a series of meetings since 2018 July to develop the proposed amendment request. The proposed amendment has also been circulated to stakeholders for comments, including impacted Councillors, Rocky View County, the City of Airdrie, Transport Canada, and Air Navigation Service Provider Canada (NAV Canada).

Strategic Alignment

Municipal Development Plan (Statutory, 2009)

The MDP outlines goals for achieving a sustainable city through a prosperous economy, shaping a more compact urban form, and creating great communities. Specifically, Policy 2.1.2 (k) recognizes the role of the Calgary International Airport as a global logistics centre. Also, section 4.3.3 recognizes the importance of, and the need to enforce the AVPA Regulation.

The Urban Structure Map of the MDP identifies a portion of 9 Avenue SE within the community of Inglewood as a Main Street. Main Streets aim to serve nearby communities and should provide for moderate levels of intensity of jobs and population over time. Under the proposed AVPA Regulation amendment, residential development will continue to be prohibited along the majority of the Main Street which is within the protected 30-35 NEF contour area. Although residential development is generally encouraged for main streets, it is not required in all locations as other uses such as office and retail can provide an appropriate main street environment. Additionally, the proposed amendment will enable some population growth (an

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estimated 1380 new residents) in the surrounding residential areas that will contribute to the viability of businesses along the main street.

Transit Oriented Development Policy Guidelines (Non Statutory, 2005)

The Transit Oriented Development Policy Guidelines provide direction for areas typically within 600m of a Light Rail Transit (LRT) or Bus Rapid Transit (BRT) station. A new BRT station is currently under construction in the community of Inglewood within the 30-35 NEF contour protected area (refer to Attachment 3) and therefore these guidelines apply. The aim of the guidelines is to ensure areas near to a LRT or BRT station develop into higher density, walkable, mixed use areas to optimize use of transit infrastructure, create mobility options for Calgarians, and benefit local communities and city-wide transit users alike. These guidelines recognize that there are a wide variety of contexts within which transit oriented development can be achieved and provide Station Types including Residential Neighbourhood. This Station Type best fits the built form and character of the BRT Station in Inglewood and its surrounding area. In Residential Neighbourhood areas, mixed use development, including residential, office, commercial and supporting retail development at a medium intensity, is considered to be acceptable.

The proposed AVPA Regulation amendment would support the BRT station area by allowing for an increase of population base over time (approximately 860 new Inglewood residents within the 30-35 NEF contour protected area) through additional low density residential building forms (secondary suites, semi-detached dwellings and rowhouse buildings with suites). However, there would continue to be no restrictions on office, retail and commercial development, and an appropriately dense, mixed-use, transit-oriented area, excluding residential, could still be achieved and is supported by the Airport Authority.

There are several City and privately owned AVPA Regulation exempted parcels within 600m of the future Inglewood BRT Station where higher density residential development could potentially occur, subject to planning analysis and any required land use changes.

Social, Environmental, Economic (External)

The proposed amendment, if enacted, would allow for additional residential intensity which will facilitate a more compact urban form that efficiently utilizes land and existing infrastructure. Increased residential density near the future Inglewood BRT station would support transit ridership, reduce dependency on vehicular trips, and by association, may contribute to reductions in greenhouse gases and traffic congestion. Also, the proposal enables the creation of more affordable and diverse forms of housing options for the citizens of Calgary.

Financial Capacity

Current and Future Operating Budget:

No operating budget implications are identified.

Current and Future Capital Budget:

No capital budget implications are identified.

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Risk Assessment

If the proposed amendment request to the AVPA Regulation is not supported by Council or not approved by the Minister of Municipal Affairs, the current process of individual site-specific exemption requests may continue. Each exemption request would continue to require a resolution of Council to proceed, and a decision from the Province is likely to take several months. This process creates uncertainty for impacted communities and applicants and adds time to realizing development.

If the amendment request is supported by Council and approved by the Minister of Municipal Affairs, the population of communities within the 30-35 NEF contour will incrementally increase over time with approved development. This approach enables residential intensification with a manageable amount of risk to airport operations. This risk will be minimized through a Memorandum of Understanding between Administration and the Airport Authority which is expected to provide for procedural strategies aimed at monitoring and further managing density increases along with noise, public health and safety concerns.

The amendment request, as proposed, does not address the existing restrictions on medium and high density residential development within the 30-35 NEF contours. Furthermore, current and future applications for these uses within the restricted area will not be considered for an exemption for a minimum period of 10 years. The proposed amendment would also commit The City to no further exemption requests for other prohibited uses such as schools and places of worship for 10 years.

The timeline for a provincial approval of a proposed amendment to the AVPA Regulation is not known and therefore there is a risk that current and future development applications could be delayed.

Administration informed community associations of the proposed amendment, however given timelines there was limited time for the associations to respond prior to the finalization of this report. There is a risk that community associations may raise concerns that there was not appropriate time to respond.

REASON(S) FOR RECOMMENDATION(S):

The proposed amendment request (refer to Attachment 1) to the Calgary International Airport Vicinity Protection Area Regulation, would achieve a balance of meeting the joint objective of The City and the Airport Authority to support the economic benefits of the airport and associated logistics hub, while also meeting the strategic growth objectives of The City including sensitive intensification, providing greater housing choice and supporting transit ridership.

ATTACHMENT(S)

1. Proposed Calgary International Airport Protection Area Regulation amendment request.
2. Calgary International Airport Vicinity Protected Area Map.
3. Calgary International Airport Vicinity Protected Area – Affected Communities.
4. Summary of 2016 Public Engagement.