



NOTICE OF MOTION

RE: Bylaw Setback Reform

Sponsoring Councillor(s): Councillor Druh Farrell

WHEREAS the City of Calgary's Land Use Bylaw 1P2007 contains a table of Road Rights-of-Way Property Line Setbacks (bylaw setbacks) that directs the Development Authority to require additional development setbacks on streets across Calgary;

AND WHEREAS the purpose of the bylaw setbacks is to ensure there is space which is unencumbered by buildings, and for public enhancements, that will help to achieve the objectives of the Municipal Development Plan, Calgary Transportation Plan, Complete Streets Guide, Main Streets program, and other relevant policies;

AND WHEREAS the development industry has repeatedly raised bylaw setbacks, and the Corporate Planning Applications Group (CPAG) approach to bylaw setbacks, as impediments to development potential, development financial viability, and to the ability to provide enhanced public realm at their expense;

AND WHEREAS City Administration's current practice is to limit or restrict privately-funded public realm improvements in the bylaw setback in the absence of streetscape designs and/or funded infrastructure projects, thus resulting in subpar quality public realm and increased capital/operating costs to the City of Calgary to implement improvements at a later date;

AND WHEREAS City Administration's current practices surrounding bylaw setbacks lead to conflicting priorities between City departments more generally, often resulting in subpar outcomes for the public realm that are not aligned with the aforementioned higher order City policies;

AND WHEREAS, while City Administration is more recently implementing an ad hoc approach to reviewing bylaw setback needs on an opportunity basis to achieve better context-specific outcomes, the current approach is limited in scope, can be time and resource intensive, can lead to inconsistent results, and still requires individual Council-approved amendments to the Land Use Bylaw;

AND WHEREAS changes to the current bylaw setbacks approach will reduce long-term capital/operating costs by leveraging private investment and can be achieved through short-term internal practice improvements, with further improvements achieved through local area plan work as budgets allow;

NOW THEREFORE BE IT RESOLVED that City Council directs City Administration to report to Council no later than Q3 2020 with recommendations on the following:

1. Criteria needed to support applicant-provided improvements within bylaw setbacks, and between the curb and building edge generally, in order to achieve enhanced public realm and context specific mobility improvements, while still allowing for a flexible approach based on site and area specific considerations;
2. The formalization of a process used by CPAG, CPAG partners, and City asset owners to review and assess development applications with the intent to better achieve the above setback objectives;
3. Clarify the intent of the bylaw setbacks in supporting public realm and context-specific mobility improvements by renaming the Road Rights-of-Way Property Line Setbacks table within Land Use Bylaw 1P2007 and by adding a purpose statement;

AND FURTHER BE IT RESOLVED that City Council Directs City Administration to bring forward updates to relevant bylaw setbacks at the time of local area plan and/or multi-community plan creation/update, including currently underway plans, with particular consideration to:

1. Creating streetscape plans and/or cross sections for streets with bylaw setbacks, where prioritized, that provide guidance to applicants and/or the City of Calgary for how improvements should be implemented;
2. Decreases or increases to bylaw setback allowances, where appropriate;
3. Removal of bylaw setbacks that are no longer required;
4. Supporting below- and/or above-grade building projections into the bylaw setbacks that still consider utility impacts, enable street furniture/tree provisions, and support enhanced public realm;

AND FURTHER BE IT RESOLVED that the future renewal of the Land Use Bylaw consider further policy direction that better and consistently aligns the bylaw setbacks with the objectives of the Municipal Development Plan, Calgary Transportation Plan, Complete Streets Guide, Main Streets program, and other relevant policies.