

MONITORING REPORT ON CONTEXTUAL SINGLE AND SEMI-DETACHED DWELLINGS

EXECUTIVE SUMMARY

In 2016 December, Administration requested a deferral of the monitoring report on Contextual Single and Semi-detached Dwellings to accommodate further consultation with stakeholders regarding the rules for these uses and to report back by 2017 April.

Land Use Bylaw (LUB) 1P2007 contains both permitted and discretionary uses. Contextual Single and Contextual Semi-detached Dwellings are two permitted uses that encourage infill development, in support of the Municipal Development Plan (MDP) goals for modest redevelopment in existing communities. The goal of these permitted uses was to capture a 40 per cent to 60 per cent share of infill applications, ensuring a quick, streamlined application process that offered more certainty and predictability, while minimizing negative impacts on the surrounding community.

Since this was a new use, in 2010, Administration began monitoring it in order to identify issues and changes needed to ensure success of the use. Over the past seven years, Administration has amended the LUB a number of times to find an appropriate balance, implementing changes requested by both industry and communities. These changes have resulted in the achievement of the application targets, with an average of 46 per cent of applications for infill development being applied for as Contextual Dwellings. This achievement indicates that there is a need for both discretionary and Contextual Dwellings, accommodating different market trends and styles of housing. The current use represents a balance between varying perspectives from both community and industry and provides the appropriate parameters for a permitted use. As such, Administration is not recommending any further changes to Contextual Dwellings at this time.

Throughout the most recent monitoring process, stakeholders identified concerns related to issues outside the purview of the LUB, such as drainage and private trees. Stakeholders also identified issues regarding the LUB which are not only about Contextual Dwellings, such as providing incentives for the development of front porches and considering a reduction in parking requirements. These are not appropriate to address through a review of one use, requiring consideration in a more comprehensive manner as solutions to these issues should not just be considered solely for Contextual Dwellings. Administration is committed to assessing the need for future changes to support infill development, through an already established team devoted to sustaining the LUB, working collaboratively and cross-corporately with internal stakeholders as well as with external stakeholders to identify and clarify issues, and determine solutions.

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ADMINISTRATION RECOMMENDATION(S)

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

1. Receive this report for information; and,
2. Direct Administration to conclude the monitoring reports regarding Contextual Dwellings.

**RECOMMENDATION OF THE SPC ON PLANNING AND URBAN DEVELOPMENT, DATED
2017 APRIL 12:**

That the Administration Recommendations contained in Report PUD2017-0313 be approved.

Opposition to Recommendations:

Opposed: G-C. Carra

Excerpt from the Minutes of the Regular Meeting of the SPC on Planning and Urban
Development, Dated 2017 April 12:

“And further, that the distribution from today’s meeting be attached to the Report prior to being
forwarded to Council.”

PREVIOUS COUNCIL DIRECTION / POLICY

On 2016 December 19, Council approved the deferral of "Administration's Contextual Single
and Semi-detached Dwellings report – Deferral Report (PUD2016-0948) until no later than 2017
April".

At its 2015 June 29 meeting, Council received Report PUD2015-0437 (Monitoring Report on
Contextual Dwellings), and adopted the recommendation to:

1. Direct Administration to draft changes to the contextual rules in 1P2007 to address: the
height of developments on corner parcels, the appropriate calliper requirement for trees,
clarification of the requirement for front facade articulation, removal of the restriction for
entrances below grade and accessing stairwells, and the size of Accessory Residential
Buildings allowed on un-subdivided parcels.
2. Direct Administration to continue monitoring both Contextual Single and Semi-detached
dwellings, consult widely with the public including planning committees and members of
the industry, and report back in 18 months with further recommended options.

There have been additional direction between 2007 and the most current direction above, of
which details can be found in Attachment 1. The original direction is cited below.

On 2007 July 23, Council adopted E2007-16, AS AMENDED, MOTION ARISING, Moved by
Alderman King, Seconded by Alderman Farrell:

“That the Administration monitor and evaluate the use of the Contextual Rules for low density
housing in developed communities and provide a report to Council through the Calgary Planning

Approval(s): Dagleish, Stuart concurs with this report. Author: Henry, Tammy F.
City Clerk's: J. Darragh

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Commission, assessing their impact, including, but not limited to impact on other policies such as ARP's and on community character and their effectiveness, as well as examples of approved developments, after one year's experience of the new Land Use Bylaw coming into effect.

BACKGROUND

Contextual Single and Semi-detached uses were added as permitted uses within the LUB in 2008 (Singles – added as part of the creation of LUB 1P2007) and 2011 (Semi-detached – Report: E2011-07) to provide an alternative to the discretionary application process for these forms of housing. The intent was to create a streamlined process and to support low density redevelopment that is creative and distinct. These uses help achieve the MDP, encouraging modest redevelopment and intensification in existing communities, which is critical to ensuring communities retain and grow their population, supporting schools, amenities and community well-being. Reinvestments into individual homes helps add to the revitalization and continued desirability of established communities; promoting further growth in population, jobs, and amenities.

Contextual uses outline the parameters of development that must be followed in order to be approved. There is no ability to relax these elements, meaning that development must build within the parameters of the use. If there is a desire to go beyond the parameters of Contextual uses, they become discretionary, and follow a different application process. Contextual uses are intended to be flexible enough to allow creative design, while still allowing some sensitivity to the context of established communities. The goal is to have between 40 per cent and 60 per cent of applications using the Contextual application process, ensuring a streamlined process that has shorter timelines and more certainty. Having two infill options (Contextual and discretionary) provides a balance between those applications that required a more thorough review and community input (discretionary process) and those that could be approved as long as they met the LUB (Contextual or permitted process). As shown in Attachment 2, this goal has been successfully attained.

Since this was a new approach, monitoring was introduced as a way to identify issues and changes needed to ensure success, since redevelopment can have an impact on existing communities. The issues raised about Contextual Dwellings reflect sometimes competing interests ranging from support for Contextual Dwellings from prospective buyers and builders to concerns about the impacts of infill development from communities and residents. Monitoring has been a way to identify changes needed to this use, in order to create a balance between these varying perspectives.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Since 2010, Administration has monitored Contextual Dwellings and crafted LUB amendments to refine the use to ensure a balanced approach. These amendments were reflective of stakeholder feedback, and helped to ensure that development is responsive to the needs of both communities and the development industry.

Throughout the past seven years, Council has adopted a series of reports recommending LUB amendments, along with a number of supplementary reports to assist with infill concerns. In 2015, Administration completed a number of LUB amendments, including those regarding

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corner parcel heights, tree callipers, facade articulation and a number of other elements (PUD2014-0437 – Monitoring Report on Contextual Dwellings). In addition, Administration used a cross-corporate approach to ensure items beyond the purview of the LUB have been addressed, including updates to deal with items such as the Lot Drainage Bylaw (see Attachment 1 for a full list of amendments).

These amendments refined the approach to Contextual Dwellings, addressing a number of issues from stakeholders while still accomplishing the goals for this use, making it a more balanced approach. It is important to acknowledge that both community and industry stakeholders would like to see further changes to Contextual Dwellings (see stakeholder engagement section below for more details), but Administration feels that those changes would disrupt the balance provided by this use. While some community representatives indicated they like Contextual Dwellings, some still feel that the building envelope (massing, height, size, setbacks) is too large for a permitted use. Similarly, while industry indicates that Contextual Dwellings are a useful tool, a number of requests have been made to look at making Contextual Dwellings more flexible to accommodate more applications.

Based on the monitoring of Contextual Dwellings and previous amendments, Administration determined that the use of Contextual Dwellings is an effective infill option. This can be seen in Attachment 2 when applications for Contextual uses increased in 2011 after the first amendments were brought through Council. By 2012 and 2013, the applications increased by 20 per cent and have roughly stayed the same or decreased slightly (still being in the desired range). Since 2012, the fact that there is a consistent application ratio between Contextual and discretionary applications shows that the Contextual uses are hitting desired targets. This also shows that nearly half of applications still fall outside the parameters of Contextual uses and require a discretionary review. Any further refinement beyond the current parameters would interfere with the applicability of the use resulting in fewer applications or negative impacts on communities.

The existing parameters have resolved several issues and provide an appropriate balance between the various perspectives. Presently, Administration is not proposing any further changes and recommends that the formal monitoring reporting is no longer needed.

Issues Not Relating to Contextual Dwellings

Throughout the monitoring process, a number of issues were raised by stakeholders about infill developments that were not about the LUB but rather about the impacts of low density redevelopment. These include issues such as grading and drainage, and application process times and notification. Administration is working on addressing these issues and is committed to working collaboratively with industry and community partners, as well as cross-corporately, to ensure implementation and success of solutions. This will ensure that issues are dealt with through the appropriate means and solutions are not created in isolation.

Furthermore, a number of concerns were discussed that dealt with general LUB related infill matters that do not only pertain to the Contextual use, but rather could be about multiple different uses. Administration did not want to complicate the monitoring report to change the

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LUB in a way that would have impacts beyond Contextual Dwellings, but acknowledges that these issues need to be addressed both in the near and long term, in a comprehensive manner.

Monitoring and Reporting Alternatives

Administration is committed to monitoring the LUB and assessing the need for future changes to support infill development, through an already established team devoted to sustaining the entire LUB. This will ensure stakeholder concerns and perspectives are looked at comprehensively so that solutions can address the bigger picture. Ongoing review of the LUB is continually done as part of the Planning & Development work program, and Administration will continue to assess the need for changes and propose amendments through Council at the appropriate time, to support infill development.

Conclusion

The City supports redevelopment in existing communities based on the goals and vision of the MDP; and furthermore, acknowledges that redevelopment in an established community can have impacts on existing residents and infrastructure.

The application process for Contextual Dwellings has been designed to streamline a form of low density infill development and remove barriers, while ensuring that the built form is appropriate in developed communities. Over the past seven years, there have been a number of modifications to this use and application process. Administration acknowledges that there are still concerns raised by stakeholders; however, the majority of those concerns are in regards to the process or general infill development. Administration is working through a cross-corporate team that will continue to address issues comprehensively ensuring that issues are not looked at in isolation. This could result in both long term and near term amendments to the LUB, other City bylaws, as well as related processes.

Stakeholder Engagement, Research and Communication

Administration met with community representatives and residents four times over the past year, ensuring that Administration was able to understand concerns. These concerns included:

- Community members not liking the permitted use process, as it does not give the community a chance to comment if the application meets rules;
- Contextual uses do not promote the unique character of each community; and,
- The building envelope (height, massing etc) for Contextual uses is too large.

Internal coordination on finding solutions for these concerns is ongoing. Attachment 3 contains a summary of engagement.

In addition, Administration met with representatives from industry. Industry supports having Contextual Dwellings in the LUB because it helps them meet the demand for this type of housing in the developed areas. Most concerns raised by industry members were about other uses, or rules that are pertain to all types of infill development.

Additional consultation with all stakeholders occurred in February and March, 2017. Information updates for the current monitoring were provided on The City's website. In 2014, Administration

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created an email subscription list for individuals interested in Contextual Dwellings and information has been provided through this mechanism as well.

A letter of support from BILD Calgary Region is attached (Attachment 4).

Strategic Alignment

The application process for Contextual Dwellings provides a streamlined, consistent and lower cost approach that promotes Council's priority of a city of inspiring neighbourhoods. Contextual Dwellings support a variety of Municipal Development Plan policies including:

- Encouraging growth and change in low-density neighbourhoods through redevelopment that is similar in scale and built form (Section 2.2.5a).
- Supporting redevelopment that provides a broader range of housing choice in local communities to help stabilize population declines (Section 2.2.5b).
- Respecting the existing character of low-density residential areas, while still allowing for innovative and creative designs that foster distinctiveness (Section 2.3.2b).
- Encourage modest redevelopment of Established Areas (Section 3.5.3a).

Social, Environmental, Economic (External)

Social

Contextual Dwellings encourage small-scale redevelopment allowing homeowners to reinvest in their communities, supporting the retention of existing amenities.

Environmental

By balancing growth between developed and developing areas, less pressure is placed on greenfield sites on the edges of the city. Existing transit hubs can be better leveraged.

Economic

The reduced processing time, greater certainty, and reduced cost of applications makes it easier to reinvest in existing homes and developed communities. Residential redevelopment adds to the vibrancy of communities, making them attractive places to live.

Financial Capacity

Current and Future Operating Budget:

Ongoing monitoring of the Land Use Bylaw will be part of Planning & Development's operating budget and completed through internal resources. No implications identified.

Current and Future Capital Budget:

No implications identified.

Risk Assessment

There is minimal risk to the recommendations of this report as monitoring of LUB 1P2007 is a continuous process undertaken to ensure the LUB is responsive and effective to achieve the desired outcomes of The City and stakeholders. Continued engagement with stakeholders will allow Administration to address issues and concerns as they arise. Working with industry and

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community partners will determine the best way forward on engagement and will ensure issues are addressed in a timely manner.

REASON(S) FOR RECOMMENDATION(S):

Administration has spent significant time over the past seven years, working with stakeholders to monitor Contextual Dwellings resulting in a set of parameters that has continuously met targets and provided a balanced approach. Ongoing effort will be made to ensure the continued sustainment of these and other uses. Administration is committed to engaging with stakeholders on issues and concerns about infill redevelopment, as they arise, and ensuring that solutions are responsive to the needs of stakeholders.

ATTACHMENT(S)

- Attachment 1 – Previous Reports and Associated Changes/Amendments
- Attachment 2 – Infill Applications & Process Route
- Attachment 3 – Summary of Engagement
- Attachment 4 – Letter of Support – BILD Calgary Region
- Attachment 5 – Distribution: Letter from Federation of Calgary Communities**