

**LAND USE BYLAW (1P2007) AMENDMENTS AND
R-CG MONITORING REPORT
CITY WIDE
BYLAW 4P2017**

EXECUTIVE SUMMARY

In October 2014 Council added the new Residential – Grade-Oriented Infill (R-CG) District to Land Use Bylaw 1P2007. Since no lands were redesignated to the R-CG District when it was adopted, the district has been applied through site specific land use amendments or local area policy. In order to track the uptake of the district Council directed Administration to report annually on the number of applications received and their status. This report includes this data and proposes amendments to the rules of the R-CG district so that the district functions more effectively to achieve its intent.

This report also proposes a number of housekeeping amendments to the land use bylaw that correct or clarify already existing rules in the land use bylaw and reflect current implementation of those rules.

PREVIOUS COUNCIL DIRECTION

At the 2014 October 06 meeting, Council directed the Administration to report back to the Calgary Planning Commission annually on the number of R-CG District applications made and the status/outcome of the applications, starting on the second year anniversary of the effective date of the bylaw. Bylaw 24P2014 to add the R-CG District to Land Use Bylaw 1P2007 came into force 2014 October 27.

ADMINISTRATION RECOMMENDATION(S)

2016 November 17

That Calgary Planning Commission recommends **APPROVAL** of the proposed amendments to the Land Use Bylaw 1P2007.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 4P2017; and

1. **ADOPT** the proposed amendments to the Land Use Bylaw (1P2007), in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 4P2017.

REASON(S) FOR RECOMMENDATION:

Administration recommends that the Calgary Planning Commission support the proposed amendments to Land Use Bylaw because they ensure that the R-CG District is implemented as intended and the housekeeping amendments correct existing rules in the Land Use Bylaw.

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ATTACHMENT

1. Proposed Bylaw 4P2017
2. Public Submission

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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed amendments to the Land Use Bylaw (1P2007) (APPENDIX IV).

Moved by: G.-C. Carra

Carried: 6 – 1

Opposed: S. Keating

Reasons for Approval from Mr. Friesen:

- I supported the changes to the bylaw in general but discussion and the example plans presented led to related concerns. The developments under R-CG are typically row housing on corner lots. In the example presented as typical, most of the units in the row had a front elevation and main entrance facing a side yard but one unit on the corner had its main entrance off the side of the unit facing a front yard.
- In this case the whole notion of front yard/side yard has become confused and should be clarified. The side yards being relatively shallow may be acceptable as 'front yards' in a very urban environment but the front yard space on the corner is probably too deep for a high density development. This yard could be shallower and the yard space perhaps put to better use elsewhere. The notion that front yards should align on a street face should be reconsidered when encouraging higher density development and a case can be made that corner units should be stronger forms on a street face to anchor the end of the street.
- I understand that a member of Commission who is also a Councillor is going to take this issue up with administration and I certainly support a review of this issue.
- Related to this is the building form of the corner unit. Under R-CG I understand developers are encouraged to move the entrance of the corner unit to address the intersecting street face. I do not believe this is adequate. The whole elevation and ideally the unit design itself should be changed to address the intersecting streets. Unit side elevations are usually designed as blank walls when they are meant to work in rows. This is an expression of the interior of the unit where light and entrances are expected on the ends. This leads to side elevations that are sterile and quite inadequate when they face a street. The urban environment is not well served and regulations should be stronger to require corner units that are designed uniquely to address streets properly.

Reasons for Opposition from Cllr. Keating:

- What we are allowing is 8 units. Calling them secondary suites are misleading. If we want this density just allow for 8 bare land units within the land use.

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APPLICATION STATISTICS AND ANALYSIS

Table1: R-CG Applications October 2014 to October 2016						
		Ward 7	Ward 8	Ward 9	Ward 11	Total
Land Use Amendments to R-CG		9	9	2	3	23
	Approved	6	5	1	2	14
	Refused	1	1			2
	Cancelled		1		1	2
	In Process	2	2	1		5
Development Permits		4	2	0	1	7
	Released	2	2			4
	Approved	1	1			2
	In Process	1				1
Building Permits		1	2	0	1	4
	Issued		1		1	2
	Cancelled		1			1
	In Process	1				1

The table above summarizes, by ward, the number of land use amendment applications proposing the R-CG District and the development permit and building permit applications on R-CG parcels. The map contained in APPENDIX I shows the location of each of these applications.

To date there have been 23 land use amendment applications, of these 14 have been approved. Applications have been submitted for seven development permits, six of which are released or approved and one of which is concurrent with an ongoing land use amendment application. The development permit applications have all been for rowhouse buildings. Each application has been on a corner parcel, comprises four to eight units and is typically two storeys in height.

The intent of the R-CG District is to facilitate an increase in housing variety in low density residential neighbourhoods by allowing a broad range of ground-oriented housing with rules and regulations that are appropriate for infill conditions. Rowhouses are a form of middle density housing that is distinct to the R-CG District and that helps to contribute to an increased mix of ground-oriented housing in low density neighbourhoods. So far, the R-CG District has successfully facilitated the addition of rowhouses on corner lots within established low density neighbourhoods at a scale that is compatible with the infill context.

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At this time, City-initiated land use amendments to the R-CG District are proposed in the vicinity of a number of Main Streets, including Bowness Road and 16 Avenue NW in Montgomery; 17 Avenue SW and 37 Street SW near the Westbrook LRT Station; and 1 Avenue NE in Bridgeland. In addition, following Council approval of amendments to the North Hill and Banff Trail Area Redevelopment Plans, Council directed Administration to undertake City-initiated redesignations of key residential blocks and properties within Capitol Hill and Banff Trail communities. While the exact completion date for this project is undetermined at this time, Administration's goal is to bring these redesignations forward to Council in the second quarter of 2017. These City-initiated projects will significantly increase the supply of parcels with the R-CG designation.

R-CG DISTRICT – PROPOSED LAND USE BYLAW AMENDMENTS (APPENDIX II)

As the R-CG District was implemented, designers, builders and file managers have asked questions and provided feedback on the performance of the district. Leading up to this report, Administration asked for feedback from application file managers and requested feedback from builders and developers through CHBA UDI Calgary. Administration met with two of the designer/builders that account for five of the seven development permit applications to talk about their experience working with the district. The feedback received from these stakeholders has indicated that the R-CG district is effective at facilitating the rowhouse form, but indicated the need for the following minor amendments to better execute the intent. These amendments are summarized in APPENDIX II.

1. The current definition of a "parcel" in the R-CG district includes a bare land unit on a condominium plan in addition to a fee simple lot. This is standard for many of the low density residential districts and function well for single detached and semi-detached dwellings. However that a bare land unit is considered a parcel in the R-CG district makes it so that when a rowhouse building is subdivided into individual units on a bare land condominium plan the individual units may cease to conform to the rules of the R-CG district. This is particularly a problem for side-facing rowhouses on the corner parcels, which is so far the most common form of development in the district. This issue does not cause problems for the initial subdivision, but has the potential to cause landowners problems in the future. The proposed amendment will make it so that a "parcel" in the R-CG district means all the lands contained on a fee simple title, which will include all of the bare land units on a condominium plan.
2. Removing a bare land unit from the definition of a parcel, as proposed above, would result in suites no longer being permitted on individual bare land units. The R-CG District is intended to allow both secondary suites and backyard suites on bare land units with a unit in a rowhouse building, a semi-detached dwelling or a single detached dwelling. The proposed amendments to the definitions and general rules for backyard suites and secondary suites adds reference to a bare land unit in order to retain the existing potential to develop a backyard suite or a secondary suite with a rowhouse unit, a semi-

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detached unit or a single detached unit contained on a bare land condominium plan. This will not allow secondary suites or backyard suites in building condominiums.

3. A rule limiting development to one main residential building on a parcel has proven to result in awkward building design. One of the applications received for an eight unit rowhouse building on a corner parcel consists of a building with a five unit portion on one foundation and a three unit portion on another foundation. In order to meet the requirement for a single main residential building on a parcel the designer was required to build a bridge between the two portions of the building. This resulted in a more awkward building design and a potentially lower quality amenity space for one of the units. Both the applicant and the file manager raised this rule as a concern and suggested that it be amended.

The proposed amendment would delete the rule that limits the number of main residential buildings on a parcel. Aside from eliminating bridges between buildings removing this rule should have a limited impact on the development form since it is otherwise managed by setback, coverage and built form requirements.

4. In order to manage more than one main residential building on a parcel amendments are proposed to the rules for a contextual semi-detached dwelling and permitted rowhouse building in the general rules for low density districts. These amendments make it so that any application considering more than one main residential building on a parcel will not be allowed to pursue a permitted use development permit and will instead be subject to a discretionary process. This ensures that the development authority is empowered to provide more guidance on these potentially more complex applications involving more than one building. The rules regarding permitted use rowhouse buildings have also been updated so that it is clear that these rules apply only in the R-CG District.

In general, the feedback received indicates that the R-CG District is functioning well to facilitate a wider variety of ground-oriented housing in infill neighbourhoods. Some potential issues were highlighted as the new district was applied and the amendments above correct these issues.

LAND USE BYLAW HOUSEKEEPING AMENDMENTS (APPENDIX III)

The housekeeping amendments outlined in APPENDIX III correct or clarify already existing rules in the land use bylaw. These amendments do not change the way these rules are implemented. The amendments:

- Correct the land use bylaw so that the requirement to provide a hard surfaced parking stall for all low density residential uses also applies to secondary suites and backyard suites. This reflects how the rule is currently applied.

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- Clarify that a secondary suite wholly located in the basement can include internal landings and stairs to provide access from grade and still qualify to have no maximum floor area. The original rule was awkwardly worded.
- Add the uses “Beverage Container Quick Drop Facility” and “Cultural Support” to the list of uses on Schedule A. These uses were missed when they were originally added to the land use bylaw.

APPENDIX I

Calgary

**Map1: R-CG District Applications
October 2014 to October 2016**

Legend:

- Applications
 - APPROVED LAND USE AMENDMENT
 - APPROVED LAND USE AMENDMENT WITH A DEVELOPMENT PERMIT
 - APPROVED LAND USE AMENDMENT WITH A DEVELOPMENT PERMIT AND A BUILDING PERMIT
 - LAND USE AMENDMENT IN PROCESS
 - LAND USE AMENDMENT IN PROCESS WITH A CONCURRENT DEVELOPMENT PERMIT
 - LAND USE AMENDMENT REFUSED OR CANCELLED
- Wards
- Communities

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APPENDIX II

Table 1: Amendments to the R-CG District

Proposed Amendment	Existing Rule Showing Amendments
a) Amend subsection 13(99)(b) to delete "R-CG," from the list of districts contained in the subsection.	(99) "parcel" means (a) the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office; and (b) in the R-C1L, R-C1Ls, R-C1, R-C1s, R-C1N, R-C2, R-1, R-1s, R-1N, R-2, R-CG , R-G and R-Gm districts, includes a bare land unit created under a condominium plan;
Rationale: Defining a bare land unit as a parcel creates issues for rowhouses on bare land condominium plans resulting in potential non-conforming units. This amendment makes it so that a bare land unit is no longer considered a parcel in the R-CG District.	
Proposed Amendment	Existing Rule Showing Amendments
c) Delete subsection 153.1(a)(vii) and replace it with the following: (vii) in the R-CG District must be located on the same parcel or bare land unit as a Dwelling Unit contained in a Contextual Semi-Detached Dwelling, Contextual Single Detached Dwelling, Rowhouse Building, Semi-Detached Dwelling, or a Single Detached Dwelling ; and	(vii) in the R-CG District must be located on the same parcel or bare land unit as a Dwelling Unit in a Contextual Semi-Detached Dwelling, Contextual Single Detached Dwelling, Rowhouse Building, Semi-Detached Dwelling, or a Single Detached Dwelling ; and

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Proposed Amendment	Existing Rule Showing Amendments
<p>d) Delete subsection 295(a)(vi) and replace it with the following:</p> <p>(vi) in the R-CG District must be located on the same parcel or bare land unit as a Dwelling Unit contained in a Contextual Semi-Detached Dwelling, Contextual Single Detached Dwelling, Rowhouse Building, Semi-Detached Dwelling, or a Single Detached Dwelling; and</p>	<p>(vi) in the R-CG District must be located on the same parcel or bare land unit as a Dwelling Unit in a Contextual Semi-Detached Dwelling, Contextual Single Detached Dwelling, Rowhouse Building, Semi-Detached Dwelling, or a Single Detached Dwelling; and</p>
<p>(j) Amend subsections 354(1) and (2) to add "Unless otherwise referenced in subsection (4)," at the beginning of each subsection.</p> <p>(k) Add a new subsection 354(4) as follows:</p> <p>(4) In the R-CG District, one Backyard Suite or one Secondary Suite may be located on a bare land unit containing a Dwelling Unit.</p>	<p>1. Accessory Suite – Density</p> <p>354 (1) Unless otherwise referenced in subsection (4), there must not be more than one Secondary Suite or Backyard Suite located on a parcel.</p> <p>(2) Unless otherwise referenced in subsection (4), a Secondary Suite and a Backyard Suite must not be located on the same parcel.</p> <p>(3) A Secondary Suite or a Backyard Suite must not be separated from the main residential use on a parcel by the registration of a condominium or subdivision plan.</p> <p>(4) In the R-CG District, one Backyard Suite or one Secondary Suite may be located on a bare land unit containing a Dwelling Unit.</p>
<p>Rationale: The proposed amendments to the definitions and general rules for backyard suites and secondary suites adds reference to a bare land unit in order to retain the existing potential to develop a backyard or a secondary suite with a rowhouse unit, a semi-detached unit or a single detached unit contained on a bare land condominium plan.</p>	

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Proposed Amendment	Existing Rule Showing Amendments
<p>I) Delete section 530 in its entirety.</p>	<p>530 deleted (1) Unless otherwise referenced in subsection (2) the maximum number of main residential buildings on a parcel is one. (2) There is no maximum number of main residential buildings on a parcel that contains a Cottage Housing Cluster.</p>
<p>Rationale: Section 530 currently limits the number of main residential buildings on a parcel to one. Deleting this rule would allow more than one main residential building on a parcel. Amendments e) and f) below ensure that this is only allowed on discretionary applications.</p>	
Proposed Amendment	Existing Rule Showing Amendments
<p>e) Add a new subsection 347.1(5) as follows: (5) A Contextual Semi-detached Dwelling must not be located on a parcel that contains more than one main residential building.</p>	<p><i>These amendments add a rule and do not alter or amend an existing rule.</i></p>
<p>f) Add a new subsection 347.3(5) as follows: (5) To be a <i>permitted use</i> in the R-CG District a Rowhouse Building must not be located on a parcel that contains more than one main residential building.</p>	
<p>Rationale: Adding this rule makes it so where more than one main residential building is located on a parcel the application is discretionary. This will allow for the application of relevant policy and manage the potential for additional complexity where more than one residential building is located on a parcel.</p>	

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Proposed Amendment	Existing Rule Showing Amendments
<p>g) In subsection 347.3(3) delete the preamble and replace it with the following:</p> <p>(3) Unless otherwise referenced in subsection (4) the maximum building depth of a Rowhouse Building that is a permitted use in the R-CG District is the greater of:</p> <p>And retain subsections 347.3(3)(a) and (b).</p>	<p>(3) Unless otherwise referenced in subsection (4) the maximum building depth of a Rowhouse Building that is a permitted use in the R-CG District is the greater of:</p>
<p>h) Delete subsection 347.3(4)(a) and replace it with the following:</p> <p>(4) There is no maximum building depth for a Rowhouse Building located on a corner parcel in the R-CG District.</p>	<p>(4) There is no maximum building depth for a Rowhouse Building located on a corner parcel in the R-CG District.</p>
<p>Rationale: These amendments ensure that the rules contained in this section are not applied to Rowhouse Buildings that are permitted uses in other districts, such as R-2M and R-G, where these infill rules are not intended to apply.</p>	

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APPENDIX III

Table 2: Housekeeping Amendments to the Land Use Bylaw

Proposed Amendment	Existing Rule Showing Amendments
b) Amend subsection 122(15) to add “ Backyard Suite ,” and “ Secondary Suite ,” and alphabetize the list of uses accordingly.	(15) <i>Motor vehicle parking stalls</i> for a Backyard Suite , Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Secondary Suite , Semi-detached Dwelling and Single Detached Dwelling must be: (a) hard surfaced; and (b) located wholly on the subject <i>parcel</i> .
Rationale: Corrects the LUB to so that the requirement to provide a hard surfaced parking stall for all low density residential uses also applies to suites.	
Proposed Amendment	Existing Rule Showing Amendments
i) Delete subsection 351(2.1) and replace it with the following: (2.1) There is no maximum floor area for a Secondary Suite wholly located in a <i>basement</i> . Internal <i>landings</i> and stairways providing access to the <i>basement</i> may be located above <i>grade</i> .	(2.1) There is no maximum floor area for a Secondary Suite wholly located in a <i>basement</i> , excluding any portions covered by stairways and landings. Internal <i>landings</i> and stairways providing access to the <i>basement</i> may be located above <i>grade</i> .
Rationale: This amendment helps to clarify that a Secondary Suite wholly located in the basement can include internal landings and stairs to provide access from grade and still qualify to have no maximum floor area. The original rule was awkwardly worded.	
Proposed Amendment	Existing Rule Showing Amendments
m) Amend Schedule A of the Land Use Bylaw to add “ Beverage Container Quick Drop Facility ” to the “Industrial Support Group” of uses.	<i>Adds uses and does not otherwise alter the list.</i>
n) Amend Schedule A of the Land Use Bylaw to add “ Cultural Support ” to the “Culture and Leisure Group” of uses.	
Rationale: These uses were originally missed on Schedule A.	

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APPENDIX IV

AMENDMENTS TO BYLAW 1P2007

1. The City of Calgary Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, as amended, is hereby further amended:
 - (a) Amend subsection 13(99)(b) to delete “R-CG,” from the list of districts contained in the subsection.
 - (b) Amend subsection 122(15) to add “**Backyard Suite,**” and “**Secondary Suite,**” and alphabetize the list of uses accordingly.
 - (c) Delete subsection 153.1(a)(vii) and replace it with the following:

“(vii) in the R-CG District must be located on the same ***parcel*** or ***bare land unit*** as a **Dwelling Unit** contained in a **Contextual Semi-Detached Dwelling, Contextual Single Detached Dwelling, Rowhouse Building, Semi-Detached Dwelling, or a Single Detached Dwelling;** and”
 - (d) Delete subsection 295(a)(vi) and replace it with the following:

“(vi) in the R-CG District must be located on the same ***parcel*** or ***bare land unit*** as a **Dwelling Unit** contained in a **Contextual Semi-Detached Dwelling, Contextual Single Detached Dwelling, Rowhouse Building, Semi-Detached Dwelling, or a Single Detached Dwelling;** and”
 - (e) Add a new subsection 347.1(5) as follows:

“(5) A **Contextual Semi-detached Dwelling** must not be located on a ***parcel*** that contains more than one ***main residential building***.”
 - (f) In subsection 347.3(3) delete the preamble and replace it with the following:

“(3) Unless otherwise referenced in subsection (4) the maximum ***building depth*** of a **Rowhouse Building** that is a ***permitted use*** in the R-CG District is the greater of:”

And retain subsections 347.3(3)(a) and (b).

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- (g) Delete subsection 347.3(4)(a) and replace it with the following:
 - “(4) There is no maximum ***building depth*** for a **Rowhouse Building** located on a ***corner parcel*** in the R-CG District.”
 - (h) Add a new subsection 347.3(5) as follows:
 - “(5) To be a ***permitted use*** in the R-CG District a **Rowhouse Building** must not be located on a ***parcel*** that contains more than one ***main residential building***.”
 - (i) Delete subsection 351(2.1) and replace it with the following:
 - “(2.1) There is no maximum floor area for a **Secondary Suite** wholly located in a ***basement***. Internal ***landings*** and stairways providing access to the ***basement*** may be located above ***grade***.”
 - (j) Amend subsections 354(1) and (2) to add “Unless otherwise referenced in subsection (4),” at the beginning of each subsection.
 - (k) Add a new subsection 354(4) as follows:
 - “(4) In the R-CG District, one **Backyard Suite** or one **Secondary Suite** may be located on a ***bare land unit*** containing a **Dwelling Unit**.”
 - (l) Delete section 530 in its entirety.
 - (m) Amend Schedule A of the Land Use Bylaw to add “**Beverage Container Quick Drop Facility**” to the “Industrial Support Group” of uses.
 - (n) Amend Schedule A of the Land Use Bylaw to add “**Cultural Support**” to the “Culture and Leisure Group” of uses.
2. This Bylaw comes into force on 2017 January 23.