

## **MONITORING REPORT ON CONTEXTUAL DWELLINGS**

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### **EXECUTIVE SUMMARY**

Contextual Dwellings were introduced to the Land Use Bylaw 1P2007 to encourage redevelopment in the Developed Areas of the city as a way to take advantage of existing services and infrastructure while remaining sensitive to the pattern and form of existing residential neighbourhoods. Administration has been monitoring their performance and as a result there have been multiple amendments to the Land Use Bylaw to better reflect their intent and adjust to changing conditions. Through analysis of Development and Building Permits and extensive stakeholder engagement Administration finds that Contextual Dwellings are generally achieving their desired outcomes and their implementation may benefit from some minor changes.

### **ADMINISTRATION RECOMMENDATION(S)**

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

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.

### **RECOMMENDATION OF THE SPC ON PLANNING AND URBAN DEVELOPMENT, DATED 2015 JUNE 10:**

That the Administration Recommendation contained in Report PUD2015-0437 be approved.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

At its 2013 September 16 meeting, Council adopted Report PUD2013-0629 (Monitoring Report on Contextual Semi-detached Dwellings), which included the following:

“Direct Administration to continue monitoring both Contextual Single and Semi-detached Dwellings to the end of 2014 and initiate a combined report to Council no later than the second quarter of 2015.”

### **BACKGROUND**

When Contextual Single Detached Dwellings were introduced the intent was to create a use which would encourage the redevelopment of Developed Area neighbourhoods aligned with many of the Key Directions of the MDP.

Creating a form of low density residential infill which was a Permitted Use allowed applicants to know with certainty what could be built on a parcel prior to going through the Development Permit process. Further, contextual applications use a different process than Discretionary infills with quicker processing times and less cost. Contextual Dwellings have provided a viable alternative to the traditional form of suburban development. Based on the success of adding Contextual Single Detached Dwellings in 2008 the Contextual Semi-detached Dwelling use was added in 2011.

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Though Contextual uses have been successful in encouraging redevelopment, for some communities they have also remained a contentious form of development. Contextual developments are a Permitted Use so there is minimal avenue for appeal or input from residents of neighbouring parcels. As a result there has been an emphasis placed on ensuring that the rules for Contextual Developments minimize the potential impacts.

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

Administration undertook extensive research and consultation to better understand concerns and issues related to Contextual Development. Administration also reviewed Calgary's development trends for single and semi-detached dwellings over the past 20 years.

Previous Contextual Monitoring Reports approved by Council established a goal of between 40 and 60 per cent of all infills in Developed Areas being Contextual, with the intent of creating a faster and more predictable process that encourages redevelopment while respecting the existing physical character of communities. The review of trends indicates that contextual rules have generally been successful. Attachment 1 shows the comparison of Development Permits to Building Permits showing the increase in Contextual dwellings.

Engagement with stakeholders included discussion of a variety of concerns regarding Contextual Developments. Some of the concerns can be addressed through amendments to the Land Use Bylaw (LUB), while other concerns are outside of the scope of the LUB. This report addresses both types of concerns.

#### Drainage

There were several examples cited of infills which redirected water onto adjoining parcels leading to localized flooding and standing water. Similar concerns were also expressed in the previous Contextual Semi-detached Monitoring Report. As a result, Administration was directed to report through the SPC on Planning and Urban Development (PUD) by Q1 2014 on establishing or clarifying requirements to ensure that geodetic elevations are accurately measured and recorded to ensure they are maintained prior to stripping, grading and redevelopment. City Wide Policy & Integration has been working with The City's Water Resources department on this issue and has committed to making any changes necessary to the LUB to accommodate a more comprehensive approach to infill grading and drainage issues.

#### Private Trees

Contextual developments are the only type of low density residential development in the LUB to require either that new trees be planted or existing trees be maintained on a site. Some stakeholders have raised concerns over lots being cleared of mature trees prior to redevelopment and being substituted with fewer, smaller replacement trees. Developers have expressed concern over City tree standards becoming too onerous and requiring the planting of several trees. Further concern was expressed over the City's inspection practices for trees planted on a Contextual development. The rules state that a required tree must be provided on a parcel within 12 months of issuance of a development completion permit (DCP) and that it must be maintained for a minimum of 24 months after the issuance of the DCP. Some stakeholders are concerned that this means that City inspectors are granting a DCP without inspecting to ensure that a tree has been planted. Currently there is not a follow up inspection

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to ensure that the trees have been planted; however, the Development Inspections group would still enforce on a complaint basis. As of 2015 April they have yet to receive a complaint about a Contextual Development not meeting its tree quota.

Some stakeholders also commented that the trees required are too small to make an immediately noticeable difference. For this reason Administration is recommending that the minimum calliper of deciduous tree required for Contextual Developments be raised from 50mm to 60mm at 0.30m above grade. This increase in size requirement would serve to bring the planting requirement for Contextual Dwellings more in line with existing City Parks landscape standards, provide a more substantial tree for developments, and maintain a size of tree suitable for transplant.

### *Public Trees*

The City of Calgary has two bylaws that pertain to the protection of public trees: the Tree Protection Bylaw (23M2002) and the Street Bylaw (20M88). Applicants for low density residential infills are required to complete a Public Tree Disclosure statement if there are public trees within 6m of the parcel being developed. A "Tree Protection Plan" guide is supplied along with subject matter expertise to assist applicants in the creation of their tree protection plans. If a tree is evaluated and determined not be able to survive the stresses of construction the applicant will be required to compensate The City for its appraised value.

### Construction Practices

A common concern not only for Contextual Developments but for low density residential infill generally has been that of construction site practices. Several stakeholders mentioned concerns over construction site safety, nuisances such as dust, noise and debris escaping sites, and site fencing. A variety of City Bylaws and regulations already address many of these concerns.

Recently, the City of Calgary's Inspection and Permit Services business unit has been working with the Alberta Occupational Health & Safety Act, The Alberta Construction Safety Association and the Canadian Home Builders' Association – Calgary Region, to draft a Residential Construction Site Safety Best Practices Guide. The document's stated goal is "to improve communication and public safety by providing an overview of principal areas of public, worker and property safety."

### Bylaw Amendments

#### *Corner Height*

For corner parcel developments, the overall height of an infill is limited to a measurement taken from grade adjacent to the building. For interior lots, the maximum height is derived from a calculation which takes into account the geodetic heights of the corners of the parcel and includes an allowance to slope the lot for drainage. Two main concerns have resulted from the corner parcel method of measurement:

1. Developers artificially build up grade inside the parcel in order to increase their height limit.

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2. The height limit is overly restrictive resulting in a disproportionate number of corner parcels developments requiring Bylaw relaxations for height, and/or developers ignoring corner sites altogether to avoid their inherent development challenges.

Administration reviewed bylaw checks for all low density residential infills from 2014 which had been approved as of February 2015. The review found that corner lots are more likely to require relaxations and become Discretionary applications, but there was less evidence to suggest that corner parcels are being ignored by developers. Administration recommends working with stakeholders to revise the corner height rule such that it would allow a more proportionate number of Contextual applications on corner sites, while still limiting the street-side massing and protecting the corner-side streetscape.

### *Facade Articulation*

Another concern mentioned by stakeholders was the application of a rule meant to encourage the articulation of front facades on Contextual developments. Multiple stakeholders cited examples of developments with minimal articulation which were technically able to meet the rules of 1P2007. A clarifying amendment to 1P2007 would be a simple way to ensure that all Contextual developments are held to the standard of articulation that is implied in the current rules.

### *Exterior Access*

Contextual developments are limited by rules which both prohibit external access to a basement except in the case of walkout basements and also ban exterior entrances directly accessing internal stairwells. The concern was raised by several stakeholders that these rules have been needlessly restrictive on the design of Contextual developments. Administration recommends that these rules be removed from 1P2007.

### *Accessory Residential Buildings and Subdivision*

Parcels designated specifically to allow for Single and Semi-detached Dwellings have a maximum Accessory Residential Building (garage) size of 75 square metres. This rule is applied to parcels and therefore causes issues for unsubdivided parcels containing semi-detached dwellings. A Semi-detached Dwelling with each Dwelling Unit located on its own parcel, is allowed one maximum 75 square metre Accessory Residential Building per parcel. However, if that same building were located on an un-subdivided parcel then the two dwelling units combined would be limited to one 75 square metre Accessory Residential Building. Process issues result when applicants are applying for a Contextual Semi-detached Dwelling as these applications are typically made prior to the subdivision of the parcel. Administration recommends that this rule be amended to allow a development on an un-subdivided parcel the same potential for Accessory Residential Buildings as a development that has undergone the subdivision process.

### Contextual Rules

The contextual rules in the LUB have always been an attempt to balance the needs of surrounding residents while encouraging infill development by regulating height, massing, location on the lot, articulation and overlooking. They also attempt to provide a simpler and

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more streamlined way to allow a significant proportion of low density residential redevelopment to occur.

Administration views Contextual developments as having been a successful method of encouraging inner-city redevelopment, thereby alleviating some of the development pressure on urban expansion. While they have been an effective tool in promoting many of the policies of the MDP there is a recognition that there is a shifting balance between encouraging redevelopment and ensuring that redevelopment takes a form that is sensitive to the existing neighbourhood. It is for these reasons that Administration recommends the Contextual Monitoring Report be continued. Administration will continue to work with stakeholders to ensure the ongoing success of the contextual rules.

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

Administration has carried out the following:

- Developed a comprehensive communications plan for this report that identified key stakeholders and developed a strategy for ensuring the broadest possible communication;
- Met with affected City departments to identify areas of concern and process improvements and contacted all City Councillors resulting in multiple meetings to discuss concerns;
- Prepared two online surveys, one for City staff members and one for the general public;
- Existing avenues of communication such as the Land Use Bylaw Stakeholder's group, The City's social media accounts, the Dispatch, and the City News Blog were all leveraged to communicate and direct interested parties to take part in the survey and/or contact the Planner;
- Provided information leaflets with links to the survey at the neighbours of Contextual Developments while conducting their Development Completion Inspections during the month of January 2015; and
- Held multiple meetings with Community Associations as well as developers to further discuss concerns related to Contextual developments.

### **Strategic Alignment**

Contextual Dwellings have encouraged a balance of growth between developed and developing communities supporting a variety of MDP policies including:

#### **Section 2.2.5**

- a. "Encourage growth and change in low-density neighbourhoods through development and redevelopment that is similar in scale and built form and increases the mix of housing types such as accessory suites, semi-detached, townhouses, cottage housing, row or other ground-oriented housing."
- b. "Support development and redevelopment that provides a broader range of housing choice in local communities to help stabilize population declines and support the demographic needs of communities."

#### **Section 2.3.2**

- a. "Respect the existing character of low-density residential areas, while still allowing for innovative and creative designs that foster distinctiveness."

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### Section 3.5.1

- a. "Recognize the predominantly low density, residential nature of Developed Residential Areas and support retention of housing stock, or moderate intensification in a form and nature that respects the scale and character of the neighbourhood"

### Section 3.5.3

- a. "Encourage modest redevelopment of Established Areas."

### **Social, Environmental, Economic (External)**

#### **Social**

By encouraging infill redevelopment, Contextual Dwellings encourage the retention of existing City infrastructure such as parks, schools and playgrounds. They may also provide housing options that allow for more complete and inclusive neighbourhoods.

#### **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**

When compared to their Discretionary counterparts, the greater certainty, reduced processing time, and reduced cost of Contextual Development Permits serve as financial incentives to builders for inner-City redevelopment. Re-use of existing city infrastructure reduces the costs necessary to build new infrastructure in greenfield sites, and serves to offset the costs of replacing aging infrastructure.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

No impacts

#### **Current and Future Capital Budget:**

No impacts

### **Risk Assessment**

Amendments to the rules for Contextual Dwellings have the potential to affect the number of these applications and/or the physical characteristics of Calgary's established low density residential neighbourhoods. As Contextual Dwellings have generally been performing in keeping with their original intent the changes proposed in this report are minor in nature and are expected to have relatively little effect on the total number of applications or the existing character of communities.

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

While Contextual Dwellings have been largely successful in their intent of encouraging redevelopment in Developed Communities they remain a contentious issue amongst some stakeholders. The amendments recommended in this report will serve to provide clarification on certain Contextual rules in 1P2007. Continuing the Contextual Monitoring report and its inherent engagement will allow for the continued improvement and adaptation of the Contextual rules and processes.

### **ATTACHMENT(S)**

Development Trends for Contextual Single and Semi-Detached Dwellings