

Infill Property Development Policy Improvements - Scoping Report

EXECUTIVE SUMMARY

On 2017 April 24, Council directed Administration to develop a scoping report on whether to move forward with Land Use Bylaw (LUB) amendments for 11 recurring and emerging issues related to infill development and report back by 2017 December. The 11 items raised by Council are:

- Eave and peak height differentiation;
- Massing;
- Front porches;
- Subterranean structures extending beyond above-grade footprints;
- Hardscape coverage;
- Green landscaping;
- Tree retention in the Demolition Permit, Development Permit, and Building Permit stages;
- Drainage;
- Non-conforming/non-standard lots;
- Materials; and
- Vehicle loading and storage.

Through discussions and collaboration with internal and external stakeholders, Administration has concluded that these items warrant further review. Administration is proposing a 2-phased approach to addressing these items. Phase 1 is designed to allow for immediate resolution of specific issues on a shorter timeline through technical Land Use Bylaw amendments. The two specific issues that will be addressed in Phase 1 are front porches and subterranean structures. This work will be done together with proposed amendments outlined in the Residential Ground-Oriented (R-CG) District Monitoring Report, which will be presented at the 2017 December 18 Regular Council Meeting. Tree retention and drainage are being reviewed by Urban Forestry and Water Resources, respectively. Administration will report back on these in Q3 2018.

Phase 2 deals with the 7 remaining items (eave and peak height, massing, hardscape coverage, green landscaping, non-conforming lots, materials and vehicle loading and storage), which impact all infill districts and require a more comprehensive review. To address these items, a broader discussion is needed with stakeholders. This includes discussion and research on how communities grow and change and community character, and cannot be addressed alone through technical Land Use Bylaw amendments. Administration proposes reporting back on the results of this review and research for these items no later than Q4 2018.

Engagement was targeted to internal stakeholders, BILD Calgary Region and the Federation of Calgary Communities (the Federation). These stakeholders are generally supportive of having a fulsome discussion through the proposed comprehensive approach to look at where opportunities may exist to consider holistically, improvements or possible solutions.

Administration acknowledges the need to support communities as they grow and change by supporting successful infill development. This can only be achieved by having a comprehensive discussion with stakeholders about communities and the way that they develop; including achieving the principles of the Municipal Development Plan. The ongoing efforts over the next year will be focused on developing a strategy to best support infill in existing communities.

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ADMINISTRATION RECOMMENDATION:

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

1. Direct Administration to report back to the Calgary Planning Commission no later than Q3 2018, with Land Use Bylaw amendments to address issues identified in Phase 1; and
2. Direct Administration to report back to the SPC on Planning and Urban Development no later than Q4 2018, with results from Phase 2.

PREVIOUS COUNCIL DIRECTION / POLICY

On 24 April 2017, Council REFERRED, Moved by Councillor Demong, Seconded by Councillor Sutherland, that Councillor Farrell's proposed Motion Arising, as amended, to Report PUD2017-0313, as follows, be referred to Administration for a scoping report to determine whether or not to move forward with Land Use Bylaw amendments to return no later than 2017 December:

"MOTION ARISING, AS AMENDED, Moved by Councillor Farrell, Seconded by Councillor Pootmans, that with respect to Report PUD2017-0313, that Council direct City Administration, through engagement with the Federation of Calgary Communities and community associations, to prepare Land Use Bylaw amendments and policy changes that address recurring and emerging issues with infill redevelopment, including, but not limited to, restrictions and/or incentives on:

1. Eave and peak height differentiation
2. Massing
3. Front porches
4. Subterranean structures extending beyond above-grade footprints
5. Hardscape coverage
6. Green landscaping
7. Tree retention in the Demolition Permit, Development Permit, and Building Permit stages
8. Drainage
9. Non-conforming/non-standard lots
10. Materials
11. Vehicle loading and storage

And report back to Council through the SPC on Planning and Urban Development no later than Q3 2018."

BACKGROUND

Infill development is beneficial to a community in many ways, including supporting community revitalization and the provision of local services. The City's Municipal Development Plan (MDP) has a number of policies that encourage infill development. This is to increase the mix of housing types, stabilize or increase population and balance the rate of population growth between established and greenfield communities.

Since 2010, Administration has made over 30 amendments to the Land Use Bylaw (LUB) to find an appropriate balance between the rules for infill development and the MDP goals for modest redevelopment in existing communities. This balance is intended to promote redevelopment, while still being sensitive to the existing character of a community.

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On 2017 April 24 Administration presented the final Monitoring Report for Contextual Dwellings, which noted that many concerns raised were applicable to process and general infill development. Administration acknowledged these concerns exist and proposed to review these in a comprehensive manner. Council provided specific topics to review under this comprehensive approach which led to the request for a scoping report.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Council determined there were 11 items related to infill development that warranted further analysis and potential changes to policy and technical amendments. Over the past few months, Administration conducted a review of the 11 items to clarify issues and identify potential solutions. This review included an analysis of applications within the past five years, a review of alternate and best practices from other cities, and consultation with both internal and external stakeholders regarding the 11 items.

Review of 11 Items

Administration looked at several developments that were identified as examples where issues regarding the 11 items are considered evident. Attachment 1 provides details of Administration's analysis of the 11 items. Administration acknowledges that these items identify components of developments that impact the fit and performance of new infill within the context of the existing community.

Administration has concluded that in order to determine the best way to address the majority of these items (and other rules that guide infill development), a discussion is required around community character and how communities will grow and change. Topics that will be part of this discussion include how community character is defined, what factors influence the evolution of a community, and how those factors can guide infill development.

The discussion will also address how to establish a future vision for a growing community and how to encourage new infill that fits the future vision for the community. Rule changes in absence of this bigger discussion may only address symptoms without providing a lasting solution. These discussions are needed to guide policy and regulatory amendments to ensure that they are in keeping with the future vision for established neighbourhoods.

Administration has further concluded that the majority of the items are interrelated, meaning that rule changes for one item have impacts on the other items. For instance, the way building mass is managed for a semi-detached form should be compatible with how building mass is managed for a rowhouse or fourplex in the same context. This makes it difficult to address each item individually.

Analysis of Applications

Over the past five years, 96 per cent of low density infill development approved by Administration has proceeded without appeal to the Subdivision and Development Appeal Board. Certain communities see more infill development, and some have more appeals than others. This indicates that while the overall number of appeals is low, there are communities that experience more redevelopment pressure than others. Review of the appeals also indicates that there are some issues that are persistent and that should be addressed to arrive at a more satisfactory consensus.

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Main reasons for objections are that the development is not aligned with the community's existing character and that it is not sensitive to existing development. This discussion typically focuses on the height, massing, and landscaping of a development. Administration acknowledges that while the rules are specifically for height or massing, the bigger issue is the discussion around community context and what it means for development to be sensitive to neighbouring homes.

Best Practices from Other Cities

Administration reviewed approaches taken by other cities to address infill development (see Attachment 2 for more details). This review shows that there isn't a universal approach to addressing infill for the 11 items listed in this referral motion. Each city approaches the rules and process differently in order to achieve their desired outcomes. Each city acknowledges the need to balance redevelopment while maintaining community character; however, the approaches to balancing this differ greatly across cities.

Internal & External Stakeholder Discussions

Administration had discussions with an internal cross-corporate group, BILD – Calgary Region (BILD) and the Federation of Calgary Communities (the Federation). Since the intent of this report was to scope out whether Land Use Bylaw (LUB) amendments were needed, Administration did not conduct public engagement with citizens.

The following are the main findings from this discussion:

- There continues to be a variety of opinions, even within a stakeholder group, on the effectiveness of, and satisfaction with infill development and there is no consensus on what the rules should be;
- The overall approach of using Land Use Bylaw (LUB) amendments to resolve concerns surrounding infill development has not been effective and future LUB amendments in absence of a bigger discussion will not solve the underlying problems;
- The 11 topics are symptoms of a broader concern of defining and retaining community character;
- Discussions need to be had around the progress of communities and how to successfully achieve the goals of the Municipal Development Plan; and,
- LUB amendments should be reviewed comprehensively and in conjunction with policies, guidelines and processes.

Conclusion

Based on the results of the consultation and the understanding of the need for lasting solutions, Administration is proposing a 2-phased approach to addressing these items. Administration acknowledges the need to support infill in a way that allows communities to successfully grow and change.

Phase 1 is designed to allow for immediate resolution of specific issues on a shorter timeline through Land Use Bylaw amendments. Phase 2 deals with the remaining issues impacting both low density and multi-residential infill districts and requires a more comprehensive review, discussion and additional research regarding how communities grow and community character, and cannot be addressed alone through technical Land Use Bylaw amendments, if appropriate.

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Phase 1:

Administration has identified two items from the 11 that could be addressed through minor technical amendments to the Land Use Bylaw. The two items are:

1) Front Porches:

There is a concern from Council that the LUB discourages front porches as most homeowners maximize their build out and lot coverage with internal living space. Administration proposes to work with stakeholders to determine how best to amend these rules to incentivize porches while having minimal impacts on neighbouring parcels (i.e. how much can they project and how much of an exemption to lot coverage is appropriate).

2) Subterranean Structures

There is a concern from Council that the LUB does not have any rules to limit the amount that subterranean structures can extend underground, beyond the footprint of at-grade structures. This may pose a challenge to permeability, site drainage, and the potential for sizable tree plantings. Administration proposes to work with stakeholders to determine what limits should be put into place for subterranean structures ensuring the opportunity for development potential while minimizing the impacts to communities.

Other short-term bylaw amendment topics are being proposed through the Residential Ground-Oriented (R-CG) Monitoring Report (to be presented at the 2017 December 18 Regular Council Meeting). Administration intends to address these together with the two items mentioned above in one follow-up report in Q3 2018. (See Attachment 3 for the Phase 1 Work Plan).

There are two items (tree retention and drainage) that are being addressed through on-going, current projects by Urban Forestry and Water Resources, respectively. While this work will continue, Administration will work cross-corporately to ensure alignment between bylaws, policy and implementation. Any updates to these projects will be provided in the Q3 2018 report.

Phase 2:

Based on analysis and discussions with stakeholders, Administration is proposing that a further review of the seven remaining items should be done, namely: eave and peak height, massing, hardscape coverage, green landscaping, non-conforming lots, materials and vehicle loading and storage. This will allow Administration to address some foundational questions that need to be answered prior to determining the rules and policy for infill development. The following questions need further discussion:

- How do neighbourhoods grow and change?
- What is neighbourhood character?
- What is needed to make infill successful at contributing to broader goals?
- What does it mean to be sensitive/respectful of neighbourhood character?

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Having this discussion prior to developing amendments to the rules will allow Administration to work with stakeholders to give shape to a more holistic vision for community growth and infill and will allow Administration to address not only the items listed in the referral motion, but other items that have been raised at Council around other infill districts such as R-CG, M-CG and M-C1. (See Attachment 4 - Phase 2 Work Plan.) This work plan does not eliminate the possibility of Land Use Bylaw amendments for these topics within the Phase 1 timeline, should they be warranted during our consultation with stakeholders.

This comprehensive approach will allow all parties to move towards a common and shared goal for infill development. This in turn will then direct Administration on a clear path of developing appropriate policy, guidelines, regulatory tools and processes for this long-term and shared outcome.

Administration will report back on the investigation of the remaining seven items in Phase 2 no later than Q4 2018.

Stakeholder Engagement, Research and Communication

As this is a scoping report to determine if the 11 items warrant Land Use Bylaw and policy amendments, engagement was targeted to internal stakeholders, BILD Calgary Region and the Federation of Calgary Communities.

These stakeholders support the proposed comprehensive approach to look at long term solutions that amendments to the Land Use Bylaw alone cannot address. We will continue to obtain their feedback and engage them through the work plan proposed.

Strategic Alignment

Infill development is specifically noted in the Municipal Development Plan. The specific policies relating to infill development are:

- 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 declining populations (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).

The proposed approach will get to the core of these policies and will further refine and define the components of each one of these policies.

Social, Environmental, Economic (External)

Social

The review of infill development will support achieving a broader housing choice. By clearly defining components of sensitive development and community character that are important for community members it will encourage infill development.

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 and municipal services can be better leveraged.

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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:

No implications identified.

Current and Future Capital Budget:

No implications identified.

Risk Assessment

There is a risk if Administration does not approach these issues comprehensively. Administration has been amending low density infill rules for over 10 years, since Land Use Bylaw 1P2007 was adopted. The rules are still being debated and amended as there are bigger underlying issues that need to be discussed. Without this discussion, Administration runs the risk of consistently re-debating the rules, losing trust among industry and community partners. A comprehensive approach will bring all stakeholders together to build a common understanding and policy direction prior to rule creation.

REASON(S) FOR RECOMMENDATION(S):

Administration has spent significant time over the past 10 years, working with stakeholders to amend the Land Use Bylaw to address concerns with infill development. However, the approach taken was a piecemeal approach to addressing each issue and relying on Land Use Bylaw amendments. Defining and clarifying a common, long-term outcome for infill development with stakeholders, will lead to the appropriate policies, guidelines, Land Use Bylaw provisions and processes to realize this common outcome.

ATTACHMENT(S)

1. Attachment 1 – Analysis of 11 Items
2. Attachment 2 – Comparison of Calgary to Other Municipalities
3. Attachment 3 – Phase 1 Work Plan
4. Attachment 4 – Phase 2 Work Plan