

Enabling Successful Rowhouse Development in the R-CG District

EXECUTIVE SUMMARY

In the monitoring report presented 2017 November 30, Administration identified three persistent areas of concern expressed by Council, Calgary Planning Commission (the Commission) and community stakeholders regarding the Residential – Grade-Oriented Infill (R-CG) District. These issues were: secondary suites in rowhouses; corner rowhouse interface with neighbouring houses; and rowhouse height.

The proposed amendments to the R-CG District address the technical concerns identified in the R-CG Monitoring Report by:

- Applying greater discretion with regard to the suitability of secondary suites in rowhouse buildings, with policy tools to approve or limit this form where appropriate;
- Removing parking exemptions for backyard suites and allowing them for secondary suites in locations that are more supportive of active modes of transportation, such as walking and public transit;
- Amending the height rules in the R-CG District to apply a consistent method of measurement and to better transition height from existing lower scale development to new, taller infill development; and
- Encouraging more street-oriented rowhouse developments on both corner and mid-block locations and increasing side yard setbacks that provide a buffer between new development on corner parcels and the backyard of the neighbouring property.

In addition, housekeeping amendments are proposed that support more efficient processes for secondary suites in semi-detached dwellings and consistent height regulations for rear garages.

ADMINISTRATION RECOMMENDATION:

That the Calgary Planning Commission recommends that Council hold a Public Hearing; and

1. **ADOPT**, by bylaw, the proposed amendments to Land Use Bylaw (1P2007) (Attachment 1);
2. Give three readings to the proposed bylaw; and
3. **ADOPT**, by resolution, the proposed amendments to the *Policy to Guide Discretion for Secondary Suites and Backyard Suites* (Attachment 3).

PREVIOUS COUNCIL DIRECTION / POLICY

The R-CG Monitoring Report for 2017 was presented to the Commission on 2017 November 30. At the 2017 December 18 meeting, Council approved the Commission's recommendation to direct Administration to review, for the R-CG district, secondary suites, parking for secondary suites, rowhouse maximum building height, and corner rowhouse issues, and report with recommendations to Council, through Calgary Planning Commission, by 2018 Q3.

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BACKGROUND

When Council adopted the Residential – Contextual Grade-Oriented Infill (R-CG) District in October 2014, Administration was directed to report back to Calgary Planning Commission annually on the number of applications in the R-CG District and the status or outcome of those applications. In the latest R-CG Monitoring Report, Administration identified three persistent areas of concern expressed by Council, the Commission and community stakeholders regarding the R-CG District. These included:

- secondary suites in rowhouses: the rules for secondary suites were perceived as overly permissive since they allow secondary suites in all rowhouse units and provide a parking exemption for small secondary suites. It was felt that these rules do not appropriately account for the additional impacts that secondary suites might have, such as changes to neighbourhood character and additional cars parking on the street;
- corner rowhouse interface with neighbouring houses resulting in buildings that fill the full length of the lot, in some cases overshadowing neighbouring back yards and affecting the privacy of existing residents; and
- a maximum rowhouse height that is higher than what is allowed for single and semi-detached dwellings, resulting in taller buildings that overshadow existing, lower scale buildings.
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Since the R-CG Monitoring Report was completed, a new issue has been identified regarding inconsistencies in the way that secondary suite applications in semi-detached dwellings are processed. Currently an applicant must apply for a different land use district based on whether the units in the semi-detached dwelling are subdivided or not. This distinction is unnecessary and creates a more complicated and confusing approvals process.

In addition, since the monitoring report was released another non-policy issue has been noted at public hearings regarding the increased number of Waste and Recycling carts stored in the alley due to the increased number of units in rowhouse developments. There are existing regulations and processes in place that adequately regulate the location and storage of the carts therefore the issue is managed through Bylaw enforcement options.

The Waste and Recycling Bylaw requires blue, black and green carts to be placed out no earlier than 7:00 pm the day before collections and to be removed by 7:00 pm from the street or alley on collection day. The development permit plans for rowhouses indicate on-site storage locations for these carts for owners to use between collection days. When carts are left out in the alley, individuals can report the issue to The City and these situations will be addressed by Bylaw enforcement.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The work program to consider recommendations for the R-CG District has been undertaken in collaboration with the *Enabling Successful Infill – Phase 1* project (Report CPC2018-0888), that has similar direction to return to Council through the Commission by 2018 Q3 with recommendations for Land Use Bylaw amendments. Both projects involve similar stakeholders and address specific technical concerns with low density residential infill forms. The

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amendments that are proposed in the Phase 1 Infill report regarding porches and subterranean development will also apply in the R-CG District.

Secondary Suites in Rowhouses

The R-CG District allows both secondary suites as a permitted use and backyard suites as a discretionary use with individual units in rowhouses, semi-detached dwellings or single detached dwellings. This provides flexibility and choice for home owners and helps increase the diversity and affordability of housing in low-density neighbourhoods.

Secondary suites divide up the space in a house between two households to respond to different household needs, stages of life and economic means. Because suites cannot be sold separately from the primary dwelling they can provide rental housing that contributes to a mix of tenures in a neighbourhood.

Council and residents have expressed concern that allowing suites as a permitted use in rowhouses adds density that is not appropriately accounted for in the rules of the R-CG District. The primary impact of additional units, as identified by stakeholders, is the potential for off-site parking that spills over onto the shared public street.

The perception of additional impacts due to suites has become a barrier to the approval of redesignation applications to the R-CG District that might otherwise be supported. Given a lack of current alternatives in the Land Use Bylaw, Council has used a direct control district that removes secondary suite uses from the R-CG District to manage these applications.

Discussions with stakeholders regarding secondary suites and backyard suites focused on some basic principles regarding suites in rowhouse developments:

- Providing the option for a small rental unit without the added cost of a parking stall was generally thought to be of value by providing housing options generally not otherwise available in low density residential neighbourhoods.
- The option for a suite without on-site parking should only be available in locations where living without a car is reasonably convenient. The measure of this convenience is indicated based on the availability of other mobility options, such as public transit, and access to nearby shops and services.

Parking for Secondary Suites

The infill housing forms in the R-CG District result in more efficient use of land than in other low density residential districts. This means that each house is contained on a smaller parcel, leaving less space for additional parking stalls. The existing parking exemption in the R-CG District for suites that are 45 square metres or less makes it feasible to develop suites on smaller parcels.

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The parking exemption for small secondary suites is provided because smaller rental units accommodate fewer people. It is not expected that every occupant of a small secondary suite will choose not to own a car; however, they are less likely to own a car than occupant(s) in a larger unit, particularly if this choice is enabled by access to other ways of getting around and meeting one's daily needs.

Currently the parking exemption for small suites applies in all locations and applies to both backyard suites and secondary suites.

A backyard suite, unlike a secondary suite, opens up new floor space in the backyard that wasn't otherwise available as a living space. For this reason, backyard suites, whether small or otherwise, create additional living space that can accommodate additional people and therefore may result in a greater parking demand.

Administration recommends that the parking exemption be applicable to secondary suites only and not include backyard suites. In addition, Administration recommends amending the parking exemption to apply exclusively to secondary suites that:

- are 45 square metres or smaller;
- are located within 600 metres of an LRT platform or 150 metres of a frequent bus route; and
- provide additional storage space for mobility alternatives to a private car, such as bicycles or strollers.

This approach provides certainty for all parties and enables secondary suites without a parking stall where it is appropriate. The working group explored the option of using a policy to relax the parking requirement for secondary suites instead of a rule, however, the rule was preferred since it provides more certainty for communities and applicants while still enabling Administration to relax the parking requirement through a Development Permit, if necessary.

Options for Secondary Suites in Rowhouses

Council's direction to provide recommendations to address secondary suites in the R-CG District has provided the opportunity to explore a number of different options for secondary suites in rowhouses. These options are:

Option 1: Create a modified R-CG District that removes the option for secondary suite uses in the District. This option would make a stock R-CG District available with an "ex" modifier (R-CGex) that excludes the Secondary Suite and Backyard Suite uses from the District. This option would achieve the same outcome as the direct control districts adopted by Council and would be similar to the approach that was taken with the R-C1 and R-C1s districts prior to the secondary suites reform recently approved by Council.

Option 2: Maintain Secondary Suite as a permitted use in the R-CG District while limiting the parking exemption to parcels with more mobility options. This option, with the proposed changes to the parking exemption rule proposed above, would allow Secondary Suites on any parcel that meets the parking exemption criteria.

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Option 3 (recommended): Change Secondary Suite to a discretionary use when it is proposed in a rowhouse building or in developments with more than one main residential building and adopt a policy to guide where secondary suites should be approved. This is similar to the approach that Council has recently approved for the secondary suites reform.

Discussion

The certainty of a modified R-CG District is an effective way to limit the options on a parcel where a landowner is applying for a specific development; however, the all-or-nothing approach results in problems when The City redesignates large areas simultaneously, such as the redesignations completed for Main Streets. These City led redesignations set in place rules that enable the build out of a variety of developments over time to fulfill the policy direction for the area. In these situations, flexibility in the land use district to apply discretion helps to support many different developments that are aligned with the policy, instead of just facilitating one development, as in the case of a site specific application.

While flexibility to allow a variety of developments that align with policy is a good thing, being overly permissive can also allow developments that do not align well with policy. Listing Secondary Suite as a permitted use means that the development authority must approve the use, whether or not the secondary suites will fit well in the proposed location. The additional requirements for the parking exemption would help to better locate secondary suites in a neighbourhood, but on their own they do not manage other concerns regarding whether the suites fit with the local context.

Listing Secondary Suite as a discretionary use in rowhouses makes it so that Administration can make decisions on individual development applications based on policy, the local context and the specifics of the application. It also means that community stakeholders are included in the decision making process at the development permit stage of the application, instead of just at the land use amendment stage. This approach provides flexibility in the district while also making it so that the individual context of a development is considered in the decision.

Administration's evaluation is that the all-or-nothing approach of a modified district is overly rigid, while the current approach, even with additional parking conditions, is overly permissive.

Administration recommends Option 3, that Secondary Suite be changed to a discretionary use in the R-CG District when it is proposed in a rowhouse building or in developments with more than one main residential building, such as a development with two semi-detached buildings on the same parcel. To support this change Administration proposes amending the *Policy to Guide Discretion for Secondary Suites and Backyard Suites*, adopted earlier this year, to add a new section that would guide Administration's decisions on secondary suites in the R-CG District.

This new policy section (Attachment 3 – Policies for Secondary Suites in the Residential – Grade Oriented Infill (R-CG) District) describes three conditions that, when present, mean that a secondary suite in a rowhouse is more appropriate. These conditions include:

1. the availability of shops and services nearby;
2. the availability of mobility options; and
3. site characteristics that affect the ability of the site to integrate secondary suites within the neighbourhood context.

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This policy will guide where Administration should or should not support secondary suites in a development. It provides some certainty for stakeholders while also enabling some flexibility to respond to site or development specific factors.

Rowhouse Building Height

As observed at public hearings of Council, adjoining landowners and communities are concerned about the impacts an 11 metre rowhouse could have on the context of the existing houses on the street and character of the neighbourhood.

Maximum Building Height

The maximum building height of single and semi-detached infill dwellings in the low density residential districts is 10 metres. The method for measuring this height (illustrated in Figures 1 and 2 of Attachment 4) adds one metre to allow for the ground to be graded away from the edge of the building and then allows an additional 10 metres above this. This method of measurement effectively results in an 11 metre maximum building height (one metre for grading plus 10 metres). In addition, the line that defines the maximum building height on development plans resulting from this method is flat and does not follow the elevation of the ground, which means that the height of new buildings is not required to follow the slope on the site.

The maximum height of a rowhouse building in the R-CG District is 11 metres measured directly from the ground (illustrated in Figure 3 of Attachment 4). This means that the height of the building follows the existing elevation of the ground and does not add one metre for grading. The 11 metre maximum building height allows for a two to three storey rowhouse that follows the slope of the site.

Because of the different methods to measure building height, the maximum building height in the R-CG District (at 11 metres) is equivalent to maximum building height for single and semi-detached houses in other low density districts (at 1 metre plus 10 metres).

The recommended amendments would make it so the height of all housing in the R-CG district is measured from grade to a maximum of 11 metres. This means that there would be one method for measuring height in the R-CG District that would apply equally to single detached, semi-detached and row housing and that the maximum height of new buildings would follow the slope on a site.

Transition of Building Height Between Parcels

Currently, the maximum height of rowhouse buildings is stepped down at the side on sites that are next door to low density districts other than R-CG (such as R-C1 or R-C2). These stepped heights are based on the height of the neighbouring buildings and step down at right angles (the steps are square). Two issues have been observed with this method of transitioning height: first, it does not apply in all low density districts; and it discourages sloped roofs by using square steps to define the maximum height.

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The recommended amendment proposes an angled height plane that applies next to all low density districts and the M-CG townhouse district (illustrated in Figures 4 and 5 of Attachment 4). This change reduces the building mass at the side of the building and therefore better manages the transition of height from neighbouring parcels; it will better enable sloped roofs; and it applies to all low density districts.

Rowhouses on Corner Parcels

Corner parcels offer street frontage on two sides. Single detached dwellings typically only face the street on the narrow side (front) of the parcel. This often results in a mostly blank wall with a high fence along the long side of the parcel next to the side street. Corner rowhouse developments encourage house fronts to be located along the long side of a corner parcel, placing front entrances on the side street. Providing house fronts that face sidewalks on both streets improves the experience for people walking by and encourages people to drive more respectfully because the street is recognizable as a residential street.

Facing rowhouses along the length of the side street results in a building that extends the full length of the neighbouring side property line with the back of the rowhouses facing the side of the neighbouring property. This reorientation of the building from front to side also means that more windows and doors will face the side property line than is typical. The key concerns identified with this relationship is that the new rowhouse building may limit the amount of sunlight available in the neighbouring rear yard and that the windows and doors facing onto the neighbouring yard may make it feel less private.

Current building setback rules in the District sometimes require that corner rowhouse buildings be set at a significant distance back from the street. These setbacks result in site layouts where rowhouse buildings are pushed back from the street and closer to neighbouring properties. This has the combined effect of increasing the potential for negative impacts for the neighbour, as outlined above, and reducing the potentially positive impact of the rowhouse on the street. Reducing the front yard setbacks for rowhouses on corner lots would pull the buildings closer to the street and further away from the neighbouring property.

Engagement identified that community stakeholders value front setbacks that are similar with neighbouring parcels (the contextual front setback), however it was felt that allowances for a shallower front yard make sense if the new house were allowed to move forward gradually, the further away it gets from the side of the neighbouring property. This discussion resulted in the recommendation for an angled front setback line for corner parcels that gets closer to the street the further away it gets from the neighbouring side property line (illustrated in Figures 1 to 3 of Attachment 6).

Yards and Fences

One issue identified with locating side-facing rowhouses further forward of neighbouring houses was the potential for an awkward transition from the neighbouring front yard to the back yard of the row house facing the side street. Allowing a patio or deck in this space can complement the neighbouring front yard, so long as the space is unenclosed or enclosed in a low fence that is in keeping with what is allowed in other front yards along the block face. Where a back yard amenity space is enclosed within a six foot high fence next to the neighbour's front yard this

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transition is overly abrupt. To manage this transition between yards, a new rule is recommended that limits the height of the fence in front of the neighbouring house to four feet tall. A shorter fence would delineate the yard space for the rowhouse, while still maintaining a character more typical of front yards.

The recommended amendments to address corner rowhouse concerns would maintain existing development potential, reduce the impact of a new corner rowhouse on the neighbouring backyard, respect the contextual front setback and manage the transition from the neighbouring front yard to the back of the rowhouse. The proposed amendments are illustrated in Figures 1 through 6 in Attachment 5.

Front Yard Setbacks

In the discussion focusing on solutions for corner rowhouse developments the topic of front yard setbacks came up more generally. The current rules of the R-CG District apply the contextual front setback rules to developments next door to the R-C1 and R-C2 Districts. This means that the front setback in these cases is matched up to the neighbouring front setbacks. Meanwhile, the front setback for R-CG parcels next to other R-CG parcels is the 3.0 metre minimum in the district.

The difference in the application of these rules based on which district is next door has resulted in confusion regarding the front setback rules and concern about the contrast between scenarios. Where an R-CG parcel is next to R-C1 or R-C2 there are concerns that the front setback is overly deep; meanwhile, not considering the contextual setback at all where new development is next to R-CG can result in houses that stick out a long way forward of neighbouring houses instead of transitioning forward more gradually.

In order to balance principles of street-oriented building design with consideration of the existing front yard pattern on the block, the proposed amendments apply the contextual front setback rules for all developments in the R-CG District, but sets a cap of 4.5 metres on the minimum front setback. This means that the minimum front setback will range between 3.0 metres, where the neighbouring building is close to the street, to 4.5 meters where the neighbouring building is set back six metres or more (illustrated in Figures 4 and 5 of Attachment 6). A house may be set further back on a parcel than 4.5 metres, but it will not be required to locate further back based on the rules in the district.

Housekeeping Amendments

The following amendments are proposed to remedy situations in which a rule in the Land Use Bylaw is not fulfilling the intended purpose or where it results in an unnecessarily complicated application process.

Secondary Suites in Semi-detached Dwellings in the R-CG District

There are currently two potential paths for an applicant to follow if they want to add a secondary suite, or legalize an existing secondary suite, in a semi-detached dwelling located in a district where this is not permitted, such as the R-C2 District.

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The first path, to redesignate to the R-CG District, is open to an applicant when each of the units in a semi-detached dwelling are located on their own individual parcel (meaning that they are subdivided along the party wall). This path results in a consistent process flow from land use amendment through the development permit to the building permit.

Currently, a second, more complicated path must be followed where both units in a semi-detached dwelling are on the same parcel (meaning that the units are not subdivided). In this scenario the applicant must apply to redesignate to the M-CG District, apply for a development permit for a multi-residential development and then apply for a building permit for a secondary suite in a semi-detached dwelling. This path results in unnecessary confusion about the intent of the application, since it keeps changing names, which results in issues at all three stages of the application process, lengthening processing times and causing frustration for all parties involved.

The proposed amendment would fix this unintended process complication by amending the definition of a secondary suite to allow a secondary suite to be approved within a dwelling unit located in a semi-detached dwelling, whether subdivided or not, and amend the secondary suite density rule to continue to allow a maximum of one secondary suite in an individual dwelling unit.

Secondary and Backyard Suites in Multi-Residential Districts

Because there aren't rules for suites in the multi-residential districts, secondary suites and backyard suites in multi-residential districts follow the rules of the R-CG District. This is intended to simplify these applications and reduce repetition of rules in the Land Use Bylaw. One unintended consequence of the way these rules are worded is that suites are not allowed with a semi-detached dwelling in multi-residential districts, even though they are allowed in the R-CG District. The proposed amendments change the wording in the definitions of backyard suite and secondary suite to fix this problem. These amendments will simplify the application process for suites in multi-residential districts.

Height of Rear Attached Garages in Low Density Residential Districts

Administration recommends an amendment to the height rule for rear attached garages. Section 338(3) of the Land Use Bylaw allows a rear attached garage to be built in the rear setback area of a house where it maintains similar dimensions to what is allowed for a rear detached garage. The current wording of the rule makes it so the garage height is measured in relation to the grade at the front or rear property line, which can result in a taller structure than what would be allowed for a rear detached garage on the same parcel. The proposed amendment would make it so the height of a rear attached garage is measured in the same way as a rear detached garage.

Other Issues

Other issues identified in the R-CG Monitoring Report, such as how to apply the Multi-Residential Locational Criteria, how to manage privacy on neighbouring parcels and how to sensitively integrate larger buildings into established neighbourhoods, are common to all the infill districts. Since these are broader issues affecting all infill districts, Council has supported

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an approach to consider these topics in coordination with other issues that Council has identified regarding infill development. This ongoing work focuses on ways to better integrate infill development into established communities and better align the districts with evolving local area policy, the Developed Areas Guidebook and the Municipal Development Plan (MDP). A discussion of how to approach topics relating to infill districts in alignment with ongoing policy work will be presented to Council in 2018 Q4.

Conclusion

The proposed amendments to the R-CG District address technical concerns identified in the R-CG Monitoring Report by:

- Applying greater discretion with regard to the suitability of secondary suites in rowhouse buildings, with policy to guide Administration's decision;
- Allowing parking exemptions in locations that are more supportive of active modes of transportation, such as walking and public transit;
- Amending the height rules in the R-CG District to apply a consistent method of measurement and to better transition height from existing lower scale development to new, taller infill development; and
- Encouraging more street-oriented rowhouse developments on both corner and mid-block locations and increasing the area in the side yard to provide a buffer between new development on corner parcels and the back yard of the neighbouring property.

Housekeeping amendments serve to support more efficient processes for secondary suites in semi-detached dwellings and consistent height regulations for rear garages.

Stakeholder Engagement, Research and Communication

In collaboration with the Federation of Calgary Communities (the Federation) and Building Industry and Land Development Association– Calgary Region (BILD), Administration established a working group consisting of administrative representatives from the Federation and BILD, community representatives from communities within the Developed Areas (recommended by the Federation) and industry representatives (recommended by BILD). The membership of this group is listed in Attachment 7.

This working group has been meeting bi-weekly to develop recommendations to address the items identified by Council's direction for both the Enabling Successful Infill – Phase 1 and for the R-CG Monitoring. Updates to the public, on the discussions of this group, were provided through distributions from the Federation and BILD to their members. Recommendations have been shared with the broader public through a webpage on the City of Calgary website.

Strategic Alignment

To support greater housing choice and reinforce the character, quality and stability of existing residential neighbourhoods, the Municipal Development Plan (MDP) encourages growth and change to add a diverse mix of ground-oriented housing in existing low-density residential neighbourhoods. Ground-oriented housing is characterized by houses with entries that open at grade and face the street. This type of housing maintains a building pattern that, in its form,

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mass and site design, is compatible with existing homes in low-density residential neighbourhoods.

The rules of the R-CG District are intended to support the sensitive integration of a wide variety of low-density multi-housing developments, allow for innovative site configurations and facilitate evolving redevelopment of a variety of ground-oriented housing over time. The amendments recommended in this report help support the effective implementation of this intent and better align the R-CG District with MDP policy objectives.

In addition to the technical amendments proposed in this report, Administration is in the process of aligning a variety of streams of work so that, together, they establish a clearer vision for the evolution of established area neighbourhoods and provide tools that better enable outcomes aligned with that intent. These include the Municipal Development Plan Monitoring, updates to the Developed Areas Guidebook, the Established Areas Growth Strategy, Land Use Bylaw improvements and district based Local Area Plan work. This work program will provide the opportunity to integrate, streamline and align secondary policies, such as the Location Criteria for Multi-Residential Infill, within city wide policies, such as the Developed Areas Guidebook.

Social, Environmental, Economic (External)

The proposed amendments are intended to better enable new development that adds a broader variety of housing into existing low density neighbourhoods. Better managed height and setback transitions between existing and new development should also help to reduce some of the stresses associated with infill redevelopment. This should better support the social benefits of providing a greater variety of housing choices that fit a range of household needs and means while reducing conflicts between neighbours.

Because the recommended amendments address a number of the concerns identified with new rowhouse development, less time and negotiation should be needed for applicants to gain support for development proposals. This should help support investment in new rowhouse developments. In addition, locating more housing in areas that already have established infrastructure, amenities, and commercial areas will better support ongoing viability of these neighbourhood features and make better use of existing resources.

Financial Capacity

Current and Future Operating Budget:

No impacts are anticipated.

Current and Future Capital Budget:

No impacts are anticipated.

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Risk Assessment

The scope of the recommended amendments have focused on items that improve the immediate implementation of the R-CG District. Because these amendments focus specifically on adjustments to existing rules and uses in the R-CG District the risks associated with the proposed amendments are limited.

REASON(S) FOR RECOMMENDATION(S):

Administration's recommendations support more sensitive integration of new rowhouse development in infill locations while providing more development options on corner parcels and enhancing the street orientation of rowhouse developments.

ATTACHMENT(S)

1. Proposed Amendments to the Land Use Bylaw 1P2007
2. Summary of Proposed Amendments
3. Policies for Secondary Suites in the Residential – Grade Oriented Infill (R-CG) District
4. Rowhouse Building Height
5. Proposed Amendments on Corner Parcels
6. Front Yard Setbacks
7. Working Group Members
8. Letters from Working Group Members