

SPORTS RAMPS ON PRIVATE RESIDENTIAL PROPERTIES NM 2015-14

Executive Summary

In 2015 June, Council directed Administration to conduct public engagement on the use of sports ramps on residential properties, recognizing that skateboarding is an inclusive, inexpensive and mainstream sport. The purpose of the engagement was to confirm an appropriate size for sports ramps on private property; whether sports ramps within the allowable size should be exempt from requiring a Development Permit; and whether amendments to the Community Standards Bylaw (CSB) could address excessive noise related to sports ramp activities. As well, Administration was directed to propose appropriate amendments to the Land Use Bylaw and Community Standards Bylaw.

Over the past year, several engagement opportunities were provided. The feedback received indicated overall support for skateboard/sports ramps and suggested sports ramp activities promote physical activity and entertainment for youth. The telephone survey results indicated that most citizens are comfortable with sports ramps on residential properties, if regulated.

The skateboard/sports ramp maximum size envelope proposed, (1.5 metres (5 ft) high x 5 metres (16 ft) wide x 6 metres (20 ft) long, is appropriate on residential properties because it will meet the needs of ramp sport users and is of a scale that will not visually impact neighbours. Land Use Bylaw size and location rules proposed will mitigate potential visual impacts. If these rules are met, a development permit will not be required (exemption). The survey results indicated that citizens are comfortable with residential sports ramps assuming noise would be restricted at night.

After evaluating the results of engagement and other research, Administration is recommending that amendments be proposed to the Land Use Bylaw to address citizen concerns about sports ramp size and placement. The impacts of noise are addressed by proposed CSB amendments in Attachment 1, which adds sports ramps to the list of activities and devices prohibited at night.

ADMINISTRATION RECOMMENDATION(S)

That SPC on Community and Protective Services recommends that Council:

1. Give three readings to the proposed bylaw to amend Community Standards Bylaw 5M2004 (Attachment 1); and
2. Direct Administration to prepare amendments to Land Use Bylaw 1P2007 that would implement the proposed regulations set out in Attachment 2 and return to Calgary Planning Commission no later than 2016 Q4.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2015 June 29, Council approved Councillor Woolley's Notice of Motion 2015-14, directing Administration to engage with Calgarians on:

- i. Confirmation that proposed maximum dimension of 1.5 meters (5 ft) high x 5 metres (16 ft) wide x 6 metres (20 ft) long allowed for sports ramps on private property is appropriate;
- ii. Confirmation that sports ramps within the allowable size should be exempt from the requirements of a Development Permit; and

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- iii. Confirmation that proposed new amendments to the Community Standards Bylaw, as part of its comprehensive review, will address excessive noise related to sports ramp activities.

Based on the engagement, propose amendments to:

- i. The Land Use Bylaw, including by not limited to, sections 344 (7) and 564 (7); and
- ii. The Community Standards Bylaw, in order to address excessive and intermittent noise related to sports ramp activities.

BACKGROUND

The City of Calgary has had rules for skateboard/sports ramps for close to 30 years. As defined in Land Use Bylaw 1P2007 section 13(130), a skateboard ramp “means a structure that is used to provide a surface upon which an individual may use or operate a skateboard, bicycle, roller skates or other similar devices.” Ramps are currently only allowed on residential parcels with an approved Development Permit that relaxes the Land Use Bylaw provisions in sections 344(7) and 564(7) that list a skateboard ramp as an object prohibited or restricted in the General Rules for Low Density and Multi-Residential Land Use Districts.

Currently, the Development Permit process is used to evaluate skateboard ramp impacts on private residential parcels as a relaxation. The Development Authority must consider the tests for relaxations (sections 31 and 36 of Bylaw 1P2007) to determine if a proposed skateboard ramp activity would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties. Development Permits provide an opportunity for public engagement, and review of visual impact, location, and size. There is also an opportunity for the affected neighbours to appeal to the Subdivision and Development Appeal Board if they feel ramps unduly interfere with the enjoyment of neighbouring parcels. The current fees for a Development Permit range from \$400 to \$500.

History of Applications and Complaints

Since the late 1990s, nine residential property owners have applied for a Development Permit and four have been approved. In the last five years, The City has received 17 complaints regarding ramps without Development Permits. From May 2012 to December 2015 there were a total of 629 noise related service requests city wide in residential areas. During this period, 19 service requests were related to either skate or ramp activities. Eight of these requests were on public property and 11 were on residential parcels over the same three year period.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Over the past year, Planning & Development, Calgary Community Standards and The Engage Resource Unit from Customer Service & Communications have completed a number of initiatives including a municipal regulatory scan, public engagement and a technical study of sports ramp sound levels to determine whether changes should be made to current rules regarding sports ramps. The following is a summary of the analysis.

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Municipal Regulatory Scan

A municipal scan found that one Canadian city out of 19 surveyed, and 13 U.S.A. municipalities out of the 3,000 surveyed, regulate skateboard/sports ramps. The municipalities that do regulate ramps tend to have rules in either planning bylaws or in nuisance bylaws (offence codes, streets and public places codes, or safety codes in the U.S.A.).

Public Engagement Findings

The engagement focused on ascertaining how residents and users feel about sports ramps on residential properties. Stakeholder consultation included:

- An independent, representative telephone survey that reached 504 Calgarians, with a ± 4.4 per cent margin of error at a 95 per cent confidence level;
- An online survey with 1,932 respondents interested in the topic area;
- Engagement at three skatepark facilities; and
- Open houses in all quadrants of the city and the Centre City.

The representative telephone survey by Harris/Decima found that the majority (72 per cent) of Calgarians are supportive of sports ramps being on residential properties. Highlights of the public engagement are available in Attachment 3. External stakeholders (skateboarders, scooter and BMX users) suggested the proposed maximum size can be supported as appropriate for ramp activities (letter of support in Attachment 4). Overall, engagement and research findings suggest that Calgarians are comfortable with skateboard ramps on residential properties if restrictions are in place for a maximum size, location in backyards, and limited night-time use to restrict noise after 10 p.m. Concerns were expressed about safety and youth sustaining injuries. These concerns will need to be addressed by homeowners. A Building Permit is not required for skateboard/sports ramps.

Sports Ramp Noise Research Findings

Administration contracted an acoustical engineering firm to conduct a technical study of sports ramp sound levels, and based on the findings, is proposing a CSB amendment in Attachment 1 to address the impacts of noise by adding sports ramps to the list of activities and devices prohibited at night. The level of sound emanating from the sports ramps ranged between 54 and 65 decibels, which is within the daytime continuous sound limit, but over the night-time limit. The maximum continuous noise level allowed in residential neighbourhoods is 65 decibels during the daytime (from 7 a.m. to 10 p.m. weekdays and 9 a.m. to 10 p.m. weekends) and 50 decibels at night.

Patching Associates Acoustical Engineering Ltd. performed sound level measurements of both a wooden sports ramp and a urethane sports ramp being used by an adult. Additional testing was conducted by bylaw officers. The sound study did not include measurements of ancillary noises that could occur with any backyard recreational activity; for example, music, gatherings of people, children playing, etc. The study found that the quietest ramp was built with materials and a design that reduced noise to 54 decibels. Tips for building ramps that minimize noise will be included on The City's website and in public information materials. Concerns about residential noise can be reported to 311 and will be investigated by a Community Standards Officer.

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Regulation options considered

Administration identified three Land Use Bylaw regulation options for sports ramps:

Option 1 Development Permit is required.

- No changes to current rules.
- Circulation, if requested.
- May appeal relaxations.

Option 2 Development Permit is required.

- New set rules for size and location.
- Circulation, if requested.
- May appeal relaxations.

Option 3 No Development Permit requirement.

- New set rules for size and location.
- No circulation.
- No appeal, if no relaxations.

The CSB noise restrictions would apply to all of the above options, along with public (web) information tips about noise reduction. Public information for size and location may be added for option 1.

Conclusions

Based on research findings, engagement results and planning rationale, Administration concluded option 3 above addresses the need for consistent rules and provides the appropriate maximum standard for sports ramps size, and location. Option 3 updates regulatory provisions and recognizes the increasing popularity of participation in skateboarding, scootering and BMX activities. Land Use Bylaw amendments will facilitate sports ramp activities for children at an appropriate home based scale and mitigate visual impacts through rules. Through employing a partnership process, option 3 balances regulation appropriately between the Land Use and Community Standards Bylaws addressing the main issues raised by stakeholders including noise, size and location. This option responds to the Notice of Motion by providing a development permit exemption when the sports ramp(s) conform with consistent rules.

Land Use bylaw implementation highlights include:

1. The maximum size proposed will meet the needs of ramp sport users and is of a scale that will not visually impact neighbours. Land use bylaw size and location rules will mitigate potential visual impacts.
2. A Development Permit for a sports ramp is not necessary if consistent rules related to size and location met, including setbacks from side and rear property lines to reduce potential for overlooking and safety issues related to falling from ramp structures. This exemption is similar to the current treatment of fences, decks, and patios. A development permit would be needed to implement relaxations for any sports ramps outside the set rules for size and location.
3. Public input on cases where relaxations are requested. Relaxations may be appealed to the Subdivision and Development Appeal Board.

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4. Issues related to night-time sports ramp noise would be covered through a proposed amendment to the Community Standards Bylaw as outlined in Attachment 1.
5. Public education would be part of the implementation of any Community Standards or Land Use Bylaw amendments related to sports ramps.

Concerns related to noise are addressed by the CSB rather than the Land Use Bylaw and development permit process. Amendments to the CSB in Attachment 1 will address the impacts of noise by adding sports ramps to the list of activities and devices prohibited after 10 p.m.

In summary, the Notice of Motion directed Administration to engage with Calgarians on sports ramps on residential properties to determine:

- i. *Whether a proposed maximum dimension of 1.5 metres high by 5 metres wide by 6 metres long is appropriate for residential properties.* The proposed maximum size is appropriate for sport user groups and most citizens are comfortable with the size.
- ii. *If a development permit should or should not be required for sport ramps within the appropriate size.* The proposed rules for size and location minimize visual impacts and provide a consistent standard across all residential properties for sports ramps. A development permit exemption is proposed for sports ramps that meet the rules. Enforcement tools are available if a ramp does not meet the rules.
- iii. *Confirmation that proposed amendments to the CSB will address excessive noise related to sport ramp activities.* Residents are generally comfortable with sports ramps, assuming that night-time noise would be restricted. Amendments to the CSB are proposed that respond to noise issues.

Based on engagement, propose amendments to:

- i. Land Use Bylaw regulations are proposed in Attachment 2 to address size and rear yard location. Consultation will occur with communities and external skateboard, scooter and BMX stakeholders on proposed land use bylaw amendments. A report back to the Calgary Planning Commission will be prepared no later than Q4 2016.
- ii. CSB amendments are contained in Attachment 1 and will address noise related to sports ramps.

Stakeholder Engagement, Research and Communication

Over the last year, Administration has completed a comprehensive engagement process, including a representative telephone survey, online survey, open houses and other stakeholder consultation. Communication with internal and external stakeholders, including Community Associations will continue as amendments to the Land Use Bylaw are prepared. We will be preparing amendments and consulting with stakeholders in the fall for a Calgary Planning Commission report in Q4 of 2016.

Strategic Alignment

In 2011, Council approved a comprehensive Skateboarding Amenities Strategy to provide access to recreational amenities at the community level. The City offers both seasonal mobile and permanent skateparks throughout Calgary to encourage active, healthy and creative living. This report complements the city-wide development of skateparks. The recommended regulation option 3 will facilitate participation in ramp sports on an individual or home based scale and responds to parent concerns by making an 'at home' environment possible.

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Social, Environmental, Economic (External)

Skateboard/sports ramps on residential properties will help encourage children to be active, and to learn and play in a home based environment. No environmental or economic impacts are anticipated.

Financial Capacity

Current and Future Operating Budget:

No impacts anticipated.

Current and Future Capital Budget:

No impacts anticipated.

Risk Assessment

The sports ramp project mitigated potential risks through extensive stakeholder engagement, including a representative survey of citizens and other consultation opportunities. Further consultation will take place as amendments to the Land Use Bylaw are prepared. There may be a risk that the proposed solutions have not responded to a small majority (60 per cent) preference for a Development Permit. The most common reason expressed for a development permit was to ensure consistent standards across properties. Mitigation of this risk includes having rules and standards that are consistent and must be met in order to qualify for a Development Permit exemption. A Development Permit would be required for any residential ramp that does not meet the set rules for maximum size and location. Noise-related concerns will be mitigated through the existing Community Standards Bylaw provisions, in addition to the proposed night-time noise restriction.

REASON(S) FOR RECOMMENDATION(S):

Option 3 complements a strategic alignment with Recreation for active living by facilitating ramp sport participation in a home based environment. The proposed Land Use Bylaw amendments provide consistent rules for sports ramp size and location, manage visual impacts and control placement. Any relaxations from the rules will require a Development Permit and an opportunity for public input. Potential concerns about night-time noise from skateboard/sports ramp activities are addressed through the proposed amendment to the Community Standards Bylaw. The process for amending the Land Use Bylaw will entail further community consultation and a public hearing.

ATTACHMENT(S)

1. Proposed Amendment to Community Standards Bylaw 5M2004
2. Regulation Options for Land Use Bylaw 1P2007 Amendments
3. Summary of Public Engagement
4. Letter of Support

