

Richmond/Knob Hill Community Association
Presentation to Calgary City Council re E2011-07
Proposed Bylaw Number 27P2011 -- Amendments to Land Use Bylaw 1P2007
To Implement Rules for Contextual Semi-Detached Dwellings and
Make Related Changes to Existing Rules for Contextual Single Detached Dwellings
June 13, 2011

Good [Morning/Afternoon] Your Worship, Aldermen and Staff. My name is Doug Roberts (D-o-u-g R-o-b-e-r-t-s), and I represent the Richmond/Knob Hill Community Association. Richmond/Knob Hill is an inner-city residential community which has the unique pleasure of straddling Crowchild Trail South, from 17th Avenue SW to 33rd Avenue SW.

Richmond/Knob Hill has a keen interest in the proposed rules for contextual semi-detached dwellings, as our community is currently experiencing a high volume of residential redevelopment activity, most of which is in the form of semi-detached dwellings. The Community Association and residents of Richmond/Knob Hill have recognized that this flurry of redevelopment activity will, over a relatively short period of time, have a profound and lasting impact on the look and feel of our community, as well as its demographics, and we have been working hard to ensure that the results of this transformation are positive and consistent with the type of community that we want to be for the next 50 or so years. The Community Association has therefore taken active role in reviewing and commenting on proposed developments in our community to ensure that they are respectful of the neighbouring properties and fit within the context of the streetscape and the community as a whole. Upon learning that these proposed contextual rules would take away this opportunity for community input on new developments in an effort to streamline the development approval process, the Community Association actively participated in all public consultations, has made presentations to both Council and the Land Use, Planning and Transportation Committee and has worked with the Federation of Calgary Communities and other community associations in an effort to encourage City Administration to make these rules sufficiently tight to ensure that developments approved as contextual developments without community input will still be respectful of the neighbouring properties and fit within the context of the community. City Administration has made some changes, for which we are grateful, but we are here today asking for a few additional changes in areas where we feel that the rules are still too loose.

Before reviewing the additional changes, however, I do wish to point out that we in Richmond/Knob Hill continue to have significant concerns with both the advisability and effectiveness of this contextual approach.

- Our experience to date with the existing rules for contextual single detached dwellings has not been extensive, but has also not been overly positive, as we have had significant concerns with 2 of the 4 projects in our community that have been approved as contextual developments – one development clearly did not comply and was eventually required to reapply under the discretionary rules – another pair of dwellings will be the subject of a jurisdictional hearing before the SDAB later this week.
- We view the development approval process much like a 3-legged stool, with the City, the developer and the community each acting as one leg. When all 3 legs of the stool do their job well, the stool is sturdy and stable. Excluding the community from the process will remove 1 leg from the stool, and no matter how well the other 2 legs do their job, the stool will still tend to fall over.
- We also question the extent to which excluding community input will actually speed up the development approval process. Our view is that considerably more time and City Administration resources could be saved by improving the quality of the “input” into the process, by making developers responsible for ensuring that their development applications adhere to a higher standard of quality, clarity, accuracy, completeness and consistency.

Requested Changes

1. Balcony Height Restriction (Paragraphs 347(2)(c) and 347.1(2)(c))
 - (a) City Administration has acknowledged in their report that “third floor balconies have a larger potential to create overlooking issues, and more often require application of discretion to ensure they are in an appropriate location”, and have stated in the public consultations that the intention behind the 6.0m balcony height restriction was to make it difficult, but not impossible, for contextual developments to have 3rd storey balconies. To date we have had four 3-storey dwellings approved in our community as contextual developments, of which three featured 3rd storey balconies. One of the 3 was subsequently determined not to satisfy the balcony height restriction and certain other contextual rules and was required to reapply for a discretionary use development permit. The remaining 2 are a pair of single detached dwellings that we felt compelled to appeal to the SDAB due to concerns that the grades below the balconies were being manipulated to purportedly satisfy the balcony height restriction.
 - (b) Our position is that any rule that gives developers an incentive to manipulate the grade is a problem, particularly when doing so may result in surface water pooling alongside the dwellings or being redirected onto adjacent properties.
 - (c) We are therefore requesting that the balcony height restriction be reduced to 5.4m in the hope that this will make it virtually impossible for contextual developments to have 3rd storey balconies, and therefore take away any incentive to manipulate the grade, without adversely affecting 2nd storey balconies.
2. Parcel Coverage/Building Depth (Subsection 347(6))
 - (a) The concern here is excessively large building depths, which can prevent air and sunlight from reaching adjacent properties’ rear windows and outdoor amenity spaces. Our general position is that the building depth of new developments should not exceed 60% of the parcel depth, or 65% in the case of narrow-parcel single detached dwellings, and should not extend materially beyond the building depth of adjacent infill developments. The rules as originally proposed contained a large loophole for developments with attached garages, which could end up extending up to 4.6m beyond adjacent infills that were already at a 60 or 65% parcel depth. The changes that City Administration has made to the proposed rules, which reduce the allowed parcel coverage by 21.0m for each required motor vehicle parking stall, have addressed this concern except in the case of wide-parcel single detached dwellings with attached under-drive garages, as they are only required to have 1 parking stall, whereas semi-detached dwellings are required to have 2 parking stalls per unit and narrow-parcel single detached dwellings are also required to have 2 parking stalls. As a result, wide-parcel single detached dwellings with attached under-drive garages can have unreasonably large building depths that put them out of context with other infill developments on the same block face.
 - (b) We are asking for the parcel coverage restriction applicable to wide-lot contextual singles with attached garages to be reduced by 42.0m² for each required motor vehicle parking stall.
3. Overlooking/Privacy:

- (a) As proposed the rules only address overlooking from rear balconies and second floor and higher side-facing windows which are beyond the rearmost rear façade of the adjacent dwelling. Our position is that overlooking is also an issue from raised rear decks and main floor side-facing windows, particularly on parcels that slope down towards the rear, as 1.85m high fences are not sufficient to prevent overlooking and the 1.2m sideyards are not wide enough to allow for trees or shrubs to be planted.
- (b) We are also concerned about the situation where the adjacent dwelling has an articulated rear façade, as in these cases side-facing windows would be allowed to directly overlook the adjacent dwelling's inset rear deck, patio or other backyard amenity space.
- (c) We are therefore asking for amendments to:
 - (i) Paragraphs 347(1)(c) and 347.1(1)(e) to use the appropriate rear façade and restrict main-floor windows as well; and
 - (ii) Subsections 347(2) and 347.1(2) to add a requirement for 1.5m to 2.0, high side privacy screens on raised rear decks

4. Trees (Section 347.2)

- (a) We very much appreciate that City Administration has included a tree requirement in the proposed rules. However, we are concerned that the proposed tree requirement of either two 50mm calliper/2m high trees (or three in the case of a contextual single detached dwelling on a wider parcel) or one 85mm calliper/4m high tree per dwelling unit for a 24-month period would:
 - (i) be far too easy and inexpensive to satisfy with newly planted trees to provide any incentive to retain existing healthy trees;
 - (ii) by allowing 1 slightly larger tree to satisfy the 2-tree requirement and only requiring 1 extra tree on wider parcels, likely result in fewer new trees being planted per dwelling unit than the minimum standard currently provided for in the Infill Guidelines and
 - (iii) may encourage temporary stopgap measures designed to technically satisfy the tree requirement.
 - (A) In comparison the LUB provides that trees retained or planted to satisfy the landscaping requirements for multi-family developments are required to be maintained for the entire life of the development.
 - (B) The RKHCA feels that 60 months would be sufficiently long to discourage temporary technical compliance while still giving homeowners reasonable flexibility to replace trees that outgrow their locations or are otherwise no longer considered appropriate.
- (b) A provision worded along the lines suggested would effectively require at least:
 - (i) 2 trees with a minimum aggregate calliper size of 150 mm (6 inches) on a standard 7.6m (25 foot) wide parcel;
 - (ii) 4 trees with a minimum aggregate calliper size of 300 mm (12 inches) on a standard 15.2m (50ft) wide parcel.
- (c) Minimum aggregate calliper size requirements along these lines should provide at least some incentive to retain one or more existing healthy trees, where possible, without being overly difficult or expensive to satisfy in situations where no existing trees exist or can be retained.