

Lessons Learned

For harmonious redevelopment in Cambrian Heights

Cambrian Heights Community Association
Planning Committee¹



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Community harmony and relationships matter when a new house goes up

Cambrian Heights was created in the 1950's, at the outer edges of Calgary, and didn't change much in character for decades as residents settled and raised families in the community. Today, it is on the edge of the inner city, and undergoing the kind of redevelopment seen in neighbouring communities such as Mount Pleasant or Capitol Hill. Old bungalows are being renovated or replaced, and the character of the community is changing.

All parties affected by this change have a strong interest in forging good relationships to maintain a harmonious community. Some recent contentious cases in Cambrian Heights have taught us some lessons about how to better manage redevelopments. In that spirit, the following tips may help all parties achieve redevelopments that preserve goodwill along with the features that make Cambrian Heights desirable. Owners can avoid costly delays and legal challenges, and affected neighbours can make themselves heard with constructive, solutions-oriented input.

Advice for those undertaking redevelopment or rebuilding

1. Talk to neighbours before you design

Transparency creates good will. Introduce yourself to the neighbours, tell them what you're planning, show them drafts, and find out their specific concerns. Give them a reasonable timeframe of several weeks to respond. The formal City processes for neighbours' input have many shortcomings, and owners can often achieve more by openly engaging with neighbours, showing goodwill and soliciting their input. More often than not, there are simple and straightforward design solutions to concerns raised by neighbours. Much better—and cheaper—to anticipate these and incorporate them into the original design than be forced to respond to them after the design is finished.

2. Consider the streetscape and the community character

It's worth a lot. Think about your house in the context of its street and the community. Cambrian Heights is known for its harmonious, graceful character and its ample greenspaces. These features add to the value and enjoyment of your property. Most cases brought to the Subdivision and Development Appeal Board (SDAB) concern “contextual sensitivity”—a common requirement of redevelopment in neighbourhoods like this one. But what this actually means or how it is to be applied is often left unclear. This ambiguity encourages big legal fights as people challenge developments on a case-by-case basis. You can avoid this by trying to meet your neighbours halfway and showing concern for the impact of your plans on the broader community. The most desirable neighbourhoods in the city have a common character and harmony, even if individual houses may vary widely. In Cambrian, through careful and sensitive redevelopment, we can remain one of Calgary's attractive, proud, and desirable neighbourhoods.

3. Share the plans

The City process makes it difficult for people to see the plans. This creates resentment among neighbours, which *will* be projected onto you. In some recent cases, the designer's willingness to share detailed plans digitally made all the difference. It allowed affected stakeholders to be constructive—to get advice and present possible design solutions to problems rather than just obstructing their plans. Determined neighbours will get the plans one way or another, but not having access to them will make it much harder to be constructive in their opposition or in proposing possible solutions.

4. Pay attention to two-way noise and privacy issues

City Planners and the SDAB take noise and privacy concerns very seriously. They can threaten affected neighbours' "enjoyment of their property"—a key criterion in the development permit review process. Keep in mind that *this is a two-way street*: if you can see or hear your neighbours, they can see and hear you, perhaps more than you might like! There are "in-fill" guidelines for privacy issues which are not yet binding for Cambrian Heights, but voluntarily following these is good practice and can help you avoid costly delays and protests. Recent developments where glaring privacy issues were neglected (such as decks overlooking neighbours' bedrooms or bathrooms) have faced huge animosity from immediate neighbours and SDAB appeals, which cost owners time and money.

Consider also how your neighbours use their outdoor spaces, and incorporate this into your own plans for decks and yards. Otherwise, you may face unpleasant surprises. Will your noise impact them, or vice-versa? Clear communication as part of the design phase and a willingness to compromise on both sides can result in good design solutions, lower costs, less grief, and fewer delays.

5. Think about the shade your house will cast on your neighbours' lots

Sunlight is a huge issue for Calgarians, given our long winters, short summers and general light deprivation. It is a key reason for overturning development permits through the SDAB process, but also one which can be addressed in the design phase. When faced with concerns from neighbours, the City can request a shade study. Why not do this upfront, so all parties act with fuller information, resulting in more goodwill and fewer costly delays.

In sum,

these are voluntary guidelines, not legally binding. But following these rules of thumb can help you avoid costly delays and benefit from good will and cooperative relations with your neighbours. Even if you can't make everyone happy, neighbours will appreciate your efforts to listen and to accommodate their concerns. That will be a strong foundation for harmonious future relations, to avoid costly legal challenges, and make it easier for your neighbours to pay attention to your concerns if and when they make changes to their own property.

Advice for neighbours affected by redevelopments

1. Understand the rules and how planning decisions work in Calgary

Make time to read the Bylaw provisions for your zoning designation (whether RC1, RC2, etc.), along with other planning guidelines and the online SDAB decisions in similar neighbourhoods. You will see that neighbours (especially immediate ones) do have influence on the process, and you will feel more informed and capable of being constructive.

Some useful resources:

- An overview of Planning and Development Guidelines and Processes in Cambrian Heights: <http://cambrianheightscommunity.com/planning-development>
- The City of Calgary Land Use By-law 1P2007: <http://www.calgary.ca/PDA/pd/Pages/Calgary-Land-Use-by-law-1P2007/Calgary-Land-Use-Bylaw-1P2007.aspx?redirect=/lub>
- Subdivision & Development Appeal Board decisions (search by similar communities or by keywords such as “contextual sensitivity,” “privacy,” “sunlight,” “streetscape,” etc.): <http://calgarysdab.ca/decision-search-old.html>

2. Talk to the owner and try to understand their interest and needs

Do not assume the new owner has bad intentions or is trying to sneak past the regulations. Keep an open mind and clarify what the plans are as soon as possible. The owner is just as bound by Calgary’s formal planning processes as you are.

3. Don’t assume that you are entitled to maintaining the status quo

Calgary is changing, and so is Cambrian Heights. The City has made it clear that even if communities are full of single-storey bungalows, people have a right to build a two-storey house. However, that does not mean that any kind of house goes. Trying to influence the design to address problems with your privacy, sunlight, streetscape, and enjoyment of your property is where you can have some significant influence. You might achieve a result you can live with, or even one you really like.

4. Express your concerns directly to the planner or file manager

Be persistent. Insist on discussing issues that could delay the process, and they should find time for you, or their supervisor should! Emails or phone messages are a poor substitute for face-to-face, and can lead to misread cues. Cambrian residents found that direct discussions made the planner open to keeping them in the loop during the process. If you need more time to respond to the application beyond the official deadline, don't be shy about asking the planner for an extension—these are often granted.

5. Talk to your neighbours and solicit their concerns and support

The notice signs are not up for long, and it is often only by chance that people see them in time. Make sure that other neighbours who may be impacted are aware of the notice and the general plans. Put a leaflet in their mailboxes with contact information and instructions on where they can see the plans, or bring the plans to show them. It is important to know if others share your concerns about community character and how they might support your case. It's also a good way to get to know your neighbours better.

6. Approach the issue in the spirit of seeking practical solutions.

When your home feels threatened, it can be easy to go into battle mode. People often advise two routes: "hire a lawyer" or "hire an architect". While a lawyer can be effective in helping obstruct a development for a while through expensive legal action, seeking advice from architects or other qualified professionals can help you find compromise solutions to meet the interests of new builders and existing residents. Oftentimes, neighbours' concerns can be addressed through straightforward design solutions. There may be a role for lawyers at some point, but lawyers are not designers and will not generate practical solutions.

7. Don't be afraid to appeal the decision if nothing else has worked

The SDAB is staffed by citizens who adjudicate appeals on the basis of existing rules and basic principles of fairness contained in the bylaws, guidelines, and applicable plans. A review of SDAB decisions shows that when neighbours document legitimate concerns and negative impacts on the enjoyment of their own property from a development perspective (in detail with clear graphics and a compelling rationale), these are often supported. There is little to lose from going this route if an agreement cannot be reached, especially because for the owner an SDAB process has real costs in terms of delays.

In sum,

even though it may seem daunting at first, it is possible to be heard. Talk to the owners and designers, to other neighbours, and to the Community Association's Planning Committee. Look for ways both inside and outside the official process to engage in a constructive dialogue with City Planners, as well as with the owners and designers. Be determined, and you may find that if expressed clearly, reasonably, and constructively, your concerns may well be heard, and that mutually acceptable solutions are possible.

Whether you're building in the community or concerned about a building near you, take a look at the Community Association's information on Building guidelines, and on Permit Application and Review processes:

<http://cambrianheightscommunity.com/planning-development>

If you have any questions or concerns, please contact the Planning Committee.

We want to hear from you.