

INFILL COMPLIANCE TEAM ANNUAL REPORT

RECOMMENDATION

That the April 26, 2022 Urban Planning and Economy report UPE00357, be received for information.

Report Purpose

Information only.

This report provides an update to actions undertaken by Administration to support infill development within the city, including infill enforcement.

Previous Council/Committee Action

At the January 19, 2021, Urban Planning Committee, the following motion passed:

1. That Administration prepare an unfunded service package for consideration by Council during the 2021 Spring Supplemental Operating Budget Adjustment, to explore increased resources for excavation inspections, and enforcement and compliance.
2. That Administration:
 - a. work with community and industry stakeholders to explore tools and approaches on how to ensure accountability related to private to private, and private to public issues throughout the construction process (for example the use of a compliance certificate)
 - b. work with community and industry stakeholders to improve relationships between builders and neighbours, with consideration of implementation options and associated resources
 - c. include an update on the dashboard implementation and report back to Committee, as part of the annual update in Q1 2022.

Executive Summary

- Infill is a key mechanism to welcome an additional million people to Edmonton as envisioned in The City Plan and to support the City's climate goals by increasing housing options and densities.

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- Administration uses different tools to ensure new development is safe and attractive. These include regulations, builder and community education and outreach, complaint-led inspections and proactive monitoring of infill construction sites.
- City Council approved the 2021 Spring Supplemental Operating Budget Adjustment, which included funding to hire additional staff to focus on inspections, enforcement and compliance.
- A dashboard is being created that will include near-real time enforcement data for each of the business areas involved.
- Further engagement with community and industry stakeholders is scheduled in 2022 to improve understanding of the tools available (and identify additional tools needed, if required) to address safe infill construction and further identify how to create accountability on private to private matters.
- Engagement activities will help to inform whether there will be a need for further resources to enhance educational materials, advance bylaw amendments or process changes or to expand enforcement mechanisms.

REPORT

The City of Edmonton is planning for a community of two million people in the same geographic space as today. This doubling of population necessitates increased housing choices (for a variety of lifestyles, life stages and income levels) in older neighbourhoods.

In 2010, the City's Municipal Development Plan *The Way We Grow* established a target that a minimum of 25 per cent of family-oriented housing units should be built within the Mature Neighbourhood Overlay. Since then, net new housing units within Core and Mature areas increased from 18 per cent (2010) to 30 per cent (2020) of all housing completions. The City Plan has established a new long term goal of 50 per cent of new homes to be infill units. Achieving this goal will require developing additional supporting tools and strategies to implement The City Plan, as well as building upon the successes of the Infill Roadmap, as described in the April 26, 2022 Urban Planning Committee report UPE00854 Infill Roadmap Initiative - 2022 Update. District Planning, the Zoning Bylaw Renewal Initiative, and the Growth Management Framework will also support the City's infill goals.

Redevelopment can impact older neighbourhoods in different ways. Although infill brings many benefits to mature communities, there can be challenges if the design and construction is not completed with the high standard of excellence demonstrated by the vast majority of the infill building community. Redevelopment can also impact tree preservation on private property, which can in turn impact neighbourhood shade, beauty, and carbon removal. Administration will provide Urban Planning Committee information on the City's tools and potential options for tree preservation on private property through UPE00664 Tree Preservation on Private Property, scheduled for June 2022.

Administration has addressed the challenges of infill development by:

- forming dedicated inspection teams

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- creating educational materials
- creating an educational program to support better infill practices and updating response procedures to better respond to concerns raised
- supporting conversations on infill with stakeholders and the community
- updating various processes and City bylaws to address concerns raised by both communities and industry.

While these actions continue to improve construction practices, there are still a percentage of properties near or adjacent to infill construction that report negative impacts to their private property. Most impacts are temporary and considered typical of construction activity, but there remain situations where an abutting property is more severely impacted by infill activity, resulting in disputes over accountability and responsibility. Examples of the impacts reported include noise, damage to the property fence and landscaping, road right of way infrastructure (such as curbs, roads, back alleys and city owned sidewalks), drainage issues, damage to vegetation, sidewalks and patios, and the loss of use of property due to safety considerations or trespassing.

The City's experience and data identify that most builders are accountable and responsible in communicating with neighbours and resolving issues. Strong communication and construction management can improve overall relationships with neighbours and the City, resulting in fewer fines, tickets and less stop work orders being issued. The City has created resources to support knowledge building around the permitting and construction process for redevelopment so Edmontonians know what to expect.

Enforcement Approach

This report provides an update on the 2020 and 2021 infill compliance activity including Administration's enforcement approach, inspection results, and common infraction types observed. The number of complaints the City received from residents continues to trend down. Attachment 1 provides a summary of inspection results for infill projects.

Continued education and collaboration with community and industry is the priority but it is also accompanied by an integrated enforcement approach. Work continues on process improvements, building relationships with stakeholders, and providing educational information to neighbours and builders about infill development. Administration continues to explore options to increase accountability relating to construction practices while also trying to uphold a business friendly approach to development.

Outcomes of this work include:

- Enforcement action where warranted and life-safety infractions are prioritized for response within one business day.
- The Safety Codes Compliance team reorganized their response protocol, shifting from education to enforcement for excavation and safety complaints. Using the *Safety Codes Act* and related regulations to enforce unsafe practices, the approach focuses on remedial actions while suspending construction progress on the subject property.

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Resourcing Update

As directed by Urban Planning Committee on January 19, 2021, ongoing funding for additional resources was requested and secured as part of the Spring 2021 Supplemental Operating Budget Adjustment to further explore the issues raised regarding excavation concerns and construction practices. Administration has since focused on updating response protocols to infill construction challenges, hiring and training staff and building a work program for an overall improved experience for inspections, enforcement and compliance.

Infill Compliance Data Dashboard

The intent of the dashboard is to compile infill data as it is collected, resulting in near-real-time and transparent data available to Administration, the public and Council. This dashboard will enable Administration to make operational choices in a more timely manner to address emerging concerns, capitalize on operational efficiencies and highlight the successes and improvements made to infill construction experience, and direct effort to underperforming areas in order to ensure the best service is being provided to Edmontonians. Administration expects to have the infill compliance dashboard available for public use in Q4 2022.

COMMUNITY INSIGHT

Administration listens to and learns about opportunities and concerns regarding infill development through many channels and perspectives (neighbours, prospective homeowners, builders and related professional organizations).

Administration will advance an engagement strategy in 2022 with community stakeholders and the development industry. The engagement strategy will be focused on exploring tools and approaches on how to ensure accountability related to private to private, and private to public issues throughout the construction process. Additionally, opportunities will be explored to improve relationships between builders and neighbours as well as how infill can be welcomed and celebrated by communities.

These engagement activities in 2022 will be used to identify and implement appropriate tools, strategies and actions to address key infill issues. Following engagement with the stakeholders and industry, Administration will determine if there are any gaps to be addressed through updated education material, process changes or bylaw amendments.

Roles, responsibilities and jurisdictions have been mapped to demonstrate accountability and are available in Attachment 2.

GBA+

Impacts of infill construction are reported disproportionately by homeowners, as well as those who are located in communities where market uplift is being seen. While the infill itself may be seen to disproportionately remove lower value housing stock from these areas, the impacts of the construction are felt more acutely by those with the financial means of homeownership. In

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addition, past engagement, particularly with the interested community groups, has been important as it provides a formal avenue for discussion with Administration for residents.

In order to begin to address some of these inequities, Administration will increase awareness and participation in discussions surrounding infill compliance to include renters in addition to owners.

ATTACHMENTS

1. 2020 and 2021 Inspection Results for Infill Projects
2. Tools for Infill Construction Concerns