



File #: IR-24-025, Version: 1

TAMRMS#: B05

INFORMATION REQUEST (IR) - Averton regarding Bylaw 18/2024

Requested by: Mayor Heron

Date of Request: October 15, 2024

Date Response Due: November 15, 2024

Confidential Response: No

QUESTION

Can we get an administrative opinion on the following proposed changes to Bylaw 18/2024 from Averton:

Motion #1: Amend 5.17 MID - Midtown District Section (26) PARKING (b) Dwelling (townhouse - complex) to 1.50 stalls per dwelling unit.

Motion #2: Amend 5.17 MID - Midtown District Section (9) SITE DENSITY to add site density bonuses.

Motion #3: Amend 5.17 MID - Midtown District Section (26) PARKING Section (c) to add Dwelling (townhouse - stacked).

In Addition (October 29, 2024): Attached is a letter from Paul Lanni outlining issues he mentioned at the public hearing as well as some others. Would it be possible to also get an opinion on these other issues included in the IR?

RESPONSE

Introduction

While Council can direct Administration to conduct changes, these requests, generated by industry input, are best initiated by the developer/applicant themselves.

The Midtown neighbourhood is unique, and site-specifically drafted for this one area of the City, similar to a direct control project. The development is condominium-based, and utilizes road design that does not meet City standards. The scope of the Land Use Bylaw update was to provide generally universal amendments and regulations, with specific and bespoke solutions to be handled via application in order to allow Administration (and the community) the ability to consider specifics of individual requests, as well as to enable targeted engagement, if necessary. Where universal regulations did apply to Midtown, Administration included them within the LUB update. Administration did not believe it appropriate, however, to apply universal development regulations to this development where they were not considered to be consistent with the overarching development conditions within the City, without the necessary focused review. In June 2024, the applicant was

informed that they could submit separate, developer-driven land use bylaw amendments for any feedback that was submitted during the comment period, but was not incorporated into the draft LUB.

As development pays for development, this direction is the standard process for Land Use Bylaw amendments in St. Albert, as the applicant will determine what regulation changes they require, provide supporting rationale, and provide the required amendment fee for the city to evaluate their proposal.

It also must be noted that proposed changes to regulations would require public input. Specific and targeted public participation activities would be required, in accordance with the *Public Participation Guidelines for Planning and Development Applications*. It is recommended that public consultation, and its associated costs, be borne by the applicant.

Administration recommends this approach for the following reasons:

1. The impacted party is best positioned to demonstrate the need for the change and provide the exact wording for the regulation.
2. Administration can conduct a comprehensive review of the change. If Administration drafts changes and recommends them to Council, it could create a conflict of interest.
3. Administration would be "representing" the regulation change and assuming the rationale for it. This can be time-consuming, lead to back-and-forth discussions, potential misunderstandings, and lost revenue for the City. Therefore, this is often not the most efficient way to process developer-specific requests.

Motion #1

Amend 5.17 MID - Midtown District Section (26) PARKING (b) Dwelling (townhouse - complex) to 1.50 stalls per dwelling unit.

Please note this is also in addition letter item 1:

The new LUB includes a 2:1 parking requirement for townhouse complexes in Midtown, whereas a 1.5:1 ratio is specified for townhouse complexes in the LUB. Parking ratios should be consistent across the bylaw. Therefore, townhouse complexes in Midtown should be permitted to have the same 1.5:1 parking ratio.

Background

This item is a duplication of a request made in the BILD information request. Please see IR-24-023 - item 6 for a detailed response.

Administration responded to this request in June 2024, after Averton submitted feedback on the draft LUB during the comment period.

Motion #2

Amend 5.17 MID - Midtown District Section (9) SITE DENSITY to add site density bonuses.

Please note this is also In Addition letter item #4:

The new LUB provides for density bonusing on developments that meet certain criteria for

architecture and landscape. The density bonusing should apply to all high-density areas in the City in order to encourage consistently better outcomes for development in the City. Accordingly, the bonusing provisions should also apply to Midtown's Area C.

Background

This item is a duplication of a request made in the BILD information request. Please see IR-24-023 - item 7 for a detailed response.

Administration responded to this request in June 2024, after Averton submitted feedback on the draft LUB during the comment period.

Motion #3

Amend 5.17 MID - Midtown District Section (26) PARKING Section (c) to add Dwelling (townhouse - stacked).

Please note this is also in addition letter item 3 a & b:

- a) Stacked townhomes should be categorized separately from townhouse complexes, as they have more in common with apartment density. Currently, the parking requirements in the Midtown district are consistent across duplexes, semi-detached, and townhouse complexes. The new LUB categorizes "dwelling (townhouse - complex)" separately, requiring parking at a 1.5:1 ratio. Stacked townhomes, being denser and often configured with 1-2 bedrooms, should require less parking. Ideally, these units would have their own definitions and parking regulations. Alternatively, the parking regulations could align with those for apartments.*
- b) Additionally, Averton requests that the use of stacked townhomes be permitted within Area C of Midtown, which is the higher density node, capable of integration commercial alongside higher-density residential. The introduction of stacked townhousing as a use in Area C would not work against the intended density requirements of the area, but rather, would be able to introduce buildings of recued scale to complement the higher scale apartment uses, which would lead to better outcomes within those parcels.*

Background

Administration revised the townhousing regulations during the LUB 18/2024 update.

Stacked townhousing is considered a *dwelling (townhouse - complex)*, and can be constructed under that use. The parking regulations for a dwelling (townhouse - complex) have been set at two stalls per dwelling unit in Midtown, with additional visitor parking.

Administration responded to this request in June 2024, after Averton submitted feedback on the draft LUB during the comment period.

Administrative Rationale

Administration does not recommend implementing this request for these reasons:

Use Already Included

As stacked townhousing is considered a dwelling (townhouse - complex), and that use is currently a permitted use in

Midtown Area B, administration considers that stacked townhousing is already a use in Midtown.

The parking for a dwelling (townhouse - complex), is 2 stalls per dwelling unit, plus one stall per seven dwelling units for visitor parking, as per LUB 18/2024 5.17(26)(b).

Impacts to Other Sections of the LUB

A new definition would need to be added to LUB 18/2024 in section 7.1. Existing townhouse definitions might need to be reworded or refined. The new definition would then need to be added to the Midtown District use list, as well as other residential and mixed-use district use lists (to ensure that other areas of the City are not prohibited from building stacked townhousing). It's anticipated that this would impact the MDR, HDR, MU1, MU2, and DTN Districts.

The new use would also need to be added to the parking table in LUB 18/2024 Section 4.3(3), and the Midtown parking table in section 5.17(26).

In Addition, Item 2: Fee Simple Townhouse Parking

The new LUB includes parking reduction for units 5.18 m wide or narrower. Averton requests that this reduced minimum townhouse width and corresponding parking reduction applies to townhouses in Midtown as well. This width of townhome typically accommodates 1-2 bedrooms, and reduced parking would be appropriate for these units.

Background

This item is a duplication of a request made in the BILD information request. Please see IR-24-023 - item 3 for a detailed response.

Please note, this requested item is new feedback for Midtown, that was not brought up during the interested party sessions held in November 2023 or May 2024. This change was only introduced to Administration in October 2024.

In Addition, Item 5: Midtown Density

It is recommended that the notwithstanding clause, where the ultimate build out of Midtown shall require a density of 81 du/ha, be removed from the Midtown District section of the Land Use Bylaw, and further, that the reference be removed from the ASP. This change would allow greater flexibility for development in the area while still adhering to the established density ranges for Areas A, B, and C. Removing this clause will promote more adaptable housing solutions and allow for project-specific planning that aligns with market conditions.

Background

The South Riel Area Structure Plan Bylaw 27/2015 contains the Midtown Neighborhood. Section 3.7 Development Statistics clearly notes that "The South Riel ASP proposes a density of 81 dwelling units per net residential hectare." Table 3-2 and its notes within the South Riel ASP show the development statistics and proposed density. The notes for Table 3-2 state that "Overall, there will be 81 dwelling units per net residential hectare in Midtown."

Land Use Bylaw 18/2024, Midtown District, echoes these density requirements in section 5.17(9) by prescribing density ranges of 40 to 54 du/nha for Area A, 40 to 94 du/nha for Area B, and 120 to 250 du/nha for Area C. These were carried over from LUB 9/2005, with slight modification.

Please note, that this requested item is new feedback, that was not brought up during the interested

party sessions held in November 2023 or May 2024. This change was only introduced to Administration in October 2024.

Administrative Rationale

Administration does not recommend implementing this request for these reasons:

Area Structure Plan Amendment Required

This proposal requires two different Bylaw amendments, one to Land Use Bylaw 18/2024, and one to the South Riel ASP. If the LUB is proposed to change, then the ASP would need to be changed as well, to reflect the vision of the area changing. This change would require a referral to the Edmonton Metropolitan Region Board, as the density would decrease. To facilitate this change, it is recommended that the applicant take the lead and submit an application.

Potential Conflict with Density Bonusing

There is concern that this proposal seems to conflict with Motion #2 regarding the addition of density bonusing. If the base density is requested to be removed, so that less than 80 du/ha is provided, can rationale as to why density bonusing is needed please be provided by the applicant/developer.

Impacts to Existing Landowners

There is concern that if density in this area is proposed to be reduced, the condominium fees may be spread out among fewer landowners and might place a higher burden on existing Midtown residents, depending on how the condominium corporations are structured.

Summary

Proceeding with these amendments as Administration-led projects will necessitate reprioritization of effort within the Planning and Development Branch. This would require additional staff time to develop the regulation, rather than simply evaluating the request, and would only benefit one site-specific development. Prioritizing this request will result in the delay of other Council projects, likely the Infill Strategy and interactive Land Use Bylaw implementation and cost approximately \$30,000 in staff salaries.

Additionally, if City staff were to develop the new regulations instead of the applicant's consultants, the City would forego standard fees for such requests. Based on 2025 fees, as shown in Table 1, this revenue loss is estimated at approximately \$53,336, in addition to the increased staff time.

Table 1: Estimated Revenue Loss

Item	2025 Master Rates Fee
Pre-Application Meeting	\$597.00
Land Use Bylaw Amendment for Motion 1	\$7,365.00
Land Use Bylaw Amendment for Motion 2	\$7,365.00
Land Use Bylaw Amendment for Motion 3	\$7,365.00
Land Use Bylaw Amendment for Letter Item 2	\$7,365.00
Land Use Bylaw Amendment for Letter Item 5	\$7,365.00
Area Structure Plan Amendment	\$15,296.00
EMRB Referral Fee	\$618.00
Total	\$53,336.00

Report Date: November 15, 2024
Author(s): Barb Dupuis
Department: Planning & Development
Department Director: Kristina Peter
Managing Director: Adryan Slaght
Chief Administrative Officer: Bill Fletcher

To: Mayor Heron and Members of Council
From: Paul Lanni
Date: October 23, 2024
Subject: Recommended Changes to the Land Use Bylaw

The purpose of this memo is to propose key amendments to the newly-approved Land Use Bylaw (LUB). Averton proposed these changes to Administration during the fall of 2023, in spring of 2024 and again at the public hearing on October 15, 2024. The nature of Averton's proposed changes are in the spirit of improving the consistency and equality of the LUB among all of its districts, however, Administration chose to not accept Averton's requested changes.

While the Midtown district sits within the LUB, along with a variety of other districts, many of the important and progressive changes that have been introduced in the newly adopted LUB are not being applied to Midtown. This is ironic, as Midtown is arguably St. Albert's most progressively planned community, with a creative approach to higher density and a prioritization for walkable and more sustainable options than have been traditionally offered in St. Albert. In fact, when we introduced the Midtown district initially, we were looking to include many of the changes that have now been adopted in the new LUB, such as reduced parking ratios and reduced minimum unit dimensions. When these were proposed by Averton for the new Midtown district at the time, Administration insisted that Midtown needed to conform to the existing requirements for parking (2 per household) and unit widths that were in the previous LUB.

It is hard to imagine that the progressive improvements in the new LUB would exclude any district within the City, and most certainly the Midtown district, given the clear intentions and goals around the community. Averton has laid the foundation for a unique approach to suburban development within St. Albert, and this approach has been celebrated by countless visitors and urban planning professionals across the continent. Midtown has unique attributes found in the district that are driven by the promise of higher densities and greater dedication of municipal reserve. While Midtown has unique attributes in its land use by way of density, it is still saddled with the burden of the previous parking requirements and minimum unit dimensions. Again, Midtown was required to align with the parking requirements and lot widths of the LUB at the time the district was created.

At the public hearing, Administration defended its exclusion of Midtown, mentioning that they had provided other "wins" for Averton and the Midtown district including:

- The LUB introduced reduced parking requirements for Apartments.
 - o At our request, Administration agreed to apply the new parking regulations for apartments in the Midtown district. We also requested that the townhouse regulations be aligned with the rest of the LUB, but they were not open to this.
- Removing landscape obligations (not requiring fencing on Riel Drive) so that Midtown's townhouses can be street oriented onto Riel Drive and Rondeau Drive.
 - o This was already in practice, but has now been formalized.
- The LUB identifies stand alone commercial as a potential use, where densities have been met.
 - o This is in alignment with what we had successfully advocated for during the MDP process.

While Averton appreciates these “wins,” it would be more appropriate to refer to them as logical, given the approved development plans for Midtown. What Administration did not articulate, were the ways that Midtown was excluded from the LUB, including:

- The LUB introduced reduced parking requirements for Townhouses. Despite our request that they align, Administration chose not to apply the new parking regulations for Townhouses in the Midtown district.
- The LUB introduced reduced minimum lot widths for townhouses, with corresponding reductions to the minimum parking requirements for units of those widths. Despite our request, Administration chose not to apply the new minimum lot width and corresponding parking regulations for Townhouses in the Midtown district
- The LUB introduced density bonusing to reward improved practices in landscape and architecture for high density areas within the city. Despite Midtown having high density development and our request for the density bonusing provisions to apply to Area C, Administration chose not to apply the density bonusing provisions to the Midtown district

As the district with the highest density, most multi-family product, and most pronounced storyline of a walkable community, Administration needs to see that applying these progressive changes to Midtown is both appropriate and necessary. On parking, Administration’s point is that Midtown’s townhouses will be developed as condominiums, without street parking circulating around the parcels. In reality, the parcels within Midtown are not different than multifamily parcels in any neighbourhood. While there are options to park outside the parcels (Riel Drive, Rondeau Drive), the bigger opportunity is to right-size the ratios based on the number of cars that will be within the developments. The move to reduce parking requirements for townhouses in the LUB is applauded, and makes sense for all townhouses, which might have 2 or 3 bedrooms, compared to larger homes with more cars. It would only be appropriate for the regulations in Midtown townhouses to be consistent with the rest of the LUB.

Additionally, Averton also asked Administration to create language around an additional use within the LUB, being Stacked Townhouses. Stacked Townhouses can offer densities that more closely resemble apartments, and while each unit has its own front door, the units include types that more closely resemble 1- and 2-bedroom apartments, in addition to units that are more consistent with traditional townhouses. Stacked Townhouses are a vital piece of the missing middle, and offer a great mechanism for higher density in a medium scale. This unique use should be defined within the LUB, and afforded different regulations than townhouses/rowhouses, in favour of regulations that more closely resemble apartments. Despite our extensive experience building this product in the region and elsewhere, Administration chose not to engage with Averton on this, citing that they would wait until the Federal Government identified it as a specific housing typology and attached programs around it. To limit the opportunities for the LUB to be more useful and to better reflect the products being built in St. Albert in favour of the Federal Government getting around to a definition seems like an approach that doesn’t make a lot of sense. Averton would like to work with Administration to introduce this use within the LUB, not just for the benefit of Midtown, but for the benefit of the City overall.

Lastly, another area of concern with the current LUB in the context of the Midtown District has to do with the interpretation of the overall density of the district. Mayor Heron landed on this conclusion in the Public Hearing, when discussing the range of density that was specified within the LUB for each area of Midtown, verses the overarching requirement that Midtown shall be built out to a density of 81 units per hectare. Averton had suggested to Administration that removing this notwithstanding clause in favour of

building to the range of minimums and maximums of the range would be a better approach and provide greater opportunity to respond to the market. Having now worked with the regulations of the Midtown District for 5 years, it is clear that there is value in the ranges established in each of Midtown's 3 character areas, but the "notwithstanding clause" within the interpretation of Midtown's density will prove problematic as the site builds out.

The requirement to hit 81 units per hectare contradicts the flexibility and responsiveness that was built into the density ranges within the district. This is not to say that every area should be built out to the top end of the prescribed range of an area, but rather, it allows the development to accommodate planning that is the best fit for the market and the product type.

Averton has already showed in its first 2 phases to date (Area A and Area B3), plus the senior's development, that the top end of the density range is not always the most appropriate direction. Removing the notwithstanding requirement that Midtown be built to 81 units per hectare was proposed to Administration, but Administration suggested that Averton come forward with an ASP amendment. This doesn't make a lot of sense, given that the range of densities are clearly established in the ASP.

The better option would be to defer to the minimums and the maximums on each Area, which in any event, will exceed the 40 units per hectare mandated by the EMRB. Such a change would be required at the LUB level and the ASP level, where the 81 units per hectare is briefly referenced in both, alongside the previously mentioned ranges.

There is an opportunity to improve the work that was done in the Midtown district 5 years ago, and in the new LUB approved October 15th. Averton requests that the following changes be brought forward in subsequent amendments to the new LUB, so that Midtown can continue to grow towards its vision of being a community centered on innovation, quality, and prioritized experiences for its residents.

Summary of Proposed Changes

1. The new LUB includes a 2:1 parking requirement for townhouse complexes in Midtown, whereas a 1.5:1 ratio is specified for townhouse complexes in the LUB. Parking ratios should be consistent across the bylaw. Therefore, townhouse complexes in Midtown should be permitted to have the same 1.5:1 parking ratio.
2. The new LUB includes parking reductions for units 5.18m wide or narrower. Averton requests that this reduced minimum townhouse width and corresponding parking reduction applies to townhouses in Midtown as well. This width of townhome typically accommodates 1-2 bedrooms, and reduced parking would be appropriate for these units.
3. a) Stacked townhomes should be categorized separately from townhouse complexes, as they have more in common with apartment density. Currently, the parking requirements in the Midtown District are consistent across duplexes, semi-detached, and townhouse complexes. The new LUB categorizes "Dwelling (townhouse-complex)" separately, requiring parking at a 1.5:1 ratio. Stacked townhomes, being denser and often configured with 1-2 bedrooms, should require less parking. Ideally, these units would have their own definitions and parking regulations. Alternatively, the parking regulations could align with those for apartments.

b) Additionally, Averton requests that the use of stacked townhomes be permitted within Area C of Midtown, which is the higher density node capable of integrating commercial alongside higher-density residential. The introduction of stacked townhousing as a use in Area C would not work against the intended density requirements of the area, but rather, would be able to introduce buildings of reduced scale to complement the higher scale apartments uses, which would lead to better outcomes within those parcels.

4. The new LUB provides for density bonusing on developments that meet certain criteria for architecture and landscape. This density bonusing should apply to all high density areas in the City in order to encourage consistently better outcomes for development in the City. Accordingly, the bonusing provisions should also apply to Midtown's Area C.
5. It is recommended that the notwithstanding clause, where the ultimate build out of Midtown shall require a density of 81 du/ha, be removed from the Midtown District section of the Land Use Bylaw, and further, that the reference be removed from the ASP. This change would allow greater flexibility for development in the area while still adhering to the established density ranges for Areas A, B, and C. Removing this clause will promote more adaptable housing solutions and allow for project-specific planning that aligns with market conditions.

Averton appreciates your consideration of these items and asks that an amendment be drafted to apply the changes highlighted above to the Midtown district within the new land use bylaw.

Sincerely,



Paul Lanni, FCPA, FCA
President & CEO
Averton