



COUNCIL – AGENDA REPORT

Meeting Date: 19 September 2022

Subject: Bylaw No. B-27/2022 Land Use Bylaw Amendment

Boards Routed Through: Municipal Planning Commission

Date: 7 July 2022

Issue:

Council is being asked to give three readings to Bylaw No. B-27/2022, being a bylaw to amend Land Use Bylaw No. B-01/2016 by adding regulations to Section 8.5.6 to allow Dwelling, Garage Suite as a Permitted Use in the R1-L, Narrow Lot Laned Residential District on specific lots within lands legally described as a portion of NE 1/4 Section 2, TWP. 27, R1, W5M and a portion of NW 1/4 Section 2, TWP. 27, R1, W5M; and then renumbering all other diagrams in Land Use Bylaw B-01/2016.

Background:

On May 31, 2022, Urban Systems Limited (the Applicant) applied on behalf of the landowner Genesis Land Development Corporation for an amendment to the Land Use Bylaw (LUB) as indicated above and outlined in Attachment 1.

The subject lands are districted R1-L, Narrow Lot Laned Residential District, while adjacent lands are districted R2-T, Townhouse Residential District, R1-W, Single Detached Wide Shallow District, R1, Single Detached Residential District; R1-U, Urban Standard Residential District, and R1-L, Narrow Lot Laned Residential District.

The R1-L district allows for development in the form of single-detached dwellings on small lots with access from a rear laneway. As shown in Attachment 2, Dwelling, Garage Suite defined below is allowed as a Discretionary Use in the R1-L district.

“A secondary dwelling unit that is located above a detached garage or attached to the side or rear of a detached Garage at grade. A Garage Suite is accessory to a Dwelling, Single Detached, has an entrance separate from the vehicle entrance to the Garage, and contains living, cooking, sleeping, and sanitation facilities which are separate from those of the principal dwelling located on the site. This Land Use does not include a Dwelling, Secondary

Suite or a Dwelling, Garden Suite. This land use may also be referred to in this Bylaw as “Garage Suite.”

As a Discretionary Use, decisions on all Garage Suite development permit (DP) applications are made by Municipal Planning Commission (MPC), who is the Development Authority per Section 2.1.3 of the LUB. In addition, according to Section 2.4.6 (2) of the LUB, for all Discretionary Use DP applications, the applicant is required to post a notification on the property for which a Garage Suite has been approved and Administration is required to notify the public and adjacent landowners of the approval.

Any member of the public (including the adjacent landowners) has the right to appeal the decision of the Development Authority within 21 days of when the City published the notification of approval on the City of Airdrie “Notice of Development” webpage. The purpose of the notification and 21-day appeal period is to give any member of the public who deems they may be affected by the approval of a Garage Suite, the chance to appeal the decision. If an appeal is received within the 21-day appeal period, the Garage Suite application is then taken to the Subdivision and Development Appeal Board (SDAB) for a decision on the application.

In the past, adjacent landowners have appealed the approval of Garage Suites for various reasons including suitability of the parcel for a Garage Suite, height, size, lack of lane access, reduction in property value, inability to sell houses adjacent to a suite, high traffic, impact to character of neighbourhood and obstruction of sightlines. However, most of the appeals cited privacy as a major issue. Administration’s records show that since the adoption of the current LUB in 2016, there have been 7 approved DP applications for Garage Suites, 3 of which have been appealed and subsequently refused by SDAB.

It is important to note that MPC accepted Administration’s recommendation of approval for all seven Garage Suite DP applications. Administration recommended approval based on policies in the Airdrie City Plan and AirdrieONE Sustainability Plan that support the development of suites to provide a mix of housing types and tenures, including rental for diverse residents and those residents facing affordability challenges. Administration also recommended approval based on information in the Airdrie Housing Needs Assessment and Strategy (2017), which revealed that the proportion of below-market rental housing in Airdrie is 0.7%, indicating that the city is lacking in affordable rental housing. In addition to the lack of affordable housing, the city is experiencing severe constraints in overall rental housing with a vacancy rate of 2.2% as of 2021 according to rental market survey data from Canada Mortgage and Housing Corporation (CMHC).

Garage Suites provide rental housing (which given the statistics above) is lacking in Airdrie. Garage Suites also help meet the needs of homeowners who face challenges housing adult children and aging parents. In addition, Garage Suites provide a means of passive income generation from rental revenue to assist homeowners with increasing housing costs. Despite the benefits of Garage Suites and a favorable market response to this type of housing, Garage Suites are in short supply within the city. The short supply of Garage Suites can be attributed partly to adjacent landowners appealing the Development Authority’s decision to approve Garage Suites within the city’s existing neighbourhoods, as most homeowners do not anticipate Garage Suites next door when they buy their homes and have an expectation that the character of their neighborhood will remain the same.

Given the above, the applicant is proposing an amendment to the LUB that will add Garage Suites as a Permitted Use on 75 newly created RI-L lots spread across Phase 4, 12, 14 and

16 of the Bayview/Bayside Stage 3 Neighbourhood Structure Plan (NSP) area. A map showing the location of the lots within the respective phases is provided as Attachment 3. With the proposed amendment, the developer and builders will be able to market these lots as lots accommodating a single detached dwelling with a Garage Suite above a detached garage (See Attachment 4 for letter from McKee Homes supporting the proposed amendment). The applicant has indicated that the LUB regulations for Garage Suite will be disclosed to all initial buyers at the onset of the development. This way, prospective homeowners who want a Garage Suite and those who do not want a Garage Suite or do not want to live next to one will be able to decide on a purchase.

As a Permitted Use, Garage Suites are still subject to a DP application. However, per Section 2.1.2 (6) of the LUB, the Development Authority will be the Development Officer and not MPC. It is important to note that per Section 685(3) of the *Municipal Government Act* (MGA), no appeal lies in respect of the issuance of a DP for a Permitted Use unless the provisions of the LUB were relaxed, varied, or misinterpreted.

Upon receipt of a DP application for a Garage Suite, Administration is required to review the application to ensure compliance with the regulations that guide the development of Garage Suites as outlined in Section 6.22.1 of the LUB (Attachment 5). These regulations ensure the following:

1. Conformance with Higher Order Plans and Policies: Garage Suites are required to comply with any applicable regulations contained within the Airdrie City Plan and the NSP for the plan area.
2. Compatibility: Garage Suites are required to match the look, feel and character of the surrounding development including the height, building type and material.
3. Protection of Privacy and Sightlines: Garage Suites are to be developed in such a way that the privacy and sightlines of the surrounding development are not impacted. Measures to ensure this include preventing large windows from overlooking adjacent properties.
4. Reduced Cumulative Impact: The approval of Garage Suites is contingent on the cumulative impact of all approved accessory suites within the neighbourhood, specifically in terms of traffic generation and parking demand.
5. Reduced Intensity of Land Uses: To minimize any cumulative impact on traffic and parking (for example), Garage Suites are not allowed on properties where a Home Business (General or Major), Bed and Breakfast, Secondary Suite, Garden Suite, Child Care Facility, or Supportive Housing Facility has been approved or exists.
6. Restricted Maximum Size and Height: Garage Suites are not to exceed 55 square meters or the size of the detached garage (whichever is less) and are not to exceed a height of 7.4 meters or the height of the principal dwelling (whichever is less). This regulation controls the look and feel of the Garage Suite as well as minimizing impact on the privacy and sightlines of surrounding development.
7. Minimize Above Ground Amenity Space: Decks are allowed for a Garage Suite only in compliance with Section 7.4(5) of the LUB which regulates the look, height and area of the patio to ensure that there are no impacts on sightlines and privacy.

8. Location and Setback Minimums: Garage Suites are to be located on the rear yard of the property, four meters away from the principal building. In addition, the minimum side yard setback of the Garage Suite is the same as that of the principal building, while the minimum rear yard setback is the same as that of the garage above which it is being built.
9. Minimum Lot Dimensions: A lot accommodating a Garage Suite is required to be a minimum of 400 square meters in area and 13 meters in width. These minimums ensure that the property can provide on-site amenity space and parking for the principal building and the Garage Suite.

In addition to the Garage Suite regulations in Section 6.22.1 of the LUB, the proposed amendment adds regulations to the R1-L district to further regulate the development of Garage Suites on the subject lands which constitutes 75 lots. These regulations as shown in *Attachment 1* will ensure the following:

1. Limited Locations: Garage Suites will only be allowed as a Permitted Use on 75 lots identified in *Diagram X of Attachment 1*.
2. Compatibility: Garage Suites on the subject lands will be required to adhere to the approved architectural guidelines for each subdivision phase. This will further ensure that Garage Suites in each phase maintain the character of the surrounding neighbourhood. See excerpt from Bayside Phase 12 Design Guidelines in *Attachment 6*.
3. Required On-Site Parking: Parking required for Garage Suites on the subject lands must be provided on the subject property within a detached garage. This will limit the request for surface parking and reduce the impact on onsite amenity space and landscaping. In addition, this regulation will ensure that the look and character of the residential area is consistent.
4. Limited Number of Bedrooms: Garage Suites within the subject lands are limited to one-bedroom. The purpose for this regulation is to limit traffic increase and minimize the overflow of parking unto the street.

In summary, all applications for Garage Suites on the subject lands will be reviewed for compliance with the Garage Suite regulations in Section 6.22.1 and the new R1-L district regulations in Section 8.5.6 (5-8) of the LUB.

Alignment with Airdrie City Plan:

Overall, the City Plan supports the development of a range of housing types including rental housing to meet the needs of diverse residents and those residents facing affordability challenges.

In accordance with Policy 6.2(d) of the City Plan, the proposed amendment supports the development of Garage Suites which adds to the mix of housing types in the community to meet a broad range of lifestyle and income needs.

In compliance with Policy 6.14(a) and (c), the proposed amendment will facilitate the development of Garage Suites in appropriate locations and ensure that design guidelines will be developed for each phase to ensure proper integration of Garage Suites within the neighbourhood.

As per Policy 6.19, the proposed amendment encourages the supply of Garage Suites which increases the supply of rental housing that is affordable to a certain group of residents.

In compliance with Policy 6.21 and 6.22, the proposed amendment supports the development of Garage Suites within a new development where sufficient parking will be provided, servicing capacity is available, and the integrity of the residential neighbourhood is protected.

The proposed amendment encourages the provision of Garage Suites which supports aging in place in accordance with Policy 6.23 by providing the opportunity for homeowners to move into the Garage Suite when they age while renting out the primary dwelling on the property for supplemental income. As mentioned earlier, the proposed Garage Suite also allows homeowners to provide housing for aging parents by developing the Garage Suite to be accessible.

In alignment with Policy 6.8, the proposed amendment will result in an overall density of 8.3 Units Per Acre (UPA) within the Bayview/Bayside Stage 3 NSP area. This contributes to the overall density of the West Airdrie Community Area Structure Plan (CASP).

Alignment with Bayview/Bayside Stage 3 NSP:

Staff reviewed the proposed amendment for compliance with the above NSP. Section 2-1.13 of the NSP supports the development of affordable housing in various forms including Garage Suites to reduce land consumption and capitalize on energy efficiencies. The NSP also supports a mix of housing types throughout the plan area to meet the needs of a diverse population.

Per Section 4.1 of the NSP, an updated Traffic Impact Assessment (TIA) is required if higher densities are proposed within the NSP area. Administrations review showed that the subject lands could typically accommodate 115 units based on the R1-L district minimum lot width requirement of 8.5 meters. However, with the proposed amendment, the subject lands are anticipated to accommodate between a minimum of 75 units and a maximum of 150 units based on the minimum lot width of 13 meters. The anticipated number of units will result in a density ranging between 8.1 UPA and 8.3 UPA. This falls within the density range of 7.8 UPA and 8.6 UPA indicated in Section 2.9.2 of the NSP. Based on the density range for the NSP area stated above, there is no anticipated traffic impact from the proposed amendment, therefore Administration did not require an update to the Transportation Impact Assessment. Administration also confirmed that the existing sanitary servicing indicated in Section 4.2.1 of the NSP is adequate to accommodate the proposed amendment.

Alignment with Land Use Bylaw B-01/2016:

Staff reviewed the proposed amendment for compliance with the LUB. Each lot within the subject lands will meet the minimum lot area of 400 square meters and lot width of 13 meters for a Garage Suite. The drawings in Attachment 7 represent the typical layout and design for a Garage Suite that can be developed on any of the subject lots. This layout and design meet all the requirements of the LUB including height and area. It also addresses privacy issues by limiting larger window placement on the elevation facing the lane. In addition, the Garage Suite provides only one-bedroom and parking is provided within a detached garage as is the intention of the proposed LUB regulations in Section 8.5.6 (7 and 8). It is important to note that this layout and design was approved for a Garage Suite by MPC on June 16, 2022, under DP PL2201003.

In terms of compatibility, the illustrations in Attachment 8 show that the proposed amendment will result in the development of Garage Suites similar in layout and placement to the Garage Suites that currently exist in the Channelside area of the Canals community, developed by Genesis around 2005 to 2006. The Channelside area has 76 Garage Suite units spread across 2 subdivision phases, whereas the proposed amendment supports the development of 75 Garage Suite units spread across 4 subdivision phases. The Planning and Development Department has not received any complaints from residents in the Canals with regards to the existing Garage Suites. Attachment 8 also shows that the Garage Suites which do not back onto other Garage Suites will back on to residential development with detached garages, which limits impact on privacy.

With regard to parking, Section 4.4 (1) of the LUB requires “*1.0 stall per bedroom provided by the accessory unit PLUS parking as required for any other land uses provided on the site*”. Based on this requirement, three parking stalls will be required for each of the 75 lots if they are to accommodate a Garage Suite. As shown in Attachment 7, it is the intention to provide 3 parking stalls within the detached garage proposed for each of the 75 lots.

In summary the proposed amendment is in line with all required municipal plans and policies. Furthermore, the proposed amendment is in line with the suggested actions in the *Airdrie Housing Needs Assessment and Strategy (2017)* which are geared towards encouraging the city and developers to provide a diversity of housing types and tenures to meet the housing needs of the broader community.

Alignment with South Saskatchewan Regional Plan and AirdrieONE:

The proposed amendment aligns with Policy 8.14 of the South Saskatchewan Regional Plan by supporting the development of a range of housing types that makes efficient use of existing infrastructure, services and amenities within the Bayview/Bayside community.

The proposed amendment also aligns with the objectives of the AirdrieONE Sustainability Plan by enhancing a sustainably built community through the provision of land use regulations that adds to the range of housing options available to residents of varying ages, incomes and lifestyles. The proposed amendment also supports compact housing forms that support density and alternative modes of transportation such as transit.

Boards Routed Through:

Municipal Planning Commission:

Municipal Planning Commission (MPC) reviewed the proposed bylaw at the July 07, 2022, meeting. MPC had the following questions, concerns and comments:

1. MPC inquired how Administration measures the width of lots with regards to what is required for a Garage Suite. Administration responded that the width of a lot is measured depending on the shape of the lot (regular, pie or reverse pie shape).
2. MPC asked who is responsible for informing prospective home buyers that Garage Suites are allowed as a Permitted Use in specific lots in the neighbourhood. The Developer responded that they would work with their builders to provide this

information to home buyers in the area. MPC expressed concern on whether or not developers/builders should be trusted with disclosing this information.

3. MPC asked why the R-1SS district was removed from the Land Use Bylaw. Administration responded that the R-1SS district under Land Use Bylaw B-09/2005 and other residential district were removed and integrated into other land use districts in the current Land Use Bylaw B-01/2016.
4. MPC inquired if the Garage Suite lanes will be paved. Administration responded that City of Airdrie standard/specifications requires all lanes to be paved.
5. MPC asked if Administration has proof that the Garage Suite will provide affordable housing. Administration responded that it does not have proof but that it considers the Garage Suite as providing affordable housing option based on the definition in the Airdrie City Plan which defines affordable housing as a function of the city's median household income and a tenant's ability to spend 30% or less of their household income on rent. The Developer added that in speaking with its builders, this form of housing is in demand.
6. MPC expressed concern that Garage Suites in the block of units to the west and southeast of the subject lands back onto lots without Garage Suites. Administration explained that the adjacent parcels which do not have Garage Suites allow for detached garages that can go up to 7.3 meters in height, which is higher than the height allowed for a Garage Suite. Administration added that the detached garage reduces impact on privacy by obstructing the view into yards.
7. MPC also expressed concern with allowing Garage Suites as a Permitted Use which takes away the ability of adjacent landowners to appeal a Development Permit (DP) approval. Administration explained that landowners can still appeal the DP if they believe that Administration did not review the application properly for compliance with the Land Use Bylaw.
8. MPC requested that Administration confirm from Municipal Enforcement (ME) and Royal Canadian Mounted Police (RCMP) if there have been complaints made with regards to increased traffic and parking issues in the Canals area that have 76 Garage Suites. After the meeting, Administration was able to confirm from ME that the department has received complaints about alley and road parking in the Canals area over the years but not more so than any other area in the city (See Attachment 9 for email from ME).
9. MPC asked if all of the subject lots will have Garage Suites. The Developer responded that it is not anticipated that all lots will have Garage Suites but that the intent of the proposed amendment is to provide the option to homeowners.
10. MPC asked if there is potential for the Garage Suites to have more than one-bedroom. The Developer answered that the regulations as written, with restrictions on size of the Garage Suite and number of bedrooms, prevents the Garage Suites from having more than one-bedroom.
11. MPC asked if all the subject lots will be developed with a three-car garage. The developer answered that that is the intention and that the regulations require it.

12. MPC asked about garbage collection, delivery service and fire access. Administration responded that garbage collection carts will be shared by the principle dwelling and the Garage Suite and that each Garage Suite has a separate address with a letter after the building number to identify it as an accessory suite. Administration also responded that the Fire Department reviewed the application and has no concern with what is being proposed.
13. MPC commented that there is always the potential for landowners to apply for a one-bedroom Garage Suite and den which could be easily converted into a bedroom.
14. MPC commented that it would prefer if Administration referred to Garage Suites as providing increased affordability as opposed to providing affordable housing, which is typically provided through some sort of funding and under organizations such as Airdrie Housing Limited.
15. MPC commented that it is a good idea that prospective home buyers will know at the time of purchase that Garage Suites will be built in the neighbourhood which will help home buyers to make an informed decision.
16. MPC expressed concern with regards to cumulative impact from the cluster of 56 Garage Suites. This concern was the reason for the two votes not in favor of the proposed amendment. Administration responded that regulations have been put in place to provide one parking stall for each Garage Suite within the detached garage and limit the number of bedrooms allowed in the Garage Suites to one, which should minimize cumulative impact in terms of parking and increased traffic.

MPC voted 6 to 2 in favor of recommending that Council adopt Bylaw No. B-27/2022 as presented.

Alternatives/Implications:

Council has three alternatives with respect to the proposed bylaw:

Alternative One: Council could choose to give three readings to Bylaw No. B-27/2022 as presented.

This alternative will amend Land Use Bylaw B-01/2016 by adding regulations to Section 8.5.6 to allow Dwelling, Garage Suite as a Permitted Use in the R1-L, Narrow Lot Laned Residential District on specific lots within lands legally described as a portion of NE ¼ Section 2, TWP. 27, R1, W5M and a portion of NW ¼ Section 2, TWP. 27, R1, W5M; and then renumber all other diagrams in Land Use Bylaw B-01/2016.

Alternative Two: Council could choose to table Bylaw No. B-27/2022.

This alternative allows Council to direct Administration to prepare additional information deemed necessary to make a decision on the proposed Bylaw.

Alternative Three: Council could choose to defeat Bylaw No. B-27/2022.

With this alternative, Garage Suites will not be allowed as a Permitted Use on the subject lands.

Public Engagement and Communications Plan:

Public notification of the public hearing was provided in the City Connection for three consecutive weeks in keeping with the City's Public Notification Bylaw No. B-02/2019. The Development Authority will directly notify adjacent landowners within a 60 meter radius, and the applicant will erect a notification sign on the development site, as prescribed in the requirements of the Municipal Government Act and Land Use Bylaw B-01/2016.

Recommendation:

That Council gives three readings to Bylaw No. B-27/2022, being a bylaw to amend Land Use Bylaw No. B-01/2016 by adding regulations to Section 8.5.6 to allow Dwelling, Garage Suite as a Permitted Use in the R1-L, Narrow Lot Laned Residential District on specific lots within lands legally described as a portion of NE 1/4 Section 2, TWP. 27, R1, W5M and a portion of NW 1/4 Section 2, TWP. 27, R1, W5M as presented; and then renumbering all other diagrams in Land Use Bylaw B-01/2016.

Tega Odogu
Planner II

Presenter:	Tega Odogu
Department:	Planning & Development
Reviewed by:	Gail Gibeau RPP, MCIP, Team Leader
Attachments:	#1: Proposed Bylaw No. B-27/2022 #2: Current R1-L District #3: Subject Lands #4: Letter from McKee Homes #5: Garage Suite Regulations #6: Excerpt from Bayside Phase 12 Design Guidelines #7: Sample Garage Suite Plot Plan and Drawings #8: Lot Layout #9: Email from Municipal Enforcement
Appointment:	N/A