

## **Questions and Answers (Q&A) from May 16 Info Session on Land Use Bylaw changes proposed to increase housing density in Banff.**

### **General Land Use Bylaw Questions**

- 1. Q. Is changing Land Use Bylaw a requirement of federal grant funds as it is for the city of Calgary?**

A. In part it is. Our housing action plan is tied to our housing accelerator grant includes a number of actions that we are required to take. Of those actions includes housing and parking changes. However, the issue on housing does still exist in the Town of Banff exclusive of the housing accelerator grant and the Town would still need to make changes to the Land Use Bylaw. It's a helpful financial incentive and does help to take some of the burden off of our municipal rate payers who would be paying for some of these initiatives.

- 2. Q. What is the Town's plan or proposed bylaw change regarding permitting on multi-  
rental units as it related to universal design accessibility? How will permitting be  
required for new units to be accessible for all ages and stages of life?**

A. We were asked the same questions by council back in 2022 and our council is very interested in increasing accessibility and especially accessibility through building design. Council had posed a question to come back with a report on options for implementing accessibility requirements that exceed the Alberta building code. The Alberta building codes is a tool that mandates accessibility requirements for new buildings. The Town of Banff [created a report on March 27, 2023 and its titled Building Accessibility in Banff](#). The report found that Alberta's Safety Codes Act prohibits municipalities from doing anything regulatory to items that are included in the building code. This code constrains and prohibits the Town from creating our own building codes or any other items that deal with accessibility. Council's response was to work on our own assets and figure out how we can make Banff's buildings more accessible and that includes our own Town housing projects that are self-imposed. We are able to create corporate standards when the Town designs new buildings. Council is currently exploring a site next to the hospital, called the Health Unit Lands where that is a project that we could self-prescribe a higher standard of accessibility should we choose.

- 3. Q. There isn't enough housing for the current Banff population. Has the Town explored the possibility to decrease the commercial cap, resulting in a decrease amount of people needed to work and live in Banff?**

A. Our Land Use Bylaw sets out housing requirements when somebody does a change of use or new development. The Town has experienced a housing issue prior to incorporation (1991), and prior to commercial growth management. What commercial growth management did was limit the amount of commercial floor area, it stopped new floor area from being built and it also made existing commercial floor area change and adapt its floor area. Which means restaurants who used to be open for breakfast only, are now open throughout the day and into the evening. These adaptations have had an impact on the need for housing due to staffing. Our Land Use Bylaw is intended to address the average requirement for housing, but it currently is not meeting the needs of adapting commercial business models. The Town is exercising a third-party study to help address ways to meet the needs and find new tools to implement that. In some instances, this could lead to more

housing, and in other cases this could lead to a decrease as well. The need for housing is also dependent on a business' success, which can change over the years. Council has made some changes related to the housing policy, as recently as last year, which regulates that new housing must be created by building a new dwelling. There will be more changes in the coming year or two. However, the need for new housing is not only driven by commercial employment, but also a need from the community for various services.

4. **Q. There were upscaling efforts in 2012 and 2018 through bylaw changes. Would the new bylaw changes impact the character and feel of Banff by allowing new houses and bigger buildings?**

A. In 2012, council directed us to look at our Land Use Bylaw primarily to address residential issues and we did a few things which included: raising floor area ratio to create more opportunity and prohibited single-family homes (there hasn't been a single-family home, without a suite, built in Banff since 2012). As a result, there were new units. One of the biggest changes we saw between then and now was a bylaw to reduce the required parking for apartment rental housing (Bylaw 380). That was an immediate trigger, and the Town realized that required parking was the primary prohibitor for creating new housing. Once that Bylaw was relaxed, the Town experienced another release of units and development in the market and created more homes. In that 10-year period, we saw roughly a 10 per cent increase in our housing stock. This was a significant step and increase in a decade, but the Town also realized that it had plateaued due to various factors. The factors we can control are density and parking requirements.

5. **Q. Are the proposed Land Use Bylaw changes, just "proposed" at this phase? If a current property owner purchased in an area that was zoned to not have high-rises, can these changes be blocked? If not, how will the Town compensate those who do not want to live in a Valley of high rises that are 14.5 metres?**

A. Correct, the proposed changes to the Land Use Bylaw are only proposed changes at this stage and they have to go through a sequence of events, this includes a public hearing on June 10 at 9am at Town Hall. The public hearing is the final chance for council to hear public feedback and feedback accrued through the survey are all going to be forwarded to council. After that, there will be a process called second reading where council will propose to make amendments. This will likely be heavily influenced by the public's feedback. Then finally, there will be a third reading which is more functional. Then if it is passed it will become a town bylaw but does not come into effect until its signed by the federal minister or representative. Any Banff Land Use Bylaw change must go through Parks Canada and once that is complete it becomes operative. To the second question, compensation because of bylaw changes does not exist in Canadian law. The only time compensation could be sought after is if a municipality is acting in poor faith, or the only other exception is if you are downzoned to an unusable state. For example, you can no longer do anything with your property because it has been zoned as an environmental protection area.

6. **Q. If you build a four-plex in a medium-density zone, would each unit have its own title? Could you sell each unit on its own?**

A. For reference, about 60 per cent of our population are renters and 40 per cent are owners. That is one of the highest renter-to-owner ratios in Alberta, if not Canada. Yes, you

can take a four-plex and subdivide them as individual units for sale. The primary barrier to that is municipal and federal fees when you subdivide. In the Town of Banff there is also a federal fee, which is roughly 10 per cent – this is a significant enough barrier to stop people from subdividing. The Town has asked the federal government to remove this, whether as a temporary suspension or permanently, as a tool to encourage subdivision in our community. The federal government is bound by an administrative stipulation and is not easily removed. There is a considerable amount of review and oversight that would have to go into removing those fees. If removed, the Town would reciprocate and remove the municipal fees as well. Council has requested that the Town review when the fees are currently required and at what percentage when you also consider the park fees. The Town will be returning its findings to council later this year. There are additional benefits to subdividing which include a more stable population and social contribution to the community.

**7. Q. Would the Town consider ownership zoning? Such as zoning areas for only residential ownership and not commercial? Would the Town consider a limit to ownership by any one entity or organization to allow a more competitive real estate market?**

A. We cannot zone according to ownership based on Alberta planning law. We understand the growing frustration to gain market entry in the Town of Banff. For example, young people who are trying to buy a home and it is getting purchased by a business who are buying for staff accommodation and then drives that rental stock. The tenure of properties is managed by the federal government, through Parks Canada. They issue leases to properties in Banff.

**8. Q. What are the Town's plans to build town led units using universal design? Recognizing that economies of scale do not make this more expensive.**

A. In town led units, the Banff Housing Corporation has developed about 7 per cent of our housing units. The Town plans to continue to develop more units in the public's interest. When the Banff Housing Corporation builds buildings, we come to council for scoping questions to ask things about Universal Design and Accessibility Standards. A recent example was when we were designing The Aster building on Banff Ave, we asked council to give us direction on the number of units we should design for accessibility needs and from a universal design perspective. It's council who is the developer and who drives these decisions and we'll be doing the same as we develop the Wolf Street Canoe Docks and Tatanga Ridge Benchlands. Reach out to be connected to have this question put to council. See ways to connect at <https://banff.ca/583/Connect-with-Council>

**9. Q. Does the Town see a way that we can reduce the lag between allowing the change of uses between higher intensity uses and therefore potentially increasing population growth with jobs with the cash in lieu programs.**

A. Retail to restaurant is a very common one we are seeing in Banff. However, it's not the only way housing demand is created. It's not just the changes of use that occur it's the higher intensification of an existing use. For example, restaurants have intensified in their hours of operations. In contrast, hotels have not intensified with their existing use. Hotels see a consistent average of around 1.8 persons occupying a room. In 1998, there was a moratorium on new commercial development, this was a temporary stop for the

public's interest. We currently have a moratorium on Bed and Breakfast applications. That is an example of a tool for the public's interest, and it has a finite conclusion to them. The Town's housing policy is another way to ensure that we don't get into this shortfall position again, by aiding to address the intensification. The cash in lieu program is an opportunity for people to pay their way out of the housing requirement, and that has since gone up. However, that cash received goes into a reserve that the Town can then create housing but to do that we need land to build that housing to address that problem. It is a good option, but 98 per cent of our residential land is already developed on.

**10. Q. How does the cash in lieu program work?**

A. The cash in lieu rate has gone back to council numerous times. The Town has given council a breakdown, it is essentially a per-bedroom breakdown. If you do intensification, we work out the difference between what is existing and your proposed use. Council has been given recommendations on what it costs to build a bedroom and has determined it is roughly 50K for a bedroom. The [report can be viewed here](#). The biggest change is that developers can no longer partner with third-party developers.

## **Questions on Density**

**11. Q. With increasing the density, would the Town take into consideration the cumulative impact of the existing non-confirming buildings? Are you tracking the non-confirming buildings?**

A. Historically, there have been buildings built without permits. The result of that is that you do have a lot of buildings that are deemed to be non-confirming, and they do not comply with our current bylaw. They may also not comply with the Alberta Building Code. There is a planning ramification to your neighbourhoods when that happens and there is also a safety ramification for the inhabitants of those buildings. The direction that has been given from council is that we will take enforcement action only on a complaint driven basis. The Town has enforced action in a number of situations over that last five years. The number of enforcement actions have increased. For example, enforcement was taken on Squirrel Street where an abhorrent number of people were living in a single-family house whereby we physically reduce the number of inhabitants of that property. However, that doesn't solve our housing problem. The zoning bylaws must exist to work with the certainty of that is there and there are cases like this that have been developed without permit. If you are concerned with a situation, please reach out to us and let us know at [kerry.macinnis@banff.ca](mailto:kerry.macinnis@banff.ca).

When we enforce, it is primarily about bringing things into compliance and making things safe. That involves the planning department, our fire department and Alberta Health Services. The safety of our citizens is paramount. If you have a safe housing concern, please contact Rick Williams at the Town of Banff at 403-762-1219 or [rick.williams@banff.ca](mailto:rick.williams@banff.ca)

**12. Q. Why have very few small-density areas? Why not make everything medium or high?**

A. A large number of land use districts currently exist. The Town did not initially start off with 23 land use districts, but just after Incorporation and as Middle Springs developed

the number of residential districts increased. There are some districts that are a block or a street, and some that encompass an entire development area. Valley View is a prime example where it is made up of one condo corporation. A lot of the residential districts are very different. For example, Middle Springs – if the Town put it up to a medium-density district, no one would likely knock down four homes to put up an apartment building even if it were permitted because of the nature of how new the homes are and the size of the lots. Factors such as these, and houses on the periphery or near wildlife areas are what that the Town has considered to still allow flexibility or realizing the constraints when determining low, medium and high-density districts.

**13. Q. Do suite counts count towards total unit counts? For example, a Four-plex?**

A. No, not in that type of housing. A single-detached home is one primary unit. If you were to add an accessory unit, it would not be considered a duplex. If there was more of an even share of the housing, it may be considered as a different type of dwelling.

**14. Q. If we go from medium to high density, is there a way to have some of the proposed changes approved but not all? For example, going from 9 metres to 14.5 metres.**

A. Yes. In our Land Use Bylaw, we have 23 residential districts and what we have done is not gone from 23 to 3. What the Town has done is tried to align the 23 districts into tranches that all have common metrics. One of the reasons, is that the Town could make specific changes to specific districts in the future. Those changes could be simply one item, eg. height or setback, providing flexibility.

**15. Q. Could you explain what 14.5 metres looks like as a high rise in Banff?**

A. When we applied for the housing accelerator fund there were some stipulations around high-rise which was five storeys and above (these can be seen in larger cities). However, 14 – 14.5 metres is something that has existed in our community before 1992. In fact, 14 metres still exists in today's Land Use Bylaw. We do have buildings at the height currently. These can be seen on Banff Ave, Muskrat Street, Beaver St. or at the Fairmont staff accommodation for example. We're not proposing to change the Banff design guidelines which includes pedestrian scale. There are regulations currently in place that bring the visual prominence down and have step-back requirements.

**16. Q. If these proposed changes are passed does that mean I will be forced to rebuild my property?**

A. No. The new regulations would only affect anyone wishing to rebuild / redevelop their property. Existing uses can continue and the proposed bylaw amendments are designed to ensure that existing uses won't become "non-conforming."

## **Parking**

**17. Q. When in Middle Springs, there are parked cars everywhere. What are the Town's specific proposed tools to discourage vehicles where increased density is expected?**

A. The Town hosted a walking tour on Saturday, May 11, in the Middle Springs area and this was brought up as well. There are often areas where parking is highly utilized and there are other areas where it is not as much. On Middle Springs Drive for example, you may see less vehicles as these are not coveted parking spots as they are not right in front of your house. However, this happens often on many streets in town where people want to park right in front of their home. Although if you are flexible or can walk 50 to 100 meters you will find

parking near your home in our residential neighbourhoods. The Town has completed parking studies numerous times. Parking studies were completed last year in August and in December – both in the afternoon and in the evening in the Muskrat and Otter permit zone. What the study revealed was that our residential permit system has worked to free up parking stalls in the residential neighbourhoods. This acts as a built-in buffer with the under-capacity parking areas. The permit system, introduced four years ago was the first tool to help manage parking in residential zones. It is up for council to decide how that public good is managed. What you see elsewhere variable permit system that regulates access to the street based on different principles, such as the number of permits allowed per unit. Changes to parking as a result of density won't happen over night. They'll be gradual over time and the ability to change our parking regulations are very rapid, we could implement change immediately. The ability to react and respond would be quick, however, the ability to densify and create more parking demand is going to be more gradual.

**18. Q. When the residential permit and paid parking was introduced, I did notice during the day I could find parking but not after 8pm. With no parking being mandatory for the new builds, are we ignoring the issue?**

- A. On the [April 8<sup>th</sup> council agenda, you can find the On Street Parking Audit](#) which shows the findings from the parking study conducted in the afternoons and evenings of August and December in 2023. The findings show that there were almost always vacant stalls during these time intervals, however there were some blocks that were highly utilized. Council will continue to monitor the parking during the same time period of this year.