

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: April 15, 2024
RE: Public Hearing Report – Zoning Amendment – Housing-Related Amendments

ISSUE

Public Hearing Report on housing-related amendments to the Zoning Bylaw to allow for a wider range of opportunities for residential development.

REFERENCES

- [Whitehorse 2040 Official Community Plan](#)
- [2021-2024 Wildfire Risk Reduction Strategy and Action Plan](#)
- [Maintenance Bylaw 2017-09](#)
- [Subdivision Control Bylaw 2012-16](#)
- [Snow and Ice Control Policy](#)
- [Transportation Master Plan](#)
- [Zoning Bylaw 2012-20](#)
- [Housing Development Incentives Policy](#)
- [Guide to Proposed Changes](#)
- Housing Accelerator Fund Contribution Agreement
- Proposed Zoning Amendment Bylaw 2024-16 (Attachment 1)

HISTORY

As part of the Zoning Bylaw Rewrite project, and recognizing the pressing need to enable a wider range of opportunities for residential development, Administration is advancing an immediate round of housing-related amendments to the Zoning Bylaw. The proposed amendments are based on recommendations made to Council by the Housing and Land Development Advisory Committee (HLDAC) on August 7, 2023 (Attachment 1), and refined by the consultant working on the Zoning Bylaw Rewrite project.

The City has entered into a contribution agreement with Canada Mortgage and Housing Corporation (CMHC) to implement various initiatives to accelerate housing development. The proposed amendments are intended advance Initiative #1 of the contribution agreement : to advance greater housing density, diversity, and affordability through zoning changes.

The proposed housing-related amendments to be advanced immediately are:

1. Allow up to four units per lot in all urban ‘single detached’ zones;
2. Relax site coverage and setbacks in some zones where additional units are provided;
3. Relax living and garden suite regulations;
4. Enable more units in RCM – Comprehensive Residential Multiple Family and RCM3 – Cottage Cluster Homes zones; and
5. Relax some parking regulations.

Notices of the Public Hearing were distributed in accordance with the Zoning Bylaw 2012-20, including:

- Large newspaper advertisements were published in the Whitehorse Star and Yukon News on March 1 and March 8, 2024;
- Email notifications were sent to the Kwanlin Dün First Nation, Ta'an Kwäch'än Council, Government of Yukon Land Management Branch, the Zoning Bylaw Rewrite Advisory Group, and all community associations;
- A Public Service Announcement was released on March 1, 2024;
- A Media Technical Briefing was held on March 14, 2024;
- Paid advertisements were published on social media platforms as well as on City social media accounts; and
- A notification was posted on Engage Whitehorse with a plain language guide describing the proposed amendments. A newsletter was also emailed to all subscribers of the project on Engage Whitehorse.

A Public Hearing for this item was held on March 25, 2024. Twenty-one written submissions were received, eight in support, six with concerns, and seven in opposition of the proposed zoning amendments. Four members of the public spoke to the item at the Public Hearing.

ALTERNATIVES

1. Proceed with the second and third readings under the bylaw process; or
2. Do not proceed with the second and third readings.

ANALYSIS

The following matters were raised in the public input submissions:

- Character of existing neighbourhoods;
- Property values;
- Health effects;
- Bird habitat;
- Infrastructure and public transportation;
- Housing needs;
- Residential – Country areas;
- Wildfire impacts;
- Parking and traffic;
- Confusing regulations; and
- Other.

Character of existing neighbourhoods

Some members of the public expressed opposition to the proposed amendments as they feel that allowing four units on all urban single detached lots would erode the character of their neighbourhoods which have been mostly comprised of single detached dwellings for many years. Members of the public feel it is unfair to retroactively change zoning regulations and that if an individual would like to own four units on one lot, they should purchase a lot zoned for multi-family use upfront. Members

of the public suggest that the RR-Restricted Residential zone should be exempted from the proposed amendments or that only living suites, and not garden suites, should be permitted in the RR zone.

Zoning in the city has changed significantly since the first Zoning Bylaw was adopted in 1952, when there were only five districts, to the current Zoning Bylaw that has 42 zones. Urban planning and zoning is dynamic, changing over time, to adapt to changing social, economic, and environmental values to meet the needs of current and future residents.

Currently the city is experiencing significant population growth and a shortage of housing. The OCP provides a 20-year residential growth strategy which requires various types of residential development in order to meet the current and anticipated housing needs, including residential intensification.

The OCP has several policies that support residential intensification. Most notably, OCP Policy 8.1 states that development will be compact to ensure existing public services are used efficiently, transportation impacts are minimized, wilderness spaces are preserved for as long as possible, and neighbourhoods are more walkable. OCP Policy 9.8 also states that the development of suites will be supported.

The Housing Accelerator Fund agreement with CMHC provides that the City will make zoning changes to advance greater housing density, diversity, and affordability. Without applying these changes to existing neighbourhoods, it will be challenging for the City to meet the targets set out in the funding agreement.

Property values

Members of the public expressed concerns that allowing four units on single detached lots will impact the values of surrounding properties. Some members of the public feel that infill will decrease the value of surrounding properties while some members of the public feel that infill would increase the value of surrounding properties. A member of the public also feels that the proposed amendments could relieve homeowners from the rising costs of housing by providing them with the option to rent out a unit while also providing more rental options. Overall, administration does not expect a significant change in property values stemming from these proposed amendments.

Properties impacted by the proposed amendments are designated as Residential – Urban in the OCP. Property owners have the right to manage the use of their property, within the confines of the OCP and Zoning Bylaw. Zoning regulations will ensure that development is built to the same standards as other neighbourhoods or properties within the same zone.

Health effects

Members of the public voiced concerns that allowing four units on single detached lots would have negative health effects. There are concerns that densification will provide less contact with nature, insufficient sunlight, fewer trees which will reduce the amount of shade and increase air pollution, no room for a garden or a backyard for children to play in, and more noise. The extent of these impacts depends on the site design for any specific property, but the proposed setbacks and site coverage limitations continue to enable enough open space on a property to create yards with trees or gardens.

On the other hand, members of the public also noted that higher density housing reduces urban sprawl and preserves greenspaces and wildlife habitat, which would enable residents to continue to have opportunities to connect with nature.

The proposed amendments would allow reduced setbacks and increased site coverage in some zones where a second unit (or more) is provided. The proposed site coverage and setback relaxations for providing two or more dwelling units are no more permissive than what is already allowed in some other residential zones such as the RCS2 – Comprehensive Residential Single Family 2 and RD – Residential Downtown zones. Of note, there are no changes to maximum building heights so there will be no effect on shadowing compared to current regulations.

The proposed amendments would allow a maximum of 50 percent site coverage, 1.5 m side yard setbacks, and 3 m rear yard setback when providing more than one dwelling unit in the RCS-Comprehensive Residential Single Family, RCS3-Comprehensive Residential Single Family 3, RR-Restricted Residential Detached, RS-Residential Single Detached, and RS2-Residential Single Detached 2 zones. The proposed reduction in setbacks and increase in site coverage complements the other proposed amendments that allow additional units as it provides a greater area of a lot that can be developed. There are no proposed changes to site coverage in the Downtown, which was a concern expressed by a member of the public.

Property owners are not required to build to the maximum site coverage. A property owner can construct a dwelling that covers less of their lot if they wish to dedicate more space for a garden or backyard. Some property owners may not want a large backyard and prefer to instead construct an additional dwelling unit and the proposed amendments provide more flexibility to do so. Furthermore, the landscape planting requirements in the Zoning Bylaw are remaining unchanged so there will not be a decrease in the required number of trees.

The Maintenance Bylaw regulates noise in the city and is not changing. All residents, regardless of density, are required to abide by the Bylaw and violations can be enforced.

Bird habitat

A member of the public raised concerns that the proposed amendments will lead to a loss of mature trees and that new plantings will take many years to achieve a size that provides good bird habitat.

The Zoning Bylaw encourages the preservation of existing vegetation through regulation 5.5.2.9. The proposed increases in site coverage is modest, and no more permissive than is already permitted in some other residential zones. The number of additional trees that could be affected by the change in site coverage is expected to be modest. Adding density to our established areas also means that forested areas of natural habitat is not disrupted through urban sprawl that would otherwise accommodate these units.

Infrastructure and public transportation

Members of the public expressed concerns that increased density will overload existing municipal infrastructure.

Any development that proposes additional units on existing lots will be required to demonstrate through professional engineering analysis that adequate servicing exists to support the development. The capacity of existing services, including water, sewer, and electrical, may constrain the number of units that can be provided on particular lots or in particular areas. Developers will be required to design their project to work within the existing service capacity, or upgrade services at their expense if needed to meet the servicing requirements for the proposed development. Applications will also be reviewed for adverse operational impacts.

Members of the public also expressed support for the proposed amendments as they believe they will maximize efficiency and encourage compact development. They believe the proposed amendments will increase public transportation ridership and save money on critical infrastructure and public services, while simultaneously increasing the tax base to support municipal infrastructure, operations, and services. A member of the public also expressed that intensification will also improve the walkability of neighbourhoods which will contribute to shorter commutes, new commercial businesses, and cleaner air. These are goals shared by the OCP and other City plans and policies.

Housing needs

A member of the public acknowledged that some people may have concerns about shade, wind, parking, or neighbourhood character, but that these concerns should be balanced against the importance of housing. They expressed that they are all valid interests, but they are not equal.

An anti-poverty Non-Governmental Organization expressed that housing is a fundamental human right and that it provides a foundation for economic security, educational attainment, and overall well-being. They felt that the proposed amendments, by increasing the availability of affordable housing, empowers individuals to break free from the cycle of poverty and build futures for themselves and their families.

The proposed amendments would enable the development of smaller and more affordable housing options in existing and new neighbourhoods, helping to alleviate the housing shortage.

Residential – Country areas

A member of the public voiced that the City should consider the implications the proposed amendments will have on wells and septic fields in country residential areas.

The proposed amendments to allow additional units on residential lots is limited to urban lots only and does not apply to lots in areas designated as Residential – Country in the OCP.

Another member of the public expressed disappointment that the City's Suite Development Incentive only applies within the Urban Containment Boundary. There are no changes to the Housing Development Incentives Policy proposed in relation to these proposed zoning amendments.

Wildfire impacts

A member of the public raised concerns that the increased density that could result from allowing four units on all urban single detached lots would increase wildfire impacts. Another member of the public expressed concerns that a 1 m setback between garden suites and the principle building poses wildfire risk.

The intent of reducing the setback between a garden suite and principle building to 1.0 m is to match the required setback of 1.0 m between accessory structures and principle buildings per Zoning Bylaw section 5.1.2 e). The proposed amendments would permit a garden suite in any location that an accessory structure is currently permitted.

To reduce the risk of fire spreading between structures, the National Building Code provides requirements for fire-rated wall assemblies and limits to unprotected openings for buildings that are close to other buildings or property lines.

Council adopted a Wildfire Risk Reduction Strategy and Action Plan for 2020-2024 as a guiding document which provides recommendations to reduce structural vulnerabilities to wildfires and strengthen community resilience. Action 3 specifically recommends that the Zoning Bylaw be amended to require Firesmart landscaping. Administration is currently working on a separate set of amendments to the Zoning Bylaw that will propose new fire-resistant landscaping requirements.

Parking and traffic

Members of the public expressed concerns that the proposed amendments will cause parking and traffic issues and that the current parking demand already exceeds the available or required parking. Members of the public expressed concerns that there will be issues with snow clearing and backing trailers into driveways. A member of the public suggested that, if anything, parking should be increased to two off-street parking spaces per suite.

The OCP lists personal modes of transportation, such as driving, as the lowest priority on the hierarchy of transportation per Policy 11.2. The City will encourage a shift towards the increased use of active and shared transportation modes per OCP Policy 11.7. The Transportation Master Plan (TMP) further details transportation targets and implementation strategies. The TMP aims to increase the sustainable transportation mode share to 40 percent for all commute trips in the city by 2040. Strategies to achieve the sustainable mode share target are aimed at enhancing active transportation infrastructure, promoting the use of public transit, and making the urban environment more pedestrian and cyclist-friendly. Requiring more parking per unit or suite is contrary to the transportation goals and mode share targets for the city.

Furthermore, the City is responsible for snow removal on municipal roads. Per Policy 31 of the Snow and Ice Control Policy, the City has the ability to implement parking bans as required in order to provide for snow and ice removal operations.

Members of the public also expressed support for the proposed reductions in parking requirements. A member of the public expressed that reducing parking requirements allows land to be put towards more beneficial uses than private vehicle storage and will increase housing affordability. They also expressed that reducing parking requirements provides a signal that single occupancy vehicles are on the low priority end of desired

transportation options and supports the goal of shifting the mode share to active transportation and public transit described in the Transportation Master Plan. These opinions are in line with the parking-related policies in the OCP.

Confusing regulations

A member of the public expressed confusion over how the specific use regulations in section 6 are applied in relation to the zone-specific regulations in section 9 through 13. Specifically, a member of the public questioned whether units in the CM2 zone could be residential, minor home-based businesses, and/or major home-based businesses.

These concerns do not relate to the proposed amendments. However, as part of the larger Zoning Bylaw Rewrite project, it is a priority to improve the readability and organization of the Zoning Bylaw, including ensuring that specific use regulations complement and do not conflict with zone-specific regulations.

Engagement

A member of the public expressed concerns that the public is not being adequately engaged on the proposed amendments.

The first round of engagement for the larger Zoning Bylaw Rewrite project was launched in November 2023 to understand how the general public would like the city to grow and develop into the future. The engagement included an online survey and targeted interviews.

Related to housing, respondents indicated a need for more diverse, accessible, and affordable housing forms. There was broad general support for allowing more units per lot, smaller lots, taller buildings, and additional housing forms. Additionally, it was generally felt that the regulations in the Zoning Bylaw should be more flexible to allow for more creativity, efficiency, and innovation in development and reduce constraints and requirements that hinder density.

Additionally, the notification process was expanded for these proposed housing-related amendments in order to reach more people. Paid advertisements on social media platforms were published and notifications were posted on City social media accounts, a public service announcement was released, a media technical briefing was held, a notification was posted on Engage Whitehorse with a plain language guide describing the proposed amendments, and a newsletter was emailed to all subscribers of the project on Engage Whitehorse, all of which are above and beyond the normal notification process for Zoning Bylaw amendments.

Other

A member of the public expressed various concerns including that building overhangs should not count towards the maximum site coverage, that facades, colours, and material requirements should either be enforced or removed from the Zoning Bylaw, vinyl siding should be banned for its environmental impacts, and drainage plans should be inspected after development is complete.

As part of the larger Zoning Bylaw Rewrite project, these suggestions can be considered but they are outside of the scope of the proposed housing-related amendments.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-16, a bylaw to amend the Zoning Bylaw to allow for a wider range of opportunities for residential development, be brought forward for second and third reading under the bylaw process.