

ADMINISTRATIVE REPORT

TO: City Planning Committee
FROM: Administration
DATE: August 7, 2023
RE: Housing and Land Development Advisory Committee Recommendations - Zoning

ISSUE

Recommendations to Council from the Housing and Land Development Advisory Committee (HLDAC) on proposed Zoning Bylaw Amendments focused on removing barriers to housing development.

REFERENCE

- [Advisory Committee Bylaw 2021-12 – Schedule A - HLDAC Terms of Reference](#)
- Attachment 1: Recommendations from HLDAC (2023-02) – July 26, 2023
- 2023-2025 Capital Expenditure Plan – Project 720c00422 Zoning Bylaw Rewrite

HISTORY

HLDAC was established by Council in 2022 with a mandate to provide advice and recommendations to Council regarding strategic policy issues and procedures and bylaws as they affect housing and land development under the City's jurisdiction.

HLDAC has completed a comprehensive review of the Zoning Bylaw with the goal to identify zoning provisions that could be changed to remove barriers to housing development.

A report from the Committee with their recommendations are provided in Attachment 1. Administration anticipates award of the Zoning Bylaw Rewrite consulting project by the end of August or early September.

ALTERNATIVES

1. Refer the HLDAC Zoning Bylaw amendment recommendations to the Zoning Bylaw Rewrite process to be examined further; or
2. Refer the recommendations back to Administration.

ANALYSIS

HLDAC's recommendations are provided in three categories that reflect their consideration to timing and are grouped by initiative below. For specific proposed amendments refer to Attachment 1.

- Short-Term: Immediate Amendments
 - Allow greater density in all residential zones;
 - Provide for additional residential development in certain commercial zones; and
 - Provide additional opportunities for employee housing in industrial areas as a secondary use.

- Medium-Term: Consider in Zoning Bylaw Rewrite
 - Reduce and simplify the number of residential zones under the Bylaw;
 - Introduce an “Inclusionary Zoning” category;
 - Increase developable space and units in multi-family housing zones; and
 - Establish additional areas to allow mobile or manufactured housing (i.e., “tiny homes”).
- Longer-Term Planning
 - Investigate options and constraints for densification of current country residential neighborhoods.

Administration recommends that the Short Term Immediate Amendments be referred to the Zoning Bylaw Rewrite process along with the proposed Medium-Term Amendments for the following reasons:

- 1) Public Engagement on the Zoning Bylaw Rewrite is anticipated to start this fall and is likely to overlap with the timing of the proposed Immediate Amendments which may be confusing;
- 2) Overlapping amendment processes will challenge internal capacity including the ability to resource and complete ongoing Council Strategic Priorities;
- 3) The proposed amendments are significant, and will change building potential in existing neighbourhoods city-wide (as intended). The proposals require a comprehensive review (that the Zoning Bylaw Review process is intended to provide) as well as legal review as necessary; and
- 4) Bringing forward amendments immediately does not include time for a more comprehensive policy review on how the amendments align with the Whitehorse 2040 Official Community Plan (OCP), previous planning work, operational impacts (such as snow removal if more on-street parking occurs), and urban design principles.

To be clear, Administration has not had the time to consider if it fully agrees with the content of the proposed amendments, and at this point, is concerned about the proposed timing of the Short-Term Immediate Amendments recommended by the Committee, not the recommendations themselves.

Longer-term recommendations to investigate densification of country residential areas will be deferred to the next OCP update which would occur in 8-10 years, and considered in other relevant planning and engineering work in the meantime.

The Zoning Bylaw Rewrite Terms of Reference requests that proposals include an initial round of housing-related amendments to the Zoning Bylaw, with the approximate delivery at the end of 2023. This timing would likely be within 2-3 months of when Administration could advance the Committee’s proposals to Council as stand-alone bylaw initiatives.

The consultant will be required to meet with HLDAC to discuss the Zoning Bylaw Rewrite as the project progresses.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct Administration to refer the Housing and Land Development Advisory Committee Short and Medium-Term recommendations for amendments to the Zoning Bylaw Rewrite process for consideration.

City of Whitehorse Housing and Land Development Advisory Committee

DATE August 7, 2023
TO Council
FROM Housing and Land Development Advisory Committee
RE Committee Recommendations - Zoning

TOPIC

The Housing and Land Development Advisory Committee (HLDAC) has reviewed the Zoning Bylaw focussing on housing development, as one of the topics under the Committee workplan.

The Committee's recommendations have been organized into three groups as follows:

- Those changes that could be immediately advanced;
- Changes that are suited to be included in the Zoning Bylaw re-write; and
- Ideas for future longer-term planning Work.

The Committee's approach to the review of the Zoning Bylaw was based on removing restrictions on density opportunities in all areas of Whitehorse.

The proposed amendments are intended to work together to create these opportunities.

HLDAC RECOMMENDATIONS – Housing

THAT Council consider making amendments to the Zoning Bylaw in the short, medium and long-term, as follows (see attached Table of Recommendations for additional detail):

Short-term – Changes that should be considered immediately.

1. Provide opportunities to allow greater density in all residential zones, including:
 - a. Allow up to 4 units per lot on all single-family zones;
 - b. Remove parking requirements for use of land, other than for accessible parking;
 - c. Revise site coverage and minimum lot size restrictions to provide more usable and developable space on the lot;
 - d. Remove maximum density on RCM3 and RCM Zones (Multiple Housing); and
 - e. Allow Garden and Living Suites in all residential zones.
2. Provide for additional residential development in certain commercial zones to increase available housing units;
 - a. Set minimum height and require or encourage residential housing requirements above commercial developments;
 - b. Require residential above commercial in CN;
 - c. Increase site coverage "sliding scale";
 - d. Reduce amenity space requirements when housing is part of the development; and
 - e. Revise parking requirements where housing provided as part of the development.
3. Provide additional opportunities for staff housing in industrial areas as a secondary use.

The immediate changes are intended to remove development restrictions in residential zones and allow all types of builds to maximize density opportunities. Off-street parking requirements, setbacks, and site coverage greatly impact small-scale residential development. Minimum parking requirements make it difficult to solve the housing problem and can cut the net density for an area in half.

Further, the cost associated with parking spaces on single lots is exponentially lower than the per unit costs associated with building parking spaces for midrise or “missing middle” housing. High parking requirements, large setbacks, and low site coverage reduce the net developable area and, as a result, the density and economic viability of this type of housing.

In review of commercial zones, there are lost opportunities for residential development above the proposed commercial use. There could be a requirement for developers to include residential units or provide incentives (through tax or other mechanisms) to encourage residential development on these properties. The intent would be increased rental units available in neighbourhood commercial zones. It was also recognized that there are staff housing needs of owners of industrial properties. The Committee recommends that the City explore options to facilitate housing on industrial properties that don't compromise the core industrial use of the land.

Medium-term: Changes to consider as part of the Zoning Bylaw Re-write.

1. Reduce and simplify the number of residential zones under the bylaw;
2. Introduce an “Inclusionary Zoning” category
 - a. Consider establishing requirements such as a set proportion for affordable housing and providing development incentives with more permissive requirements (such as greater density, less parking or more units);
3. Increase developable space and units in multi-family housing zones;
 - a. Reduce or eliminate storage space requirements (< five units);
 - b. Reduce interior and exterior amenity space requirements (25% to 10%);
 - c. Provide Inclusionary Zones in all multifamily zones;and
 - d. Reconsider maximum density requirements.
4. Establish additional areas to allow mobile or manufactured housing (i.e., “tiny homes”).

The Recommendations included in this group lend themselves to the overall Zoning Bylaw review. In review of the current bylaw, it was noted that there are too many residential zones which creates confusion and different requirements for developers.

Overall, the bylaw should have fewer and less restrictive residential zones to facilitate development. The Committee recommends consolidation of zoning types (e.g., possibly reducing the RCS zones to one or two zones). This would greatly reduce the complexity of the bylaw and staff processing time for applications.

It is also recommended that the use of “Inclusionary Zoning” would support affordable housing. The use of inclusionary zoning can be either a requirement in certain locations or an opportunity for developers to apply for this type of zoning with related incentives.

The multi-family zones are currently working well, but there are some areas within the zoning that could be revised to create more opportunities for developers to use more of their property for development of units, without sacrificing usability and amenities for residents.

The Committee also recognized that there needs to be a zone to accommodate new and creative types of developments that include non-permanent units (such as mobile homes or tiny homes). Providing for these types of developments which can typically be much more quickly developed and offered will facilitate options for units at a lower price point.

Longer-term Planning

1. Investigate options and constraints for densification of current country residential neighborhoods.
 - a. Identify infrastructure requirements, conduct studies (i.e., aquifer capacity); and
 - b. Continue to provide subdivision opportunities to owners and future owners.

It was recognized that there are a number of country residential properties within Whitehorse. It is recommended that the City look at infrastructure and planning considerations for future density in the country residential subdivisions well ahead of development pressures being put on these areas.

Attached: HLDAC Table of Recommendations - Zoning

	Short Term Recommendations- Immediately to Council			
	Intent/Goal	Recommended Amendments to Zoning Bylaw	Rationale	Notes
1	<p>Amend Zoning Bylaw to provide opportunities to allow more density on all residential zones.</p> <p>This will allow up to 4 units (single, duplex, triplex, four plex, or up to four rental units or any combination of the above (i.e., a duplex with living suites in them) on any residential lot</p>	<ul style="list-style-type: none"> Remove parking requirements for use of land, other than for accessible parking. 	<ul style="list-style-type: none"> Free up developable space Supports Transportation Master Plan/Our Clean Future Initiatives and can work to encourage use of public transit. Concerns with parking space will be determined by the builder and the market demands. 	<ul style="list-style-type: none"> Still require accessible parking stalls in multi-family Ensure that where parking spaces provided it meet minimum specifications. Recognize that some areas in Whitehorse may be constrained by other factors in terms of allowing more density.
		<ul style="list-style-type: none"> Revise site coverage and minimum lot size restrictions to provide more usable and developable space on the lot. 	<ul style="list-style-type: none"> Developers will be able to build more and different types of units on lots 	<ul style="list-style-type: none"> Lower lot size requirements with sliding scale maximum site coverages, so that the maximum site coverage isn't the same for a Single Detached and a Triplex No more homogenous single-detached housing zones
		<ul style="list-style-type: none"> Remove maximum density on RCM3 and RCM Zones (Multiple Housing). 	<ul style="list-style-type: none"> RCM3 zone is the only multi-family zone that has a maximum density requirement. Removal of this will bring it in line with other multi-family zones. 	<ul style="list-style-type: none">
		<ul style="list-style-type: none"> Allow Garden and Living Suites in all residential zones. 	<ul style="list-style-type: none"> Increase both owner's ability to earn income from their homes and also to increase number of rental units available throughout neighbourhoods. 	<ul style="list-style-type: none"> Could look at particular areas of new development where there could be a requirement to construct a living

			<ul style="list-style-type: none"> • If lot or house is big enough to accommodate should be able to have both (living & garden suites). 	<ul style="list-style-type: none"> • City must consider increased loading on infrastructure. • City should review current infrastructure and new developments for more density.
2	<p>Provide for additional residential development in certain commercial zones to increase available housing units.</p>	<ul style="list-style-type: none"> • Set minimum height, and require or encourage residential housing requirements above commercial developments. • Require residential above commercial in CN. • Increase site coverage “sliding scale.” • Reduce amenity space requirements when housing provided as part of the development. • Revise parking requirements where housing provided as part of the development. 	<ul style="list-style-type: none"> • To create more residential units in commercial buildings to maximize development potential. • Potential incentives or penalties could be investigated including: • Tax implications of not building-vacant space tax for areas above the commercial use; • Tax credits or breaks when residential units developed 	<ul style="list-style-type: none"> • Revisit requirement for housing to be above ground floor, • Issues around accessibility need to be considered. In Neighbourhood Commercial could look to provide an exception to requiring accessible units where they develop residential. But for downtown units, accessible units must be provided.
3	<p>Provide additional opportunities for employee housing in industrial areas as a secondary use.</p>	<ul style="list-style-type: none"> • Explore options in the Zoning Bylaw to support residential units in Industrial Zones that protect the primary industrial use but can work to address employee housing needs 	<ul style="list-style-type: none"> • Look to meet demand for staff housing on industrial land to support core business. • Do not allow condos or ground floor permanent residential on industrial lands. 	<ul style="list-style-type: none"> • Potential to use the new alternate housing definition to capture these residential units in industrial zones. • Some options can include: <ul style="list-style-type: none"> ○ Bunkhouse style with shared kitchen facilities ○ Mobile home units ○ Above 1st floor units

Medium Priority Amendments-Refer to Zoning Bylaw Rewrite				
	Intent/Goal	Recommended Amendments to Zoning Bylaw	Rationale	Notes
1	Reduce and simplify the number of residential zones under the bylaw.	<ul style="list-style-type: none"> Reduce the number of zones and make them more permissive to incentivize more development. 	<ul style="list-style-type: none"> Simplify zoning. Reduce confusion on what is allowed in what zone. 	
2	Introduce “inclusionary zoning” (IZ) into the Zoning Bylaw.	<ul style="list-style-type: none"> Consider establishing requirements such as a set proportion for affordable housing and allowing for development incentives with more permissive requirements (greater density, less parking, more units etc.). 	<ul style="list-style-type: none"> Incentivize more development of affordable housing through zoning controls. 	<ul style="list-style-type: none"> Recognize the difference between the building and administrative issues around monitoring Administrative issues- could look to having an NGO manage the properties over time Property Managers could also manage units to ensure they remain affordable. Provide incentives to developers- property tax. Would apply to both rental and purchased units. Accessibility and universal design need to be considered in these types of developments. Include a definition of Inclusionary Zoning.
3	Increase developable space and units in multi-family housing zones.	<p>Revise multi-family zones to increase buildable space:</p> <ul style="list-style-type: none"> Reduce or eliminate storage space requirements (<five units). Reduce interior and exterior amenity space 	<ul style="list-style-type: none"> More space for buildings provides an opportunity for more density. These revisions in conjunction with parking space considerations- as a cumulative effect will increase units. 	<ul style="list-style-type: none"> Retain minimum density (RCM2) RCM zone will work well with recommendation to allow duplex/tri-plexes and 4 plexes on all residential zones.

		<p>requirements (25% to 10%).</p> <ul style="list-style-type: none"> • Provide Inclusionary Zones in all multifamily zones. • Reconsider maximum density requirements. 		
4	<p>Establish additional areas to allow for mobile or manufactured housing units (i.e., “tiny homes”). (Not affixed to the ground with a foundation).</p>	<ul style="list-style-type: none"> • Change the name of current Mobile Home Park zone to manufactured housing units. • Units must be not permanently affixed to the ground and must be serviced. • Units could be managed either through strata options/pad rentals or other forms of tenancy. • Create development controls to manage concerns with ‘traditional’ mobile home parks. Including space for amenities, layouts etc. 	<ul style="list-style-type: none"> • Cheapest and fastest form of residential development. • Lower price for individuals to enter the housing market. • Smaller companies can do servicing. • Need less land • More contractors available for this type of construction. • Directly related to provision of attainable housing. • Allow for smaller parcels of land to be used for these types of developments. • Could be a good way to use lands that don’t fit typical developments and to use land that may not be great for normal residential developments. 	<ul style="list-style-type: none"> • Choice of location difficult. • KDFN will be building prefab homes. • Provides “single family” homes in denser development. • Aesthetics would need to be addressed. • Need to recognize that these housing types are part of a complete housing package.

-Long Term Planning				
	Intent/Goal	Recommended Amendments to Zoning Bylaw	Rationale	Notes
1	Investigate options and constraints for densification of current country residential neighborhoods.	<ul style="list-style-type: none"> ● As part of future planning initiatives, the densification of country residential areas should be considered through work on infrastructure requirements, studies on existing aquifers and what development requirements would need to be amended to facilitate this. ● Continue to provide subdivision opportunities for current and future owners. 	<ul style="list-style-type: none"> ● Plan carefully before density comes. ● Market will enable infrastructure changes and social acceptance. 	