

Enhanced Zoning Bylaw Incentives

In response to direction by City Council following the adoption of the new Zoning Bylaw in October 2023, Administration explored opportunities on private land to continue the advancement of achieving the City's tree canopy goals, including enhanced tree retention incentivization in Zoning Bylaw 20001.

Zoning Bylaw Renewal Initiative Landscaping Review

As part of the Zoning Bylaw Renewal Initiative, landscaping requirements and incentives to retain existing trees were reviewed. Changes to the new Zoning Bylaw's landscaping requirements included the following:

- Increasing the number of trees and shrubs required within setbacks for new large-scale residential developments
- Increasing the number of trees and shrubs required in parking areas along walkways and increasing space for trees in landscaped parking islands
- Introducing a new requirement for a minimum amount of soft landscaping area for small-scale residential sites

In addition, to incentivize the retention of existing trees during development, the Zoning Bylaw allows development permit applicants to preserve existing trees and shrubs in place of planting the required number of new trees and shrubs. This incentive was enhanced through the Zoning Bylaw Renewal Initiative by allowing a higher ratio of new trees to be substituted for existing trees in Zoning Bylaw 20001 than was available under the previous bylaw (Zoning Bylaw 12800).

Current Zoning Bylaw Incentives

Currently, Zoning Bylaw 20001 allows applicants to substitute existing trees at the current rates:

- Where one tree is required (e.g., for small scale residential development with site width under eight metres), one existing tree may be substituted.
- Where two trees are required, the following existing trees may be substituted:
 - one existing deciduous tree with a minimum 100 millimetre caliper; or
 - one existing coniferous tree with a minimum height of four metres.

- Where three trees are required, the following existing trees may be substituted:
 - one existing deciduous tree with a minimum 200 millimetre caliper; or
 - one existing coniferous tree with a minimum height of seven metres.

Exploration of Enhanced Zoning Bylaw Incentives

Various options to enhance tree retention incentives in the Zoning Bylaw were explored for viability. Given that developments requiring two or more trees already have the option to substitute multiple existing trees for every new required tree as outlined above, Administration focused on exploring incentives that would apply to small scale residential development. This could potentially increase the likelihood of the incentive being used for small scale residential sites less than eight metres wide, which are currently required to provide one tree and four shrubs.

Engagement with stakeholders, including internal staff and industry stakeholders, helped to inform what incentives may be most effective in achieving enhanced tree retention. Consideration was given as to whether the incentive would be utilized by developers, including whether the incentive could offset potential barriers to tree retention. Another key consideration was whether the incentive may support or hinder conditions for the survival of the tree during and post-construction.

During engagement, industry stakeholders identified that opportunities for tree retention are considered on every site. However, a primary barrier to tree retention in infill settings is the location of existing trees relative to the proposed location of a new building. If a tree is located within the proposed building pocket, it is not likely to be retained. Providing adequate space to work around the tree during the construction process was also identified as a key challenge when determining whether to retain trees. Industry stakeholders also identified the challenge of retaining trees on small sites, particularly small interior lots. Achieving a greater density often comes at the expense of tree retention, which is why the Zoning Bylaw requires new plantings for new development.

Two potential incentives emerged as options which may enhance tree retention through the Zoning Bylaw:

1. Developing additional regulations for reduced setbacks where trees are preserved. For example, reducing the rear setback where a tree is preserved in the front yard.
 - Benefits: This incentive may reduce instances where an existing tree conflicts with the proposed building pocket. By developing an alternate set of regulations, applicants would not be required to seek a variance to reduce the setback to retain a tree, saving time and cost. Shifting the building forward or backward on the lot may minimize impacts to the root zone by providing more space to work around the tree during construction and ensuring the tree has access to adequate sunlight and required soil volumes once construction is complete.
 - Considerations: Reduced front or rear setbacks may create a greater impact on adjacent properties (massing) and may contribute to inconsistent and offset setbacks along the block face. In addition, the tree may die or be removed later but the position of the building will remain.

2. In addition to waiving the requirement for a new tree when an existing tree is preserved (which is already permitted in the Zoning Bylaw as an incentive for tree retention), waive the requirement for four shrubs where a tree is preserved for small-scale residential development on lots less than eight metres wide.
 - Benefits: Removing the requirement for new plantings may provide more flexibility for homeowners who want minimal landscaping and may be an appealing incentive for development on small sites or for projects with lower budgets. This is considered an acceptable trade-off because mature trees offer significant benefits over newly planted trees in terms of shade, air pollution removal, stormwater control, and carbon sequestration.
 - Considerations: Shrubs also provide ecological value including habitat, carbon sequestration, and species diversification. Due to the low monetary value of shrubs, this incentive may not be valuable enough to developers or homeowners.

While potential Zoning Bylaw text amendments could be advanced to Public Hearing to implement these enhanced incentives, the analysis and feedback received suggest that their potential effectiveness may be limited.

Future Work

The Zoning Bylaw is a living document and will continue to be amended in the future. Administration has developed a monitoring plan that will help to understand whether the bylaw is achieving the desired outcomes. Administration will monitor and report back on the performance and preliminary trends of the new Zoning Bylaw, including the performance of tree retention incentives, through a one-year review report which is planned for Urban Planning Committee in Q2 2025.

Administration has also been directed to include, as a part of the one-year review report, an analysis of the landscaping provisions since the enactment of Zoning Bylaw 20001 and to provide options for amendments to further implement the Climate Resilience Planning and Development Action Plan.