

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: February 1, 2021
RE: Public Hearing Report – Zoning Amendment – 1308 Centennial Street

ISSUE

Public hearing report on an application to amend the zoning of 1308 Centennial Street in the Porter Creek neighbourhood from RS-Residential Single Detached to RMx Residential Multiple Housing (modified).

REFERENCES

Official Community Plan (2010) Zoning Bylaw 2012-20 *Municipal Act* (2002)

HISTORY

The City has received an application to amend the zoning of 1308 Centennial Street. The applicant intends to construct a multi-family development with eight dwelling units. The current zoning is RS-Residential Single Detached, which does not permit multiple family housing, so an amendment to the zoning is required.

The amendment proposes to apply the same zoning as the adjoining lot at 1306 Centennial Street, including the two special modifications that restrict the number of dwelling units to nine and the maximum height to 13 m.

This application was reviewed by the Development Review Committee and no substantial issues were raised.

Bylaw 2020-34 received first reading on November 9, 2020. Notices were published in the newspapers on December 16 and 23. A total of 33 letters were sent to property owners within 100m. The Government of Yukon's Lands Department, Kwanlin Dün First Nation, Ta'an Kwäch'än Council and Porter Creek Community Association were also notified by mail of the proposed amendment.

A public hearing was held on January 11, 2021. Due to the COVID-19 pandemic, council chambers were closed to the public. Input was accepted through email and posted to the City website. Two written submission were received, both expressing concerns and opposition.

A number of issues were raised, grouped in the following categories:

- Building height
- Number of units and density
- Opposition to spot zoning in established neighbourhood
- Parking requirement
- Light pollution
- Other concerns

ALTERNATIVES

1. Proceed with second and third reading under the bylaw process.
2. Do not proceed with second and third reading.

ANALYSIS

Building Height

One submission raised the concern that the height of the proposed development (13 m) is not in line with the character of the street and the neighbourhood, and may impact the privacy of neighbouring single-family lots.

Along the street, the subject lot is adjoining a 13 m building and a non-conforming existing use in a RS zone being used as a Northwestel facility. The lots on the opposite side of Centennial Street from the subject lot allow for building heights up to 17.5 m. Based on this, the proposed development conforms with much of the allowable height on the street close to the proposed development.

Privacy is a legitimate concern for RS lots fronting Elm Street at the rear side of the subject lot. In order to minimize that impact, the Zoning Bylaw requires a 3 m vegetative buffer between RM and RS zoned lots, as well as a larger setback from the rear property line – 7.5 m for RM zoned lots as compared to 3 m for RS zoned lots.

Per the applicant's submission, the proposed development will be under 11 metres in height. Council may consider amending the proposed bylaw and restricting the allowable height to 11 m. However, in order to limit the number of exception zones in the Zoning Bylaw, Administration recommends the same modified zoning for the subject lot as was previously approved for the adjoining parcel (1306 Centennial Street).

Number of Units and Density

Both submissions raised concerns with the density and number of units being proposed. Per the proposed bylaw, the number of units will be restricted to nine, which is below the density limit of 11 units for the subject lot at 60 units/hectare set by the Official Community Plan (OCP) for this area of Centennial Street. The density being proposed is not unreasonable considering it is similar to a small RS lot with a living suite.

One submission suggested considering subdivision as opposed to rezoning as a means of densification. The submission also questioned the need for additional units in an established neighbourhood, given the lot sales in Whistle Bend.

Based on the geometry of the subject lot, subdivision may only yield up to four units, as opposed to the proposed nine. Therefore, the unit yield may be half of what could be expected from rezoning. Moreover, while Whistle Bend is a major growth area for the city, it alone is not enough to accommodate the growing population of Whitehorse.

Whistle Bend has only comprised approximately 40% of all development permits issued in the past five years. Even with a higher proportion expected over the next few years, a sustainable approach to housing would require a mix of new growth areas, as well as infill and redevelopment in established areas to accommodate diverse incomes, household sizes, employment, transportation and lifestyle choices.

Spot Zoning in an Established Neighbourhood

One submission expressed concern with allowing a spot zoning application in an established neighbourhood, stating that it is not consistent with the overall zoning and character of the neighbourhood.

The OCP designates lots along Centennial Street as Mixed Used – Residential/Commercial, recognizing it as a corridor for densification. The proposed zoning aligns with the OCP designation and policies as required by the *Municipal Act*. The justification for densification on Centennial Street is that it runs along a transit route to Downtown, is a major thoroughfare with access to the Alaska Highway, is identified as an on-street bicycle route in the City Commuter Cycling Map, and is close to amenities such as schools, parks, trails, and a grocery store.

Parking Requirement

One submission expressed concern regarding potential parking impacts. The concern was that one parking spot per unit may not be adequate and there may be overspill of parking on the street.

Future residents are expected to understand the limitations in relation to parking and space availability when they choose their residence. There will be guest parking stalls available to accommodate any visitors, and on-street parking to accommodate an occasional spillover. It is also expected that given the availability of transit, recreation and other amenities within walking distance, as well as opportunities for active transportation, residents would be less reliant on cars.

Light Pollution

One submission expressed concern regarding the potential for increased light pollution and light spilling onto neighbouring properties. The Zoning Bylaw stipulates that no direct light shall be pointed towards any adjoining properties. In order to minimize lighting glares, the Zoning Bylaw also requires a 3 m vegetative buffer between RM and RS zoned lots, as well as a larger setback from the rear property line – 7.5 m for RM zoned lots as compared to 3 m for RS zoned lots.

It is important to recognize that lighting is a critical component of Crime Prevention through Environmental Design (CPTED). The Zoning Bylaw encourages proper lighting of entrances, building perimeters and walkways in order to provide adequate visibility and a sense of safety to residents and pedestrians and discourage undesirable activities. Lighting is also an important component of winter city design to encourage vibrancy during dark winters, and add visual interest.

Acknowledging resident concerns, the City can work with the applicant on landscaping and lighting placement during the development permit stage to mitigate potential impacts on neighbouring properties as guided by the Zoning Bylaw.

Other Concerns

Both submissions expressed concern regarding potential zoning non-compliance in the adjacent 1306 Centennial Street development, and also expressed an expectation that the same may happen with this development. The concerns included construction of a garage/dwelling prior to rezoning, fences and trees removed from the 3 m buffer area

between the RM and RS zones, as well as unscreened dumpsters within view from the decks of adjoining RS lots.

The development on 1306 Centennial Street is being completed in compliance with the Zoning Bylaw. The developer has until 2022 to comply with any remaining conditions of the development permit.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2020-34, a bylaw to amend the zoning at 1308 Centennial Street in the Porter Creek neighbourhood to allow for the development of a multiple residential complex, be brought forward for second and third reading under the bylaw process.