

# **CITY OF WHITEHORSE – STANDING COMMITTEES**

Monday, July 4, 2022 – 5:30 p.m.

Council Chambers, City Hall

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## **CALL TO ORDER**

## **ADOPTION OF AGENDA**

## **PROCLAMATIONS**

## **DELEGATIONS**

## **PUBLIC HEALTH AND SAFETY COMMITTEE**

1. New Business

## **CORPORATE SERVICES COMMITTEE**

1. Budget Amendment - Loader for Water and Waste and Transit
2. Housing and Land Development Advisory Committee – Commencement
3. Inclusivity Advisory Committee – Establishment
4. New Business

## **CITY PLANNING COMMITTEE**

1. Public Hearing Report – 151 Black Street Zoning Amendment

## **DEVELOPMENT SERVICES COMMITTEE**

1. New Business

## **CITY OPERATIONS COMMITTEE**

1. New Business

## **COMMUNITY SERVICES COMMITTEE**

1. New Business

**CITY OF WHITEHORSE**  
**PUBLIC HEALTH AND SAFETY COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Kirk Cameron

**Vice-Chair:** Jocelyn Curteanu

July 4, 2022

Meeting #2022-16

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1. New Business

**CITY OF WHITEHORSE**  
**CORPORATE SERVICES COMMITTEE**  
**Council Chambers, City Hall**



July 4, 2022

Meeting #2022-16

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1. Budget Amendment – Loader for Water and Waste and Transportation  
Presented by Director Tracy Allen
  2. Housing and Land Development Advisory Committee – Commencement  
Presented by Manager Wendy Donnithorne
  3. Inclusivity Advisory Committee – Establishment  
Presented by Manager Wendy Donnithorne
  4. New Business

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Corporate Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> July 4, 2022
<b>RE:</b> Budget Amendment – Loader Water and Waste Services & Transportation Maintenance

### **ISSUE**

Administration is requesting a budget amendment for the Loader Water & Waste Services and Transportation project to proceed with tender award.

### **REFERENCE**

Bylaw 2021-41 Capital Expenditure Program 2022-2025 - 320c00322

[Procurement Policy 2020-03](#)

### **HISTORY**

This capital project was approved to procure an additional loader to be used by Water & Waste Services and Transportation with respect to the growing compost program, and also to support winter road maintenance.

Cost estimates from local suppliers were obtained in the summer of 2021 to inform the 2022 to 2025 budget.

Request for Tender 2022-047 was released to the public on May 16<sup>th</sup> and closed on June 13<sup>th</sup>, 2022.

### **ALTERNATIVES**

1. Amend the Capital Budget for the Addtl Loader WWS and Transportation project; or
2. Refer back to Administration.

### **ANALYSIS**

This piece of equipment is integral to the operation of the City's compost program and is required as the program grows. Maintaining product quality is dependent on moving material in a timely and efficient manner. Transportation maintenance has also identified an additional loader for the winter/spring maintenance program as a critical asset in performing expected duties.

Tender specifications have been reviewed and it is not recommended that the specifications be modified.

Considering the criticality of this asset with respect to the compost program as well as the winter maintenance program and the uncertainty of market conditions, administration recommends proceeding with this project in 2022 and to not delay. Fleet vehicles and

equipment and parts are in short supply and prices have been escalating for two years. It is anticipated that pricing continue to rise and delivery times continue to extend based on current supply chain issues.

2022 Budget:	\$415,000
Public RFT Low Bid:	\$535,000
Additional Budget Required:	\$120,000

The budget requires an additional \$120,000 to complete the project. The expenditure is eligible under the Canada Community Building Fund (formerly known as the Gas Tax Fund).

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct the 2022 to 2025 Capital Expenditure program be amended by increasing the budget for project #320c00322 in the amount of \$120,000, funded from the Capital Reserve until an amended Canada Community Building Fund Transfer Payment Agreement has been approved.

## **ADMINISTRATIVE REPORT**

**TO:** Corporate Services Committee  
**FROM:** Administration  
**DATE:** July 4, 2022  
**RE:** Housing and Land Development Advisory Committee - Commencement

### **ISSUE**

Establishment of the new Housing and Land Development Advisory Committee and appointment of members.

### **REFERENCE**

Advisory Committee Bylaw

Council Resolution 2021-24-06

Bylaw 2022-16 - Bylaw to Amend the Advisory Committee Bylaw - Proposed

### **HISTORY**

Through Council Resolution 2021-24-06, Council tasked Administration with developing the Terms of Reference for a Housing and Land Development Advisory Committee.

The purpose of the Committee is to focus on the elements of the housing development policies and process where the City holds authority such as planning of new development areas, issuance of building permits, development incentives, and key zoning regulations. In addition, the Committee may consider where the City collaborates with Yukon government (YG), First Nations governments and the private sector in making land available for housing development.

### **ALTERNATIVES**

1. That Council proceed with Committee appointments and implementation of the Housing and Land Development Advisory Committee with approval of the Terms of Reference and bylaw process as recommended by Administration.
2. Refer back to Administration for further analysis.

### **ANALYSIS**

Administration presented Council with the applications for membership on the Committee. Council can now appoint 8 of the applicants to serve as voting members on the Committee through Council Resolution. The Committee will be formally established upon passage of the bylaw to amend the Advisory Committee Bylaw and approve the Terms of Reference.

Per the Bylaw, the Committee is to be composed of up to eight individuals who reside in Whitehorse with expertise in the land and housing development field. The application process for the Committee has been an open public process. Residents of Whitehorse were invited to apply for membership and targeted outreach was made to key development related organizations to raise awareness. Invitations were sent to both Ta'an Kwäch'än

Council, Kwanlin Dūn First Nation, as well as Yukon Government for their participation as a non-voting, ex-officio seat on the committee.

Following review of the applications, Administration is recommending appointment of the following 8 candidate members, based on the Committee's mandate and their experience and expertise in the land and housing development industry:

- Kwanlin Dun First Nation: Greg Thompson, Director of Heritage, Lands & Resources
- Ta'an Kwachan Council: Dave Irvine, Manager, Lands, Resources & Heritage
- Bryony McIntyre
- John Vogt
- Carl Friesen
- Susan Greening
- Joel Gaetz
- Simon Lapointe

Each of these potential members brings extensive expertise in the areas of land and housing development from a variety of perspectives related to the Committee mandate. A number of topics have been identified for the Committee to review. As part of workplanning, Council will provide direction on priorities and specific topics for the Committee.

- Review of zoning bylaws and permitting processes (Development and Building Permits);
- Review of development costs vs market value;
- Land availability;
- Supporting private land development;
- Expediting the land planning process with government partners;
- Improving public education about the housing development process;
- Impediments to affordable or attainable housing;
- Impediments to timely lot supply or housing supply gaps;
- Development standards;
- Development fees; and
- Supporting First Nation land development.

Administration also proposes amendments to the *Advisory Committee Bylaw* procedures to confirm Committee attendance to Committee members, administrative staff and invited guests as working meetings rather than public forum. It is also proposed to remove section 49, which requires posting all materials pertaining to the business listed on the agenda for Committee meetings on the City website 48 hours prior to Committee meetings. For transparency, Committee information will be public along with recommendations presented to Council. The Committee may also choose to hold public information sessions for the purpose of obtaining information.

## **Budget**

Resources will be required to support the Committee operation and for potential work arising from Committee recommendations. A budget of approximately 200K per year has been estimated reflecting both elements.

- Estimated budget includes 1 full time staff (approximately 100K) to undertake the additional workload of supporting two advisory committees.
- There will be additional budget required for any technical work arising from Committee recommendations, to be determined and evaluated on a case by case basis. A conservative estimate of budget for Committee work would be 80K-100K for studies or consultants.

Administrative support for 1 full time staff has been estimated to include support for both the Housing and Land Development Committee and the newly proposed Inclusivity Committee.

A budget amendment will be brought forward for Council's approval once the Committees are established by bylaw.

## **ADMINISTRATIVE RECOMMENDATION**

1. That Council direct Bylaw 2022 -16, a Bylaw to Amend the Advisory Committee Bylaw, be brought forward for consideration under the bylaw process to establish the Housing and Land Development Advisory Committee.
2. Upon approval of Bylaw 2022-16, that Council, by Resolution, appoint Greg Thompson, Dave Irvine, Bryony McIntyre, John Vogt, Carl Friesen, Susan Greening and Simon Lapointe to the Housing and Land Development Advisory Committee.

# **CITY OF WHITEHORSE**

## **BYLAW 2022-16**

A bylaw to amend the Advisory Committee Bylaw.

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WHEREAS section 191(1) of the *Municipal Act* provides that Council may by bylaw establish committees to consider matters referred to them by Council; and

WHEREAS in 2017 Council adopted an umbrella bylaw to prescribe the terms of reference and rules of procedure for any committee established by Council; and

WHEREAS the Advisory Committee Bylaw provides for the establishment of advisory committees by adopting a schedule to the bylaw that clearly outlines the mandate, membership criteria, and any designated administrative support for the committee; and

WHEREAS it is deemed appropriate to establish a special committee to advise Council and Administration on the development of housing within the City of Whitehorse;

NOW THEREFORE the Council of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Advisory Committee Bylaw 2017-28 section 44 is hereby amended to read "All Committee meetings shall be attended by Committee members, administrative staff and invited guests. The Committee may choose to hold public information sessions for the purpose of obtaining information from the public."
2. Advisory Committee Bylaw 2017-28 is hereby amended by removing section 49.
3. Advisory Committee Bylaw 2017-28 is hereby amended by adding Schedule "A" attached hereto and forming part of this bylaw, to establish a Housing and Land Development Advisory Committee.
4. This bylaw shall come into force and effect upon final passage thereof.

**FIRST and SECOND READING:**

**THIRD READING and ADOPTION:**

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Mayor

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City Clerk

**Bylaw 2022-16**  
**Schedule “A”**  
**Housing and Land Development Advisory Committee**

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**Terms of Reference**

Council hereby establishes the terms of reference to prescribe the powers, duties, functions, structure, membership and procedures of the Housing and Land Development Advisory Committee.

**Mandate**

Taking direction from and reporting to Council, it is the responsibility of the Advisory Committee to identify and make recommendations on the following:

- Identify housing and land development impediments and opportunities for the city;
- Report to Council on strategic policy issues for achieving progress on housing and land development;
- Advising on ways to provide additional information regarding housing development to the general public;
- Specific policies, procedures, and bylaws as they affect land development planning, applications and process;
- On select topics, hear and respond to delegations of representatives of the development sector, community organizations and provide for a communications channel to engage with industry and land development associations for feedback on specific initiatives and proposals;
- Provide additional perspectives on promoting development policies linking land use, transportation, and sustainability; and
- Offer advice on housing and land development issues that Council refers to the Committee for consideration.

**Scope**

In meeting its purpose, the Committee shall meet to discuss issues related to the development of housing within the City of Whitehorse. The scope of work and mandate of the Committee will be defined by Council, and the Committee will limit its consideration to items falling within that mandate. Administration will work with the Committee to develop an agenda, work plan and budget for the first year.

Within the first year of its mandate, Council will expect the Committee to identify impediments and opportunities in housing development, identify market and non-market rental housing gaps, review select policies, bylaws, and proposed initiatives, and provide initial recommendations for action items.

**Timeline**

Council has determined that the Committee will be established for an initial two-year period. At or near the conclusion of this timeframe Council shall determine whether it is necessary or advisable to extend the Committee’s timeline.

**Bylaw 2022-16**  
**Schedule “A”**  
**Housing and Land Development Advisory Committee**

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**Membership**

The Committee will be comprised of 8 voting members along with designated staff from Administration for advisory and secretariat support. A Chair will be chosen from among the 8 members of the Committee.

Of the 8 voting members:

- 4 or more should be selected to bring a housing and land development and/or construction business perspective and expertise to the Committee;
- 2 or more should bring a First Nations government perspective; and
- 2 should bring a broader community perspective related to housing and land development.

Yukon Government will be allocated one seat in an ex-officio, non-voting role.

From time to time, the Committee may invite subject matter experts to provide information and advice on select topics and to ensure a balance of views.

**Voting Members**

General membership criteria for Council Advisory committees is set out in the Bylaw. Applicants for Committee membership will be assessed on their demonstrated experience in and understanding of the housing and land development sector as the focus of the mandate of this Committee. Committee applicants will be required to identify how their experience will add perspective and be consistent with the mandate, purpose and scope of the Committee.

**Appointment of Committee Members**

Committee members will be appointed by Council Resolution at the conclusion of the selection process. Members will be expected to serve a term of two years and may be reappointed if the term of the Committee is extended by Council.

Public advertising will be conducted by the City, asking for expressions of interest from land and housing development industry groups, community organizations and interested individuals from the broader community. Targeted invitations will be forwarded to key organizations in the land and housing development industry.

As required under the Bylaw, the selection process should have the goals of achieving a balance of perspectives, within the context of the mandate focus of the Committee, including gender, culture and language and representation from youth and older adults.

**Roles and Responsibilities**

Chairperson

The Chairperson of the Committee will be selected from the voting members of the Committee, and will retain voting privileges upon assuming the role of Chair. The role and responsibilities of the Chairperson will be to:

**Bylaw 2022-16**  
**Schedule “A”**  
**Housing and Land Development Advisory Committee**

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- Conduct and moderate Committee meetings and facilitate discussion;
- Set an agenda for each meeting; and
- Communicate and report to Council on behalf of the Committee.

When the Chairperson is unable to attend a Committee meeting, they will designate an Acting Chairperson from the voting members of the Committee.

Voting Members

Committee members’ responsibilities will be as follows:

- To attend all of the regular meetings of the Committee;
- To present any concerns or issues to the Committee for discussion purposes, and to contribute to and make recommendations to Council and/or Administration; and
- To gather public input on concerns and issues related to the issues they are considering on housing and land development, and report on these findings to Council.

**Meetings**

Regular meetings of the Committee shall be determined by the Chairperson in consultation with the Committee, with a minimum of six meetings per year. The Chairperson may call special meetings of the Committee as necessary.

Attendance at Committee meetings will include members of the Committee, administrative staff and invited guests. The Committee may choose to hold public input sessions at select meetings to obtain feedback from Whitehorse residents. **Budget**

The Committee, in collaboration with Administration, will be tasked with developing a budget for expenses for each year of its activities. The budget will be presented to Council for approval as required through the City’s regular budgeting processes. The City will provide the Committee with support and secretariat services for all aspects of Committee work. The Committee has no authority to expend or commit the financial resources of the City of Whitehorse.

**Committee Procedures**

Once the Committee has been appointed by Council they will be expected to follow the policies, procedures and rules for administering the operation of the Committee as set out in the Advisory Committee Bylaw and the Council Procedures Bylaw (including meeting procedures, code of conduct, and public information requirements).

**Administration and Technical Support**

A staff member from the City of Whitehorse (Director of Development Services or designate) shall serve as the “Administrative Representative” for the Committee, appointed to act as a liaison between the Committee and Council and as a non-voting member, as an advisor and support, including the preparation of reports and

## **Bylaw 2022-16**

### **Schedule “A”**

#### **Housing and Land Development Advisory Committee**

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recommendations to be presented to Council. An additional “Designated Officer” will provide for all secretariat and administrative support for meeting arrangements and materials.

#### **Conflict of Interest**

Any member of the board who believes that they may have a conflict of interest must disclose it during the appointment process or address it with the Committee Chair at the first available opportunity. Applicants will not be considered to be in a conflict of interest solely by virtue of being a land or housing development business owner.

## ADMINISTRATIVE REPORT

<b>TO:</b> Corporate Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> July 4, 2022
<b>RE:</b> Inclusivity Advisory Committee - Establishment

### ISSUE

Establishing an Advisory Committee to Council on Inclusivity and review of draft Terms of Reference.

### REFERENCE

Council Resolution 2022-09-08

Appendix A - Draft Terms of Reference Advisory  
Committee Bylaw 2017-28

### HISTORY

The City of Whitehorse joined the Canadian Coalition of Municipalities Against Racism and Discrimination in March 2012. A CCMARD Advisory Committee to Council was created in 2013 and operated for 4 years before being disbanded in 2017. Since that time, the CCMARD has rebranded the organization as the Coalition of Inclusive Municipalities (CIM) for which the City continues to be a member.

In 2021, Council indicated in its strategic priorities that it was committed to developing and implementing a plan to improve inclusivity and diversity in Whitehorse, with evaluating the creation of an Inclusivity Advisory Committee (IAC) as one of the planned actions. In accordance with this strategic priority, has instructed Administration to draft a terms of reference and framework for the proposed committee for consideration.

### ALTERNATIVES

1. Approve the draft Inclusivity Advisory Committee draft Terms of Reference and direct Administration to proceed with the applications process and further development of the committee framework.
2. Refer the Terms of Reference back to Administration for further review.

### ANALYSIS

The Terms of Reference identifies that the purpose of the Committee is to promote inclusivity in the city by:

- Identifying opportunities to increase inclusivity through City bylaws, policies and programs;
- Advising Council on the implementation of the Coalition of Inclusive Municipalities toolkits and resources;

- Reporting to Council on strategic policy issues for achieving progress on inclusivity;
- On select topics, to hear and respond to representatives from community and cultural groups, Non-governmental organizations (NGO's) and individuals;
- Provide recommendations on how to improve engagement with community stakeholders; and
- Examine any inclusivity issue that Council refers to the Committee for consideration.

As a Council Advisory Committee established under bylaw, the Committee will consist of up to 8 voting members and 2 staff from Administration. Members will be appointed for a term of 2 years, with an option to be extended if Council determines that the mandate of the Committee should be extended.

Budget will be required to support the Committee for both administrative support and potential technical / research support or to advance Committee recommendations. Administrative support has been estimated at 100K for one full time employee to support the operations of both this committee and the proposed Housing and Land Development Committee. Depending on the workplan and recommendations of the Committee, an additional 80-100K is being estimated for potential consulting fees. A budget amendment will be brought forward to include administrative support for both Council Advisory Committees and for additional Committee operational work, once the committees are established by bylaw.

Subject to confirmation of Council's approval of the Draft Terms of Reference and the application process, a number of steps will follow:

- Administration will finalize budget requirements to support the committee;
- The draft TOR will be used to advertise and invite applicants through a publicly advertised process, and selection will begin, including invitations to community organizations.
- The TOR will be finalized and it along with proposed budget, members for appointment, and amendments to the Advisory Committee Bylaw to approve the Terms of Reference will be brought forward to Council for approval.
- Administration will begin setting up required Committee supports and prepare to work with the Committee to develop an agenda and work plan for 2022.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council approve the Inclusivity Advisory Committee draft Terms of Reference and framework and instruct Administration to begin the applications process for membership on the Committee and further development of the committee framework.

**DRAFT Terms of Reference**

**Name:** Inclusivity Advisory Committee  
**Reports to:** Council  
**Status:** Council Advisory Committee

**Authorizing Bylaw**

Advisory Committee Bylaw 2017-28

**Mandate**

Taking direction from and reporting to Council, it is the responsibility of the Advisory Committee to identify and make recommendations on the following:

- Identify opportunities to increase inclusivity through City bylaws, policies and programs, including to Make recommendations to Council on the use of gender neutral and non-discriminatory language in City Bylaws;
- Advise Council on the implementation of the Coalition of Inclusive Municipalities toolkits and resources;
- On select topics, hear and respond to delegations of representatives from community and cultural groups, Non-governmental organizations (NGO's) and individuals;
- Provide recommendations on how to improve engagement with community stakeholders; and
- Examine other inclusivity issues that Council may refer to the Committee for consideration.

**Scope**

In meeting its purpose, the Committee shall meet to discuss issues related to issues of inclusivity and diversity within the jurisdiction of the City of Whitehorse. The scope of work and mandate of the Committee will be defined by Council. Administration will work with the Committee to develop an agenda, work plan and budget for the first year. Within the first year of its mandate, Council will expect the Committee to present recommendations regarding means to improve social inclusion, promote human rights and encourage diversity within the City of Whitehorse with specific focus on City programs, services and responsibilities.

**Timeline**

The Committee will be established for an initial two-year period. At or near the conclusion of this timeframe Council shall determine whether it is necessary or advisable to extend the Committee's timeline.

## **Membership**

The Committee will be comprised of 8 voting members along with designated staff from Administration for advisory and secretariat support. A Chair will be chosen from among the 8 members of the Committee.

Of the 8 voting members the following perspectives should be represented:

- First Nations;
- Culturally diverse community members;
- LGBTQ2S+; and
- Those living with disabilities.

From time to time, the Committee may invite additional community representatives or experts to provide information and advice on select topics and to ensure a balance of views.

## **Voting Members**

General membership criteria for Council Advisory Committees is set out in the Bylaw. Applicants for Committee membership will be assessed on their demonstrated experience in and understanding of groups that have traditionally been underrepresented in the City of Whitehorse. Committee applicants will be required to identify how their experience will add perspective and be consistent with the mandate, purpose and scope of the Committee.

## **Appointment of Committee Members**

Committee members will be appointed by Council Resolution at the conclusion of the selection process. Members will be expected to serve a term of two years and may be reappointed if the term of the Committee is extended by Council.

Public advertising will be conducted by the City asking for expressions of interest from community stakeholder groups, non-governmental organizations and interested individuals from the broader community. Targeted invitations will be forwarded to key organizations working to encourage inclusivity and diversity in Whitehorse.

As required under the Bylaw, the selection process should have the goals of achieving a balance of perspectives, within the context of the mandate focus of the Committee, including gender, culture and language and representation from youth and older adults.

## **Roles and Responsibilities**

### Chairperson

The Chairperson of the Committee will be selected from the voting members of the Committee, and will retain voting privileges upon assuming the role of Chair. Committee members will be responsible for selecting the Chairperson. The role and responsibilities of the Chairperson will be to:

- Conduct and moderate Committee meetings and facilitate discussion;

- Set an agenda for each meeting; and
- Communicate and report to Council on behalf of the Committee.

When the Chairperson is unable to attend a Committee meeting, they will designate an Acting Chairperson from the voting members of the Committee.

### Voting Members

The Committee members' responsibilities will be as follows:

- To attend all of the regular meetings of the Committee;
- To present any concerns or issues to the Committee for discussion purposes, and to contribute to and make recommendations to Council and/or Administration; and
- To gather public input on local concerns and issues related to issues of inclusivity, and develop reports and recommendations for Council.

### **Meetings**

Regular meetings of the Committee shall be determined by the Chairperson in consultation with the Committee, with a minimum of 6 meetings per year. The Chairperson is authorized to call special meetings of the Committee at their discretion.

### **Budget**

The Committee, in collaboration with Administration, will be tasked with developing a budget for expenses for each year of its activities that will be presented to Council for approval as required through the City's regular budgeting processes. The City will provide the Committee with support and secretariat services for all aspects of Committee work. The Committee has no authority to expend or commit the financial resources of the City of Whitehorse.

### **Committee Procedures**

Once the Committee has been appointed by Council they will be expected to follow the policies, procedures and rules for administering the operation of the Committee as set out in the Advisory Committee Bylaw and the Council Procedures Bylaw (including meeting procedures, code of conduct, and public information requirements).

### **Administration and Technical Support**

A staff member from the City of Whitehorse (Manager of Legislative Services or designate) shall serve as the "Administrative Representative" for the Committee, appointed to act as a liaison between the Committee and Council and as a non-voting member as an advisor and support, including the preparation of reports and recommendations to be presented to Council. An additional "Designated Officer" will provide for all secretariat and administrative support for meeting arrangements and materials.

**Conflict of Interest**

Any member of the board who believes that they may have a conflict of interest must disclose it during the appointment process or address it with the Committee Chair at the first available opportunity. Applicants will not be considered to be in a conflict of interest solely by virtue of being a member of a community or cultural group presenting to the Committee.

**CITY OF WHITEHORSE**  
**CITY PLANNING COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Dan Boyd

**Vice-Chair:** Ted Laking

July 4, 2022

Meeting #2022-16

- 
1. Public Hearing Report – 151 Black Street Zoning Amendment  
Presented by Manager Mélodie Simard
  2. New Business

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> July 4, 2022
<b>RE:</b> Public Hearing Report – 151 Black Street Zoning Amendment

### **ISSUE**

Public Hearing Report on a bylaw to amend the zoning at 151 Black Street from CMW – Mixed Use Waterfront to CMWx – Mixed Use Waterfront (modified).

### **REFERENCES**

2015 Sustainability Plan

2010 Official Community Plan (OCP)

Zoning Bylaw 2012-20

Proposed Zoning Amendment Bylaw 2022-17

### **HISTORY**

The owner of 151 Black Street has applied to rezone their property to allow the construction of a two-story office building, with associated parking, and an Indigenous botanical healing garden on the site. The office would accommodate up to ten staff and provide space for meetings and training opportunities for teachers to use outside of school hours.

The owner proposed a special modification to the CMW zone to allow offices as a single use, to reduce the glazing requirement on the ground floor from 50% to 40%, and to eliminate the maximum windowsill height requirement. The current CMW zone allows a maximum of 50% of the ground floor to be occupied by office space and requires that all developments provide for at least two uses.

Bylaw 2022-17 received First Reading on May 16, 2022. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted on June 10, 2022 and June 17, 2022;
- Email notifications were sent to the Government of Yukon's Land Management Branch and Kwanlin Dün First Nation and Ta'an Kwäch'än Council;
- Mail notifications were sent to 33 property owners within 100 metres of the subject site; and
- A rezoning notice sign was placed on the subject site.

A Public Hearing was held on June 27, 2022. A total of five written submissions were received. Two submissions were in support of the proposed zoning amendment and three were in opposition. The proponent also presented as a delegate to Council on the day of the Public Hearing to further support their proposal.

## **ALTERNATIVES**

1. Proceed with the second and third readings under the bylaw process;
2. Amend the Bylaw at second reading; or
3. Do not proceed with the second and third readings.

## **ANALYSIS**

The following matters were raised in the public input submissions:

- Conflicts with underlying goals and vision of the CMW zone;
- Traffic-calming along Second Avenue through mixed-use;
- Current zoning in place when proponent purchased lot; and
- Support for the amendment.

### **Conflicts with underlying goals and vision of the CMW zone**

#### **Office use and design is not pedestrian-oriented**

The CMW zoning guidelines aim to ensure that uses in the area contribute to pedestrian oriented activity by ensuring a diversity of uses and building and site design guidelines. Several submissions stated that a single-use office building as proposed did not support the underlying pedestrian-oriented vision of the CMW zone.

The zoning amendment proposes to reduce the horizontal distance of the ground floor façade glazing facing a public roadway from 50% to 40%, which was opposed, or raised as a concern, by some respondents. The concern is that reducing the glazing requirements will lessen the connection between the building and street and will make it less pedestrian-oriented.

The proponent addressed concerns about the reduction in the glazing requirement and the removal of the window sill height requirement. It is their opinion that the requirements are geared towards commercial uses to display products and that it is not needed for office use. They also noted that reduced glazing helps keep maintenance costs down.

The Sustainability Plan encourages improving the performance of buildings through reduced energy use, operating costs, and greenhouse gas emissions which would be improved through the higher energy efficiency of a wall versus glazing. This should be considered against the benefit to the public that the consistent glazing requirements provide for this area.

Another concern that was raised about the proposal was the single use originally proposed. Although only one use is being proposed within the building and that the office use will be more than 50% of the ground floor area, the proponent has provided clear information that there will be two uses on the site (office and park). Also the ground floor of the building will be open to the public so it will have some pedestrian-oriented use.

After consideration of public input and the proponent's submission, Administration is recommending that the glazing and windowsill height requirements of the CMW zone be maintained so that the pedestrian-oriented development requirements and vision of the CMW zone is preserved in the long term if the office use were to change in the future.

Administration also accepts that the botanical garden can be considered as a park. It is proposed that a development permit agreement be required to ensure that the park use, or in the future a different second use, is provided by the current and future property owners.

#### Erosion of the CMW zone

Two respondents expressed that the CMW zone was already eroded with the rezoning of the property to the east of the subject site to PUX–Public Utilities (modified) and that the CMW vision cannot afford to be further eroded.

The proposed amendment is a modification to the CMW zone so most of the development requirements and design guidelines of the CMW zone will still apply. Furthermore, the proposed reconciliation botanical healing garden will promote public use of the property and contribute to a green gateway affect, complementing the overall vision of the CMW zone.

If Council agrees with Administration’s perspective in regard to the two uses proposed on the site and the retaining the glazing and windowsill height requirements of the CMW zone, Administration feels the CMW zone will not be significantly eroded.

#### Connection to the Yukon River

One respondent noted that the Yukon River is an important feature to the history, culture, environment, and future of Whitehorse and that it should be at the forefront of planning decisions.

The botanical reconciliation healing garden creates a public space that adds character to Black Street and leads pedestrians towards the Riverfront. The garden will retain the open visual corridor towards the Yukon River, helping to maintain the connection much more than a large building might.

#### **Traffic calming along Second Avenue through mixed-use**

A comment was received that traffic calming along Second Avenue was needed to make it a thriving corridor and that mixed uses would help accomplish this.

There is no evidence that a mixed-use development at this site will provide traffic calming along Second Avenue.

#### **Current zoning in place when owner purchased lot**

A comment was received that the current zoning was in place when the owner purchased the lot and that there is no compelling reason that a rezoning amendment should be contemplated in this instance.

Under Section 15.2.2 of the Zoning Bylaw, an owner of land can apply to have the zoning designation of their land amended. The owner submitted a complete rezoning application and they have the right to proceed through the review process.

#### **Support for the amendment**

Two written submissions expressed support for the proposal, particularly for the proposed reconciliation botanical healing garden. Although the proposal was considered single-use (originally, as explained), they believe that the garden will promote public use

of the property through pedestrian access, education, reconciliation, and that it will enhance the outdoor space at the entrance to Front Street.

Administration agrees that the garden will contribute positively to the area.

### **Summary**

Although the proposal was not considered mixed-use under the Zoning Bylaw initially, after further consideration, the reconciliation botanical healing garden that is being proposed can be considered a second use as a park. The proponent has provided assurance that the garden will be publically accessible. Since the garden will be on private land, a development permit agreement will be required to ensure that it is accessible to the public and that if that use changes another second use must be provided. A special modification to the zoning amendment is being proposed that will require that the garden is at least 250 square metres in size and located on the corner of Second Avenue and Black Street, as proposed by the proponent.

Since the proposed garden can be considered a second use as a park, there is no longer a need for a special modification removing the requirement to provide at least two principal uses. Although a special modification is still being proposed to allow office use to occupy 100% of the ground floor, the garden will mitigate this change to the zoning as it will support public use of the site, promote education and reconciliation, create a unique entrance to the area, and encourage pedestrian movement towards the Riverfront. The proposed garden will also maintain the pedestrian-oriented vision of the CMW zone. The first floor of the building would also be open to the public.

In order to maintain the pedestrian-oriented vision of the CMW zone, Administration is recommending that the special modifications to remove the windowsill height requirement and to reduce the glazing requirement from 50% to 40% be removed from the proposed bylaw.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2022-17, a bylaw to amend the zoning of 151 Black Street, from CMW – Mixed Use Waterfront to CMWx – Mixed Use Waterfront (modified) to allow for an office use to fully occupy the ground floor of a building, be amended to require a park as a second use, a minimum of 250 square metres in size, at the corner of Second Avenue and Black Street, be brought forward at second and third reading under the bylaw process.

**CITY OF WHITEHORSE**  
**BYLAW 2022-17**

A bylaw to amend Zoning Bylaw 2012-20

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WHEREAS section 289 of the *Municipal Act* provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS section 294 of the *Municipal Act* provides for amendment of the Zoning Bylaw; and

WHEREAS it is deemed desirable that the Whitehorse Zoning Bylaw be amended to allow for the development of an office building at Lot 38, Block 316, Plan 2008-0034 LTO YT, municipally known as 151 Black Street;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 10.7 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.7.8 c) as follows:

“c) Lot 38, Block 316, Plan 2008-0034 LTO YT, located at 151 Black Street in the Downtown area, is designated CMWx(c) with the special modifications being:

Notwithstanding section 10.7.6 of this bylaw, the following provisions apply:

- (1) Office use may occupy 100% of the ground floor.
- (2) If the second principal use is a park, it will be a minimum of 250 square metres in area and located at the corner of Second Avenue and Black Street.

2. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of 151 Black Street from CMW – Mixed Use Waterfront to CMWx(c) – Mixed Use Waterfront Modified as indicated on Attachment 1 and forming part of this bylaw.

3. This bylaw shall come into force and effect upon the final passing thereof.

<b>FIRST READING:</b>	May 16, 2022
<b>PUBLIC NOTICE:</b>	June 10, 2022; June 17, 2022
<b>PUBLIC HEARING:</b>	June 27, 2022
<b>SECOND READING:</b>	
<b>THIRD READING and ADOPTION:</b>	

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Mayor

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City Clerk

**CITY OF WHITEHORSE**  
**DEVELOPMENT SERVICES COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Jocelyn Curteanu

**Vice-Chair:** Mellisa Murray

July 4, 2022

Meeting #2022-16

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1. New Business

**CITY OF WHITEHORSE**  
**CITY OPERATIONS COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Ted Laking

**Vice-Chair:** Dan Boyd

July 4, 2022

Meeting #2022-16

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1. New Business

**CITY OF WHITEHORSE**  
**COMMUNITY SERVICES COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Mellisa Murray

**Vice-Chair:** Michelle Friesen

July 4, 2022

Meeting #2022-16

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1. New Business