

## ADMINISTRATIVE REPORT

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> December 2, 2024
<b>RE:</b> Public Hearing Report – Zoning Amendment – Hyatt Place Hotel

### ISSUE

Public Hearing Report on a bylaw to amend the zoning of 505, 507, 509, and 511 Main Street, from CC – Core Commercial to CCx – Core Commercial (modified), to reduce the number of required off-street parking spaces.

### REFERENCES

- [Zoning Bylaw 2012-20](#)
- [Reserve Fund Bylaw 2001-34](#)
- [Reserve Fund Levels Policy](#)
- [2024-2027 Capital Expenditure Program Project - 720c00422 Zoning Bylaw Rewrite](#)
- [Council Procedure Bylaw 2021-12](#)
- Location Map (Attachment 1)
- Proposed Zoning Amendment Bylaw 2024-46 (Attachment 2)

### HISTORY

An application was received to rezone the site of the Hyatt Place Hotel that is currently under construction. The applicant is seeking a special modification to reduce the parking requirement from one parking space per 150 m<sup>2</sup> to one parking space per 300 m<sup>2</sup>.

On July 14, 2023, the applicant was issued a development permit for the Hyatt Place Hotel, which will be built on the parking lot of the adjacent Gold Rush Inn.

The permit requires a total of 72 off-street parking spaces: 47 spaces for the new hotel and 25 spaces to replace those lost from the Gold Rush Inn's lot. The Gold Rush Inn's parking originally had 36 spaces under a 1996 permit, but 25 of these spaces are being removed to accommodate the new hotel, leaving only 11 spaces available. To meet current zoning requirements, these lost spaces must be replaced.

The applicant has proposed an amendment to reduce the total parking requirement from 72 spaces to 48. With this reduction, the applicant's plan to provide 43 spaces would leave a shortfall of only 5 spaces, compared to the original shortfall of 29. This adjustment would also significantly reduce the cash-in-lieu cost for the missing spaces by \$448,944.

Bylaw 2024-46 received First Reading on August 26, 2024. Public hearing notifications were distributed in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Yukon News on October 18, 2024 and October 25, 2024;

- Email notifications were sent to Kwanlin Dün First Nation, Ta’an Kwäch’än Council, Government of Yukon Land Management Branch, and the Downtown Residents Association;
- Mail notifications were sent to property owners within 100 m of the subject site; and
- Two notice signs were placed near the subject site.

A public hearing for this item was held on November 12, 2024. Twenty written public input submissions were received and five members of the public spoke to the amendment at the public hearing, all opposed except the applicant who spoke in support. Two of the members of the public who spoke at the public hearing had also submitted written input.

### **ALTERNATIVES**

1. Proceed with the amendment under the bylaw process;
2. Proceed to second reading under the bylaw process and defeat; or
3. Consider new input received after the public hearing and schedule a second public hearing.

### **ANALYSIS**

The following matters were raised in the public input submissions:

- Procedure and timing;
- Parking demand; and
- Cash-in-lieu reduction and use.

#### **Procedure and timing**

Members of the public expressed that the applicant should have applied to rezone their property prior to the construction of the hotel. It was questioned whether applying for a Zoning Bylaw amendment after construction began and collecting cash-in-lieu of parking is compliant and ethical. The applicant noted that proceeding with a Zoning Bylaw amendment prior to development would have delayed the development by one construction season and significantly increased development costs.

Section 7.3.7 d) of the Zoning Bylaw allows an applicant to pay cash-in-lieu for each required parking space but does not specify at what stage in the development process the fee must be collected. As such, developers are permitted to start construction and defer the cash-in-lieu payment until project completion. Similarly, developers are allowed at any stage in the development process to apply for a Zoning Bylaw amendment to remove or reduce the cash-in-lieu requirement, as done by the applicant in this instance.

#### **Parking demand**

Members of the public expressed concerns that the proposed amendment will increase on-street parking demand in an area considered at capacity and in high demand. Further concerns were noted on the potential reduced parking availability to patrons of nearby services who have reduced mobility or accessibility requirements.

The applicant noted that they consider the number of off-street parking provided appropriate, based on off-site parking spaces provided at other hotels they operate Downtown and minimum parking requirements in other jurisdictions. However, a member of the public noted that the applicant has not provided an independent parking study to determine this.

As the applicant has the option of paying cash-in-lieu for any required parking spaces not provided for, the number of actual parking spaces on the site may remain the same regardless of whether or not the proposed Zoning Bylaw amendment is approved. On-street parking impacts would therefore remain the same as well regardless of the decision on the application, but approval would decrease the funding available for the City to implement any parking mitigations.

The City is committed to encouraging a shift towards the increased use of active and shared transportation modes and lists personal vehicles at the bottom of the transportation hierarchy per OCP policy 11.2. While parking demand is anticipated to increase overall in the Downtown area as new developments occur, reliance on personal vehicles is expected to be lower in locations with greater travel options. For this reason, OCP policy 11.7 contemplates a reduction in parking requirements for developments located near active transportation and transit routes, such as the subject site.

The Zoning Bylaw is currently being rewritten to align with the above OCP policies, including as it relates to parking requirements for hotels. In the absence of a parking study to support the proposed amendment, this analysis and decision would be more appropriately addressed as part of the comprehensive Zoning Bylaw review.

### **Cash-in-lieu reduction and use**

A member of the public expressed that all developers have experienced financial hardships recently and that a decrease in cash-in-lieu payment for the applicant is unfair. On the other hand, the applicant noted that no one development should be made to bear the weight of many years of development intensification and required infrastructure improvement costs.

A member of the public also expressed that when the City receives cash-in-lieu of parking, the funds should only be used to provide additional parking spaces Downtown and should not be reallocated from the Parking Development Reserve fund to general reserves or to finance other non-parking related expenditures. A member of the public noted that a multi-level parkade is required Downtown, and a reduction in the required cash-in-lieu would make it more difficult for the City to develop one.

Cash-in-lieu of parking is deposited into the Parking Development Reserve fund and is subject to the conditions outlined in the Reserve Fund Bylaw 2001-34. The City's Reserve Fund Levels Policy allows Council to reallocate reserve funds. A reduction in the on-site parking requirements will result in a reduction of the cash-in-lieu payment, restricting the City's ability to mitigate potential parking impacts of the subject development, which may include various strategies such as constructing a parkade, buying land for parking, developing a parking pass program, enhancing parking enforcement through capital projects, or reallocating funds to higher City priorities, subject to the Reserve Fund Levels Policy.

In the absence of a parking study to justify the proposed amendment, the City cannot determine the impact a reduced cash-in-lieu payment will have on its ability to address potential parking impacts.

**Additional Information Received after Closure of the Public Hearing**

Following the closure of the public hearing the proponent provided a proposal to City Council asking for a Development Permit Agreement with the City that would allow NVD to meet the eventual parking standard established in the Zoning Bylaw Rewrite for the Hyatt Place Hotel. This proposal would require the proposed bylaw to be amended to reflect this arrangement.

Should Council wish to consider this proposal, Section 89 of the Procedure Bylaw requires a second public hearing for a zoning amendment where, among other things, “Significant changes to the bylaw are proposed that otherwise alter the substance of the bylaw”. This provision ensures that the public is able to comment on the new information before Council makes a decision on the proposed bylaw.

If the revised zoning amendment is adopted, a second bylaw to approve a Development Permit Agreement would be brought forward that formalizes the contractual arrangements that ensure that parking is provided per the adopted regulations in the new Zoning Bylaw Rewrite project.

Administration does not recommend pursuing this option as it introduces significant uncertainty and undermines the integrity of the public consultation process. The proposal relies on standards that are yet to be established under the Zoning Bylaw Rewrite, which has not been finalized or adopted, leaving both Council and the public without clarity on the eventual requirements. Furthermore, a second public hearing would delay resolution, increase administrative complexity, and potentially set a precedent for deferring compliance with established zoning requirements.

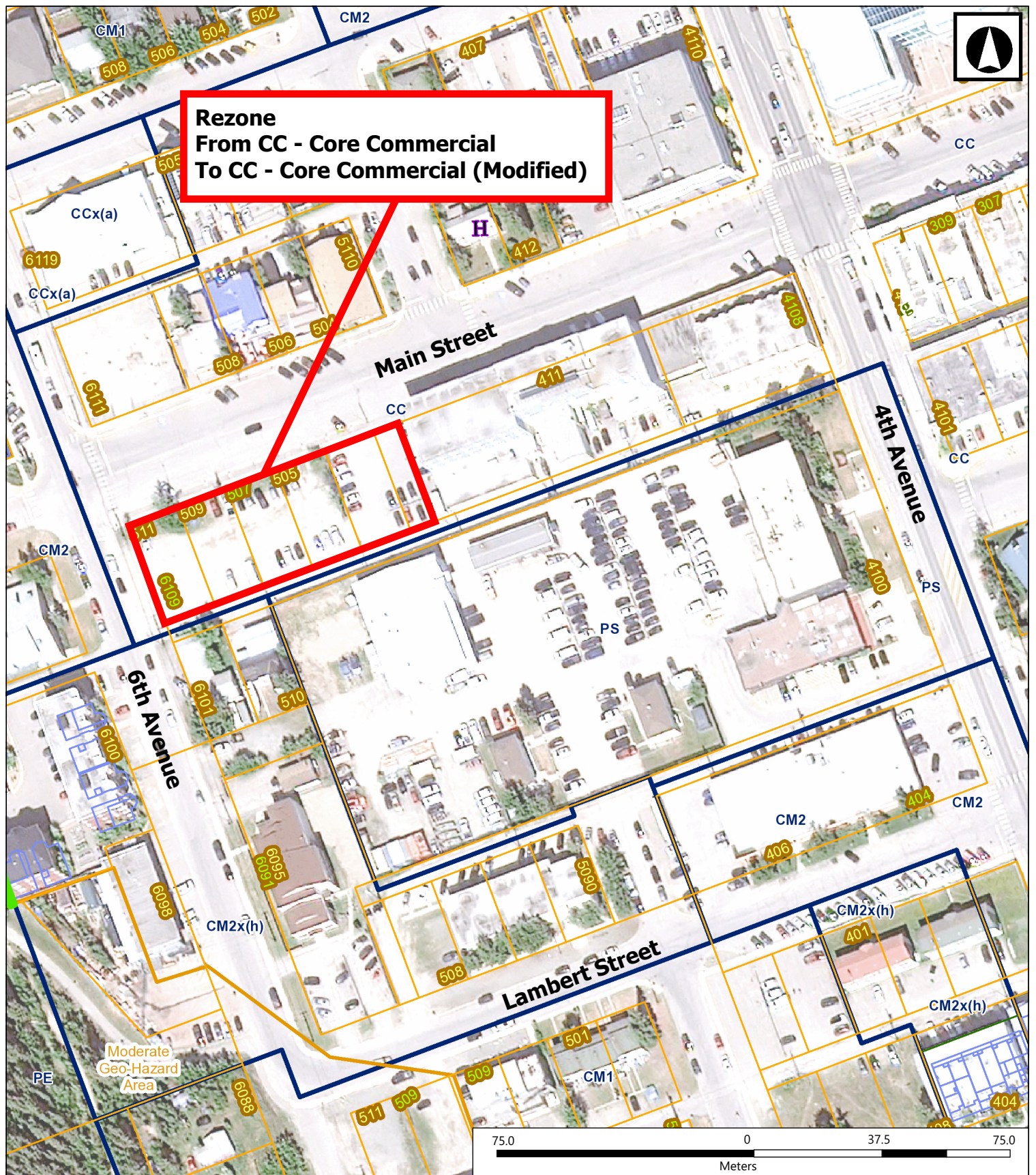
**ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2024-46, a bylaw to amend the zoning of 505, 507, 509, and 511 Main Street, from CC – Core Commercial to CCx – Core Commercial (modified), be brought forward to second reading and defeated.





**Rezone  
From CC - Core Commercial  
To CCx - Core Commercial (Modified)**



SCALE:  
1:1,500

DATE:  
August 20, 2024

FILE:  
Z-06-2024

**CITY OF WHITEHORSE - PLANNING & SUSTAINABILITY SERVICES**

**Proposed Bylaw 2024-46**

A Bylaw to amend the zoning of 505, 507, 509, 511 Main Street from CC – Core Commercial to CCx – Core Commercial (Modified).



**CITY OF WHITEHORSE**  
**BYLAW 2024-46**

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 reduce the number of required off-street parking spaces at Lots 7-11, Block 45, Plan 3807 LTO YT, municipally known as 505, 507, 509, and 511 Main Street;

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

1. Section 10.1 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.1.7 b) as follows:

“b) Lots 7-11, Block 45, Plan 3807 LTO YT, located at 505, 507, 509, and 511 Main Street in the Downtown area, is designated CCx(b) with the special modifications being:

Notwithstanding section 7.3.7 b) of this bylaw, the following provision applies:

(1) The minimum requirement for all non-residential uses is 1 parking space for every 300 m<sup>2</sup> of gross floor area.”

2. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of 505, 507, 509, and 511 Main Street from CC – Core Commercial to CCx(b) – Core Commercial Modified as indicated on Appendix A and forming part of this bylaw.

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

**FIRST READING:**

**PUBLIC NOTICE:**

**PUBLIC HEARING:**

**SECOND READING:**

**THIRD READING and ADOPTION:**

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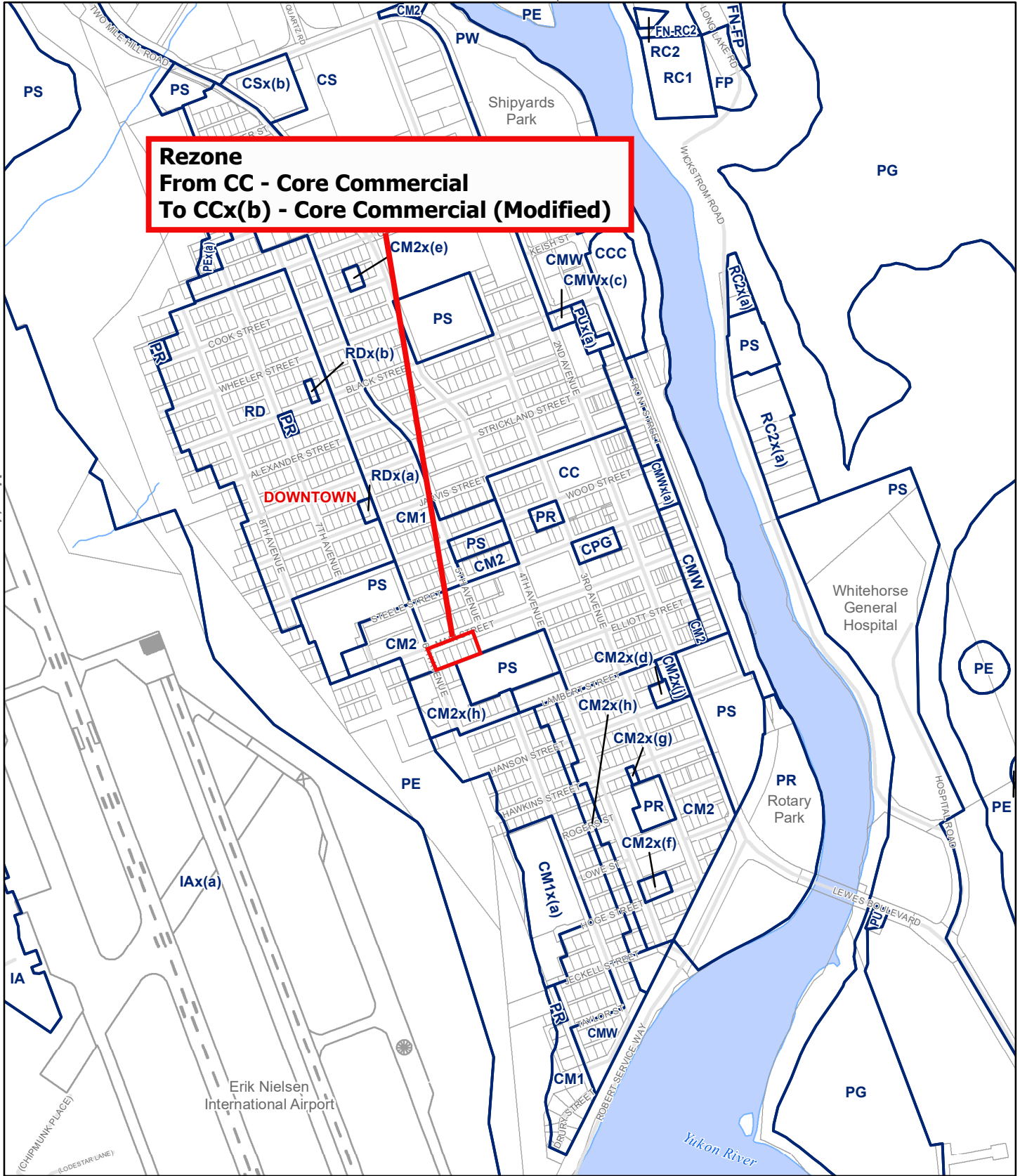
Mayor

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Corporate Services



Map 11

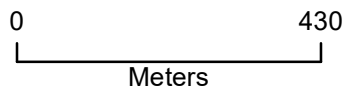


Map 14

Map 18

Map 16

Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



Consolidation date:  
April 22, 2024

Projection: NAD 1983 UTM Zone 8