

# **CITY OF WHITEHORSE – STANDING COMMITTEES**

Monday, May 16, 2022 – 5:30 p.m.

Council Chambers, City Hall

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## **CALL TO ORDER**

## **ADOPTION OF AGENDA**

## **PROCLAMATIONS**

**DELEGATIONS**     Sarah Newton – Climate Caucus  
                             Whitehorse Woofers  
                             Matthew Trickett  
                             Ron Rousseau

## **PUBLIC HEALTH AND SAFETY COMMITTEE**

1. New Business

## **CORPORATE SERVICES COMMITTEE**

1. Fees and Charges Amendment – Transit Fares
2. Budget Amendment – Residential/Commercial Organics & Waste Carts
3. Budget Amendment – Range Road Lift Station Replacement Project
4. New Business

## **CITY PLANNING COMMITTEE**

1. Draft Official Community Plan Public Engagement – For Information Only
2. Public Hearing Report – Zoning Amendment – 1 Drift Drive
3. Conditional Use Application – KM 1.5 Chadburn Lake Road – For Information Only
4. Conditional Use Application – 44A Stope Way – For Information Only
5. New Business

## **DEVELOPMENT SERVICES COMMITTEE**

1. Amendments to Pop-up Patio Program
2. 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

May 16, 2022

Meeting #2022-10

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1. New Business

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



**Chair:** Michelle Friesen

**Vice-Chair:** Kirk Cameron

May 16, 2022

Meeting #2022-10

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1. Fees and Charges Amendment – Transit Fares  
Presented by Manager Jason Bradshaw
  2. Budget Amendment – Residential/Commercial Organics & Waste Carts  
Presented by Manager Ira Webb
  3. Budget Amendment – Range Road Lift Station Replacement Project  
Presented by Manager Michael Abbot
  4. New Business

## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Corporate Services Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	May 16, 2022
<b>RE:</b>	Temporarily Suspend Collection of Transit Fares

### **ISSUE**

Temporarily suspend the collection of transit bus fares and monthly pass fees to July 1, 2022.

### **REFERENCE**

Bylaw 2014-36 Fees and Charges Appendix A – Schedule 11 (Transit)  
Proposed Bylaw 2022-21

### **HISTORY**

On April 30<sup>th</sup> an escarpment slide occurred along Robert Service Way, immediately south of Downtown. Robert Service Way has been closed since due to the ongoing safety concern to the public. It is currently anticipated that reopening of the road will not occur until June.

As a result of the closure of Robert Service Way traffic has been redirected to enter and exit the downtown using Two Mile Hill which has created traffic impacts. Commuters are being encouraged to adjust their travel routes and times of travel, carpool, use active transportation, work from home where possible, and use Whitehorse Transit.

In an effort to help mitigate resulting congestion and delays, Administration is proposing to temporarily suspend transit fees until July 1, 2022 to encourage use of transit.

### **ALTERNATIVES**

1. Temporarily suspend bus fares as set out in the Fees and Charges Bylaw; or
2. Collect all transit fares as usual.

### **ANALYSIS**

Waiving the requirement for transit riders to pay for the service by temporarily suspending transit fare would serve a number of purposes:

- To increase the number of riders and reduce the number of vehicles on roads resulting in decreased congestion;
- To encourage riders to use transit for the first time, or use the service again; and
- It would eliminate the potential requirement to fully or partially refund any new advance sales of passes or strips should transit service levels need to be adjusted.

May 2022 transit passes that have already been sold would be usable in July once the City resumes collecting fares.



**RECOMMENDATION**

THAT Council direct that Bylaw 2022-21, a bylaw to amend Appendix A, Schedule 11 (Transit) of the Fees and Charges Bylaw to suspend the collection of fees for bus fares until July 1, 2022, be brought forward for consideration under the bylaw process.

**CITY OF WHITEHORSE**  
**BYLAW 2022-21**

A bylaw to amend Fees and Charges Bylaw 2014-36

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WHEREAS all City of Whitehorse municipal fees and charges are consolidated into one bylaw; and

WHEREAS Section 220 of the *Municipal Act* (R.S.Y. 2002) provides that Council may by bylaw amend or vary bylaws; and

WHEREAS it is deemed desirable that the Fees and Charges Bylaw be amended to temporarily suspend transit fares in the City of Whitehorse until July 1, 2022;

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

1. Appendix A, Schedule 11 attached to and forming part of the Fees and Charges Bylaw 2014-36 is hereby amended by adding a new fee for all “Bus Fares” in the amount of \$0.00, to be in effect until July 1, 2022.

Bus fares            \$0.00 per transit fee until July 1, 2022.

2. This \$0.00 fee will not apply to discounted monthly Group Passes.
3. May, 2022 transit passes that have already been purchased will be usable in July, 2022 once the City resumes collecting fares.
4. This bylaw shall be deemed to have been in full force and effect from final passage thereof.

**FIRST READING:**            May 16, 2022

**SECOND READING:**        May 16, 2022

**THIRD READING and ADOPTION:**

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Laura Cabott, Mayor

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Wendy Donnithorne, City Clerk

DEPARTMENT	FEE TYPE	DESCRIPTION	ADDITIONAL DETAILS	UNIT	BYLAW 2022-21 FEE	EFFECTIVE DATE	FEE IF GST APPLICABLE
Transit	Bus Fares	Adult Monthly Pass - Age 19-59		each	\$ 62.00	1-Jan-08	no gst
Transit	Bus Fares	Adult Single-cash - Age 19-59		each	\$ 2.50	1-Jan-08	no gst
Transit	Bus Fares	Adult Ticket (sold in strips of 10) - Age 19-59		each strip	\$ 23.00	1-Jan-08	no gst
Transit	Bus Fares	Day Pass - Age 5 and over		each	\$ 5.00	1-Apr-15	no gst
Transit	Bus Fares	Disabled Handy Bus-Cash - Handy Bus disabled customers that meet the eligibility requirements of Handy Bus Service		each	\$ 2.50	1-Jan-08	no gst
Transit	Bus Fares	Disabled Handy Bus-Monthly Pass - Handy Bus disabled customers that meet the eligibility requirements of Handy Bus Service		each	\$ 26.00	1-Jan-08	no gst
Transit	Bus Fares	Disabled Handy Bus-Ticket (strip of 10) - Handy Bus disabled customers that meet the eligibility requirements of Handy Bus Service		each strip	\$ 10.00	1-Jan-08	no gst
Transit	Bus Fares	Disabled Conventional Bus - Conventional Bus disabled customers that meet the eligibility requirements of Handy Bus Service		each	free	1-Jul-03	no gst
Transit	Bus Fares	Pre-schooler:4 and under accompanied by an adult (2 per adult)	proof of age may be required	each	free	22-Jun-98	no gst
Transit	Bus Fares	Senior Monthly Pass - Age 60 and over		each	\$ 26.00	1-Jan-08	no gst
Transit	Bus Fares	Senior Single-cash - Age 60 and over		each	\$ 2.50	1-Jan-08	no gst
Transit	Bus Fares	Senior Ticket (strips of 10) - Age 60 and over		each strip	\$ 10.00	1-Jan-08	no gst
Transit	Bus Fares	Youth Monthly Pass - Age 5-18		each	\$ 40.00	1-Jan-08	no gst
Transit	Bus Fares	Youth Single-cash - Age 5-18		each	\$ 2.50	1-Jan-08	no gst
Transit	Bus Fares	Youth Ticket (sold in strips of 10) - Age 5-18		each strip	\$ 15.00	1-Jan-08	no gst
Transit	Bus Fares	Superpass Monthly - Superpass -ADULT		each	\$ 54.25	1-Jul-18	no gst
Transit	Bus Fares	Superpass Monthly - Superpass -YOUTH		each	\$ 35.00	1-Jan-15	no gst
Transit	Bus Fares	Superpass Monthly - Superpass -SENIOR		each	\$ 22.75	1-Jan-15	no gst
Transit	Bus Fares	Superpass Monthly - Superpass -DISABILITY		each	\$ 22.75	1-Jan-15	no gst
Transit	Bus Fares	Suspend the collection of fees for bus fares until July 1, 2022. This does not apply to monthly Group Passes.		each	-		no gst
Transit	Group Pass	College - 0% -10% (0-55) of students participating		each	\$ 248.00	1-Jan-13	no gst
Transit	Group Pass	College - 10%-20% (56-110) of students participating	0% Transit Discount	each	\$ 248.00	1-Jan-13	no gst
Transit	Group Pass	College - 20%-30% (111-165) of students participating	20% Transit Discount	each	\$ 198.40	1-Jan-13	no gst
Transit	Group Pass	College - 30%-40% (166-220) of students participating	20% Transit Discount	each	\$ 198.40	1-Jan-13	no gst
Transit	Group Pass	College - 40%-50% (221-275) of students participating	35% Transit Discount	each	\$ 161.20	1-Jan-13	no gst
Transit	Group Pass	College - 50% -60% (276-330) of students participating	35% Transit Discount	each	\$ 161.20	1-Jan-13	no gst
Transit	Group Pass	College - 60% -70% (331-385) of students participating	50% Transit Discount	each	\$ 124.00	1-Jan-13	no gst
Transit	Group Pass	College - 70% -80% (386-440) of students participating	50% Transit Discount	each	\$ 124.00	1-Jan-13	no gst
Transit	Group Pass	College - 80% -90% (441-495) of students participating	75% Transit Discount	each	\$ 62.00	1-Jan-13	no gst
Transit	Group Pass	College - 90% -100% (496-550) of students participating	75% Transit Discount	each	\$ 62.00	1-Jan-13	no gst
Transit	Group Pass	Education - 0% of eligible students or employees participating	0% Transit Discount	each	\$ 40.00	1-May-12	no gst
Transit	Group Pass	Education - 25% of eligible students or employees participating	10% Transit Discount	each	\$ 36.00	1-May-12	no gst
Transit	Group Pass	Education - 50% of eligible students or employees participating	15% Transit Discount	each	\$ 34.00	1-May-12	no gst
Transit	Group Pass	Education - 75% of eligible students or employees participating	20% Transit Discount	each	\$ 32.00	1-May-12	no gst
Transit	Group Pass	Education - 100% of eligible students or employees participating	25% Transit Discount	each	\$ 30.00	1-May-12	no gst
Transit	Group Pass	Education - Semester - 0% of eligible students or employees participating	0% Transit Discount	each	\$ 200.00	1-Apr-21	\$ 210.00
Transit	Group Pass	Education - Semester - 25% of eligible students or employees participating	10% Transit Discount	each	\$ 180.00	1-Apr-21	\$ 189.00
Transit	Group Pass	Education - Semester - 50% of eligible students or employees participating	15% Transit Discount	each	\$ 170.00	1-Apr-21	\$ 178.50
Transit	Group Pass	Education - Semester - 75% of eligible students or employees participating	20% Transit Discount	each	\$ 160.00	1-Apr-21	\$ 168.00
Transit	Group Pass	Education - Semester - 100% of eligible students or employees participating	25% Transit Discount	each	\$ 150.00	1-Apr-21	\$ 157.50
Transit	Group Pass	Employers 5-25 Participants - 0% of employees participating	0% Transit Discount	each	\$ 62.00	1-Jun-12	no gst
Transit	Group Pass	Employers 5-25 Participants - 25% of employees participating	3.75% Transit Discount	each	\$ 59.68	1-Jun-12	no gst
Transit	Group Pass	Employers 5-25 Participants - 50% of employees participating	7.50% Transit Discount	each	\$ 57.35	1-Jun-12	no gst
Transit	Group Pass	Employers 5-25 Participants - 75% of employees participating	11.25% Transit Discount	each	\$ 55.03	1-Jun-12	no gst
Transit	Group Pass	Employers 5-25 Participants - 100% of employees participating	15.0% Transit Discount	each	\$ 52.70	1-Jun-12	no gst
Transit	Group Pass	Employers 26-50 Participants - 0% of employees participating	0% Transit Discount	each	\$ 62.00	1-Jun-12	no gst
Transit	Group Pass	Employers 26-50 Participants - 25% of employees participating	5% Transit Discount	each	\$ 58.90	1-Jun-12	no gst
Transit	Group Pass	Employers 26-50 Participants - 50% of employees participating	10% Transit Discount	each	\$ 55.80	1-Jun-12	no gst
Transit	Group Pass	Employers 26-50 Participants - 75% of employees participating	15% Transit Discount	each	\$ 52.70	1-Jun-12	no gst
Transit	Group Pass	Employers 26-50 Participants - 100% of employees participating	20% Transit Discount	each	\$ 49.60	1-Jun-12	no gst
Transit	Group Pass	Employers over 50 Participants - 0% of employees participating	0% Transit Discount	each	\$ 62.00	1-Jun-12	no gst
Transit	Group Pass	Employers over 50 Participants - 25% of employees participating	6.25% Transit Discount	each	\$ 58.13	1-Jun-12	no gst
Transit	Group Pass	Employers over 50 Participants - 50% of employees participating	12.50% Transit Discount	each	\$ 54.25	1-Jun-12	no gst
Transit	Group Pass	Employers over 50 Participants - 75% of employees participating	18.75% Transit Discount	each	\$ 50.38	1-Jun-12	no gst

DEPARTMENT	FEE TYPE	DESCRIPTION	ADDITIONAL DETAILS	UNIT	BYLAW 2022-21 FEE	EFFECTIVE DATE	FEE IF GST APPLICABLE
Transit	Group Pass	Employers over 50 Participants - 100% of employees participating	25% Transit Discount	each	\$ 46.50	1-Jun-12	no gst
Transit	Group Pass	Youth - Employers 5-25 Participants - 0% of employees participating	0% Transit Discount	each	\$ 40.00	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers 5-25 Participants - 25% of employees participating	3.75% Transit Discount	each	\$ 38.50	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers 5-25 Participants - 50% of employees participating	7.50% Transit Discount	each	\$ 37.00	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers 5-25 Participants - 75% of employees participating	11.25% Transit Discount	each	\$ 35.50	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers 5-25 Participants - 100% of employees participating	15.0% Transit Discount	each	\$ 34.00	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers 26-50 Participants - 0% of employees participating	0% Transit Discount	each	\$ 40.00	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers 26-50 Participants - 25% of employees participating	5% Transit Discount	each	\$ 38.00	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers 26-50 Participants - 50% of employees participating	10% Transit Discount	each	\$ 37.00	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers 26-50 Participants - 75% of employees participating	15% Transit Discount	each	\$ 34.00	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers 26-50 Participants - 100% of employees participating	20% Transit Discount	each	\$ 32.00	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers over 50 Participants - 0% of employees participating	0% Transit Discount	each	\$ 40.00	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers over 50 Participants - 25% of employees participating	6.25% Transit Discount	each	\$ 37.50	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers over 50 Participants - 50% of employees participating	12.50% Transit Discount	each	\$ 35.00	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers over 50 Participants - 75% of employees participating	18.75% Transit Discount	each	\$ 32.50	1-Jul-13	no gst
Transit	Group Pass	Youth - Employers over 50 Participants - 100% of employees participating	25% Transit Discount	each	\$ 30.00	1-Jul-13	no gst
Transit	Advertising	Bench Back - monthly	21"x69" ad panel	each	\$ 82.50	1-Jan-13	\$ 86.60
Transit	Advertising	Bench Back - yearly	21"x69" ad panel	each	\$ 825.00	1-Jan-13	\$ 866.30
Transit	Advertising	Exterior King panels, side of bus - monthly	139"x30" ad panel	each	\$ 275.00	1-Jan-13	\$ 288.80
Transit	Advertising	Exterior King panels, side of bus - yearly	139"x30" ad panel	each	\$ 2,750.00	1-Jan-13	\$ 2,887.50
Transit	Advertising	Interior panel - monthly	11"x21" ad panel	each	\$ 33.00	1-Jan-13	\$ 34.70
Transit	Advertising	Interior panel - yearly	11"x21" ad panel	each	\$ 352.00	1-Jan-13	\$ 369.60
Transit	Advertising	Shelters - monthly	47 1/4" x 68 1/2"	each	\$ 385.00	1-Jul-13	\$ 404.30
Transit	Advertising	Shelters - yearly	47 1/4" x 68 1/2"	each	\$ 3,850.00	1-Jul-13	\$ 4,042.50
Transit	Advertising	Vinyl application bus wrap - Side of the bus: 12 Months	Top Runner, One Panel or Lower portion	each	\$ 1,650.00	31-Mar-19	\$ 1,732.50
Transit	Advertising	Vinyl application bus wrap - Full 1 side of the Bus: 12 Months	1 side of the bus fewer areas required clear for safety	each	\$ 3,850.00	31-Mar-19	\$ 4,042.50
Transit	Advertising	Vinyl application bus wrap - Full Bus Wrap 1st Year: 12 Months	Full Bus Wrap, fewer areas required clear for safety	each	\$ 7,700.00	31-Mar-19	\$ 8,085.00
Transit	Advertising	Vinyl application bus wrap - Full Bus Wrap Renewal: each 12 month interval after the 1st Year	Full Bus Wrap, fewer areas required clear for safety	each	\$ 5,133.33	31-Mar-19	\$ 5,390.00
Transit	Advertising	Vinyl application bus wrap - Side of the bus: Late cancellation, non-renewal, monthly fee (10%)	Top Runner, One Panel or Lower Portion	each	\$ 165.00	1-Apr-21	\$ 173.30
Transit	Advertising	Vinyl application bus wrap - Full 1 side of the Bus: Late cancellation, non-renewal, monthly fee (10%)	1 side of the bus fewer areas required clear for safety	each	\$ 385.00	1-Apr-21	\$ 404.30
Transit	Advertising	Vinyl application bus wrap - Full Bus Wrap: Late cancellation, non-renewal, monthly fee (10%)	Full Bus Wrap, fewer areas required clear for safety	each	\$ 770.00	1-Apr-21	\$ 808.50
Transit	Advertising	Back face of bus passes - yearly	Includes Adult 300, Youth 400, Seniors 100	each	\$ 1,980.00	1-Jan-13	\$ 2,079.00

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## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Corporate Services Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	May 16, 2022
<b>RE:</b>	Budget Amendment – Residential/Commercial Organics & Waste Carts

### **ISSUE**

Administration is requesting a budget amendment to the 2022-2025 Capital Expenditure Program to advance the Residential/Commercial Organics & Waste Carts project from the 2023 fiscal year to the 2022 fiscal year.

### **REFERENCE**

[Bylaw 2021-41 Capital Expenditure Program 2022 – 2025](#) - 650c01118  
Residential/Commercial Organics & Waste Carts

### **HISTORY**

The City provides curbside collection of waste and organics to all eligible premises and also provides organics collection to small volume commercial organics producers. Both of these programs utilize 240L waste carts. The number of carts provided in recent years has continued to increase due to significant population growth, continued expansion of the commercial organics program and replacement of existing carts when required. To ensure that waste collection service levels can be maintained, an order of carts is recommended in 2022 instead of the planned procurement in 2023 to prevent a potential shortfall.

The most recent order of carts was placed in late 2020 and an estimate of the remaining current inventory is 240 black garbage carts and 162 organics carts. Given the long lead time of supplies and materials Administration is recommending an order be placed in 2022. Ordering a full load of carts provides economy of scale on shipping costs and will provide enough inventory to last until 2024 when a new capital request will be required.

### **ALTERNATIVES**

1. Amend the Capital Budget for Residential/Commercial Organics & Waste Carts; or
2. Refer the matter back to Administration for further analysis.

### **ANALYSIS**

Ensuring there is sufficient supply of waste and organics carts is of high importance to maintain existing waste collection service levels to residents. Population growth, expansion of the organics program and the need for replacement carts has outpaced department expectations and as such, there is a need to procure carts sooner.

This project would still be subject to external approval through the Canada Community Building Fund (formerly Gas Tax) and is eligible under the Solid Waste category, as infrastructure that supports solid waste management systems. Ensuring sufficient cart

supply for expansion of the commercial organics program also supports the City's diversion goals through increased separation of compostable waste.

**ADMINISTRATIVE RECOMMENDATION**

THAT Council direct the 2022 – 2025 Capital Expenditure Program be amended by moving the approved budget for Residential/Commercial Organics & Waste Carts #650c01118 in the amount of \$95,000 from 2023 to the 2022 fiscal year.

## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Corporate Services Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	16 May 2022
<b>RE:</b>	Budget Amendment – Range Road Lift Station Replacement Project

### **ISSUE**

Administration is requesting a budget amendment for the Range Road Lift Station Replacement project to proceed with construction.

### **REFERENCE**

- Bylaw 2021-41 Capital Expenditure Program 2022-2025, 240c00311 Range Road South Lift Station
- [Procurement Policy 2020-03](#)
- Range Road Lift Station Replacement Drawing

### **HISTORY**

The sewage lift station and force-main on Range Road were constructed in the early 1960's and are at the end of their lifecycle. City crews have identified frequent operational problems with this lift station including security concerns. A proactive replacement of the lift station at this time will be more cost effective than further maintenance and upgrades.

In 2020 an engineering feasibility assessment was completed for a new lift station by an engineering consulting firm to explore improvement options and determine budgetary costing. The assessment explored three options and determined that the best solution is the full replacement of the lift station with a pre-manufactured wet well and a small building to house the electrical equipment. A preliminary cost assessment of \$2,400,000 was identified for the project.

Detailed design progressed in 2021 and prior to tendering for construction the pre-tender cost estimate determined that an estimated additional budget of \$500,000 was required to complete the project. Council approved this additional budget on February 14, 2022.

### **ALTERNATIVES**

1. Amend the Capital Budget for the Range Road South Lift Station project; or
2. Postpone the project.

### **ANALYSIS**

The construction project was tendered in March 2022, and one bid was received that was over budget and significantly over the pre-tender estimate.

Following the closing of the tender, the City entered into discussions with the sole bidder, who is based out of Yellowknife NWT, to explore alternatives to reduce the overall cost of the project. Considering the simple design of the lift station, there are no feasible alternatives that would result in any significant cost savings. The bid prices were reviewed in detail and all the items of work were within a reasonable deviation to the estimated prices at pre-tender, except for the line item that would include costs for mobilization and demobilization. This is a result of the contractor mobilizing crews and some equipment from Yellowknife.

Considering the criticality of this sanitary infrastructure and the uncertainty with market conditions in 2023 and beyond, Administration recommends proceeding with this project in 2022 and to not delay.

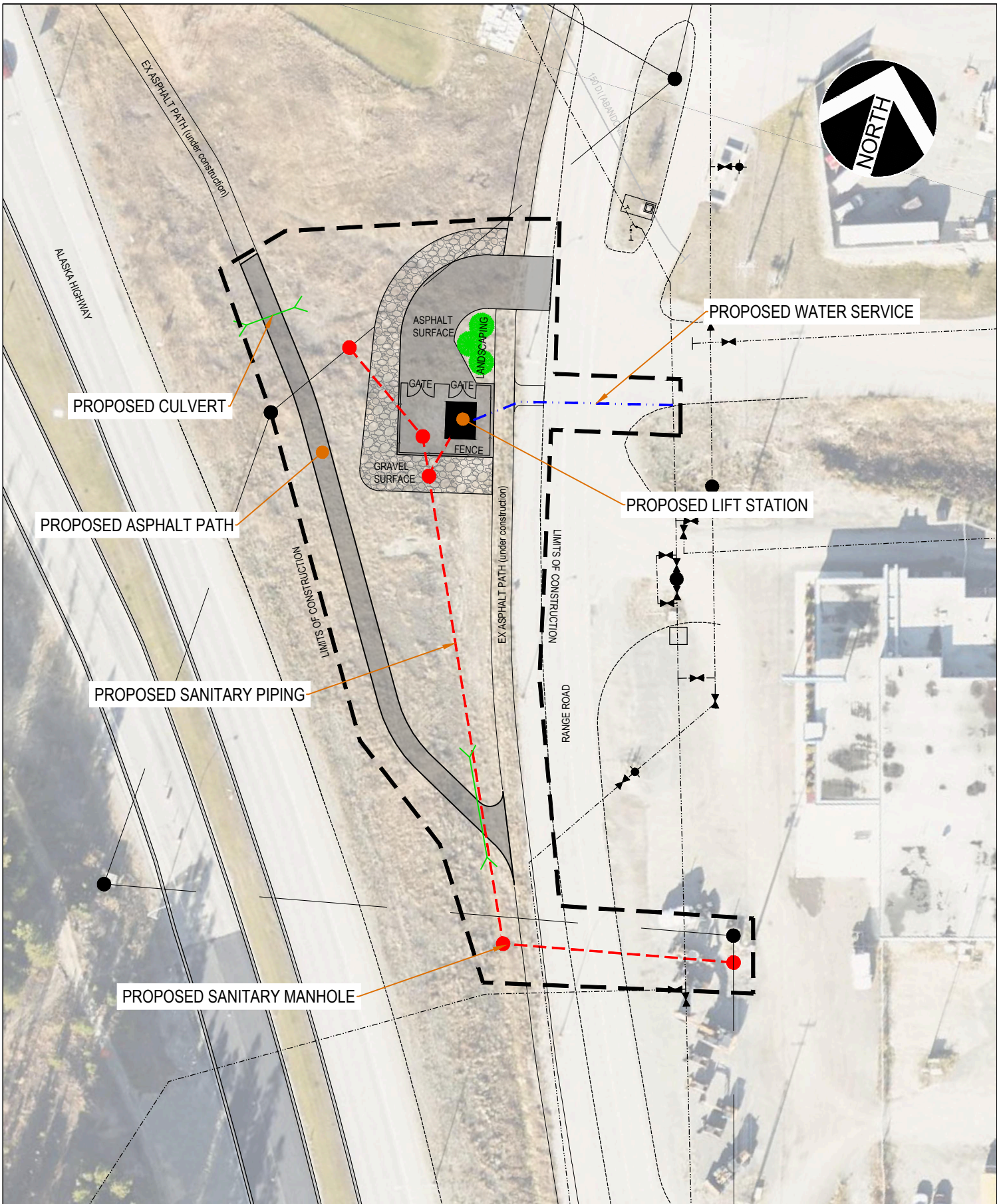
2022 Budget:	\$2,900,000
Construction Bid:	\$4,112,599
Additional Budget Required:	\$1,500,000

The project budget requires an additional \$1,500,000 to complete the project. The additional expenditures are eligible under the Canada Community-Building Fund (formerly known as Gas Tax Fund).

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct the 2022 to 2025 Capital Expenditure program be amended by increasing the budget for the Range Road South Lift Station project #240c00311 in the amount of \$1,500,000, funded from the Capital Reserve until an amended Canada Community-Building-Fund Transfer Payment Agreement has been approved.





SCALE:	DRAWN:
1:750	RSC
DATE:	CHECKED:
May 5, 2022	
DRAWING:	
REVISION:	

# Range Road Lift Station Replacement Drawing



R:\DEVELOPMENT SERVICES\ENGINEERING\INTERNAL WATER & SEWER\RANGE ROAD SOUTH (NORCAN)\LIFT STATION\CONSTRUCTION 2022\_RR\RANGE ROAD SOUTH\LIFT ADMIN.DWG

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



**Chair:** Dan Boyd

**Vice-Chair:** Ted Laking

May 16, 2022

Meeting #2022-10

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1. Public Engagement – Draft Official Community Plan – For Information Only  
Presented by Manager Mélodie Simard
  2. Public Hearing Report –Zoning Amendment – 1 Drift Drive  
Presented by Manager Mélodie Simard
  3. Conditional Use Application – KM 1.5 Chadburn Lake Road – For Information Only  
Presented by Manager Pat Ross
  4. Conditional Use Application – 44A Stope Way – For Information Only  
Presented by Manager Pat Ross
  5. New Business

## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Planning Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	May 16, 2022
<b>RE:</b>	Public Engagement - Draft Official Community Plan – For Information Only

### **ISSUE**

Provide Council an update on the engagement plan for the Draft Whitehorse 2040 Official Community Plan.

### **REFERENCE**

- [Draft Official Community Plan – May 2022 \(the Draft OCP\)](#)
- [2010 Official Community Plan](#)

### **HISTORY**

The Official Community Plan guides decision making for the City by setting the long-term vision, guiding principles and supporting policies for growth and City services.

The current OCP was completed in 2010 with various amendments since that time.

In November 2018, the City launched an OCP review process called “Whitehorse 2040”. Since launching the project, the City has completed a number of studies and provided many opportunities for input, including through surveys, open houses and staff-to-staff engagement with various government partners including intergovernmental meetings with both First Nations and Yukon governments.

The Draft OCP is now available for public review on the City’s engagement platform ([www.engagewhitehorse.ca](http://www.engagewhitehorse.ca)).

### **ANALYSIS**

The OCP is adopted by Council through a bylaw process, typically following robust public engagement. With this principle in mind, the OCP project team will provide the community various online and in person engagement opportunities to provide input on the Draft OCP during the May 16<sup>th</sup> to June 5<sup>th</sup> engagement period:

- Public Open Houses:
  - May 25<sup>th</sup>, 5:00 - 8:00 p.m.: Mount McIntyre Recreation Centre
  - May 26<sup>th</sup>, 11:00 a.m - 2:00 p.m. Northlight Innovation Centre
  - May 26<sup>th</sup>, 5:00 - 8:00 p.m: Mount McIntyre Recreation Centre
- Online presentation and public input session:
  - May 31<sup>st</sup>, 7:00 - 8:30 p.m.
- Online Survey:
  - May 16<sup>th</sup> - June 5<sup>th</sup>

Online engagement opportunities will be provided to stakeholders listed in the OCP mailing list and to the members of the Yukon Housing Action Plan Implementation Committee.

The Draft OCP has been shared with staff from the Government of Yukon, Kwanlin Dün First Nation and the Ta'an Kwäch'än Council.

Members of the public and stakeholders wishing to receive updates on the project may register to the City's mailing list by emailing [ocp@whitehorse.ca](mailto:ocp@whitehorse.ca).

The Draft OCP public engagement events will be advertised broadly, including through social media, at various locations throughout the city and through the City OCP mailing list.

Following the engagement period, a report will be produced summarizing public input. This report will inform possible changes to the Final Draft OCP which will be brought to Council for consideration and the bylaw process.

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> May 16, 2022
<b>RE:</b> Public Hearing Report - Zoning Amendment – 1 Drift Drive

### **ISSUE**

Application for a zoning amendment at 1 Drift Drive from RR – Restricted Residential Detached to RS – Residential Single Detached.

### **REFERENCES**

- Zoning Bylaw 2012-20
- Proposed Bylaw 2022-12

### **HISTORY**

The owners of 1 Drift Drive in Copper Ridge have applied to rezone their property from RR – Restricted Residential Detached to RS – Residential Single Detached. Adjacent properties along Drift Drive are zoned RS (Appendix A). The RR zone only permits single detached housing on large serviced lots. The RS zone permits a broader range of housing options, including duplexes, triplexes, and residential care homes as primary uses, and bed and breakfasts, living and garden suites as secondary uses.

The owners have expressed intent to create a living suite, which necessitates a zone change since living suites are not permitted in the RR zone. A living suite is a separate, self-contained dwelling unit within the house, such as a basement apartment.

Proposed Bylaw 2022-12 received First Reading on March 28, 2022. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspapers advertisements were posted on April 1 and 8, 2022;
- Email notifications were sent to the Government of Yukon Lands Management Branch, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council governments;
- Letters were mailed to 108 landowners within 100 metres of the subject site; and
- A notice sign was placed on the subject site.

A public hearing for this item was held on April 25, 2022 and no delegates registered for, or spoke to, the item at the public hearing.

One email from the Kwanlin Dün First Nation Heritage, Lands and Resources Department (KDFN-HLR) was received. KDFN-HLR stated they have no concerns with the rezoning.

### **ALTERNATIVES**

1. Proceed with the second and third readings under the bylaw process; or
2. Do not proceed with the second and third readings.

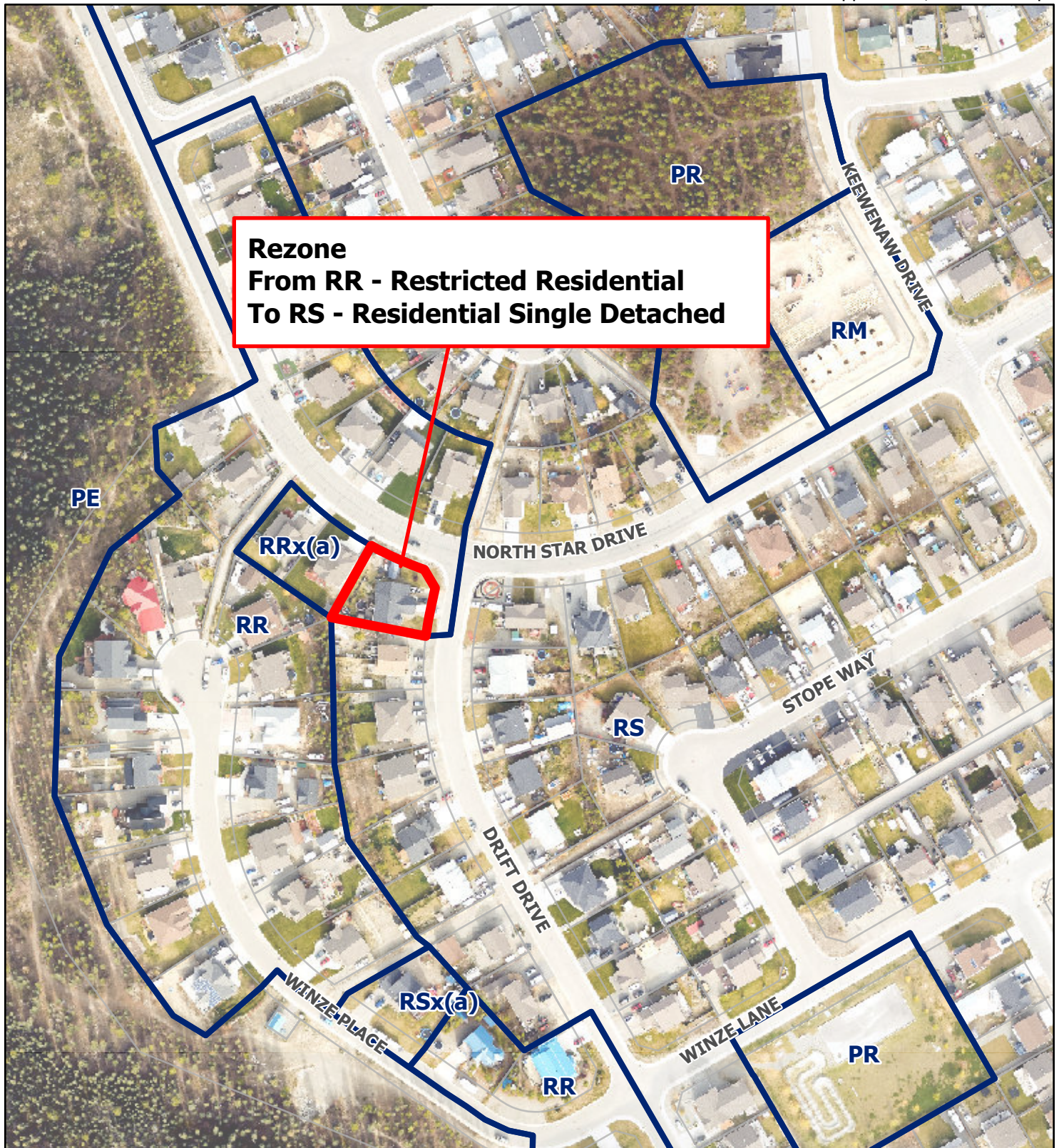
**ANALYSIS**

One of the Council Strategic Priorities for 2022-2024 is to improve the overall housing supply. The stated intent of the applicant is to create one living suite which will add to the housing supply in a pre-existing neighbourhood of Whitehorse.

**ADMINISTRATIVE RECOMMENDATION**


THAT Council directs Bylaw 2022-12, a bylaw to amend the zoning at 1 Drift Drive to allow for a living suite, be brought forward for second and third readings under the bylaw process.





DATE:  
March 28, 2022

FILE NO:  
Z-03-2022

 1 Drift Drive

## CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

### Bylaw 2022-12

A Bylaw to amend the Zoning of 1 Drift Drive from RR to RS to allow for more housing options.





## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Planning Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	May 16, 2022
<b>RE:</b>	Conditional Use Application – km 1.5 Chadburn Lake Road – <i>For Information Only</i>

### **ISSUE**

Application for Conditional Use approval to allow an expansion of an existing Outdoor Participant Recreation Services use at km 1.5 Chadburn Lake Road.

### **REFERENCE**

- [2010 Official Community Plan \(OCP\)](#)
- [Chadburn Lake Park Management Plan](#)
- [Zoning Bylaw 2012-20](#)
- Location sketch, cover letter, site plan, site photos

### **HISTORY**

An application has been received to expand an existing use at km 1.5 Chadburn Lake Road. Yukon Breeze Sailing Society originally received conditional use approval to establish an Outdoor Participant Recreation Services use at the site in 2015. The Society subsequently obtained a Licence of Occupation from the Government of Yukon. The original application was to place two shipping containers, install a dock and modify the shoreline to improve access to the dock. The society now wishes to install three additional shipping containers and a fenced area within the existing licence area, in order to accommodate growth in their programming. Section 4.10.4 of the Zoning Bylaw states that any intensification of an existing conditional use must be approved by Council.

The application was reviewed by the Development Review Committee on March 23, 2022. Members of the committee raised concerns about the aesthetic impacts of additional shipping containers within a natural setting, as well as concerns about fencing in an area both from an aesthetic standpoint as well as making exclusive use of public open space.

The proposed schedule for consideration of the Conditional Use application is:

Letter Notification	May 6, 2022	Public Input Session	May 24
Newspaper Ad	May 6	Report to Committee	June 20
Planning Committee	May 16	Council Decision	June 27

### **ANALYSIS**

#### **Property Description**

The licence area is on Vacant Commissioner's Land on the east shore of Schwatka Lake, near the north end of the lake. It is situated within a naturally treed area that accommodates a range of recreational activities. The area is partially within the 30 m



riparian setback from Schwatka Lake (zoned PE – Environmental Protection), with the remainder beyond the 30 m setback zoned PG – Greenbelt. The area is within Chadburn Lake Park, as designated on Map 6 of the OCP.

### **Official Community Plan**

Applicable policies in the OCP include 1.3.1: “A 30-metre riparian setback along both sides of all rivers, streams, lakes, and wetlands, year-round or seasonal, shall be protected from development and remain in a natural condition, with the following exceptions, on a site-by-site basis: ... c. businesses that utilize waterbody access as part of their business;”.

Waterbody access is a fundamental component of the Society’s operation.

Policy 18.4.3 states: “New and existing day use areas [along the Yukon River Corridor and associated boat tie ups shall have a small footprint and are to be designed to complement the surrounding natural setting.” The proposed development respects the small footprint requirement, however shipping containers may not be seen as complementary to the natural setting.

### **Chadburn Lake Park Management Plan**

The 2017 Chadburn Lake Park Management Plan identifies the east shore of Schwatka Lake as an intensive recreation area and provides management directives aimed at accommodating a higher concentration, diversity, and intensity of recreational uses. The plan supports recreational uses that are generally compatible with a natural landscape.

### **Zoning Bylaw**

The Zoning Bylaw requires that conditional use applications be decided by Council following a public input session. Council may approve, deny, or approve with conditions applications for development permits for conditional uses.

Section 4.9.5 of the Zoning Bylaw provides criteria for Council to consider when evaluating a conditional use application. These criteria include:

**Design and character:** The proposed design of the site is somewhat haphazard, with shipping containers placed throughout the site. The Society has stated that the proposed siting of the shipping containers was selected in order to minimize the number of trees to be cut, and to avoid a slope within the licence area. The visual appearance of shipping containers is not congruent with the natural setting, however the overall size of the structures is modest. Modifications to the shipping containers, such as painting them an appropriate colour, could help to minimize the visual impact.

**Parking and traffic:** There is a small pullout immediately adjacent to the licence area, with additional parking available beside Chadburn Lake Road approximately 200m to the north.

**Impact of neighbouring properties:** There are no neighbouring properties, however the area is well-used for various recreational activities including hiking, running, cycling, and skiing. The site is also clearly visible to boaters and float plane operators on Schwatka Lake. The additional shipping containers and fencing may create a visual impact that detracts from enjoyment of the natural setting. On the other hand, the additional capacity

at the site would increase the number of people who are able to enjoy the area and its surroundings while participating in a low-impact outdoor activity.

**Demonstrated need for the use:** The Society has submitted a letter describing their need to have additional secure storage, both within the additional shipping containers as well as in a fenced open area to allow boats to be stored with their masts installed. The need stems from an increasing demand for the Society's services.

### **PUBLIC INPUT SESSION SCHEDULED**

In accordance with section 4.8 of Zoning Bylaw 2012-20, a public input session has been scheduled for the Regular Council meeting on May 24, 2022. Government of Yukon, Kwanlin Dün First Nation and the Ta'an Kwäch'än Council were notified by mail and email. A notice of the proposed development was placed in local newspapers on May 6, 2022.



SCALE:  
1:1,000

DATE:  
March 8, 2022

FILE NO:  
PB-02-2022

Conditional Use\2022

DWN BY:  
DWM

REV NO:  
0

## CITY OF WHITEHORSE - LAND & BUILDING SERVICES

### LOCATION SKETCH WITH IMAGE

Sketch for Development Permit Application  
Government of Yukon Licence of Occupation  
Disposition Number 2018-2760  
Municipal Address: Chadburn Lake Road km 1.5







Yukon Breeze Sailing Society  
4061 4<sup>th</sup> Avenue  
Whitehorse  
Y1A1H1  
2022 – May – 01

Development Review Committee,

**Response to DRC questions about expansion of YBSS at site Disposition: 2018-2760 – East shore of Schwatka Lake.**

**Introduction to YBSS:** The Yukon Breeze Sailing Society is a non-profit, volunteer led organization with a mandate to provide Yukon residents with an opportunity to learn sailing skills, while promoting safe boating practices and developing a Northern sailing community. Sailing is a low-carbon-impact physical recreation activity, that engages people with the natural environment of water, wind and weather.

**Use of shipping containers** – We believe that these will be the least intrusive way of safely storing boats next to the water, it is to be noted that the existing shipping containers are barely visible, one of our frequent challenges is being physically visible enough that people know where to come. We believe that sheds would be seen as more permanent and intrusive, and would also require further administrative steps such as adjusting the license of occupation, and conducting a YESAB, as the City has noted themselves. There are no further expansions of the YBSS infrastructure planned, and we are not asking for an enlargement of our pre-existing license of occupation.

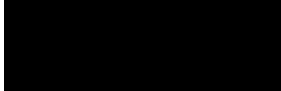
**Fenced area** – This is a small area, comparable in size to that of a shipping container. It allows some of the sailing dinghies to be stored with the masts up during the sailing season, whilst also protecting them. Having the masts up minimises the set-up time, and so maximises the time spent sailing. It would not be an exclusive use area, as any member of the public is welcome to come sailing. Our society provides sailing opportunities to the public at a very low cost. During the kids summer camps, YBSS offer a number of subsidised places to ensure that cost is not a barrier to entry.

**Parking** – very limited parking is required for the kids' camps, as the parents drop their children off at the site, and so do not need to park. For the adult lessons, and drop-in nights there is an area that is 200m to north of site, on the east side of road. That area is large enough that it can be used, if it is found that more parking is required.

**Support from the city for the services offered by YBSS.** It was understood by YBSS, that having received letters of support for the expansion of services (see attached letters) that we had the support of both the previous Mayor and the current Mayor. We had thus expected that the expansion of recreation services for the local community would be well received by the City. If YBSS is not allowed to make these minor enhancements to their license of occupation, it jeopardises the success of the kids camps and also the adult lessons. These enhanced services, are being put in

place at the request of the Whitehorse community. This community demand is the reason that YBSS received the associated funding from Lotteries Yukon and Community Development Fund. If we are unable to proceed it would likely mean that some elements of the funds would have to be returned to the funding organisations, along with reduced services for the community.

Thank you for your kind consideration.



Ben Hancock  
Secretary on behalf of  
Yukon Breeze Sailing Society Volunteer Board of Directors





- Legend:
- Blue = proposed
  - Blue Box—20' shipping container
  - Blue line—approx 6' tall fence, approx length marked on plan
  - Light Blue star—15-20cm diameter individual tree to be cleared
  - Faint yellow = License of occupation (with red numbers showing size in meters)
  - Yellow and background photo = existing
  - 2 shipping containers—light orange with roof/cover joining between them
  - Orange square - toilet approximate location
  - Orange rectangle - Dock - stored under cover during winter, floating in summer
    - NB this dock is owned by YBSS but used by other lake users free of charge
  - Orange Circle - Parking NB this parking is used by many other lake users
  - Orange lines - Trail
  - Red line = notation on area of significant slope (limits placement of items on site)



# Yukon Breeze Sailing Society Licence Area

## Existing Site Conditions



Existing shipping containers



Existing shipping containers, front view



View from Yukon River Trail, looking north



Existing shipping containers, back view



View from Yukon River Trail, looking south



Boat launch



## Proposed site for additional shipping containers



View from Yukon River Trail, looking southeast



View from Yukon River Trail, looking northeast





View from Chadburn Lake Road, looking west



View from beside boat launch, looking east



## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Planning Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	May 16, 2022
<b>RE:</b>	Conditional Use Application – 44A Stope Way – For Information Only

### **ISSUE**

Application for conditional use approval to allow for a major home-based business at 44A Stope Way in Copper Ridge.

### **REFERENCE**

- [2010 Official Community Plan \(OCP\)](#)
- [Zoning Bylaw 2012-20](#)

### **HISTORY**

Michael and Sarah Russo own and live at 44A Stope Way and are the sole proprietors of Firebean Coffee Roasters. They wish to use their attached garage as part of their business operations. Businesses that are operated from within attached garage are permitted only as a 'major home-based business' under the provisions of the Zoning Bylaw.

The location is currently zoned RS–Residential Single Detached. Major home-based businesses are permitted as a conditional use in the RS zone, requiring a Council decision.

This item was discussed at the April 13<sup>th</sup> meeting of the Development Review Committee (DRC). The proposal originally also included a detached accessory building for roasting the beans, however the proponents withdrew this element from their application in response to concerns raised about potential smoke impacts generated by the roasting activity. The DRC had no other concerns. The attached garage space will be used for packaging beans for retail sales at shops around Whitehorse. Some additional traffic will be incurred for drop-off and pick up of the beans which will be kept as little as possible and only between 9 am and 5 pm. The garage will be modified to include two sinks.

The schedule for consideration of the conditional use application is:

Letter Notification	May 6, 2022	Public Input Session	May 24
Newspaper Ad	May 6	Report to Committee	June 20
Planning Committee	May 16	Council decision	June 27

### **ANALYSIS**

#### **Property Description**

The subject property comprises 556.9 m<sup>2</sup> of land within bare land unit A of condominium 147, zoned RS, Residential Single Detached and is surrounded on all sides by single residential properties.

## **Official Community Plan**

The land use designation in the OCP for Copper Ridge is Residential – Urban. The purpose of the Residential – Urban designation is to allow for a variety of serviced residential development in close proximity to services and amenities.

## **Zoning Bylaw**

Zoning Bylaw 2012-20 lists major home-based businesses as a conditional use in Residential Single Detached (RS) zones. If a home-based business is to be operating in an attached garage, it is defined as a 'major home-based business'. In contrast with a minor home-based business, major home-based businesses are also allowed to have two on-site clients at a time, rather than just one, and may employ one person who does not reside at the home.

Section 4.9.5 of the Zoning Bylaw provides criteria for Council to consider when evaluating a conditional use application. These criteria include:

**Design and character:** there are no exterior changes proposed to the existing building.

**Parking and traffic:** The additional traffic would consist in the delivery of coffee beans to be sorted and packaged and pick up of packaged beans.

**Capacity of infrastructure:** The planned interior changes to accommodate the desired business activity include the addition of two sinks which fit easily into the residential infrastructure in place.

**Impact of neighbouring properties:** There are no anticipated impacts to neighbouring properties beyond what would be typical for permitted uses in the zone.

**Demonstrated need for the use:** In its Community Economic Development Strategy, the City has committed to building a diverse economy that provides a wide range of quality opportunities to local residents. Allowing range of home-based businesses contributes toward economic diversification, allowing small, low-impact businesses to operate without incurring the costs of larger businesses associated with renting commercial properties.

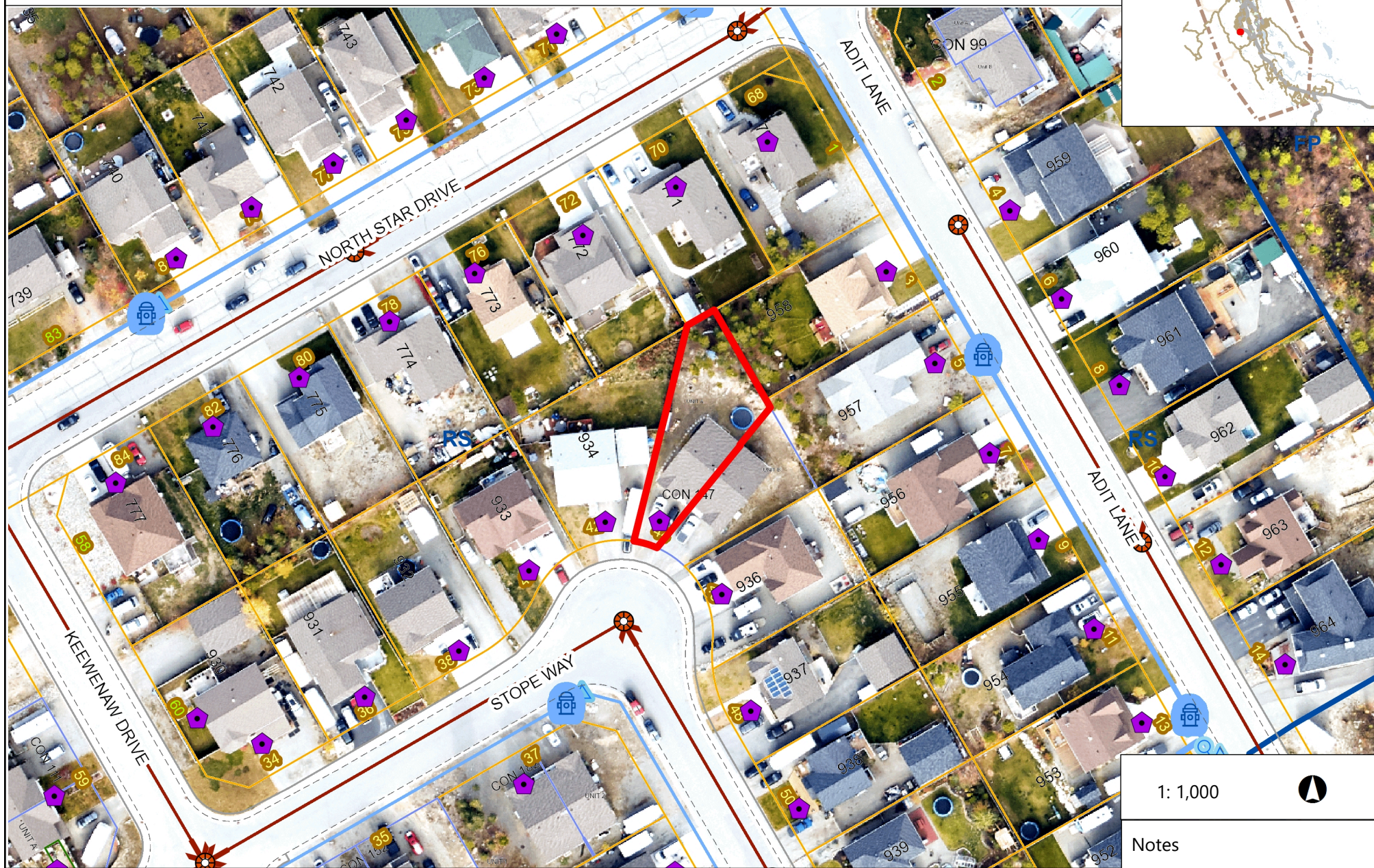
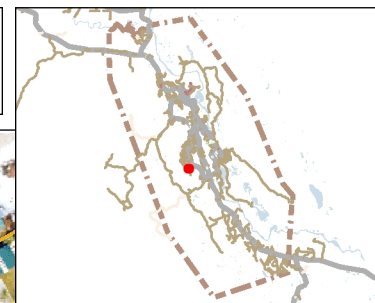
## **PUBLIC INPUT SESSION SCHEDULED**

In accordance with section 4.8 of Zoning Bylaw 2012-20, a public input session has been scheduled for the Regular Council meeting on May 24, 2022. A total of 64 letters were sent to property owners within a 100 metre radius of the site. Government of Yukon, Kwanlin Dün First Nation and the Ta'an Kwäch'än Council were also notified by mail and email. A notice of the proposed development was placed in local newspapers on May 6<sup>th</sup>, 2022.





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## Notes

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NAD\_1983\_UTM\_Zone\_8N

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



**Chair:** Jocelyn Curteanu

**Vice-Chair:** Mellisa Murray

May 16, 2022

Meeting #2022-10

- 
1. Amendments to Pop-up Patio Program  
Presented by Manager Pat Ross
  2. New Business

## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Development Services Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	May 16, 2022
<b>RE:</b>	Amendments to Pop-up Patio Program

### **ISSUE**

Proposed amendments to the City's Lease, Encroachment, and Property Use Policy to include a "Pop-up Patio District Map" and separations from street infrastructure.

### **REFERENCE**

- [Bylaw 2021-27 \(Sidewalk Café and Pop-up Patio Bylaw\)](#)
- [Policy 2021-01 \(Lease, Encroachment and Property Use Policy\)](#)
- Proposed Amendments to Section 2.10 of Policy 2021-01
- Council Resolution 2022-09-09 to approve amendments to Policy 2021-01
- Draft Government of Yukon Transfer Payment Agreement (March 2022)

### **HISTORY**

At the May 9, 2022 Council Committee meeting, Council passed a Resolution to amend the Lease, Encroachment and Property Use Policy to enable Pop-up Patios in parallel parking spaces and prohibit these patios on 2<sup>nd</sup> Avenue and 4<sup>th</sup> Avenue.

Administration is now proposing additional amendments to the Lease, Encroachment, and Property Use Policy that would provide additional specificity with regards to design and installation of pop-up patios.

Administration has also been in discussions with the Government of Yukon (YG) regarding funding for sidewalk cafés and Pop-up Patios resulting in a draft Transfer Payment Agreement (TPA) that would provide \$150,000 for the 2022 café and patio season to be administered by the City.

### **ALTERNATIVES**

1. Approve the proposed amendments to the Lease, Encroachment and Property Use Policy; or
2. Do not approve the proposed amendments.

### **ANALYSIS**

Administration proposes the following additional changes to the Policy:

- Define where pop-up patios are allowed by creation of a pop-up patio district map as an appendix to the Policy; and
- Provide additional specific requirements for separation of patios from various street infrastructure.

### **Pop-up Patio District Map**

There are some streets and block faces downtown where pop-up patios would not be appropriate. Administration proposes a 'Pop-up Patio District Map' be incorporated into the Policy which would define where pop-up patios are not allowed. The map is designed to exclude all of 2<sup>nd</sup> Avenue, most of 4<sup>th</sup> Avenue, and the west side of 6<sup>th</sup> Avenue. As part of the Resolution that passed amendments to the Policy on May 9, it was established that 2<sup>nd</sup> Avenue and 4<sup>th</sup> Avenue were prohibited, ahead of these further clarifications.

### **Separations from Street Infrastructure**

Upon reviewing the current Policy, Administration has also identified that more specificity is required for separation of pop-up patios from street infrastructure. The proposed amendments include minimum clearances from storm drains, maintenance chambers, fire hydrants, and valves. These clearances are required to ensure unhindered access for City crews.

### **YG Transfer Payment Agreement**

A draft TPA received from YG in the amount of \$150,000 specifies that eligible expenses include costs related to design, construction, furnishings, engineering, Health and Safety permits, and liability insurance. Ineligible costs include municipal permit fees, unearned parking revenue, bagged metre fees, any incremental costs of additional staff required to attend the patio/deck, non-recoverable/consumable supplies and GST. The City would be responsible to administer the funding once the TPA funding is received.

Normally, for City grant programs a Council policy is developed outlining eligibility criteria and application information, and the grants are then brought forward for Council authorization either at the time of granting or at the end of year through the umbrella grant bylaw process.

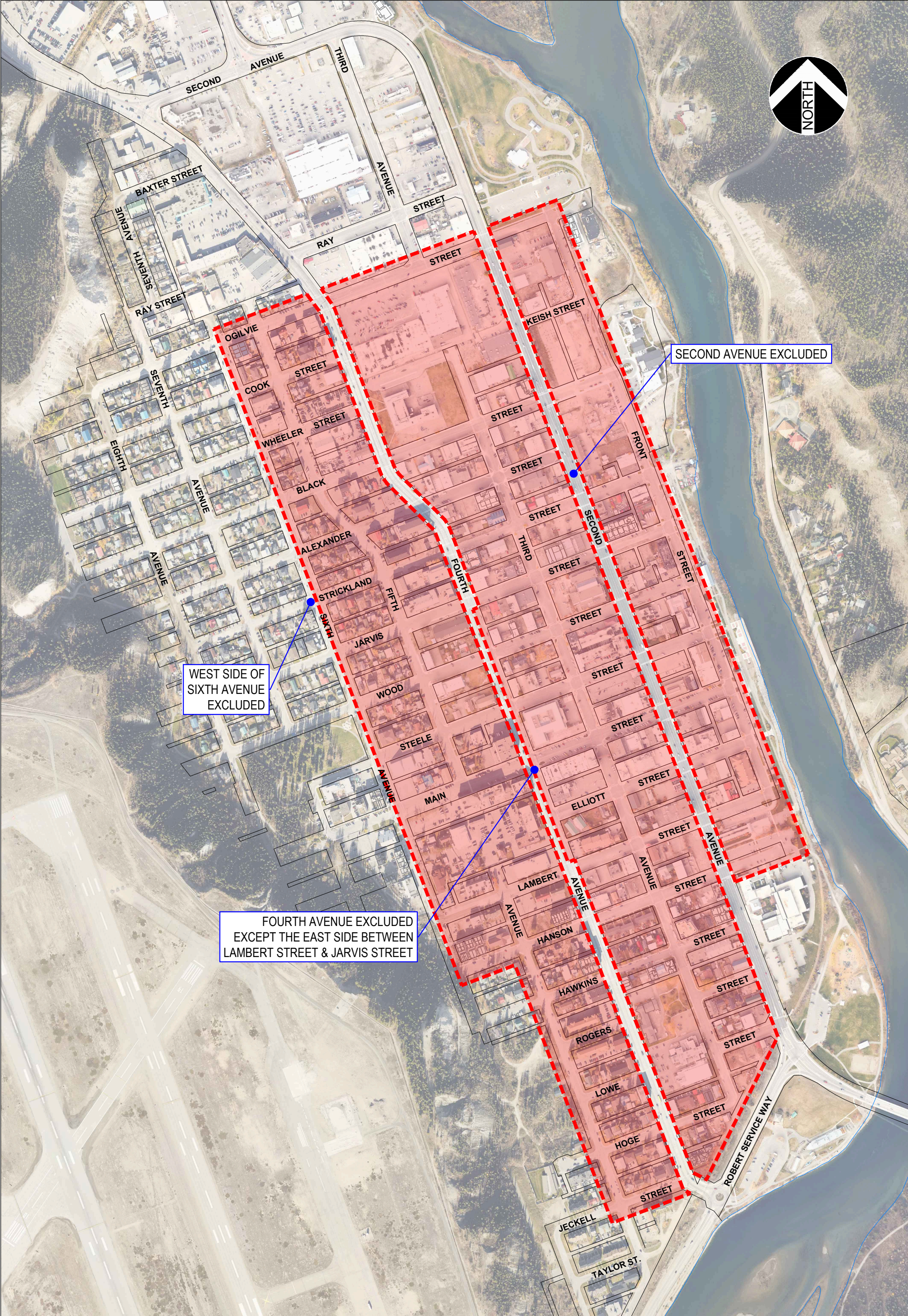
As the TPA is a one-year only funding source, a formal policy will not be established and instead Administration will develop eligibility criteria and an application form based on the TPA. Applications meeting the eligibility criteria will receive funding subject to submission of all required documentation and Administration's final inspection of the improvements. Eligibility would be retroactive to March 18. The year-end umbrella grant process would incorporate these grants for formal Council authorization. A budget amendment is not anticipated to be required at this time.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that amendments to Section 2.10 of the Lease, Encroachment and Property Use Policy be brought forward for approval; and

THAT Council adopt the Pop-up Parking Patio and Sidewalk Café proposed granting program.





APPENDIX A  
POP-UP PATIO DISTRICT



## **2.10 Sidewalk Café, Pop-up Patio, Outdoor Merchant and Mobile Retail and Food Vendor Permits**

### **Location of Permit Areas**

- 2.10.1 A permit area will generally not be permitted where it may interfere with safe vehicle and pedestrian movements, such as within six metres of a stop sign or intersection (measured from the beginning of the curb return where this is no stop sign or from the stop sign for controlled intersections), 1.5m from the edge of a lane or driveway, or in a location where visibility or safety is deemed an issue, unless appropriate traffic control measures and third party approvals are in place. A permit area must not block exits/entryways from an adjacent business or block access to Fire Department connections and hydrants, or any utility maintenance features.

### **Sizing, Spacing and Conduct of Permit Area**

- 2.10.2 All permit areas utilizing a sidewalk must leave a minimum width of 1.6 metres of sidewalk free and clear from obstructions for pedestrian use.
- 2.10.3 Sidewalk cafés and outdoor merchants located on sidewalk areas shall be limited in size to the linear frontage of their parent business unless written permission is received from adjacent business owners.
- 2.10.4 The permit area must be kept in a good, neat, and tidy condition at all times. The business holding the permit is responsible for the proper maintenance of all placed structures, including repairs, painting, cleaning and hazard mitigation. No third party signage is permitted, except upon pre-printed umbrellas.
- 2.10.5 There shall be no permanent modifications made to the permit area. The City shall repair any damage to the sidewalk or other public structures or infrastructure resulting from the use of the permit area and the vendor will pay all costs of repair.

### **Sidewalk Cafés and Pop-up Patios**

- 2.10.6 Pop-up patios will be restricted to the ~~Downtown area~~pop-up patio district, as identified in Appendix A.
- 2.10.7 Pop-up patios shall:
- (1) Be located in the general area of the associated business frontage and should generally not occupy more than three angle or perpendicular stalls, or two parallel stalls;
  - (2) Be a maximum width of 1.8m for parallel parking stalls and 4.0m for angled parking stalls, measured from the curb face *(amended by Council motion May 9, 2022)*;
  - (3) Provide adequate space to allow for vehicle access/egress from adjacent parking stalls and driveways;
  - (4) Not occupy a designated accessible parking stall; ~~and~~

(5) Have partitions that separate the area from both vehicular traffic along all street sides and pedestrian traffic along the sidewalk side;

(6) Provide a planter or other barrier on each end of the pop-up patios within parallel parking stalls, to ensure an adequate separation from vehicle parking;

(7) Have an object marker sign (WA-36L or WA-36R from the Manual of Uniform Traffic Control Devices for Canada) on the side of the pop-up patio that is facing oncoming traffic; and

(8) Not obstruct access to City utilities such as storm drains, maintenance chambers, valves, etc. Minimum setbacks from such infrastructure are as follows:

a. Minimum of 1.0 m clearance from maintenance chamber covers and storm drain inlets

b. Minimum of 0.5 m clearance from water valves

c. Minimum of 5.0 m horizontal clearance from fire hydrants.

2.10.8 Sidewalk café partitions shall:

- (1) Be 1.0 metres in height measured from the sidewalk level;
- (2) Have a bottom rail at 75mm above grade;
- (3) Unless transparent panel material is used, have vertical or horizontal wood or metal balusters that do not exceed 50mm in width and have at least a 50mm gap between balusters to allow transparency;
- (4) Have reflectors on the railings on all sides that are exposed to the street for visibility to traffic; and
- (5) Not be composed of predominately lattice type material.

2.10.9 A development officer may waive the requirement for partitions for sidewalk cafes if no alcohol will be served.

2.10.10 Pop-up patios require partitions.

2.10.11 The design, materials, and colours of all sidewalk cafés and pop-up patios and accessories shall complement the architectural style and colours of the parent business's building facade. Accessories shall be of quality materials and shall retain their visual appeal through regular maintenance or replacement.

2.10.12 All accessories, including but not limited to landscaping, flower boxes, umbrellas, awnings, and tables and chairs, shall be contained within the permit area. Trash receptacles are not permitted within the sidewalk café or pop-up patio area. The use of bollards and/or chain fencing is not permitted as it poses a hazard to pedestrians with a visual disability.

2.10.13 Advertising is not permitted to be attached to the railings of any partition.

2.10.14 Although the use of planters is encouraged, planters may not form a continuous solid barrier.

- 2.10.15 Decks, platforms and structures are not permitted, except to level a significant grade difference in the sidewalk or to harmonize indoor and outdoor seating levels. All proposed decks, platforms and structures are subject to a building permit application and approval process, and must be wheelchair accessible.
- 2.10.16 The hours of operation for a sidewalk café or pop-up patio shall be the same hours of operation as the parent business. However, the City may restrict hours of operation to no later than 11:00 p.m. in areas of close proximity to residences or commercial accommodation units.