

From: [REDACTED]
To: [Public Input](#)
Subject: 151 Black Street
Date: Thursday, June 16, 2022 1:25:33 PM

Please accept these comments on the rezoning application for 151 Black Street. Firstly, it's important that developments support a mixed-use, pedestrian-oriented vision for the waterfront and Second Avenue, which includes uses other than just office space. Secondly, Second Avenue continues to be an ugly gash running through the downtown. In order to make Second Avenue a thriving, commercially viable corridor that contributes to Whitehorse's economic development, this area needs to be traffic-calmed and human-scaled: mixed uses will help accomplish this.

Glenda Koh



Council of Yukon First Nations

2166-2nd Avenue
Whitehorse, YT Y1A 4P1
867-393-9200
cyfn.ca

May 27, 2022

Yukon Association of Education Professionals
c/o Ted Hupé, President
2064 2nd Ave
Whitehorse, YT Y1A 1A9

To Whom it May Concern,

On behalf of the Council of Yukon First Nations (CYFN), I provide this letter in support of the Yukon Association of Education Professionals (formally Yukon Teachers' Association) and their application for zoning amendment in the Mixed-Use Waterfront (CMW) zone at the corner of Black Street and Second Ave. CYFN recognizes that without this amendment, the YAEP may not be able to move forward with their project and their land may go undeveloped for some time.

As a not-for-profit organization, responsible for advancing and promoting the cause of Education in the Yukon, the YAEP is and will continue to be, an integral institution within Whitehorse.

YAEP's proposed project for a modest office building and Reconciliation Botanical Healing Garden demonstrates their continued commitment to their role as stewards of reconciliation and education in this Territory. The proposed design is sensitive to the existing streetscape and architecture already in place. Although the building itself is proposed as a single-use under the bylaw definitions, the Reconciliation Botanical Healing Garden promotes public use of the property through pedestrian access, education, and reconciliation, preserving the overall project as mixed-use space and enhancing the outdoor space at the entrance to historical Front Street.

The YAEP has and continues to develop open lines of communication with us regarding their project progress and values us as respected stakeholder in their success. YAEP's proposed project will be an important asset to the community and neighbourhood, along with their continued contributions toward education and reconciliation.

Sincerely,



Peter Johnston
Grand Chief



**YUKON
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June 7, 2022

Yukon Association of Education Professionals
c/o Ted Hupé, President
2064 2nd Ave
Whitehorse, YT Y1A 1A9

To whom it may concern,

On behalf of the Yukon First Nation Education Directorate (YFNED), I provide this letter in support of the Yukon Association of Education Professionals (YAEP, formally Yukon Teachers' Association) and their application for zoning amendment in the Mixed-Use Waterfront (CMW) zone at the corner of Black Street and Second Ave. YFNED recognizes that without this amendment, YAEP may not be able to move forward with their much-needed building project and their land may go undeveloped for some time.

As a not-for-profit organization responsible for advancing and promoting education in the Yukon, YAEP is, and will continue to be, an integral institution within Whitehorse. YAEP and YFNED are close partners, with overlapping vision for education reform, reconciliation and improved outcomes of Indigenous students in the territory.

YAEP's proposed project for a modest office building and Reconciliation Botanical Healing Garden demonstrates their continued commitment to their role as stewards of reconciliation. The proposed design is sensitive to the existing streetscape and architecture already in place. Although the building itself is proposed as "single-use" under the bylaw definitions, with the Reconciliation Botanical Healing Garden designed for public use of the property through pedestrian access, education, and reconciliation, the project is, in fact, a mixed-use space.

YAEP has and continues to develop open lines of communication with YFNED regarding their project progress and values us as respected stakeholder in their success. YFNED believes that the YAEP's proposed project will be an important asset to the community and looks forward to YAEP joining the neighbourhood with their continued contributions toward education and reconciliation.

Sincerely,

Melanie Bennett, YFNED Executive Director

From: [REDACTED]
To: [Public Input](#)
Subject: Comment on Zoning Amendment - 151 Black Street
Date: Friday, June 10, 2022 10:52:25 PM

Hi City of Whitehorse,

I am writing to submit my opposition to the proposed zoning amendment. I am opposed to the change towards single use and reduction in glazing requirements for the following reasons:

The existing zoning is mixed use residential and commercial. Changing from mixed use to single use offices will mean that during the day that this site will be occupied by people but at night time and in evenings it will be completely empty. To me, the point of mixed use zoning is just that...mixed use: to encourage a mix of uses so that when people leave the end of day after work, our buildings and Downtown does not completely empty out and the streets are empty. This contradicts principles of crime prevention through environmental design and does not contribute to a vibrant downtown core.

I think of cities like Calgary which have a lot of single use commercial zoning in the Downtown and single use residential zoning in the suburbs creating a void and empty downtown core on evenings. I compare this with Vancouver which promotes extensive multi-use zoning throughout its downtown through lively, inviting, and vibrant streetscapes and neighbourhoods like Yaletown, the West End, and Gastown.

Black Street has a special place within the Downtown Plan. We already have significant single land uses like the Fire Hall and the Library which empty out at night. If we further encourage single use zoning, this section of Black Street will empty out and be less lively than desired for a key E-W Downtown street.

I am also opposed to the reduction in glazing requirements to accommodate the change. It is much nicer on the streetscape to have open, inviting window glazing next to the pedestrian realm instead of looking at more boring building walls.

Let's keep our downtown buildings and streetscape vibrant, inviting, and occupied by people.

Thanks,

Jim Smith
Downtown Resident

From: [Simard, Mélodie](#)
To: [Fleming, Chelsea](#); [Marois, Mathieu](#)
Subject: Fwd: comment on zoning amendment - 151 Black Street
Date: Tuesday, May 3, 2022 9:20:26 AM

Sent from my iPhone

Begin forwarded message:

From: "Gau, Mike" <[REDACTED]>
Date: May 3, 2022 at 9:04:34 AM GMT-7
To: "Simard, Mélodie" <Melodie.Simard@whitehorse.ca>
Subject: FW: comment on zoning amendment - 151 Black Street

From: O'Farrell, Jeff
Sent: Tuesday, May 3, 2022 9:04 AM
To: Gau, Mike <mike.gau@whitehorse.ca>
Subject: FW: comment on zoning amendment - 151 Black Street

fyi

From: Nathan Millar [REDACTED]
Sent: Friday, April 29, 2022 7:04 PM
To: Mayor&Council <Mayor&Council@whitehorse.ca>
Subject: comment on zoning amendment - 151 Black Street

Good evening - here is my feedback on this application for a zoning amendment:

In my opinion the reasons supporting a zoning amendment should either align with the underlying goals/vision of the zoning or provide a compelling reason why an amendment should be contemplated if the use does not align with the goals/vision. For this zoning application, I do not see a compelling reason why an amendment should be contemplated and I disagree with the statement in the Administrative Report that 'the proposed CMW(x) special modification aligns with the intent of the designation and the OCP.'

The requirements that 1) office space cannot make up more than 50% of the ground floor and 2) that at least 50% of the horizontal distance be glazed are unique features of CMW (glazing common to CC zoning as well). Though unstated in the bylaws, it is clear that the goal of these regulations are to make these areas pedestrian-oriented (see vision for the zoning in the bylaw) - the glazing regulation literally provides a connection between street and building. The

requirement that office space (or residential) does not comprise more than 50% of the ground floor makes it much more likely (though, admittedly, not required) that there is public interaction with this building. This is referred to as 'active streetscapes' in the planning lingo. Take a look at the sidewalks built on Black Street adjacent to this property - they are some of the widest in the City. They were built like this because the vision is to have people out and using this area and interacting with retail businesses and public services.

The motorways properties are just beginning to be developed and there has only been a very small number of properties developed under the CMW zoning (3 perhaps?). Now is not the time to start moving away from implementing the vision of this special pedestrian-oriented section of the City. CMW is a very small zoning - a couple of blocks of Keish and Black; Front Street; and a small area along Robert Service Way.

Just because a property owner wants to build something different than what is provided for by the bylaw is not, in and of itself, a valid rationale to support a zoning amendment. This property owner is free to seek to acquire land that better suits their needs elsewhere in the City. In my view, changes such as this proposed one undermines the point of plans and zoning. Zoning bylaws are meant to make our City - over a long term - a better place to live, work, and play. The realisation of the vision of the CMW zoning is part of that and a very important component of the future vibrancy of this part of the City being built around its premier natural feature: the Yukon River.

Thanks for your consideration,

Nathan Millar

A large black rectangular redaction box covering the signature area.

PS. The administrative report describes the changes as being only to the "design guidelines". This is only partially the case because more importantly, the changes are being proposed to the "regulations" section of the bylaw. In this sense, the report does not fully capture the nature of the proposed changes.

June 23, 2022

Public Input - zoning amendment proposal - 151 Black Street
publicinput@whitehorse.ca

Dear Mayor and Council,

You are not likely to get a lot of input on what many might see as an “administrivial” matter and due to the slow pace of development of the Motorways there are not many folks who will currently be impacted by this proposed change. But this decision is important. Here are the reasons why Council should reject this proposed zoning amendment:

1. The Yukon River and the waterfront is Whitehorse’s prime physical feature that anchors the Downtown - it needs to be at the forefront of our planning decisions
2. The Mixed Use Waterfront (CMW) zoning aims to develop a pedestrian-oriented vibrant space along and near the river - this is a long term plan and we’re just getting going
3. The proposed amendment is not compatible with the very specific vision and requirements of CMW
4. We can’t afford any further erosion to CMW
5. There are no exceptional reasons to support this particular amendment
6. Stick to vision, stick to the plan!

The Yukon River and the waterfront is Whitehorse’s prime physical feature that anchors the Downtown - it needs to be at the forefront of our planning decisions

The Yukon River is our history, our water, our nature, our culture, our environment, and our future. We need to plan around the River as the most important feature of our City.

The Mixed Use Waterfront (CMW) zoning aims to develop a pedestrian-oriented vibrant space along and near the river - this is a long term plan and we’re just getting going

The zoning that implements the vision of the waterfront is the Mixed Use Waterfront (CMW) zoning. This zoning area is a small area in Whitehorse*, but it’s going to be a big part of our City’s future. It has some of the most instructive and restrictive development regulations and design guidelines. These exist to implement the vision for our waterfront.

The Motorways properties, including the subject lot at 151 Black Street, are a major part of the CMW zoning. When they were put up for sale to the public, they were described as “a major opportunity to invest in the Whitehorse waterfront ... in one of the most strategic locations of the City”. The City purchased the Motorways property from the White Pass and Yukon Railway in 1994. The lots were first put up for sale in 2008 (no takers!?) and then again in 2013 when they were sold. The zoning that exists today was in place in 2008 and has remained in place to today (with a few exceptions, see below).

When these lots were sold, a critical miscalculation was made in that there were no timelines associated with the sales agreements for these lots. This has resulted in most lots sitting

vacant for 10 years and a delay to implementing the vision for this area. Today, this is finally changing and we have River's Edge, Wind River, Lumel Studios, the Raven Hotel, and now The Current (under construction). The two very large lots on 2nd avenue are up for sale after 10 years of inactivity. We are just getting going to make this waterfront vision a reality and now is not the time to change course.

**CMW is a very small zoning - a couple of blocks of Keish and Black; Front Street; and a small area along Robert Service Way. It includes all of the Motorways lands including Black Street right up to 2nd avenue.*

The proposed amendment is not compatible with the very specific vision and requirements of CMW

The Vision for CMW (as set out in the Design Guidelines in the Zoning Bylaw) is to encourage the development of a thriving, pedestrian-oriented, mixed-use neighbourhood with vibrant activity throughout the day and week, and that provides a unique identity befitting an urban waterfront.

There are a few key components to making this work. One is that each lot must have 2 uses. You can't just build housing, you can't just build an office. You have to pick 2. The idea behind this is to support the vision of making this a place where residents will want to come, to spend time, and to create a community. Additionally there are other components that help build the vision like ground floor restrictions, glazing, and transparency.

CMW has requirements that office space (or residential) cannot make up more than 50% of the ground floor. This is a unique feature of CMW. This requirement makes it much more likely that there is public interaction with this building. This is referred to as 'active streetscapes' in the planning lingo. Take a look at the sidewalks built on Black Street adjacent to this property - they are some of the widest in the City. They were built like this because the vision is to have people out and using this area and interacting with retail businesses and public services.

CMW also requires that at least 50% of the horizontal distance be glazed (this is common to CC zoning as well). The goal of these regulations is to make CMW pedestrian-oriented with the glazing regulation literally providing a connection between street and building (i.e., *"provide for transparent glazing at ground level to provide a strong visual link between interior and exterior spaces"*).

Further, the Design guidelines dictate that buildings should have transparent and active storefronts through extensive use of glass and entrances. Open and inviting connections between the inside and outside of the building increase feelings of security and comfort on the street (see Building Transparency section).

The subject lot at 151 Black Street is the gateway to CMW. The proposed amendment would allow for just one use instead of two and allow for office space to fully occupy the ground floor, reduce the horizontal distance of glazing on the ground floor facing a public road way or pedestrian mall from 50% to 40%, and eliminate the maximum height for windowsills. For

the reasons provided above, the proposed amendment is not compatible with the vision of CMW.

We can't afford any further erosion to CMW

In 2018, the City made a decision (despite noted opposition at that time) to renovate an existing maintenance building (now located at 105 Black Street) and amend the zoning of this land from CMW to PUX (Public Utility with special modification) to enable the relocation of Firehall Number 1. Though a new firehall was clearly needed, the selection of this area unfortunately eroded the vision of the waterfront and the CMW zoning. What's done is done and we can't go back in time. But we also can't afford a further erosion of the CMW vision. If we do, we will create a mishmash approach to zoning. We can't just have a plan, we also need to implement the vision and the plan.

There are no exceptional reasons to support this particular amendment

The owner of 151 Black Street purchased this lot when the current zoning requirements were in place and these requirements haven't changed since 2008 (i.e., when the lot was first available to be purchased).

The reasons supporting a zoning amendment should either align with the underlying goals/vision of the zoning or provide a compelling reason why an amendment should be contemplated if the use does not align with the goals/vision. For this zoning application, there is no compelling reason why an amendment should be contemplated. Just because a property owner wants to build something different than what is provided for by the bylaw is not, in and of itself, a valid rationale to support a zoning amendment. This type of proposed development can be built anywhere else downtown (CC, CM1, CM2), just not here (CMW).

Stick to vision, stick to the plan!

Changes such as the proposed one undermine the point of plans and zoning and the vision that they seek to achieve. Zoning bylaws are meant to make our City - over a long term - a better place to live, work, and play. The realisation of the vision of the CMW zoning is a big part of that and a very important component of the future vibrancy of this part of the City being built around its premier natural feature: the Yukon River. We need to stick to the vision and stick to the plan!

Thanks for reading to the end and I hope that you will not support this zoning amendment and, instead, help to see the vision of CMW implemented as it was intended.

Sincerely,

Nathan Millar

