

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: July 4, 2022
RE: 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.