

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: April 3, 2023
RE: Second Public Hearing Report – 2 Klondike Road

ISSUE

Second Public Hearing Report on a bylaw to amend the zoning of 2 Klondike Road and a portion of Lot 309, Plan 21330 LTO from PS – Public Services and PG – Greenbelt to CNCx – Comprehensive Neighbourhood Commercial (modified) to allow for a boundary realignment and consolidation of five lots.

REFERENCES

- [2015-2025 Housing Action Plan for Yukon](#)
- [2040 Official Community Plan](#)
- [Council Procedures Bylaw 2021-12](#)
- [Zoning Bylaw 2012-20](#)
- Location Map (Attachment 1)
- Proposed Zoning Amendment Bylaw 2022-49 (Attachment 2)

HISTORY

The applicant has applied to rezone five lots, known municipally as 2 Klondike Road, from PS – Public Services to CNCx – Comprehensive Neighbourhood Commercial (modified). The applicant is also proposing to rezone a portion of the PG – Greenbelt lot to the east to CNCx (modified).

The subject site was the former location of the Macaulay Lodge which was an extended care facility. The building has been demolished and is now vacant. The applicant intends to sell the subject site through a public process following the zoning and consolidation processes.

Bylaw 2022-49 received First Reading on November 28, 2022. The first Public Hearing took place on January 16, 2023. Following the first Public Hearing, Council directed that Administration hold a second Public Hearing due to the additional proposed special modifications.

The proposed special modifications were as follows:

1. Gas bars are not permitted;
2. Supportive housing is permitted as a secondary use; and
3. Commercial uses shall be on the ground floor with residential uses on upper floors.

Notices of the second Public Hearing were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Whitehorse Star and Yukon News on February 24 and March 3, 2023;
- Email notifications were sent to the YG Land Management Branch, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council;
- Mail notifications were sent to property owners within 100 m of the subject site; and
- A notice sign was placed on the subject site.

A second Public Hearing for this item was held on March 13, 2023. Written submissions from two members of the public were received. Two members of the public spoke at the Public Hearing as well as a representative from the Yukon Council on Aging (YCOA), all in opposition.

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

The following matters were raised in the public input submissions:

- Lack of affordable senior housing options;
- Concerns with the process and transparency; and
- Lack of commercial justification.

Lack of affordable senior housing options

Concerns were raised with the lack of affordable senior housing options in the city. It was noted that there are currently close to 300 people on the waiting list for senior housing. Submitters noted that there is already enough commercial uses in the area and that senior housing is the highest and best use of the site.

The previous use on the site, the Macaulay Lodge, was considered as supportive housing under the Zoning Bylaw. Neither senior housing nor affordable housing are controlled uses in the Zoning Bylaw. The City does not directly provide housing, but the City does have a role in housing and land development through zoning, permitting, and incentives where it can encourage development.

A special modification was added to the proposed amendment following the first Public Hearing to permit supportive housing as a secondary use. This special modification allows for the development of a larger-scale residential care facility. It cannot however guarantee that senior housing will be provided on site. It is at the discretion of the landowner to develop their land as they desire within the confines of the Zoning Bylaw.

Notwithstanding this, with the recent adoption of the new Whitehorse 2040 Official Community Plan (OCP), the Zoning Bylaw will undergo an update and there is an opportunity to further evaluate how the City can address the lack of affordable and senior housing forms through the Zoning Bylaw.

Concerns with the process

A member of the public raised concerns that the applicant is not being clear with its rationale for selling the subject site and flagged that the applicant was being treated differently than an average citizen through the rezoning process.

Any land owner in the city, or an authorized agent of an owner, can apply to rezone their land. Section 15 of the Zoning Bylaw describes rezoning application requirements and the rezoning process. The applicant submitted a zoning amendment application for the subject site as per the requirements. Administration assessed the application material and considered that due process was followed and all requirements were met in order to process the application.

City Council's role in a rezoning decision is to consider the potential impacts that may result from rezoning a property. Considerations can include, but are not limited to compliance with the OCP and other City plans and policies, compatibility with surrounding land uses, concerns raised, and the impacts on traffic and services among others.

It is up to the applicant to dispose of their land as they consider appropriate. The City cannot prevent any landowner from selling their land or dictate to whom it is sold. Comments on the intended land disposition are therefore not relevant to this rezoning application.

Submitters also commented that nearby landowners were not notified of the proposed changes. Applicants are not required to consult with the public as part of the rezoning process. Public notification is a City responsibility and occurred through the standard Zoning Bylaw Amendment process, where property owners within 100 m of the subject site were notified by mail for both the first and second Public Hearings.

Lack of commercial justification

Submitters also asserted that the rezoning application is incomplete as it does not provide justification for the proposed commercial uses. The OCP encourages the transition of existing residential neighbourhoods to more complete communities through the development of mixed-use Urban Centres. The subject site is within the Riverdale Urban Centre. Urban Centres consist of higher density residential and commercial uses co-located in a central area. More specifically, the OCP notes that lots in or near Urban Centres will be rezoned to allow for commercial and multi-family residential uses. Furthermore, the OCP supports the construction of supportive and affordable housing, with a preference for affordable housing given to locations within walking distance of Urban Centres.

Administration did not require the applicant to undertake a commercial assessment for the zoning amendment as the appropriateness of locating commercial uses in this location was undertaken as part of the process for identifying Urban Centres in the OCP.

Summary

Allowing supportive housing as a secondary use and requiring that mixed-use developments have commercial uses on the ground floor and residential uses on upper floors will fulfil the intent of the OCP to create a more complete neighbourhood.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2022-49, a bylaw to amend the zoning of 2 Klondike Road, be brought forward for second and third reading under the bylaw process.