

## ADMINISTRATIVE REPORT

<b>TO:</b> City Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> May 6, 2024
<b>RE:</b> Zoning Amendment – 6119 6 <sup>th</sup> Avenue

### ISSUE

An application to amend the zoning of 6119 6<sup>th</sup> Avenue, from CC – Core Commercial to CCx – Core Commercial (modified), to allow for a child care centre.

### REFERENCE

- [Zoning Bylaw 2012-20](#)
- [Whitehorse 2040 Official Community Plan](#)
- [2018 Downtown Plan](#)
- Location Map (Attachment 1)
- Proposed Bylaw 2024-31 (Attachment 2)

### HISTORY

An application was received to rezone 6119 6<sup>th</sup> Avenue from CC – Core Commercial to CCx – Core Commercial (modified) to allow for a child care centre as a principal use. There is an existing building on the property that the applicant intends to modify, subject to additional City approvals, to accommodate a child care centre within part of the building. The applicant is seeking a special modification to the zoning since child care centres are not a permitted use in the CC zone.

On March 13, 2024, the zoning amendment application was reviewed by the Development Review Committee (DRC). The applicant originally applied to rezone the subject property to CM2 – Mixed Use Commercial 2. DRC recommended that the application is instead updated to rezone to CCx (modified) instead of the CM2 zone which would allow many more uses and may have parking requirement implications. DRC also noted that the child care centre use will likely change the class of the existing building under the National Building Code of Canada and structural changes may be required.

Following DRC, Administration confirmed with the applicant that they were supportive of rezoning to CCx (modified) instead of CM2. The applicant also had an onsite meeting with the City's Building Official to understand any structural items that may need to be addressed in order to support a child care centre use in the existing building. The applicant was supportive of pursuing the zoning amendment application with this in mind.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	May 6, 2024
First Reading:	May 13, 2024
Newspaper Ads:	May 17 and May 24, 2024
Public Hearing:	June 10, 2024
Report to Committee:	July 2, 2024
Second and Third Reading:	July 8, 2024

## **ALTERNATIVES**

1. Proceed with the amendment under the bylaw process; or
2. Do not proceed with the amendment.

## **ANALYSIS**

### **Site Context**

The subject site is located on the southeast corner of 6<sup>th</sup> Avenue and Steele Street in Downtown. The area to the east and south of the subject site is also zoned CC, the area to the west is zoned CM2, the area to the north is zoned CM1 – Mixed Use Commercial, and the area to the northwest is zoned PS – Public Service.

Existing uses on surrounding properties are generally residential in nature with a Government of Yukon public services building (Mental Wellness and Substance Use Services) also being located opposite 6<sup>th</sup> Avenue. To the northwest is the Pioneer Cemetery. The Teegatha'Oh Zheh and Canine Bluffs Off Leash parks are also nearby.

There is an existing building on the subject property. The portion of the building that is proposed to contain the child care centre, which fronts onto 6<sup>th</sup> Avenue, is currently vacant.

### **2040 Official Community Plan and 2018 Downtown Plan**

The subject site is designated as Mixed Use – Downtown Core in the OCP. The Mixed Use – Downtown Core area is intended to accommodate a range of live, work, learn, and play opportunities. Policy 15.8.2 states that uses suitable for inclusion in the Mixed-Use - Downtown Core area include, but are not limited to, offices, retail stores, personal services, financial institutions, government buildings, schools, parks, playgrounds, cultural, art or entertainment facilities, and higher-density residential uses. Although not specifically identified in the OCP, child care centres are an appropriate use in the Mixed Use – Downtown Core area and support the creation of a complete community.

The Downtown Plan aims to retain the Downtown as the primary employment area for the city and direct traditional office development primarily into the CC, CM1, and CM2 zones per policy 6.3.7. Allowing a child care centre in close proximity to where employment opportunities are concentrated is practical for families requiring child care who work Downtown.

### **Zoning Bylaw**

The purpose of the CC zone is to provide for core commercial activity that is vibrant and pedestrian-oriented with a mix of commercial, residential, and institutional uses. The CC zone allows for many principal uses, including family day homes as a secondary use. Family day homes are the secondary use of a dwelling, licenced under the *Child Care Act*, to provide child care services. The CM1 and CM2 zones immediately to the north and west of the site allow child care centres as a principal use.

The principal uses in the CC zone are primarily open to the public and intended to generate high pedestrian traffic. However, child care centres are typically only accessed by employees and the families of the children who attend the child care centre.

Although child care centres are not typically frequented by the general public, the children are regularly taken outdoors to play or go for walks which would contribute to the vibrancy intended in the CC zone and Downtown. Child care centres are also considered an essential service to help support employment and residential uses within Downtown. The site is on the fringe of the larger CC zone, where a child care centre would not detract from the pedestrian-oriented uses within the main CC area and could act as a transition from CM zones to CC.

As such, Administration considers a child care centre an appropriate use on the subject site. Child care centres are already permitted in the surrounding area, will complement other downtown uses, and there are desirable amenities for child care centres nearby such as open space, trails, and parks.

**ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2024-31, a bylaw to amend the zoning at 6119 6<sup>th</sup> Avenue to allow for a child care centre, be brought forward for consideration under the bylaw process.