

CITY OF WHITEHORSE – STANDING COMMITTEES

Monday, January 9, 2017 – 5:30 p.m.

Council Chambers, City Hall

CALL TO ORDER

ADOPTION OF AGENDA

PROCLAMATIONS

DELEGATES

CITY OPERATIONS COMMITTEE

1. New Business

COMMUNITY SERVICES COMMITTEE

1. New Business

PUBLIC HEALTH AND SAFETY COMMITTEE

1. New Business

DEVELOPMENT SERVICES COMMITTEE

1. New Business

CORPORATE SERVICES COMMITTEE

1. Summary of Properties Subject to Tax Lien
2. Write-off Uncollectible Accounts
3. New Business

CITY PLANNING COMMITTEE

1. Public Hearing Report – Zoning Amendment (305 Hawkins Street)
2. Public Hearing Report – Zoning Amendment (Kopper King Drive-thru)
3. New Business

CITY OF WHITEHORSE
CITY OPERATIONS COMMITTEE AGENDA

Date: Monday, January 9, 2017

Location: Council Chambers, City Hall

Chair: Samson Hartland Vice-Chair: Roslyn Woodcock



Pages

1. New Business

CITY OF WHITEHORSE
COMMUNITY SERVICES COMMITTEE

Date: Monday, January 9, 2017

Location: Council Chambers, City Hall

Chair: Robert Fendrick Vice-Chair: Samson Hartland



Pages

1. New Business

CITY OF WHITEHORSE
PUBLIC HEALTH AND SAFETY COMMITTEE

Date: Monday, January 9, 2017
Location: Council Chambers, City Hall
Chair: Dan Boyd Vice-Chair: Jocelyn Curteanu



Pages

1. New Business

CITY OF WHITEHORSE
DEVELOPMENT SERVICES COMMITTEE AGENDA

Date: Monday, January 9, 2017

Location: Council Chambers, City Hall

Chair: Jocelyn Curteanu Vice-Chair: Betty Irwin



Pages

1. New Business

CITY OF WHITEHORSE
CORPORATE SERVICES COMMITTEE AGENDA

Date: Monday, January 9, 2017
Location: Council Chambers, City Hall

Chair: Roslyn Woodcock Vice Chair: Dan Boyd



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3. New Business	

Chairperson shall ask if there is anyone present who wishes to speak to the Committee

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: January 9, 2017
RE: Summary of Properties Subject to Tax Lien

ISSUE

Approval of the Tax Lien Summary List for the 2016 tax year

REFERENCE

Section 83 of the *Assessment and Taxation Act*

HISTORY

Each year the City is required to prepare a list of properties that have taxes outstanding from the previous year. This list addresses tax arrears on titled properties only. Arrears on mobile homes, which are not titled properties, are managed through a separate distress process as outlined in the *Act*.

This list requires the approval of Council before being published in a newspaper having general circulation in the municipality. It is anticipated that the list will be published on February 17, 2017.

The list will be updated until the date of publication to avoid listing citizens who pay their outstanding tax bill before the list is published.

ANALYSIS

Each property is levied an administration fee and will be subject to further collection procedures if the account is not paid within 60 days. Those steps include initial application for title to the property after 12 months and final application for title to the Mediation Board after a further six months. If the taxes remain outstanding, the title to the property is transferred to the City and, assuming the City has no use for the property, it is disposed of at fair market value with any surplus returned to the previous owner.

At the time of preparation the 2016 list included 64 properties with a total outstanding tax, penalty and interest balance of \$155,506.98. In comparison, the 2015 list included 85 properties with a total of \$160,420.78 outstanding.

ADMINISTRATIVE RECOMMENDATION

THAT Council approve the 2016 Tax Lien Summary List.

Schedule II
Yukon Territory And Taxation Act
Section 83 (1)
Form TLJ

Tax Lien Summary
City of Whitehorse

2016
Arrears of Property Tax

Roll #	Title Holder	Location	Certificate of Title	Legal Description			Tax	Penalty	Interest	Balance
				LOT	BLK	PLAN				
3010202025	ALBISSER, BERT	YT	CC202-075	UNIT 25		CC202	2,402.38	240.24	14.40	2,657.02
3010701000	HUGGARD, MAUREEN VERONICA	YT	2004Y1035	10	70	20077	1,794.63	179.46	7.38	1,981.47
3011420400	KEMSHEAD, PATRICIA M & JAMES A	YT	96Y1043	4	142	20077	1,727.03	172.70	7.14	1,906.87
3013210103	40782 YUKON INC	YT	CC114-008	UNIT 103		CC114	16,483.13	1,648.31	67.98	18,199.42
3022030600	HUGGARD, MAUREEN V & ERIC JAN	YT	2010Y0637	6	203	21312	1,875.55	187.56	7.74	2,070.85
3022360800	KASSNER, ASHEYA	YT	2012Y1075	8	236	32574		221.33	2.85	224.18
3022812900	FEKETE, GREGORY A & BEATON, MARY C	YT	2008Y1325	29	281	48405	4,290.97	313.11	22.69	4,626.77
3040001400	SENEZ, ALLAN LEO & KRISTA LYNNE	YT	2011Y0996	14		93-03	2,575.77	257.58	10.62	2,843.97
3040013705	FERGUSON, DOUGLAS W	YT	CC95-170	UNIT 5		CC95	450.00	144.76	2.22	596.98
3040013779	PASQUALI, ELI	YT	CC95-239	UNIT 79		CC95	2,056.56	205.66	16.28	2,278.50
3050002200	GAJE, DANIELLE M & DANNY C	YT	2013Y0690	22		94-26	1,208.68	120.87	4.99	1,334.54
3050009000	WALLY, GORDON GERALD	YT	2013Y0435	90		94-26	1,120.38	112.04	4.62	1,237.04
3050012200	LA PLANTE, LLOYD W & SANDRA L	YT	2002Y0974	122		92-114	1,946.08	106.67	10.05	2,062.80
3060080120	HADLEY, CLAYTON & GRIFFIS, ASHLEY	YT	2007Y0516	1-2	8	2002-0202	2,016.81	201.68	8.19	2,226.68
3060103000	STRAND, KRISTA LYNN & PAUL	YT	2015Y0275	30	10	53422	450.00	45.00	1.21	496.21
3060114100	McKENNA, SHANNON GAY	YT	2010Y0964	41	11	53422	354.65			354.65
3070005500	CARLSON, BERNADETTE VERONICA	YT	2013Y1086	55		30131	254.24	25.42	1.02	280.68
3070016200	CARBERRY, TARA LYNN	YT	2008Y0173	162		40222	1,933.81	193.38	7.98	2,135.17
3100010610	MOUSTAKAS, MARIUS	YT	79Y22	106-1		46735	2,075.83	207.58	8.58	2,291.99
3100011600	BOB, CLAUDIA DAWN	YT	2004Y1329	116		25142	1,365.35	136.54	5.64	1,507.53
3100012800	JIM, MARY JANE & CANT, TIMOTHY JAMES	YT	95Y154	128A		43454	3,162.69	182.74	16.14	3,361.57
3100026420	JOHNSON, CHRISTINA	YT	2014Y0806	264-2		88-142	3,895.63	272.40	11.54	4,179.57
3100036500	FARROW, KIMBERLEY L & QU'AILLE, JEREMIAH	YT	2003Y0742	365		29875	450.00	45.00	1.24	496.24
3100069000	GREFF, DANIEL	YT	2014Y0137	690		32022	1,948.63	184.67	7.98	2,141.28
3100085700	RIVEST, RICHARD PAUL	YT	2011Y1299	857		41316	2,061.14	120.63	10.47	2,192.24
3100087300	JOE, TAMMY RUTH	YT	2002Y0774	873		41316	1,818.32	96.35	10.65	1,925.32
3100093400	CARRIEDO, GERTRUDES L & DANILO C	YT	2004Y0555	934		49036	3,511.36	235.15	17.16	3,763.67
3100126400	QUALITY NORTH SERVICES LTD	YT	92Y1633	1264		50529	1,750.32	325.03	9.04	2,084.39
3100142900	CROMARTY, TAMMY E & WIDRIG, CHARLES C	YT	98Y107	1429		57388	3,744.99	258.52	18.12	4,021.63
3100143700	MCCARTHY, SCOTT EDWARD	YT	2010Y0403	1437		57388	450.00	45.00	1.55	496.55
3100199016	TURNER, ASHLEY	YT	CC199-026	UNIT 16		CC199	742.98		2.30	745.28
3112008820	KENNEDY, KATHRYN N	YT	CC31-008	UNIT B		CC31		130.74	1.40	132.14
3113001200	DEMPSEY, CRAIG	YT	2012Y0751	12		95-17	2,285.79	228.58	9.42	2,523.79
3114033300	PRICE, AMANDA & KEITH	YT	2011Y0495	333		2009-0135	367.95	36.80	1.25	406.00
3130000600	KNAACK, STEPHEN	YT	2010Y0658	6		95-32	3,657.24	249.74	17.76	3,924.74
3130013110	ARNOLD, THEODORE FRANKLIN	YT	CC28-007	UNIT A		CC28	2,095.65	223.48	10.89	2,330.02
3130021000	BOHNET, SEVN G/MCNALLEY, STACEY	YT	2011Y0872	210		95-78	2,530.54	253.05	10.44	2,794.03
3130034500	ALLAIN, SHANNA L/DUPUIS, KEVIN	YT	2015Y0761	345		97-93	3,325.31	289.41	14.73	3,629.45
3130053600	CAMILLERI, TRACY & JORDAN	YT	2013Y0929	536		2002-0275	5,087.33	422.78	22.95	5,533.06
3130053900	MANINGAS, AILEEN M & MERLYN G	YT	2016Y0515	539		2002-0275	2,963.34		9.25	2,972.59
3130088320	WOOD, STEVEN M & TAMMY L	YT	CC117-004	UNIT B		CC117	3,853.77	253.68	15.68	4,123.13
3130091200	BHULLAR, RAVNEET & ANITA	YT	2008Y0274	912		2004-0087	450.00	45.00	0.93	495.93
3140003000	MIRAL, JENNIFER Y & ENRIQUE J D P	YT	2014Y0967	30		2010-0115	717.55	246.31	11.98	975.84
3140011800	MINOR, KERRY LANG	YT	2016Y0038	118		2010-0115	1,745.09	174.51	7.20	1,926.80
3150005600	ROBERTS, JEFFRY ROY	YT	2015Y0632	36		2012-0142	2,779.14	277.91	11.46	3,068.51
3150017600	PARENT, KYAH S/LEFLER, TIMOTHY C	YT	2015Y0710	176		2013-0068	2,169.63	216.96	8.94	2,395.53
3150018500	NUGENT, SIMON C/STARKS-JACOB, ANNA CHRISTINE	YT	2016Y0264	185		2013-0068	1,108.71	110.87	4.56	1,224.14
3160110800	MEASE, GEORGE	YT	2014Y0543	8	11	22926	701.54	70.54	1.74	773.82
3160160300	11621 YUKON INC	YT	95Y367	3	16	42019	755.65	75.57	3.12	834.34
3300006500	ANTOINE, FOSTER & TRINA JOAN	YT	CC69-267	UNIT 65		CC369	1,354.23	135.42	5.58	1,495.23

3300133013	WURFBAUM, DORIS	CCI133-086	UNIT 13	CCI133	1,439.89	300.01	6.54	1,746.44
3420005300	GILBERTSON, JO ANNE	2000Y1156	53	48280	1,114.73	161.47	6.35	1,282.55
3450002200	HUGGARD, MAUREEN V & ERIC JAN	2010Y0705	22 & 23-1	42751	1,977.16	197.72	8.16	2,183.04
3460001200	AQUA TECH SUPPLIES & SERVICES	87Y1523	12, 19	29877	3,443.39	344.34	14.22	3,801.95
3460183005	763834 ALBERTA LIMITED	CCI183-018	UNIT 5	CCI183	1,822.28	182.23	7.50	2,012.01
3480001700	WHITE, JOEL ROBERT	2013Y0105	17	75557	3,257.42	325.74	13.44	3,596.60
3500006700	AUSTIN, LORILYNN	2011Y0771	67	93-134	1,944.44	344.44	11.40	2,300.28
3530004900	GREY WOLF BUILDERS INC.	2011Y1063	49	2008-0092	2,669.30	266.93	11.04	2,947.27
3560001500	THOMAS, CLAYTON & THOMS, FRANK	2012Y1161	15	2008-0029	4,344.00	434.40	17.94	4,796.34
3701110780	MOODIE, SUSAN	2000Y0658	1078	92-35	1,017.76	101.78	4.20	1,123.74
3701111670	NORTHERN SUSTAINABLE DEVELOPMENT	2013Y0527	1167	99-147	5,787.99	578.80	23.88	6,390.67
3701411630	PIGEAU, KENDALL/BIENSCH, JASON A	2015Y0662	1163	91-35	3,121.34	312.13	12.90	3,446.37
3701412690	SCHABER, DALLAS	2001Y1186	1269	93-02	1,448.70	144.87	6.00	1,599.57
3714100710	AATELMA, HELI MARKETTA WALLINGER, KEVIN N	2014Y0052	1007-10	94-51	2,913.69	291.37	12.00	3,217.06
					144,168.46	13,912.96	642.62	155,506.98

31st day of December, 2016

Collector of Taxes

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: January 9, 2017
RE: Write-off Uncollectible Accounts

ISSUE

The cancellation of uncollectible accounts receivable

REFERENCE

Section 233 of the *Municipal Act*

HISTORY

The City follows generally accepted accounting principles (GAAP). On occasion, fees and charges are levied and recorded that cannot subsequently be collected

ANALYSIS

In all cases listed in the proposed bylaw, in-house collection procedures have been exhausted and it has been determined that there is little chance of recovery. GAAP requires that the unrealizable assets be written off against existing allowances to accurately record the reduced likelihood of collection. In order to do so Council must cancel the uncollectible amounts per Section 233(3) of the *Municipal Act*, through a bylaw process.

In certain circumstances, an account will remain with a collection agency/credit bureau for possible further action as identified in the Bylaw. There is a small possibility that some collection will occur subsequent to write off; if this were to occur the collection will be appropriately recognized in the City's financial records.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2017-04, a bylaw to authorize the write-off of uncollectible accounts, be brought forward for due consideration under the bylaw process.

CITY OF WHITEHORSE

BYLAW 2017-04

A bylaw to authorize the write off of un-collectible accounts

WHEREAS section 233 of the *Municipal Act* (R.S.Y. 2002) provides for the cancellation of tax arrears where such taxes are not secured against land in the municipality and arrears of fees, penalties, municipal charges or interest charges; and

WHEREAS section 60 of the *Assessment and Taxation Act* provides for the discharge of certain taxes; and

WHEREAS it has been determined that certain debts outstanding to the account of the City of Whitehorse are un-collectible;

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

1. The debts hereinafter described are written off:

<u>Date</u>	<u>Description</u>	<u>Amount</u>
October 31, 2012	John D Austin	\$1,140.58
May 31, 2012	New Wave Hydro-Vaccing	\$2,176.49
May 31, 2013	Ashley Kirkpatrick	\$375.07
March 31, 2013	Judy Lilley	\$302.93
July 31, 2013	Lyrical Hounds	\$69.23
July 31, 2013	James Wery	\$2,539.25
October 14, 2014	Doug Giroux	\$361.86
December 31, 2013	Snack & Gifts	\$2,001.81
July 31, 2014	You Got It Construction	\$467.71
September 30, 2015	Jim Thompson	\$100.80
October 31, 2015	Windoor Recycler	\$339.50
<u>Total Accounts Receivable</u>		<u>\$9,875.23</u>

2. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST and SECOND READING:
THIRD READING and ADOPTION:

Mayor

City Clerk

Write Off Un-collectible Accounts Bylaw 2017-04

Explanatory Notes:

A bylaw is required to write off un-collectible accounts. The accounts outlined in this bylaw are deemed un-collectible for the following reasons:

John D Austin	2012 invoice to recover travel advance funds that exceeded actual travel cost. Account in collection with Metropolitan Credit Adjusters since 2013.
New Wave Hydro-Vaccing	2012 Invoice for Water and Waste line flushing charges that have not been paid. Account in collection with Metropolitan Credit Adjusters since 2013.
Ashley Kirkpatrick	NSF Payment made at the Canada Games Centre. Account in collection with Metropolitan Credit Adjusters since 2013.
Judy Lilley	Invoice for false emergency call out at the Canada Games Centre on December 31, 2012. Account in collection with Metropolitan Credit Adjusters since 2013.
Lyrical Hounds	Invoice for facility rental at the Canada Games Centre in July 2013. Account is currently frozen; amount is too small to be filed in collection.
James Wery	2013 Property Taxes on two trailers removed from 833 Range Road. Location of trailers or owner is unknown. Account has been in collection with Metropolitan Credit Adjusters since 2013.
Doug Giroux	2013 Property Taxes owing on a trailer removed from trailer park. Location of trailer or owner is unknown. Account has been in collection with Metropolitan Credit Adjusters since 2014.
Snack & Gifts	2013 Invoice for Property Taxes owing on property leased from Yukon Government. The lease was terminated but the taxes were never paid as required by the lease agreement. Account has been in collection with Metropolitan Credit Adjusters since 2014.
You Got It Construction	Tipping fees dating back to July 2014 never paid. Account is frozen at the Whitehorse landfill and forwarded to collection with Metropolitan Credit Adjusters in 2015.
Jim Thompson	2015 Invoice for a water turn on/off as he was doing the work on behalf of the owner. Account submitted to collection with Metropolitan Credit Adjusters 2017.
Windoor Recycler	Tipping fees dating back to October 2015 never paid. Account is frozen at the Whitehorse landfill and has been in collection with Metropolitan Credit Adjusters since 2016.

**CITY OF WHITEHORSE
CITY PLANNING COMMITTEE AGENDA**

Date: Monday, January 9, 2017
Location: Council Chambers, City Hall
Chair: Betty Irwin **Vice-Chair:** Robert Fendrick



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3. New Business	

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: January 9, 2017
RE: Public Hearing Report – Zoning Bylaw Amendment – 305 Hawkins Street

ISSUE

A report on the public hearing for the proposed zoning amendment at 305 Hawkins Street

REFERENCE

- *Municipal Act* (2002)
- 2010 Official Community Plan
- Zoning Bylaw 2012-20
- 2011 Downtown Parking Plan
- 2011 Downtown South Master Plan
- Bylaw 2016-45
- Appendix A
- Waste Management Bylaw (2012-30)
- Maintenance Bylaw (2011-03)

HISTORY

360° Design Build has applied to amend the zoning of 305 Hawkins Street (Lot 10, Block 21, Plan 3807) in downtown Whitehorse for a proposed mixed-use affordable residential/commercial development. The subject lot is currently zoned CM2 – Mixed Use Commercial 2. Two amendments have been requested by the applicant to:

- reduce the amount of required off-street parking from 6 to 5 spaces; and
- waive private amenity space requirements (e.g. balconies) for 8 of the 10 proposed residential units.

The proposed four-storey building consists of ten affordable micro-housing rental units and 251 m² (2702 ft²) of commercial space. The applicant is proposing a significant amount of development on this 329 m² (3541 ft²) lot, which is sized smaller than typical Downtown lots that measure 464 m² (5000 ft²). The applicant has stated that they cannot scale back the intensity of development as they want to ensure it is economically feasible, hence the two zoning requests.

Bylaw 2016-45 received 1st Reading on November 14, 2016. Notices were published in the newspapers on November 18 and 25, 2016 and a public hearing sign was placed on the property. A total of 60 letters were sent to property owners within 100 m of the subject lot. Yukon Government Lands Branch, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council were also notified by mail.

A public hearing was held on December 12, 2016. Three people appeared to speak at the hearing and eight written submissions were received expressing concerns or opposition to the proposed amendment.

ALTERNATIVES

1. Proceed with 2nd and 3rd reading under the bylaw process.
2. Do not proceed with 2nd and 3rd reading.

ANALYSIS

Overview of input received

Concerns raised during the public hearing process relate to the development's potential impacts on parking and traffic, concern for the lack of provision for private amenity space for the majority of units, nuisance that might result from the proposed rooftop patio amenity, building height, groundwater and drainage, impacts to garbage collection, general concerns regarding future development in the neighbourhood, and concerns for how zoning amendments weaken existing bylaws and planning processes. Some submissions also expressed support for some aspects of the proposed development.

A summary of the issues related specifically to the amendment requests are discussed in the section below (parking and private amenity space). A complete list of all topics brought up during the public hearing, including a more detailed analysis of parking and private amenity space concerns and issues not directly related to the zoning amendment requests are discussed in the accompanying Additional Analysis Report.

Summary of issues related to the zoning amendment request

Several submissions raised concerns or opposition to the proposed development as it would create further demand for parking along Hawkins Street, which already experiences limited parking availability. As a solution, several submissions suggested implementing a 2-hour unmetered parking zone on this street.

The addition of the proposed building in this area is likely to create additional demands on parking. Parking surveys have found that the area experiences some of the highest parking occupancy rates in Downtown and the majority of vehicles are parked for longer than 2 hours, which suggests employees of nearby businesses and offices are parking along the street during the daytime. To help ensure that parking is for short-term visitors and customers, the City will examine implementing a 2-hour parking zone for this street. This can be done in conjunction with the residential parking permit program, which the City has in place and exempts residents from the 2-hour parking restriction.

One submission received expressed concern for the removal of the private amenity space (e.g. balconies and patios) requirement for this development, specifically noting that residents with impaired mobility especially benefit from inclusion of these spaces. The Zoning Bylaw requires that a private amenity space be provided for each unit. For the small size of the proposed micro-units, this requirement translates to a minimum provision of approximately 1.86 m² (20 ft²) per unit. The applicant is requesting to instead incorporate this provision into a large rooftop patio that would be shared by all residents, albeit not accessible by elevator. The patio would also meet the public amenity requirement for the proposed development.

Micro-housing developments are a new and emerging topic in Whitehorse and administration has flagged this as a potential topic to be examined during the next Zoning Bylaw rewrite. Specifically, this will look at appropriate zoning requirements for micro-housing to address items such as parking, storage, and amenity space.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2016-45, a bylaw to amend the zoning to reduce the off-street parking and waive private amenity area requirements at 305 Hawkins Street, be brought forward for 2nd and 3rd reading under the bylaw process.

File #: Z-13-2016

Additional Analysis from Administration

Additional information on the public hearing report for Bylaw 2016-45 – Zoning Amendment for 305 Hawkins Street.

This document lists each issue raised during the public hearing from either written submissions or people speaking at the hearing, followed by administrative analysis.

Concerns and opposition related to parking

Several submissions and speakers raised concerns regarding the potential impact of the proposed development on parking along Hawkins Street. It was suggested that the new development will generate more demand for parking on a street that already experiences limited parking availability. Concern was raised for impacts to nearby businesses by reducing parking available for clients and customers. Some submissions indicated opposition specifically due to the proposed reduction in the off-street parking provision. As a solution, several submissions suggested that a 2-hour unmetered parking zone be implemented along Hawkins Street.

For the 10 units proposed, the developer is seeking to provide 5 off-street spaces at the rear of the building (a reduction from the 6 spaces required by the Zoning Bylaw). It is likely that not all of the development's users (e.g. residents, employees, customers, visitors, etc.) will have access to these stalls at the same time, which may lead to parking spillover onto the street. This may be manageable given that daily peak demand for parking typically occurs at different times for different users (e.g. office and commercial parking demand is typically highest in the daytime, while residential parking demand is highest in the evenings and on weekends). The staggering of peak demand is especially relevant to parking management for mixed-use developments. Providing un-designated off-street stalls may be helpful for alleviating potential parking impacts.

As part of the City's 2011 Downtown Parking Management Plan (DPMP), a parking survey was conducted to understand how parking functions in Downtown. This included inventory of on-street spaces, occupancy rates, and average durations. The survey found that the Lambert/Hanson/Hawkins Street areas experience some of the highest parking occupancy rates in Downtown, with some streets experiencing up to 80-90% during peak hours (in a downtown setting, occupancy of 85% is typically considered the threshold where drivers perceive the parking supply as full). The plan found that these high rates are likely attributed to spillover from the area's major employers and businesses. The survey also found that the majority of vehicles were parked for periods of longer than 2 hours. Observational analysis shows that more vehicles are parking during the daytime, as opposed to the evening, suggesting long duration use by nearby employees.

The DPMP found that overall there is an adequate supply of parking in Downtown; however, it needs to be better managed to ensure availability for specific users. A major recommendation of the plan is the gradual expansion of the 2-hour unmetered parking zone throughout Downtown as a means to ensure that priority for on-street parking is given to customers and residents, rather than all-day parkers.

Implementing this recommendation on Hawkins Street, along with a residential parking permit program, could help to alleviate potential issues with parking availability related to the new development. This would give on-street parking priority to short-term visitors and customers while allowing residents to park for longer than 2 hours.

The City will be undertaking an update to the DPMP in 2017, which will include a review of zoning regulations concerning off-street parking requirements.

Interest to acquire vacant private land for new parking or greenspace

A submission suggested that the City should acquire vacant private land, such as the subject lot, to use either as new parking lots or as greenspace.

The City has the ability to acquire land for municipal purposes through its land bank reserve fund; however, administration does not recommend that the City pursue potential acquisition of the subject lot. A review of the City's Downtown Plan is anticipated to begin in 2017, which will provide opportunity for the City to strategically assess land use needs in Downtown.

Safety concerns related to increased traffic

A speaker at the hearing raised concern for safety on Hawkins Street and the rear lanes, stating that large vehicles create dangerous situations for smaller vehicles and pedestrians.

Hawkins Street is built to City standards for road infrastructure. The road width is 11 m, which allows for two 3.5 m travel lanes and 2 m parallel parking aisles on both sides. In this, there is adequate width for two-way traffic. If a large truck or bus drives down the street it may give the impression of a narrow road when there are vehicles parked on both sides. The perception of a narrow driving lane can be useful in slowing traffic, resulting in a safer environment for vehicles, pedestrians, and cyclists.

The rear lanes on either side of Hawkins Street are also designed to City standards for widths. These lanes are not designed for two-way traffic since they receive comparably less traffic than streets and are intended for local circulation for property access.

Concerns for the removal of required private amenity areas

One submission raised concerns with the proposed removal of private amenity spaces for 8 of the 10 micro-unit apartments, specifically noting that residents with impaired mobility may not be able to access nearby amenities, such as Jim Light Park, the riverfront, and the escarpment.

The Zoning Bylaw requires that a private amenity area (e.g. balcony or patio) be provided for each residential unit within new multiple-housing developments at a rate of 5% of the total floor area of each unit, for the exclusive use of occupants. The private amenity requirement for the proposed micro-units equates to a minimum provision of approximately 1.86 m² (20 ft²) per unit. The applicant has stated that this will not result in spaces of a functional size and would reduce the amount of interior floor area.

As an alternative, the applicant is proposing to provide a 46 m² (500 ft²) rooftop patio that would be shared by residents. This patio exceeds both the public amenity area requirement and the total combined area of the private amenity spaces for the 8 units without balconies. The patio would not have elevator access. The 2 units with private balconies could potentially be reserved for residents with mobility constraints.

Concerns for the proposed public amenity rooftop patio

Several submissions and speakers raised concerns over the proposed rooftop patio, noting the potential for noise and privacy impacts to neighbours. The submissions suggested that the patio be removed from the development plans and cited examples of existing developments where rooftop patios are a source of tension amongst tenants.

The Zoning Bylaw requires that public amenity space be provided for all new multiple housing developments across the city. This requirement is meant to provide recreational and leisure space for the enjoyment of residents. It encourages community interaction and is considered an essential part of the quality of life for residents. The patio is proposed to be located at the rear portion of the roof, which directs views southward towards Jim Light Park, and not to adjacent properties. Regarding noise concerns, the City responds to complaints as per the Maintenance Bylaw.

Concerns related to the proposed building height

Several submissions raised concerns related to the proposed building height. One submission suggested that the proposed building be reduced to three storeys to keep it more in line with the existing character of the street. Another submission expressed concerns that the building will obstruct views and cast shadows onto nearby properties.

Hawkins Street features a mix of one, two, three, and four storey buildings. The proposed building would be approximately 15 m in height, which is below the Zoning Bylaw's maximum allowance of 20 m for this area. Allowing 20 m heights helps to meet the Official Community Plan's (OCP) objective of promoting the mix and integration of multiple-housing and commercial uses to increase the vitality of Downtown.

Surface water drainage issues in the area

A written submission stated that there is an ongoing flooding problem at the Third Avenue and Hawkins Street intersection, entailing excess water that occasionally extends across Hawkins Street and causing ice-build up in the winter.

Drainage along Hawkins Street runs from Fourth Avenue to Third Avenue, following the downslope of the road. Road drainage should not affect the new development as the water will continue to drain towards the Third Avenue and Hawkins Street intersection, the low point in the area. The storm system has several catch basins at this intersection. Administration has confirmed that the storm system works sufficiently; however, there are problems generated by road heaves that cause excess water to form. Future roadwork is recommended to address this issue. In the meantime, the City will continue to send vector trucks to remove excess surface water when complaints are received.

Underground water flooding issues

One written submission expressed concerns that there have been underground water problems in the Hawkins Street area. The submission stated that there is a creek that runs under properties in the Hawkins Street area that causes flooding in basements.

Administration has no record of an underground creek that runs in the Hawkins Street area. The entire downtown area encounters groundwater at shallow depths due to its location on the Yukon River floodplain. As with all new developments, the proposed building will need to be constructed to minimize damage caused by groundwater.

Specific building and development requirements for drainage and groundwater mitigations will be addressed during the City's development permitting processes.

Concerns over impacts to garbage collection

A submission raised concerns on the potential impacts of the development on garbage collection. The submission questioned the type of refuse, recycling, and compost pick-up the development would have. The submission expressed concerns on how curbside collection has resulted in conflicts between parked vehicles and bins on the street.

The Zoning Bylaw requires new developments to provide space for waste within property boundaries, while also screening waste storage from view of primary streets. Waste must be source separated as per the Waste Management Bylaw's controlled and banned materials. The City does not provide residential curbside collection to mixed-use developments or residential developments with more than four units, but commercial organics collection is available if requested by the owner.

During the development's permitting process, the City will require that a commercial waste bin, a recycling bin, and an organic waste bin be located at the rear of the property adjacent to the lane. If non-compliance issues occur, the City's Bylaw Department can be contacted for investigation.

Questions about how the residential component will be managed

One submission raised questions on how the micro-unit component will be managed with regards to tenant relations.

The residential component of the proposed development will be rental apartments, while the commercial component will be leasable commercial space. It is likely that a property manager will oversee tenant relations to fill vacancies, deal with complaints, and potential make evictions if necessary.

Concerns for new developments and future development plans

One submission raised a general concern over the impacts of the project on future development within the neighbourhood, particularly on how smaller residential homes are being replaced by larger developments. The submission also questioned what the plans are for future development in the neighbourhood.

The Hawkins Street area is included within the City's Downtown South Master Plan study area, adopted by City Council in 2011. The plan sets out a 20 year vision for the future of development and redevelopment in the area, and recommended several zoning changes that have been incorporated into the Zoning Bylaw.

This has included rezoning this portion of Hawkins Street to CM2 – Mixed Use Commercial 2 to allow for higher density development and a wider range of land uses. To ensure that new development makes a positive contribution to the existing streetscape, changes were also made to increase landscaping requirements and require screening off-street parking from view. The changes are consistent with the OCP's vision for higher-density, mixed-use development in Downtown.

Repeated zoning amendments weaken existing bylaws and planning processes

One submission expressed concerns over how zoning amendments undermine and weaken existing bylaws and planning processes that have been established on principles and processes endorsed by the City, residents, and stakeholders.

The *Municipal Act* enables the City to make policy and zoning amendments to plans and policies adopted by City Council. The Act outlines that amendment process, which includes analysis by administration on the potential impacts and provides requirements for public hearing processes to collect input from interested and affected members of the public. Council can either approve or not approve amendments based on the merits of the proposal and issues raised during the hearing process.

Support for the proposed amendments

Several submissions and speakers expressed support for the proposed development in principle, identifying the following benefits that could result from its construction:

- increase in residential density and mix of housing types available in Downtown;
- opportunity for affordable housing units to be developed;
- contribution that new businesses in the building's commercial component will make to the services and conveniences available within the neighbourhood; and
- close proximity to transit stops, nearby services, and businesses, which will support and encourage active transportation choices by residents.

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: January 9, 2017
RE: Public Hearing Report – Zoning Bylaw Amendment – Kopper King Drive Thru

ISSUE

A report on the public hearing for the proposed zoning amendment at 91888 Alaska Highway

REFERENCE

- *Municipal Act* (2002)
- 2010 Official Community Plan
- Zoning Bylaw 2012-20
- Bylaw 2016-46
- Appendix A

HISTORY

Kopper King Services Ltd. has applied to amend the zoning of 91888 Alaska Highway (Lot 1123, Plan 94-57 LTO) to allow an eating and drinking establishment with a drive-thru component. Currently, the CH – Highway Commercial zone permits eating and drinking establishments, but not with a drive-thru component.

No specific development is proposed. The property is for sale and the applicant has stated that they wish to increase the marketability of this location. Existing uses on the lot include retail establishments, restaurants, a gas station, and a non-conforming residential mobile home park located at the rear of the property with approximately 30 mobile homes.

Bylaw 2016-46 received 1st Reading on November 14, 2016. Notices were published in the newspapers on November 18 and 25, 2016 and a public hearing sign was placed on the property. A total of 103 letters were sent to property owners and mobile home owners within 100 metres of the subject property. Yukon Government Lands Branch, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council were also notified by mail.

The public hearing was held on December 12, 2016. One person appeared at the public hearing; this person also provided a written submission raising concerns with the proposed amendment.

ALTERNATIVES

- 1: Proceed with 2nd and 3rd Reading under the bylaw process.
- 2: Do not proceed with 2nd and 3rd Reading.

ANALYSIS

During the public hearing process the following issues were raised:

- Impacts on the value and marketability of the existing, non-conforming mobile homes
- Consider rezoning the mobile home park component to bring it into conformity

Impacts on the value and marketability of the existing, non-conforming mobile homes

A concern was expressed that allowing an eating and drinking establishment with a drive-thru component creates further uncertainty around the future of the existing non-conforming mobile home park located on the property. The letter expressed concerns that allowing such a use further devalues the mobile homes as prospective buyers would be less likely to purchase a mobile home in the park because of the potential for redevelopment. The letter stated that it would be difficult and prohibitively expensive to relocate the existing mobile homes to another location in the city. The letter also stated that the mobile home park can continue to be a positive revenue source for the owners of the lot.

Currently, the lot is zoned CH – Highway Commercial which does not allow mobile home parks. However, the Kopper King mobile home park is an existing non-conforming development which means that the mobile homes can remain on the lot, but that further development cannot take place on the lot to increase its non-conformity (i.e. increasing the number of mobile homes). A new proposed drive-thru restaurant could be added without increasing the non-conforming aspect of the mobile home park.

If the zoning amendment was approved, it may increase the likelihood that the mobile home park will be impacted in order to facilitate new development. However, this is a speculative zoning amendment to increase the marketability of the location and no specific development plans have been proposed to indicate what would occur on the lot.

Consider rezoning the mobile home park component to bring it into conformity

It was suggested that, as a compromise, the lot be subdivided and the rear portion containing the mobile home park be rezoned to RP – Residential Mobile Home Park to bring the park into conformity with the Zoning Bylaw. The letter stated that this would encourage mobile home owners to do further improvements which would increase the value and marketability of their homes.

The subject lot is currently designated Mixed-Use Industrial/Commercial in the Official Community Plan (OCP), which is the case for all commercial properties along the Alaska Highway. As a result, an amendment to the OCP would be first required if there was a desire to rezone a portion of the lot to RP. The OCP designation of the Kopper King Mobile Home Park could be looked at in the upcoming OCP review which is tentatively scheduled to begin in late 2017.

Administrative Summary

The proposed development is not in-line with several OCP policies. Specifically, the OCP contains policies on anti-idling to reduce greenhouse gas emissions and to encourage a range of businesses along the Alaska Highway that complement, rather than compete with Downtown businesses. As such, it is recommended that this bylaw be defeated. A broader examination of land uses along the highway should be considered as part of the upcoming OCP review. This would include examining whether a broader range of uses should be allowed along the highway.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2016-46, a bylaw to amend the zoning to permit an eating and drinking establishment with a drive-thru component at 91888 Alaska Highway, be defeated at 2nd Reading under the bylaw process.