

**Before the Yellowknife Development Appeal Board**

**IN THE MATTER OF AN APPEAL**

Under the *Community Planning and Development Act* S.N.W.T. 2013, c.9

And the City of Yellowknife Zoning By-Law 4404;

Regarding Development Permit Application PL-2020-0335

**BETWEEN:**

Colin Baile, Elizabeth Baile, Judy Murdock,  
Marilyn Malakoe, Garth Malakoe, Justin Nelson,  
Maribel Nelson, Jillian Letts, Daron Letts,  
Jenny Tucker, Dave Hatto, Eva Paul  
Darcy Milkowski, Gabrielle Decorby,

Appellants

**AND**

City of Yellowknife  
(City Council & The Development Officer)

Respondent

**Appendixes to the Appellants Written Submissions**

## Appendix List

Appendix	Document
1	Notice of Development Permit Application PL-2020-0335
2	Governance & Priorities Committee Report – February 1, 2021
3	Appellants' submission to Council on its jurisdiction- January 27, 2021
4	Appellants' written submissions to Council – February 8, 2021
5	Appellants' submissions to Council re: application - January 25, 2021
6	Email exchange re: disclosure – January 6 & 7, 2021
7	Email re: disclosure – January 8, 2021
8	Email from developer re: disclosure – January 12, 2021
9	Notice of Decision re: PL-2020-0335 – April 16, 2021
10	Email exchange re: disclosure – April 22, 2021
11	PL-2020-0335 Stamped Plans

**PDF Bookmarked**



CITY OF YELLOWKNIFE

**HAND DELIVERED NOTICE**

January 6, 2020

File No: 5710 50 Avenue (Lot 43 Block 62); PL-2020-0335

To Whom It May Concern,

**NOTICE OF A PROPOSED LAND USE LISTED AS A CONDITIONALLY PERMITTED USE (Avens- A Community for Seniors 5710 50 Ave; Lot 43 Block 62)**

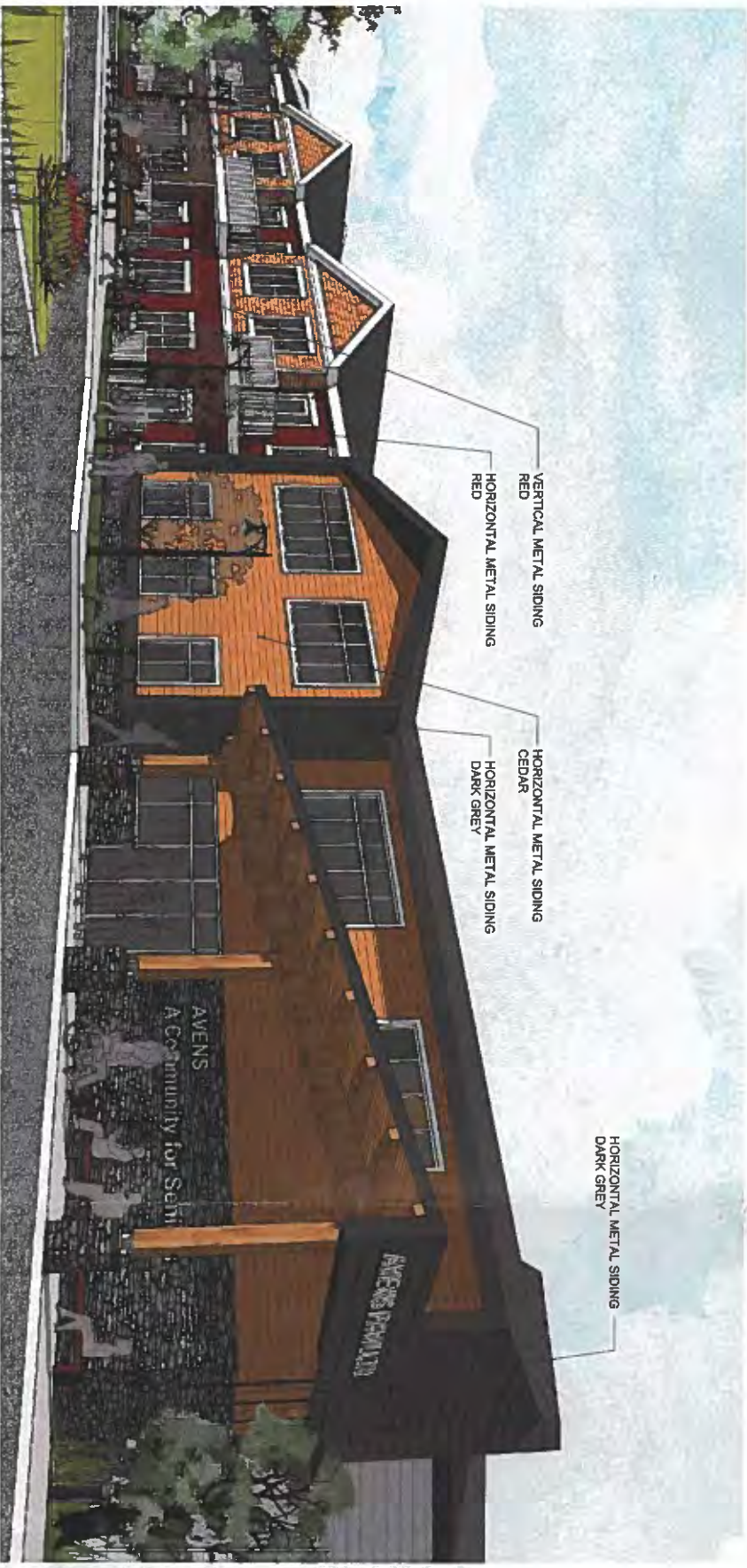
The Delivery of this notice is required by section 3.7(2) of the City of Yellowknife Zoning By-law No. 4404. The purpose of this notice is to allow all affected landowners to comment on the proposal before the City makes a decision on it.

The Property Owner is proposing to construct a 102-Unit Special Care Facility at 5710 50 Avenue (Lot 43 Block 62), intended for Independent Seniors Living and Supportive Seniors Living. The proposed development is considered to be a *Special Care Facility*, which is listed as a conditionally permitted use under the R3-Residential Medium Density zone. A conditionally permitted use requires a municipal decision by Council. Written comments from landowners who could be impacted by this development must be received at City Hall by 4:30 PM on January 13, 2021.

Please note that after 4:30 PM on January 13, 2021 the Development Officer or Council may deal with the application whether or not your comments or recommendations have been received. Your views will be considered by the City; however, please keep in mind that the Zoning By-law's regulations limit the discretion which may be used in these decisions, and that all decisions must be consistent with the long term goals of the community as a whole. Property owners have been notified within a 30 metre radius of the subject property.

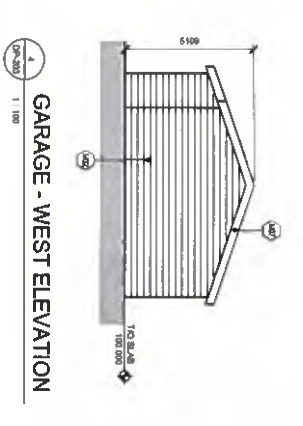
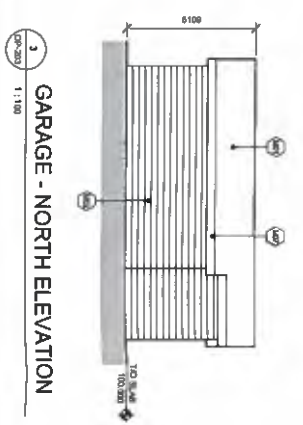
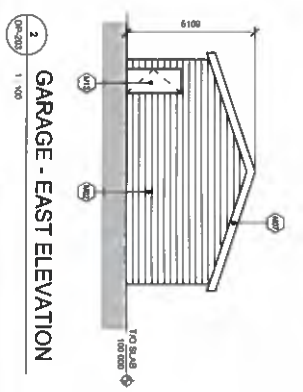
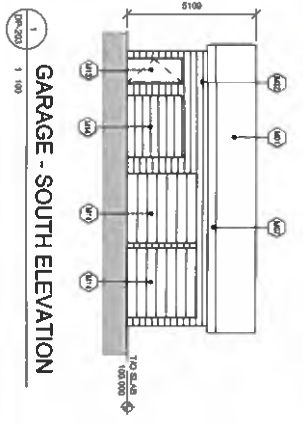
Please feel free to email Libby Macphail, Planner at the City's Planning and Lands Division at [lmacphail@yellowknife.ca](mailto:lmacphail@yellowknife.ca) if you have any questions about this notice or the proposed conditionally permitted use.

Please address written comments to: Libby Macphail  
Planner  
City of Yellowknife, Planning & Lands Division  
P. O. Box 580  
Yellowknife, NT, X1A 2N4



KEY #	DESCRIPTION
M01	ASPHALT SHINGLES ROOFING, DARK GREY
M02	METAL SIDING, HORIZONTAL, REFER TO DRAWING DP-203 FOR COLOURS
M03	METAL SIDING, VERTICAL, REFER TO DRAWING DP-203 FOR COLOURS
M04	METAL SIDING
M05	MANUFACTURED STONE, ADHERED VENEER
M06	HEAVY TIMBER STRUCTURE, STAINED
M07	METAL FLASH, REFER TO DRAWING DP-203 FOR COLOURS
M08	METAL TRIM, REFER TO DRAWING DP-203 FOR COLOURS
M09	INSULATED ALUMINUM WINDOW
M10	INSULATED ALUMINUM DOOR
M11	GLASS BLOCK WINDOW
M12	ALUMINUM STORMDOOR DOOR
M13	INSULATED METAL DOOR, PAINTED
M14	INSULATED SECTIONAL OVERHEAD DOOR
M15	METAL PAINTER, RED
M16	CEMENT PARQUING FINISH ON EXPOSED FOUNDATIONS

MAIN ENTRANCE



Client/Project  
**AVENS, A Community for Seniors**  
**AVENS PAVILION**  
 2710 30TH AVENUE, TELKOMER, AB  
 (CALGARY)

Issue  
**EXTERIOR ELEVATIONS**

Project No. 144213025  
 Scale 1:100  
 Revision Drawing No. DP-203

Author  
 Designer  
 Checker  
 Date 2024.11.22

DP-203

DESIGN BUILDERS  
**NAVAANT CONSTRUCTION LTD.**  
 100 Veterans Drive, Yorkville, AB T1A 9P6  
 Tel: (403) 823-2972  
 Fax: (403) 823-9420

Stantec

STANTEC ARCHITECTURE LTD.  
 225 5TH STREET SW  
 CALGARY, ALBERTA T2P 2W2  
 Tel: (403) 243-1140 / Fax: (403) 243-1140  
 www.stantec.com

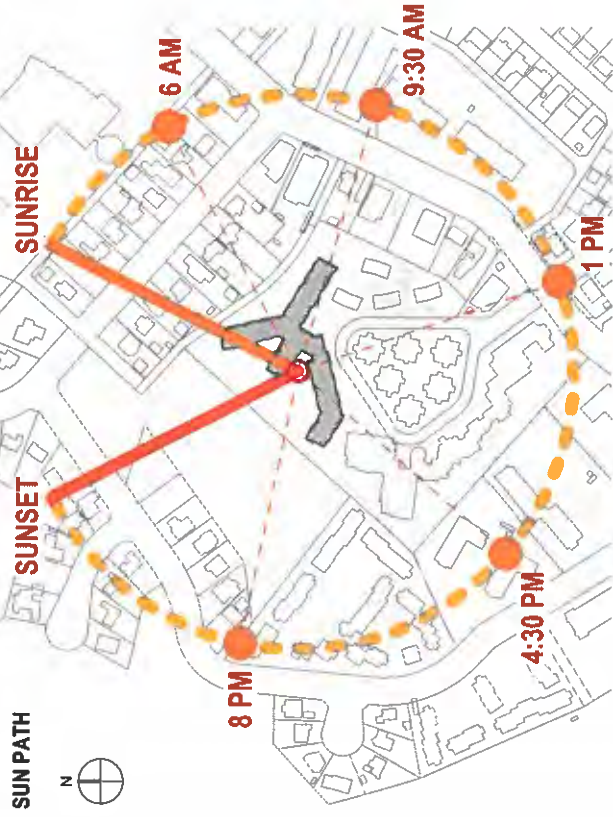
Copyright Reserved  
 No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Stantec Architecture Ltd. or Navant Construction Ltd.

Legend

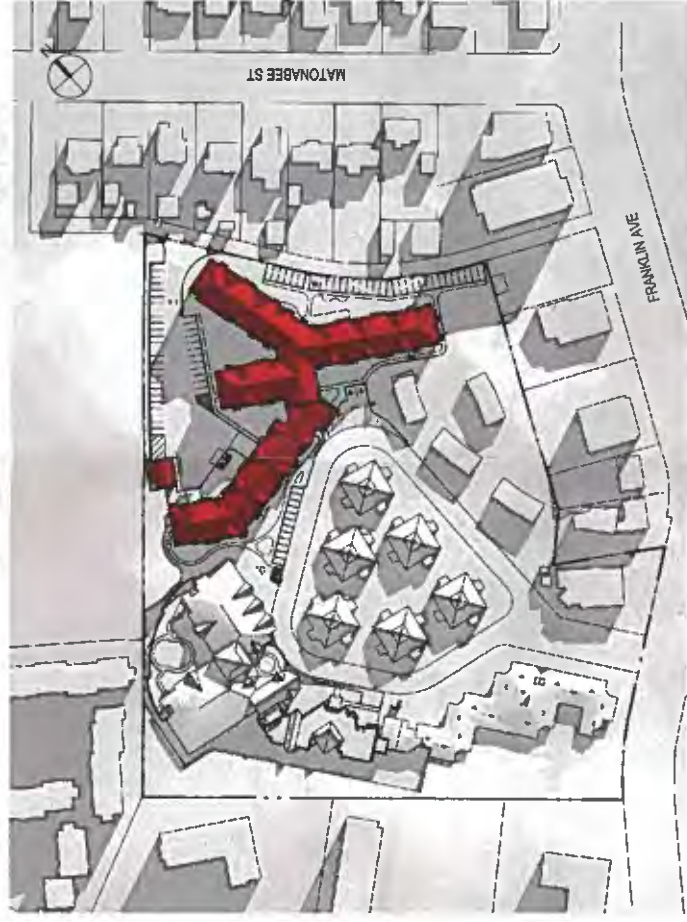


**SHADOW STUDY - SUMMER SOLSTICE**

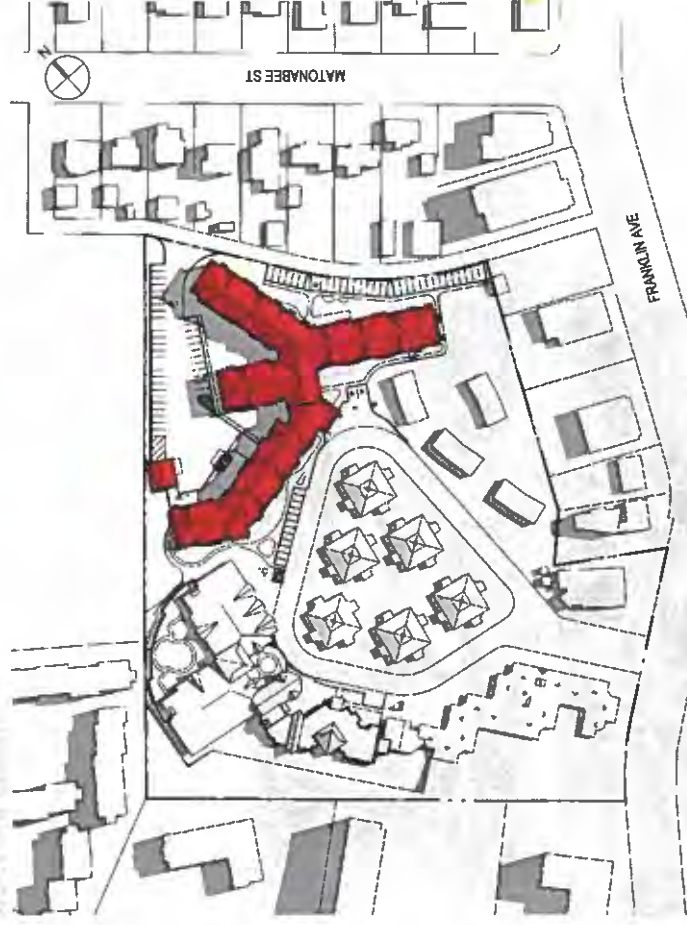
LOCATION: YELLOWKNIFE, NT    LATITUDE: 62° 26' 32" N, LONGITUDE: 114° 23' 41" W  
 DATE: JUNE 20  
 SUNRISE: 3:38 AM  
 SUNSET: 11:40 PM  
 TIMEZONE: UTC-6:00, MOUNTAIN DAYLIGHT TIME



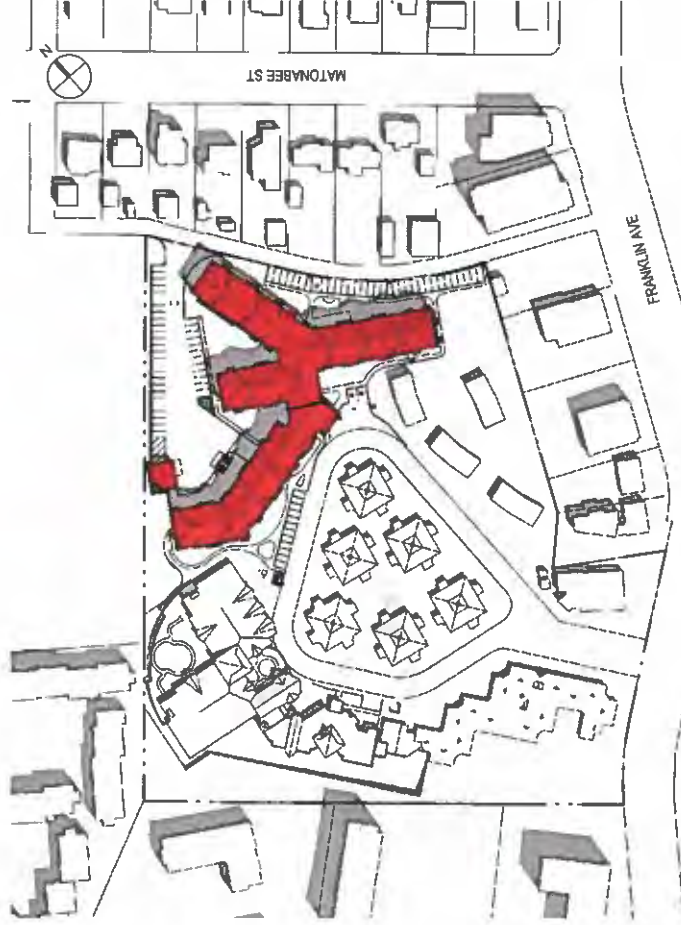
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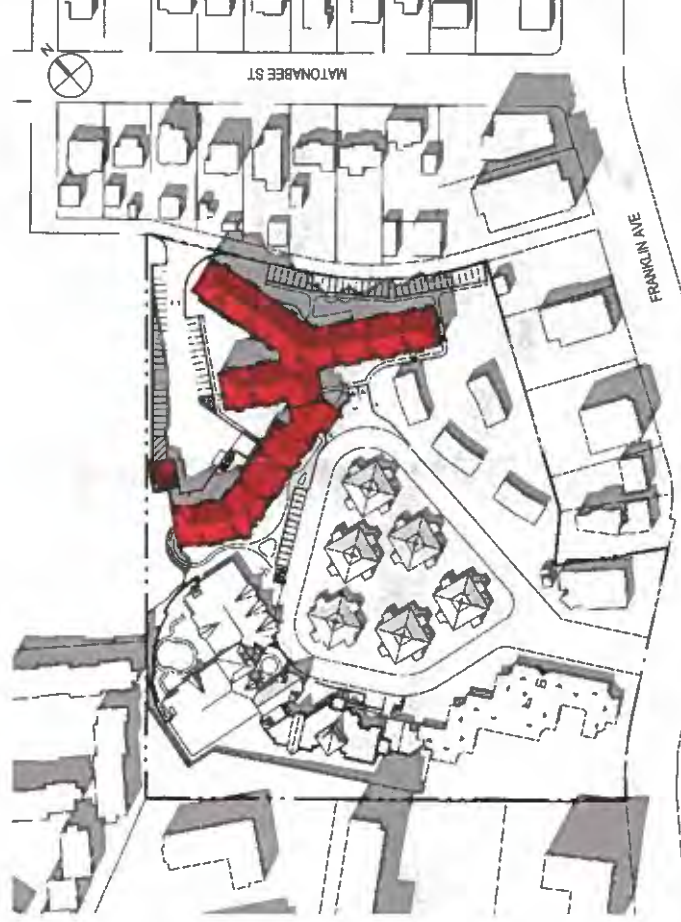
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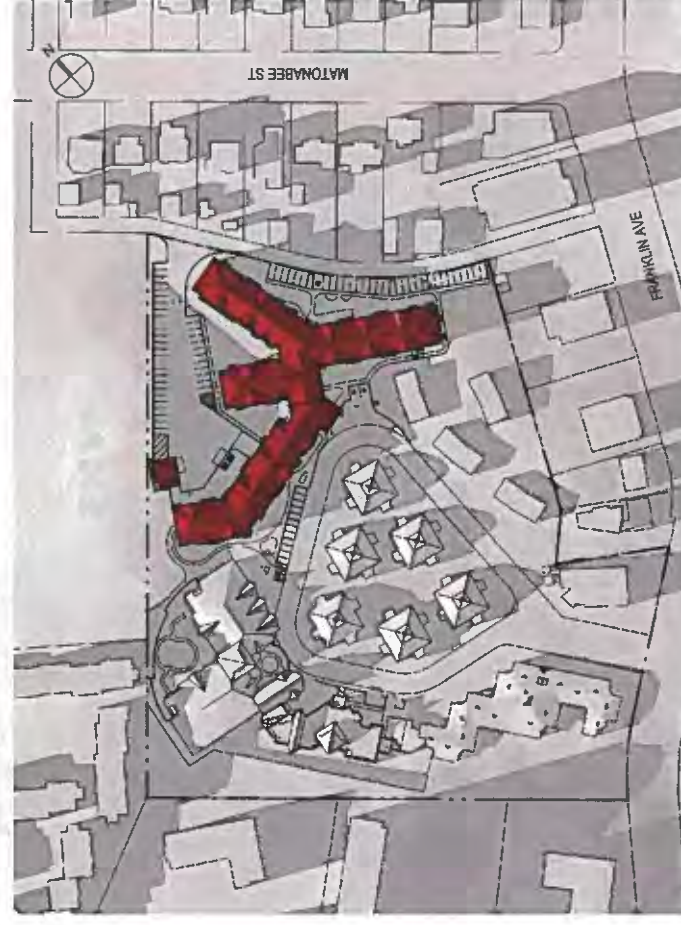
1:00 PM



4:30 PM



8:00 PM



DATA SOURCE: CITY OF YELLOWKNIFE - OPEN DATA (<https://opendata.yellowknife.ca/>)  
 - CITY OF YELLOWKNIFE BUILDINGS  
 - CITY OF YELLOWKNIFE CONTOUR LINES  
 - CITY OF YELLOWKNIFE PROPERTY PARCELS



**AVEN PAVILION**

5710, 50TH AVENUE, YELLOWKNIFE, NT

SHADOW STUDY - SUMMER SOLSTICE

144213525

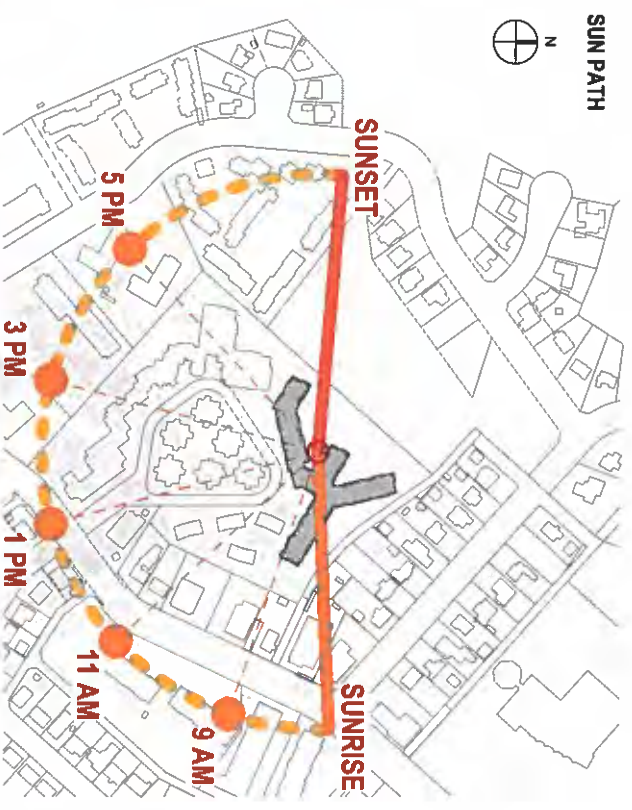
2020/08/20



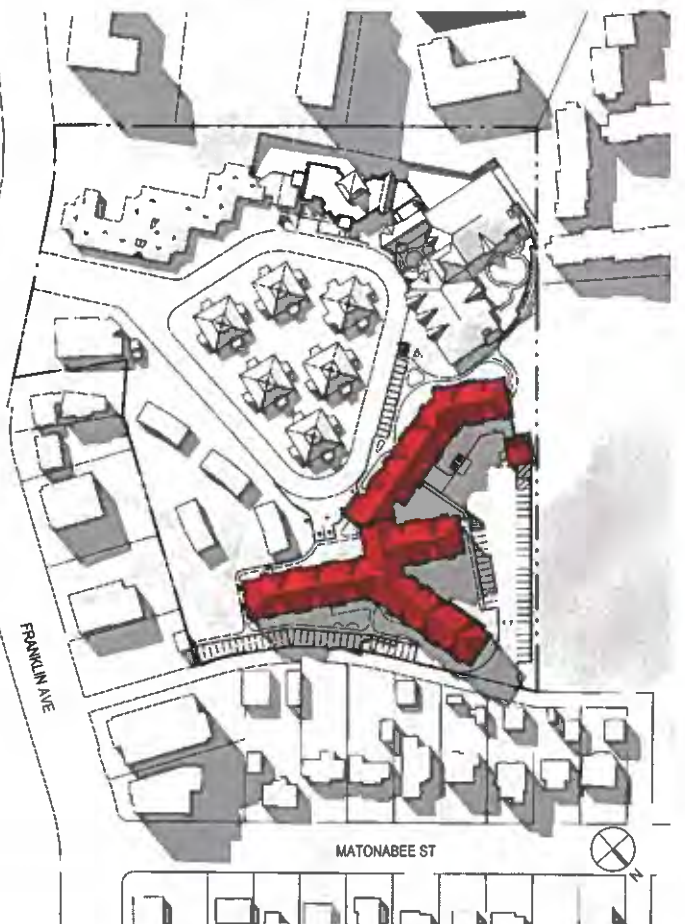
**AVENS**  
 A Community for  
 Seniors

**SHADOW STUDY - SPRING / AUTUMN EQUINOX**

LOCATION: YELLOWKNIFE, NT    LATITUDE: 62° 26' 32" N, LONGITUDE: 114° 23' 41" W  
 DATE: MARCH 20 / SEPTEMBER 22  
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 SUNSET: 7:55 PM / 7:36 PM  
 TIMEZONE: UTC-6:00, MOUNTAIN DAYLIGHT TIME



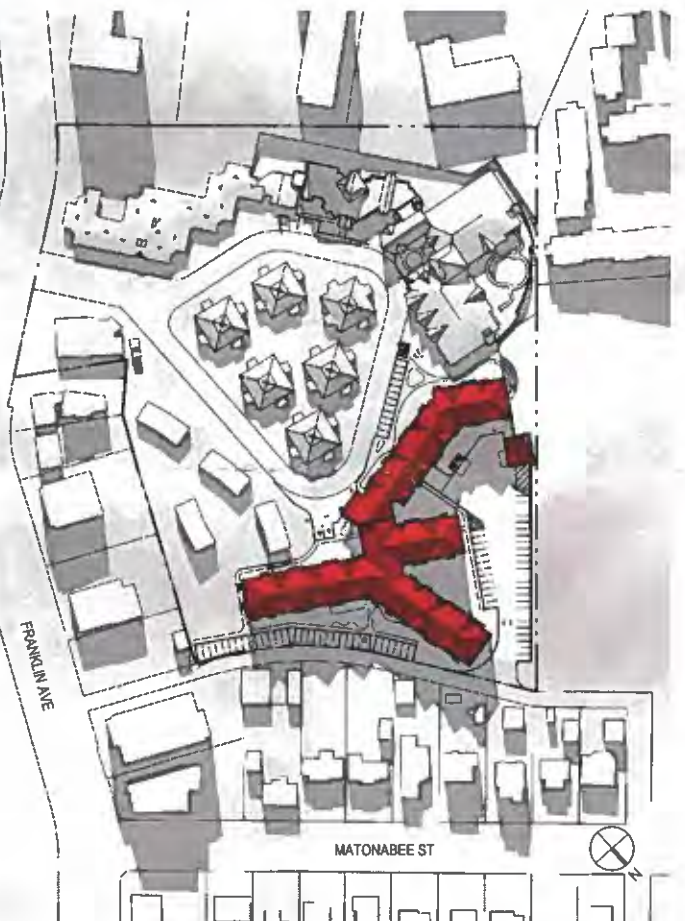
1:00 PM



9:00 AM



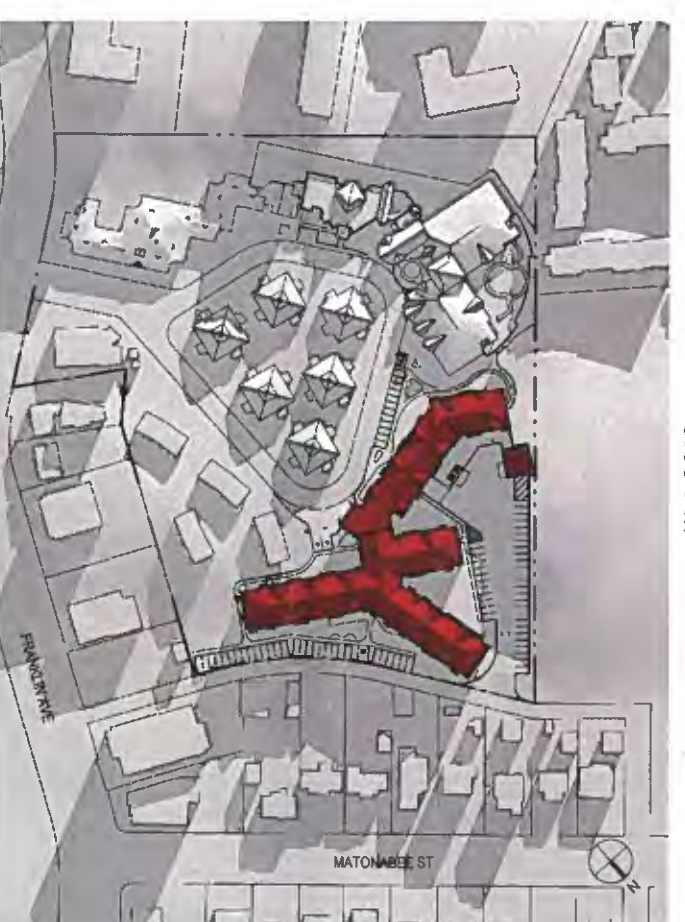
3:00 PM



11:00 AM



5:00 PM



DATA SOURCE: CITY OF YELLOWKNIFE - OPEN DATA (<https://opendata.yellowknife.ca/>)  
 - CITY OF YELLOWKNIFE BUILDINGS  
 - CITY OF YELLOWKNIFE CONTOUR LINES  
 - CITY OF YELLOWKNIFE PROPERTY PARCELS



**AVEN PAVILION**  
 5710, 50TH AVENUE, YELLOWKNIFE, NT

SHADOW STUDY - SPRING / AUTUMN EQUINOX  
 144213525    2020/08/20



AVENS  
 A Community for Seniors



CITY OF YELLOWKNIFE

## GOVERNANCE AND PRIORITIES COMMITTEE REPORT

**Monday, February 1, 2021 at 12:05 p.m.**

Report of a meeting held on Monday, February 1, 2021 at 12:05 p.m. via videoconference. The following Committee members were in attendance:

Chair: Mayor R. Alty,  
Councillor N. Konge,  
Councillor S. Morgan,  
Councillor J. Morse,  
Councillor C. Mufandaedza,  
Councillor S. Payne,  
Councillor R. Silverio,  
Councillor S. Smith, and  
Councillor R. Williams.

The following members of Administration staff were in attendance:

S. Bassi-Kellett,  
D. M. Gillard,  
C. Greencorn,  
J. Hunt-Poitras  
G. Littlefair,  
R. Lok,  
K. Thistle,  
G. White,  
S. Woodward, and  
S. Jovic.

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<u>Item</u>	<u>Description</u>
1.	(For Information Only) There were no disclosures of pecuniary interest.
2.	(For Information Only) Committee heard a presentation from Colin Baile, an adjacent property owner, regarding an application for a Development Permit for a Conditionally Permitted Use (Special Care Facility) at Avens (5710 50 <sup>th</sup> Avenue) for a Seniors Independent & Supportive Living Facility



and Council's jurisdiction and responsibilities. Mr. Baile noted that adjacent landowners have several significant concerns about the proposed development and the profound negative impact it will have on the use, enjoyment and value of the neighbourhood residential properties. Mr. Baile further noted that they are in support of Avens' development of its campus; however he noted the following concerns with application deficiencies and negative impacts to the neighbouring properties: Non-compliance with Zoning By-law No. 4404; Safety and undue traffic volume increase to Matonabee Street and Matonabee Street Alley; Negative impact caused by shadow; Drainage of surface runoff water; Light and noise pollution; Adjacent properties privacy; and Impact on market value of adjacent properties.

(For Information Only)

3. Committee heard a presentation from Marilyn Malakoe, an adjacent property owner, regarding an application for a Development Permit for a Conditionally Permitted Use (Special Care Facility) at Avens (5710 50<sup>th</sup> Avenue) for a Seniors Independent & Supportive Living Facility. Ms. Malakoe noted that she supports the goals of Avens, a community for seniors. Ms. Malakoe further noted she supported the 2013 Avens Pavilion, a 60 bed facility. Ms. Malakoe stated that the current design for the 2021 Avens Pavilion appears to have sacrificed the safety and well-being of seniors and citizens who use the surrounding neighbourhood. Ms. Malakoe further stated that the decision to have nearly all of the vehicle access to the Avens Pavilion through the Matonabee Street alleyway creates a danger of injury or loss of life. Ms. Malakoe advised that the alleyway will not accommodate emergency vehicles or the level of traffic or parking for the 102 independent seniors; as such it should not be the main access to the Pavilion. Ms. Malakoe further advised that the 2021 Avens Pavilion should be redesigned and located near the other buildings of the campus. Ms. Malakoe also stated that both the front and the rear of the 2021 Avens Pavilion should be accessed exclusively from the main internal road of the Avens campus.

(For Information Only)

4. Committee heard a presentation from Judy Murdock, an adjacent property owner, regarding an application for a Development Permit for a Conditionally Permitted Use (Special Care Facility) at Avens (5710 50<sup>th</sup> Avenue) for a Seniors Independent & Supportive Living Facility. Ms. Murdock noted that she supports the Avens mission and expansion of its campus. Ms. Murdock noted concerns with excessive and dangerous usage of a one-lane alley and the drainage of surface runoff water in her back yard.
5. Mr. Daryl Dolynny, CEO of Avens; Thomas Milan, Project Manager; Kenny Ruptash, a representative of Nahanni Construction Ltd.; and Kelly Hayden, Board Member were in attendance to answer questions.
6. **Committee read a memorandum regarding whether to approve a Conditionally Permitted Use (Special Care Facility) at Avens (5710 50<sup>th</sup> Avenue) for a Seniors Independent & Supportive Living Facility.**

Committee noted that on December 2, 2020, the City of Yellowknife (City) received an application for a Development Permit (PL-2020-0335) for a Conditionally Permitted Use (Special Care Facility) at Lot 43, Block 62, Plan 4252 (5710 50<sup>th</sup> Avenue).

The proposed 102 unit Special Care Facility is a mix of independent housing and supportive living, intended to fill gaps in affordable seniors housing that exist in Yellowknife and the NWT more broadly. The proposed facility is funded by the Canada Mortgage and Housing Corporation, the Government of the Northwest Territories, as well as by Avens directly. The facility is designed to transition to more acute levels of care as seniors age. The self-contained bedroom suites can be altered to become supportive living units or seniors can easily access living and care scenarios in other Avens facilities.

Transitional housing units that can be adapted to meet senior’s needs is in alignment with “Aging-in-Place” principles—which is defined as when health and social supports are in place in order for seniors to live safely and independently in the community for as long as they wish and are able to. Figure #1 below provides a point of reference.



Committee noted that Council’s policies, resolutions or goals include:

- |                 |  |
|-----------------|--|
| Council Goal #4 | Driving strategic land development and growth opportunities. |
| Objective #4.1  | Diversify development options.                               |
| Objective #4.2  | Promote development across the City.                         |

Committee noted that applicable legislation, by-laws, studies or plans include:

1. *Community Planning and Development Act* S.N.W.T. 2011, c.22;
2. Community Plan By-law (2020) No. 5007;
3. Zoning By-law No. 4404, as amended; and
4. Land Administration Bylaw No. 4596, as amended.

Committee noted the following considerations:

Legislative

The City is granted the authority to control land uses by way of a Zoning By-law under Section 12 of the *Community Planning and Development Act*.

2020 Community Plan

The subject land is designated in the 2020 Community Plan as Downtown—Central Residential, which is identified as a transition area between the high-density downtown core and other area designations like the Recreation Hub and Old Town. The area is lower density residential, but due to easy access to services located in the downtown, it is suitable for higher density residential through infill. The proposed Special Care Facility, with a predominately residential use, is considered an infill project and the proposed development is in keeping with the intentions of the land designation.

The 2020 Community Plan identifies the 50+ years of age cohort as the fastest growing segment of the population and this group is choosing to stay in the North instead of retiring to southern provinces, as previous generations have chosen. As this population continues to age, they will be looking to transition to smaller housing units and supportive living scenarios within Yellowknife. The proposed facility will play a key role in ensuring that this demand is met and that seniors housing is adequate, affordable, and suitable.

Zoning By-law No. 4404

Section 2.4(1)(a) of the Zoning By-law states that Council shall:

*“Make decisions and state any terms and conditions for development permit applications for those uses listed as Conditionally Permitted Uses.”*

Zones within the Zoning By-law list the land uses that are permitted on an applicable parcel of land. In addition, zones may also list a series of Conditionally Permitted Uses (discretionary uses) that may be permitted by Council after due consideration is given to the impact of the use upon neighbouring parcels of land and other lands in the City.

The subject property is zoned Residential—Medium Density (R3). The purpose of the zone is to provide areas for medium density residential development with a mixture of residential buildings. The surrounding area includes multi-family and multi-attached dwellings, single detached dwellings, and parks and natural space. The proposed Independent/Supportive Living Facility is considered a “Special Care Facility” in the Zoning By-law as it provides supervisory, nursing, and home-making services to occupants. The level of care ranges from independent living with each unit having a washroom and kitchen area to supportive living where assistance is provided for daily activities such as housekeeping, meals in the cafeteria or nursing care.

Section 3.4 (3)(a) of the Zoning By-law states that, in reviewing an application for a Development Permit for a Conditionally Permitted Use, Council shall have regard to the circumstances and merits of the application, including, but not limited to:

- “i) The impact on properties in the vicinity of such factors as airborne emissions, odors, smoke, traffic and noise, sun shadow and wind effects;*
- ii) The design, character and appearance of the proposed development, and in particular whether it is compatible with and complementary to the surrounding properties, and;*
- iii) The treatment provided to site considerations including landscaping, screening, parking and loading, open spaces, lighting and signs.”*

Traffic and Site Access

The proposed development plan demonstrates a significant shift towards the use of the “Matonabee Laneway” as a main point of access for parking and delivery rather than the 57<sup>th</sup> Street “Avens campus loop”. Administration has identified operational concerns with the proposed site access. Delivery trucks and garbage trucks will have difficulty circulating in the area under current conditions. As well, the “Matonabee Laneway” does not meet the emergency access standards set by the National Building Code. Administration is working with the developer to identify an option that ensures access meets City Standards and negative impacts on neighbouring properties created by traffic from the development is mitigated.

Development Permit Details

As per Section 3.4 (2) & (4) of the Zoning By-law, Council can discuss and recommend conditions when approving applications for Conditionally Permitted Uses, and may establish a more stringent standard for a Conditionally Permitted Use when deemed necessary to do so. The chart below provides a brief summary of the development’s alignment with the remaining applicable factors outlined in Section 3.4 (3)(a):

Consideration	Alignment
Parking and Loading	Parking and loading requirements have been met. Of the 88 total parking stalls provided, 71 parking stalls will be built new, and 17 stalls will be existing. 2 loading spaces are provided.
Sun Shadow Effects	The applicant has submitted a Sun Shadow Study, which demonstrates minor shadowing impacts in the spring, summer and fall months during the evening hours. The proposed structure meets height and rear & side yard setback requirements for the R3 Zone.
Design, Character & Appearance	The building design and appearance is residential in nature, and utilizes various siding colours and materials, gabled roof types, double-hung windows and residential doors.
Landscaping	All residual area on the lot is required to be landscaped in accordance with Section 7.1 (2) of the Zoning By-law. The developer has submitted a landscaping plan that demonstrates compliance with this requirement.

Lighting	The applicant has demonstrated a commitment that lighting will be arranged so that no direct rays or light are projected to adjacent properties in accordance with Section 7.1 and 9.1 of the Zoning By-law.

Any conditions recommended by Council will be applied to the development permit. Finalized plans and studies will be approved by the Development Officer as part of the last steps of the development permit process.

Neighbourhood Notification

The *Community Planning and Development Act* and Section 3.7 (2) of the Zoning By-law specify that all property owners within 30 metres of land under consideration for a Conditionally Permitted Use must be provided notice.

Owners and lessees of land within 30 metres of the subject property received a letter prepared by staff advising of the proposed facility, a detailed site plan, building elevations, and the results of a sun shadow study. The owners and lessees in the neighbourhood requested additional time to consider the application and the applicants have requested more time to engage and provide relevant documentation directly.

A community session was held by the applicant regarding the development on January 19, 2021 at 7:30 p.m. The session was well attended by nearby neighbours of the site. Administration attended to provide more details on the conditionally permitted use development permit process, and the Avens project team discussed the proposed expansion plans and studies in detail, as well as answered questions. The deadline for comment has been extended from January 13, 2021 until January 28, 2021 at 9:00 a.m. The chart below provides a summary of the comments that were submitted and received by the deadline.

Summary of Public Comments	Staff Response
Traffic impacts due to use of “Matonabee Laneway” as primary access	A draft Traffic Impact Study was submitted by the Developer as a requirement of the development permitting process. Administration has provided a response to this study in order to ensure off-site vehicular circulation is considered, potential points of conflict are identified, and mitigations are proposed. A finalized study is a requirement of the development permit process.
Concerns about laneway condition due to inadequate drainage	A final Traffic Impact Study will give consideration for paving the laneway to accommodate the increased trip generation, at cost to the developer. Paving will also require that drainage along the laneway is adequate so as to not create standing water.
Classification of proposed development as “Special Care Facility” is inappropriate	The proposed development can be classified as a “Special Care Facility” as the facility contains supportive living and independent living scenarios, dependent on Senior’s needs. Each independent living unit can be transitioned to a supportive living unit, to better adapt to the demands of the 50+ cohort. As seniors age, they can access higher levels of care without having to move from their self-contained unit.
Concerns that the Pavilion does not meet Density requirements for the R3 Zone	The City has received a proposed subdivision from the applicant that adjusts the interior lot line to accommodate the development. Approval of the subdivision by the GNWT will be a condition of the development permit.
Privacy and Noise Concerns	The proposed structure meets height and rear & side yard setback requirements for the R3 Zone. The Noise Bylaw controls noise within the City of Yellowknife, and specifies quiet hours between the hours of 11:00 pm to 7:00 am.

Committee noted that pursuant to the Community Plan, the proposed infill development is suitable for the Downtown—Central Residential Designation and will play a key role in ensuring the 50+ age group has housing that is adequate, affordable, and suitable into the future. The proposed Special Care Facility supports Aging-in-Place principles by ensuring that as occupants age, their needs will be met. The Zoning By-law allows for a Special Care



Facility as a Conditionally Permitted use in the Residential Medium Density (R3) Zone. Administration will work with the developer during the remainder of the development permit process to ensure access to the proposed development meets City standards and traffic impacts are mitigated.

(For Information Only)

7. Councillor Silverio left the meeting at 1:12 p.m.

(For Information Only)

8. Committee continued its discussion regarding a memorandum regarding whether to approve a Conditionally Permitted Use (Special Care Facility) at Avens (5710 50<sup>th</sup> Avenue) for a Seniors Independent & Supportive Living Facility.

(For Information Only)

9. Committee recessed at 1:35 p.m. and reconvened at 1:45 p.m.

(For Information Only)

10. Committee continued its discussion regarding a memorandum regarding whether to approve a Conditionally Permitted Use (Special Care Facility) at Avens (5710 50<sup>th</sup> Avenue) for a Seniors Independent & Supportive Living Facility. Committee noted that Administration has identified operational concerns with the proposed site access and is working with the developer to identify an option that ensures that the access meets City Standards and mitigates any negative impact on neighbouring properties that may be caused by traffic from the development.

**Committee recommends that Council approve the Conditionally Permitted Use (Special Care Facility) at Lots 43 and 44, Block 62, Plan 4252 (5710 50<sup>th</sup> Avenue).**

#### MOVE APPROVAL

11. **Committee read a memorandum regarding whether to select properties to auction for tax arrears, when to hold the auction, and what minimum price to establish for each property.**

Committee noted that the *Property Assessment and Taxation Act (PATA)* states that properties on the Tax Arrears List may be offered for sale at a public auction, and that the auction date and minimum sale prices must be set by Council.

Council Motions #0091-00, #0039-02, and #0161-02 established the City's Tax Auction policy, which further stipulates that the City will sell property at public auction when taxes are two years in arrears and if auctioning maximizes the amount of taxes the City is able to collect, and that the City will bid the minimum price on property offered at a tax auction if the property remains unsold after a previous auction.

When property taxes are in arrears, the assessed owners of these properties are notified of the balance of taxes owing on the Interim Tax Notices sent each January, the Final Tax Notices sent each June, and Statements of Account sent throughout the year.

Based on the *PATA* provisions and City policy, properties with tax arrears for the 2019 taxation year are now subject to auction.

The City followed the notification procedures specified in *PATA* to ensure assessed owners of these properties are advised of the arrears status and tax sale provisions by:

- Posting the 2019 tax arrears list at City Hall on March 31, 2020;
- Sending a registered letter notifying the assessed owner(s) of the arrears and tax sale provisions on April 28, 2020;
- Posting the tax arrears list at City Hall, YKCA, Multiplex, Fieldhouse and Pool on May 30, 2020;
- Publishing the tax arrears list in the *Yellowknifer* on July 24, 2020; and
- Notifying parties with an interest registered against the property on July 30, 2020.

Assessed owners who remained in arrears were offered installment payment plans on April 28, 2020 and reminded of the offer on subsequent notices. If they did not enter into a payment plan, the property was added to the Tax Auction List in Appendix A.

A property can be removed from the Tax Auction List if the City receives payment of the property tax arrears and related expenses or if the assessed owner enters into a payment plan with the City before the public auction.

Committee noted that Council's policies, resolutions or goals include:

On March 27, 2000, Council adopted the following policy:

Motion #0091-00            That the City sell property at public auction, in accordance with the *Property Assessment and Taxation Act*, when taxes are two years in arrears.

On January 28, 2002, Council adopted the following policy:

Motion #0039-02            That the City bid the minimum price on property offered at a tax auction if the property remained unsold after a previous auction.

On April 8, 2002, Council amended the above policy to state:

Motion #0161-02            That the City sells property at the public auction, in accordance with the *Property Assessment and Taxation Act*, when the taxes are two years in arrears and if auctioning of the property maximizes the amount of taxes the City is able to collect.

Committee noted that applicable legislation, by-laws, studies or plans include:

1. *Property Assessment and Taxation Act*, R.S.N.W.T. 1988, cP-10; and
2. *Cities, Towns, and Villages Act*, S.N.W.T. 2003, c22.



Committee noted the following considerations:

Legislative

The *Property Assessment and Taxation Act* prescribes the tax auction process, including notification, conduct of the auction, and transfer of the property. The City has followed the notice requirements and the City's solicitor conducts the auction and property transfers.

Council decides, by resolution, which properties, if any, it wishes to offer for sale at public auction. Council sets, by resolution, the date of the auction and the minimum sale price of each property.

Procedural Considerations

It is Council policy to sell property at public auction, in accordance with the *Property Assessment and Taxation Act*, when the taxes are two years in arrears. Taxpayers with arrears less than \$100 have not been included.

Under section 97.3(3) and (4) of the *Property Assessment and Taxation Act*, after entering into an installment payment agreement, the City is authorized to proceed with the sale of the taxable property if the assessed owner fails to comply with the terms of the agreement.

As part of the tax auction process, the taxpayer can redeem the property within 30 days of the auction by paying the tax arrears.

The City may bid on and purchase a property that is offered for sale so long as the purchase falls within the circumstances that the City is able to acquire property under the *Cities, Towns and Villages Act*. No municipal council member, officer or employee may purchase, on his or her own behalf, any taxable property offered for sale, unless the Minister of Finance has given prior approval.

Committee noted that the City adheres strictly to *PATA* provisions in respect to all taxation practices, including the tax arrears collection process. This helps minimize tax arrears, reduces the City's provision for bad debts, and works towards ensuring the tax burden is borne as equitably as possible.

The recommendation follows the same principles as applied in previous years: when taxpayers know the exact conditions under which a tax auction will be held, property taxes are more likely to be paid and/or arrears payment plans to be signed before the tax auction process starts. This is evident in the numbers from the last five years:

<i>Tax Year</i>	2015	2016	2017	2018	2019
# of Properties on the Initial Tax Auction List	18	16	16	13	28
# of Properties on the Tax Auction List on the Auction Date	3	3	2	2	5
# of Properties Auctioned and Sold	1	1	0	0	1

**Committee recommends that, in accordance with the *Property Assessment and Taxation Act*, Council direct Administration to auction the properties listed in Appendix A at City Hall at 9:00 a.m. (MST) on Friday, June 11, 2021, and to set the minimum price for each property at 50% of the assessed value listed for that property.**

**Appendix A  
Tax Auction List**

Municipal Address	Legal Description			2019 Total Arrears	2021 Assessed Value	Minimum Auction Price
	Lot	Block	Plan			
5018 49 ST #604	UNIT 29		C-2157	\$165.21	\$119,890	\$59,945
5125 50 ST	13	37	65	\$367.19	\$919,570	\$459,785
208 NIVEN DR	112	308	4541	\$500.71	\$48,530	\$24,265
324 BELLANCA AVE	UNIT 193		4729	\$626.24	\$272,720	\$136,360
417 NORSEMAN DR	UNIT 60		4729	\$1,034.29	\$167,920	\$83,960
5012 54 ST	34	60	2437	\$1,080.94	\$483,160	\$241,580
5612 50 AVE #304	UNIT 11		C-2655	\$1,145.44	\$120,500	\$60,250
5600 52 AVE #405	UNIT 48		C-4065	\$1,222.96	\$129,000	\$64,500
58 MANDEVILLE DR	35	541	1978	\$1,638.22	\$299,760	\$149,880
163 ENTERPRISE DR	12	536	2094	\$1,834.29	\$863,010	\$431,505
644 ANSON DR	UNIT 33		4729	\$2,131.23	\$141,900	\$70,950
582 CATALINA DR	UNIT 80		4729	\$2,490.56	\$185,280	\$92,640
542 CATALINA DR	UNIT 100		4729	\$2,654.66	\$53,310	\$26,655
164 BORDEN DR	13	558	2071	\$2,734.87	\$289,620	\$144,810
136 DEMELT CRES	13	551	3826	\$3,145.55	\$332,540	\$166,270
1 CAMERON RD	8	533	1991	\$3,358.84	\$377,960	\$188,980
262 BORDEN DR	3	562	2072	\$4,057.01	\$296,210	\$148,105
326 BELLANCA AVE	UNIT 192		4729	\$4,079.86	\$201,250	\$100,625
5504 50A AVE	16	105	483	\$4,616.04	\$293,770	\$146,885
627 WILLIAMS AVE #200	UNIT 7		C-4438	\$4,757.24	\$211,200	\$105,600
558 CATALINA DR	UNIT 92		4729	\$4,774.79	\$77,360	\$38,680
187 MAGRUM CRES	30	564	2391	\$4,791.99	\$321,070	\$160,535
159 WILKINSON CRES	55	561	2264	\$4,879.44	\$389,020	\$194,510
638 ANSON DR	UNIT 36		4729	\$5,387.47	\$98,810	\$49,405

Municipal Address	Legal Description			2019 Total Arrears	2021 Assessed Value	Minimum Auction Price
	Lot	Block	Plan			
322 BELLANCA AVE	UNIT 194		4729	\$6,909.00	\$89,560	\$44,780
883 BIGELOW CRES	UNIT 6		C-2007	\$7,070.69	\$284,440	\$142,220
12 HORDAL RD	6	546	1665	\$7,144.10	\$274,390	\$137,195
132 CURRY DR #B	21	503	1578	\$7,533.89	\$551,280	\$275,640
308 BELLANCA AVE	UNIT 201		4729	\$8,160.78	\$143,620	\$71,810
213 WOOLGAR AVE	7	510	1080	\$10,278.92	\$384,710	\$192,355
616 ANSON DR	UNIT 47		4729	\$12,878.10	\$156,710	\$78,355
356 OLD AIRPORT RD #A	4	SUBD 1	515	\$13,248.49	\$1,459,790	\$729,895
4815 54 AVE	8	89	482	\$13,853.10	\$330,840	\$165,420
639 ANSON DR	UNIT 20		4729	\$17,003.71	\$132,440	\$66,220
632 ANSON DR	UNIT 39		4729	\$20,114.14	\$193,600	\$96,800
106 TALTHEILEI DR	6	537	2094	\$26,240.33	\$749,090	\$374,545
104 TALTHEILEI DR	7	537	2094	\$28,883.55	\$581,860	\$290,930

**MOVE APPROVAL**

(For Information Only)

12. Councillor Smith left the meeting at 2:01 p.m.

(For Information Only)

13. Committee accepted for information the Minutes of the Community Advisory Board on Homelessness meetings of December 3 and December 10, 2020.

14. The meeting adjourned at 2:02 p.m.

**Written Submissions of Impacted Adjacent Landowners  
To the Yellowknife City Council  
Regarding an Application for a Development Permit by:  
Avens – A Community for Seniors; Lot 43 Block 62, Yellowknife**

**Council's Jurisdiction and Responsibilities  
In Regard to a Conditionally Permitted Use Development Permit Application**

**Introduction:**

[1] This submission is made in response to the comments made by the Committee Chairperson and City Administrator at the January 25, 2021 meeting (hearing) of the Governance and Priorities Committee.

[2] The comments in question were in regard to the Council's role in consideration of a Conditionally Permitted Use Development Permit Application. Both individuals stated the Council's role in the process of considering such an application is to rule only on the Conditionally Permitted Use aspect of the application, and the remaining "nuts and bolts" of the Development Permit Application would be addressed by City administration; specifically the Development Officer.

[3] Respectfully, that position is both misleading and inaccurate.

[4] The intention of this submission is to inform Council Members of their statutory authorities and responsibilities surrounding a Conditionally Permitted Use Development Permit Application.

**Legal Framework:**

[5] In order to fully understand the authority (jurisdiction) and responsibilities of Council in hearing the Application for a Development Permit at hand, it is important to appreciate the source and scope of that authority. To do so, it is necessary to look at the legal landscape, which dictates the actions of Council and City Administration.

[6] There are two levels of legislation to be considered in addressing this question; Territorial and Municipal. Each will be examined individually.

Territorial Legislation

[7] Municipal bylaws are subservient to Territorial legislation. The Territorial statute, which provides overarching direction to municipalities concerning planning and development is the *Community Planning and Development Act*<sup>1</sup> (the Act).

### Development Authority

[8] The Act directs that a municipal zoning bylaw must identify either Council or a Development Officer or both as THE Development Authority.

[9] The Act defines “Development Authority” as:

“development authority” means a development authority identified in a zoning bylaw in accordance with subsection 16(1);

[10] Section 16 of the Act clearly states the Development Authority must be either Council or a Development Officer or both. Where **both** Council and a Development Officer are given Development Authority concerning an individual development permit application, the zoning bylaw must identify what aspects of the application is the responsibility of Council, and which aspects fall to a Development Officer.

16. (1) A zoning bylaw must identify either council or a development officer appointed under section 52, or both, as the development authority responsible for

- a) making decisions on applications for each type of development permit; and
- b) other powers and duties of a development authority under this Act, the regulations and the zoning bylaw that relate to the use and development of land and buildings.

(2) A zoning bylaw that identifies both council and a development officer as development authorities for a type of development permit, or in respect of other powers and duties, must include provisions respecting the circumstances under which each will act.

In the absence of such “shared” authority being specified in the zoning bylaw, all decision-making authority rests with the solely identified Development Authority.

[11] The second relevant part of the *Community Planning and Development Act* deals with a municipality’s Community Plan.

### Community Plan

[12] The Act provides several directives to municipalities, which are relevant to the application presently before the Council. The Act requires a municipality to submit to the Minister responsible, a Community Plan. At section 3(1) of the Act, the purpose of the Community Plan is stated to be:

3. (1) The purpose of a community plan is to provide a policy framework to guide the physical development of a municipality, having regard to sustainability, the environment, and the economic, social and cultural development of the community.

[13] The City’s Community Plan was adopted by Council in 2020 and became Bylaw 5007-Community Plan<sup>2</sup>. It is clear from the Community Plan that Council seeks to allow for greater housing density in certain parts of the City.

[14] The Lot of the proposed development and the adjacent residential properties fall within the ‘Central Residential’ area. (4.1.2 Community Plan). At page 25, the Community Plan notes the limited use of allies or “back laneways”:

Back laneways exist from 46th Street to 56th Street that allow road access to the back of the lots that could accommodate smaller alternative forms of infill such as secondary suites, mixed-use amenities or urban agriculture activities.

[15] The City's Zoning By-law Review provides a proposed vision of the "Central Residential" zone<sup>3</sup>. A description is provided: "*To provide an area for low and medium density residential development that supports a transition to higher density residential, mixed use commercial and institutional development and other compatible uses in the area closest to the City Core.*"

[16] Neither the Community Plan, nor the proposal for zoning bylaw amendments, speak to the criteria that will be used in the consideration of development permits.

[17] The City's previous Community Plan (repealed Bylaw 4656) did address some criteria when considering a development permit in a residential zone<sup>4</sup> at section 4.1:

1. Compatibility of intensification proposals shall be assessed based on the following compatibility criteria, which shall be incorporated into each Character Area's regulations in the Zoning By-law :

- a. Character: the design of new development should take advantage of opportunities to improve the character and quality of an area. New developments in a defined Character Area, pursuant to Section 4.2, must demonstrate consistency with the design guidelines for that Character Area.
- b. Building height and massing: new buildings should have regard to the height and massing of adjacent buildings. Where a variation in height or massing is proposed, a transition in building height and form may be desirable.
- c. Pattern of surrounding community: proposed development should consider the character of the surrounding buildings, including scale, rhythm, and architectural design.
- d. Traffic: roads should adequately serve the development, with sufficient capacity to accommodate the anticipated traffic generated.
- e. Vehicular access: the location and orientation of vehicular access should consider potential conflicts with pedestrian activity and take into account impacts on adjacent properties including noise, glare, and loss of privacy.
- f. Parking: adequate on-site parking should be provided, with minimal impact on adjacent uses.
- g. Loading and servicing areas: the operational and visual appearance of loading and service areas, including garbage and outdoor storage areas, should be designed to mitigate adverse effects on adjacent properties.
- h. Shadowing: developments should be designed to minimize shadowing on surrounding streets, and private/public amenity spaces.
- i. Wind: developments should be designed to minimize adverse effects related to wind on surrounding streets, and private/public amenity spaces.
- j. Heritage: development on or adjacent to Recognized or Designated heritage resources shall be pursuant to policies in Section 4.3.

[18] The present zoning bylaw does not reflect the current Community Plan. It is suggested therefore the previous Community Plan’s development criteria are still appropriate and in keeping with the current zoning bylaw.

Zoning Bylaw 4404

[19] Bylaw 4404<sup>5</sup> distinguishes between two types of development permits: ‘Permitted uses’ and ‘Conditionally permitted use’. Each is defined in the Bylaw.

“permitted uses” means a use listed in a permitted use table that shall be approved with or without conditions provided the requirements and regulations of this by-law are satisfied;

And

“conditionally permitted means a use listed in a use” conditionally permitted use table that may be permitted by Council after due consideration is given to the impact of that use upon neighboring land and other lands in the City, subject to section 3.4;

[20] Section 10.9 of the Bylaw defines the sort of developments, which are defined as ‘Permitted uses’ and ‘Conditionally permitted use’ for R3-Residential – Medium Density zones.

Permitted uses	Conditionally permitted use
Accessory Decks, Single detached dwelling, Duplex dwelling, Multi-family dwelling - subject to Section 7.3, Multi-attached dwelling - subject to Section 7.3, Parks and recreation, Planned development subject to Section 7.1(9), Public utility uses and structures, Home based business, Accessory structures and uses, Temporary activity subject to Section 7.1(6), Child care facility.	Apartment hotel, Convenience store, In-Home Secondary Suite for multi-attached dwelling <u>Special care facility,</u> Public and quasi-public use, and Similar use.

Development Authority

[21] The development permit application presently before Council has been classified as Conditionally permitted use – Special care facility. This designation is important because it is determinative of the correct Development Authority.

[22] At noted at para. 10 above, the Act at section 16 directs who has authority to make decisions on a development permit application.

[23] In compliance with section 16(1) of the Act, Bylaw 4404 at section 2.1(2) assigns Development Authority to three positions: Council, the Development Officer, and the Planning Administrator.

#### 2.1 Development Authority

(2) The authority to plan and control development is established by this by-law. The authority to plan and control development shall be exercised by Council, the Planning Administrator and the Development Officer. Council, the Planning Administrator and the Development Officer shall exercise development control, subdivision and condominium review, and bylaw amendment duties on behalf of the municipality as specified by this by-law.

[24] The general duties of each Development Authority (Council, Development Officer and Planning Administrator) are specified in section 2.2, 2.3, and 2.4 of the Bylaw. The general duties of the Development Officer include:

2.2(3)(d) Make decisions on all development permit applications for those uses listed as Permitted Uses;

and

2.2(3)(f) Refer all applications for Conditionally Permitted Uses, and all applications requesting a variance in accordance with Sections 3.5 to Council for decision;

[25] The Council's general duties as a Development Authority are directed by section 2.4 of the Bylaw. It states, in part:

#### 2.4(1) Council shall:

(a) Make decisions and state any terms and conditions for development permit applications for those uses listed as Conditionally Permitted Uses;

And

(f) Consider and state any terms and conditions on any other planning, subdivision or development matter referred to it by the Development Officer or Planning Administrator, or with respect to which it has jurisdiction under this by-law.

[26] The general duties of the Development Officer and Council noted above plainly and clearly invest Council with all Development Authority concerning an Application for a Development Permit for a Conditionally Permitted Use. The Development Officer has no shared authority when deciding such



an application. In fact, the Bylaw directs the Development Officer to refer all such applications to Council. This interpretation is strongly supported by the scheme, purpose, and internal context of the Bylaw. In other words, other sections of the Bylaw reinforce that Council is the Development Authority for all decisions concerning an Application for a Development Permit for a Conditionally Permitted Use.

[27] There is no provision in the Bylaw for Council to assign back to the Development Officer any of its decision-making authority. To do so would amount to fettering of Council's discretion.

#### Council's Discretion and Responsibilities

[28] Section 3.4 of the Bylaw directs the Council in its consideration of an Application for a Development Permit for a Conditionally Permitted Use. It defines what decision can be made.

3.4(2) In making a decision on an Application for a Development Permit for a Conditionally Permitted Use, Council:

- (a) May approve the application if the proposed development meets the requirements of this by-law, with or without conditions, based on the merits of the application, the Community Planning and Development Act, by-law or approved plan or policy affecting the site, or;
- (b) May refuse the application even though it meets the requirements of this by-law, or;
- (c) Shall refuse the application if the proposed development does not conform to this by-law, unless a variance has been granted pursuant to Section 3.5.

[29] Section 3.4(3) instructs Council what it must consider when reviewing an Application for a Development Permit for a Conditionally Permitted Use.

3.4(3) In reviewing an Application for a Development Permit for a Conditionally Permitted Use, Council shall have regard to:

- (a) The circumstances and merits of the application, including, but not limited to:
  - i) The impact on properties in the vicinity of such factors as airborne emissions, odors, smoke, traffic and noise, sun shadow and wind effects;
  - ii) The design, character and appearance of the proposed development, and in particular whether it is compatible with and complementary to the surrounding properties, and;
  - iii) The treatment provided to site considerations including landscaping, screening, parking and loading, open spaces, lighting and signs.
- (b) The purpose and intent of the General Plan and the applicable Area Development Plan adopted by the City.
- (d) ... Council may attach any condition to ensure compatibility with the surrounding area.

[30] This section instructs Council to consider several impacts to adjacent properties, specifically

- Traffic
- Noise
- Sun shadow
- The development's design and appearance compatibility with the surrounding properties
- Screening
- Parking and loading,
- lighting

[31] This list is not exhaustive. The use of the phrase "*including, but not limited to*" directs Council to also consider any other relevant possible impacts on properties in the vicinity. As noted at paragraph 17 above, the previous Community Plan instruction consideration be given to 'loss of privacy'. The Bylaw instructs Council to consider, in the case of an application for a variance, two additional impacts which would mandate the denial of the application.

3.5(4) A variance may only be granted if, in the opinion of the Development Officer or Council:

(a) The proposed variance would not result in a development that will:

- i) unduly interfere with the amenities of the neighbourhood; or
- ii) materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

### **Conclusion:**

[32] Council and City Administration should be well aware of its Development Authority considering on May 11, 2020 City Administration prepared a Memorandum to Council<sup>6</sup> on the topic of Council's responsibilities concerning a Conditionally permitted use application.

[33] In light of the nature of the proposed development, it is reasonable and proper that Council consider the development's interference with the amenities of the neighbourhood and the material interference with the use, enjoyment, and value of the neighbouring properties. Therefore the list of considerations started at paragraph 30 should continue with:

- Loss of privacy
- Undue interference with the amenities of the neighbourhood, and
- material interference with the use, enjoyment, and value of the neighbouring properties

Council has received oral and written submissions on each of these deficiencies. These issues should be given significant weight in deciding the application.

[34] The Council is the sole Development Authority in its consideration of Avens' Application for a Development Permit for a Conditionally Permitted Use. This exclusive authority extends to all of the "nut and bolts" issues that arise from the application.

[35] While Council has the authority to impose conditions on this development permit, it is submitted the development has such numerous, significant, and detrimental impacts on the neighbouring property owners, the application should be denied.

[36] This is not a question of "the greater good". It is accepted there is a need for affordable seniors housing in Yellowknife.

[37] However, if any development in the City is a profound detriment to its neighbours, it is neither good or sustainable for our community. There are acceptable solutions to Avens expanding to include affordable seniors housing. There are solutions, which would be embraced by its neighbours. Avens chose to deflect our input, and did not, at any time approach us in good faith. Rather, Avens pushed forward with the largest possible development, which on its face, is dismissive of every one of our concerns we raised over six years ago.

[38] If bigger is always accepted as better, this city will discourage immigration. We must not settle for "good enough". Who will want to move here; who will want to stay if whole neighbourhoods can be so easily disenfranchised.

[39] A denial of this development application need not be a slammed door. It should be framed as a direction that THIS applicant is not good enough, do better, work with your neighbours in good faith and come back with a development, which will enhance the neighbourhood, not devalue it.

All of which is respectfully submitted

January 27, 2021

Colin Baile,

█ Matonabee St.

<sup>1</sup> *Community Planning and Development Act* S.N.W.T. 2013, c.9 -

<https://www.justice.gov.nt.ca/en/files/legislation/community-planning-and-development/community-planning-and-development.a.pdf>

<sup>2</sup> City Bylaw 5007 – Community Plan - <https://www.yellowknife.ca/bylaws/Bylaw/Details/ae597a36-2b88-467a-b856-2ccbd06b6ac6>

<sup>3</sup> Proposed Central Residential zone - [https://www.yellowknife.ca/en/doing-business/resources/2020-Community-Plan--Zoning-By-Law/Residential-Central\\_Proposed-Zones.pdf](https://www.yellowknife.ca/en/doing-business/resources/2020-Community-Plan--Zoning-By-Law/Residential-Central_Proposed-Zones.pdf)

<sup>4</sup> Previous Community Plan - <https://www.yellowknife.ca/bylaws/Bylaw/Details/20bcec36-a6fd-472c-aa1a-e99f092d1c67>

<sup>5</sup> City Zoning Bylaw 4404 <https://www.yellowknife.ca/bylaws/Bylaw/Details/e8eea1e6-ea75-48f1-ab31-ca0465401a21>

<sup>6</sup> City of Yellowknife - DOCS-#608793-v1-ADDENDUM\_TO\_COUNCIL\_AGENDA\_MAY\_11\_\_2020\_PDF[1]

**Submissions  
To the Yellowknife City Council  
Regarding an Application for a Development Permit by:  
Avens – A Community for Seniors; Lot 43 Block 62, Yellowknife**

**Council's Consideration of the Application  
February 8, 2021**

**In Regard to a Conditionally Permitted Use Development Permit Application**

**Committee's Recommendation to Approve:**

[1] On February 1, 2021 the Governance and Priorities Committee decided to recommend the approval of this development permit application as a conditionally permitted use.

[2] A conditionally permitted use development is inherently unique. There are many considerations beyond the strict zoning bylaw requirements; therefore the bylaw shifts the development authority from the Development Officer to Council. These considerations are more subjective and go beyond the quantifiable aspects required by the zoning bylaw.

[3] These non-quantifiable aspects address the impacts a development will have on properties in the vicinity (s. 3.4) includes traffic, noise, sun shadow, parking, lighting, privacy, and neighbourhood amenities.

[4] Some Council members expressed concern about handing off all further decisions to the Development Officer without "*another touch point*" for Council to follow up on the matter. This concern likely comes from the gut feeling that so many decisions are left to be made. This unease is made worse when Council members were instructed by the City Administrator and the Chairperson that such decisions must be left to the "professionals" to deal with.

[5] However Council members also heard Ms. Kerry Penney advise that Council has the authority to set conditions and may instruct administration to bring the matter back to Council for further review.

[6] Should Council approve this application, I ask Council members to set conditions, and require all proposed solutions for the conditions, be returned to them of review.

[7] Please remember the Council has not been given complete information on several matters, including the incomplete traffic study, the use of the Matonabee St alley, the incomplete shadow study, and the developer's intentions to address privacy, drainage and parking. All these information holes suggest a delay is the right course of action until all the information is available.

### Reasons for a Conditionally Permitted Use – Special Care Facility:

[8] Council members heard from Mayor Alty on February 1<sup>st</sup>, when she said that if this development was an apartment building, Council would not be involved. That statement is true, however it is important for Council members to understand why this development must be a '*conditionally permitted use – Special Care Facility*'. These reasons include:

- This *Special Care Facility* requires one quarter the number of parking spaces vs. an R3 apartment building (26 vs 102).
- This *Special Care Facility* allows for a commercial kitchen, which will prepare meals for the 'assisted care' residents of the development as well as the 57 additional residents of the dementia facility and the long term care facility. It also allows for a commercial laundry. A R3 apartment building would not be allowed to operate such a commercial kitchen or laundry.
- This *Special Care Facility* proposes 38 staff parking stalls. A R3 apartment building would not require such parking at all.
- This *Special Care Facility* allows for almost half (46) of the units to be 'supportive care'. This designation allows for there to be limited or no ability to cook in the unit. A R3 apartment building would not be approved with such restrictions.
- One third of the total floor space of the development is for rooms such as commercial kitchen, commercial laundry, activity rooms, dining room, community wellness rooms, social rooms, common bathing rooms. All this additional floor space would not be required in a R3 apartment building. This means the footprint of a 'Special Care Facility' is far greater than a R3 apartment building. No apartment building with 102 units would ever have such a large footprint.
- This *Special Care Facility* is intended for a specific use: seniors' housing and care. An R3 apartment building cannot be intended for one specific demographic without dealing with human rights issues.

### Use of Alley:

[9] An example of why it is important for Council to have the final say in how conditions are met, is the use of the Matonabee St alley as the primary access to the development.

[10] Council members have heard from Administration that it is negotiating with the developer and exploring options. Their primary option is punching an access route in from Gitzel St. This past week, a survey crew was in the alley measuring it and staking at the Gitzel St end of the alley.

[11] This option will mean significant changes to the neighbourhood. If the option is to make the alley wide enough for two-way traffic from Gitzel St to the corner of Avens lot closest to Franklin St there is still the alley entrance at Franklin St as a bottleneck. This option will not address the increased commercial and resident traffic to and from the development.

[12] The most realistic alternative is for a roadway to enter from Gitzel St, which is separated from the Matonabee St alley with a barrier between the two.



[13] Using this alternative, the alley will not be impacted by increased traffic. This is safer for both Avens' residents and neighbourhood users of the alley.

The City's Community Plan does make reference to "back laneways" within the Central Residential zone. It notes at section 4.1.2: "Back laneways exist from 46th Street to 56th Street that allow road access to the back of the lots that could accommodate smaller alternative forms of infill such as secondary suites, mixed-use amenities or urban agriculture activities".

[14] The Community Plan recognizes the limits of alleys to support anything other than minor infill density.

[15] Council members should also be aware that any roadway from Gitzel St will be through Lot 1, Block 119 which is zoned as PR - Parks & Recreation. This means the roadwork would be a conditionally permitted use and will also require Council approval.

[16] Another option is to use the old roadbed (blue in photo above) that runs from the top level of the Avens campus to the alley. This roadbed would require little work to make it serviceable. This option would allow for all Avens' traffic to use its own Franklin St entrance and bypass the alley completely.

### **Lack of Information:**

[17] Neighbours have made written and oral presentations to the Committee pointing out the lack of information with which to make an informed decision. Some Council members have acknowledged this. There are many unanswered questions about access to the site, traffic, shadows, and privacy.

[18] Also, Avens will require subdivision approval from the GNWT. Presently, the proposed development would be in violation of the zoning bylaw. Subdivision should be in place before seeking a development permit.

[19] If you were involved in a court case, would you want the judge to make a decision before seeing all the facts? This is what Administration is asking/directing you to do. A judge does not convict someone and simply say, "you must go to jail" and leave it up to the jailer to decide for how long.

[20] The zoning bylaw names Council as Development Authority in this case. If Council decides to approve the development permit application, it should at the very least, impose conditions and the direction that any "solutions" agreed to by the developer and city Administration, should be returned to Council for approval.

### **Conditions:**

[21] It is suggested Council include the following conditions as a part of approval.

1. The development shall provide for its own access from Gitzel St. or Franklin St. and be independent from the Matonabee St alley.
2. The development shall provide a barrier in the form of a berm and privacy fence separating the development's access/property line and the Matonabee St alley.
3. Avens shall commit to a minimum age of 60 years as a condition of residency in the development.
4. The development shall be designed to ensure all 2<sup>nd</sup> and 3<sup>rd</sup> floor windows not face the adjacent Matonabee residences.
5. No deliveries or pickups, including garbage shall take place between 10pm and 7am.
6. The development shall be reconfigured to ensure no adjacent property has a reduction of direct sun of more than 15% based upon daily values.
7. The adjacent property owners shall be consulted in the development of solutions to these conditions.
8. Subdivision approval must be in place prior to any other condition options being presented to Council for final approval.

**Conclusion:**

[22] It is most appropriate for Council to postpone deciding whether to grant this application until the developer provides Council all the information requested by city administration and addresses the concerns raised by adjacent property owners.

[23] Should Council decide to proceed without all the needed information, the conditions discussed should be included as direction to city administration and returned to Council for the final review process.

Thank you for your consideration of this information.

Submitted by

Colin Baile

█ Matonabee St.



**Written Submissions of Impacted Adjacent Landowners  
To the Yellowknife City Council  
Regarding an Application for a Development Permit by:  
Avens – A Community for Seniors; Lot 43 Block 62, Yellowknife**

**Introduction:**

[1] We are adjacent landowners to the proposed development at Lot 43, Block 63 and therefore have standing under section 3.7 of Bylaw 4404.

[2] As neighbours to this proposed development, we have several significant concerns about the proposed development and the profound negative impact it will have on the use, enjoyment and value of the neighbourhood residential properties.

[3] We are very supportive of Avens' mission and service goals. We do not object to Avens' development of its campus in order to achieve its goals. This support does not however, extend to the construction of an overly large, high-density apartment build only meters from our homes, that will be accessed primarily through a narrow alleyway, which is ill designed to accommodate the volume and type of anticipated traffic.

[4] This submission is intended to make City Council aware of both the Development Permit Application's deficiencies as well as the profound impact the proposed development will have on our neighbourhood. We submit the combination of application deficiencies and negative impacts to the neighbouring properties, must result in Council denying Avens' application for a development permit. The areas of concern include:

**1. Non-Compliance With Zoning Bylaw 4404****2. Safety And Undue Traffic Volume Increase To Matonabee St****3. Safety And Undue Traffic Volume Increase To Matonabee St Alley****4. Negative Impact Caused by Shadow****5. Drainage of Surface Runoff Water****6. Light and Noise Pollution****7. Adjacent Properties Privacy****8. Impact On Market Value Of Adjacent Properties**

## The Application:

[5] We were notified on January 6, 2020, *Avens – A Community for Seniors*, (the Applicant) had filed with the City of Yellowknife (the City) an Application for a Development Permit. The proposed development is the construction of a 102 to 112 unit, three-story multi-family apartment building consisting of at least 74 seniors housing units and 28 supportive living units<sup>1</sup>. This building is referred to as the 'Avens Pavilion' and has a 3,380m<sup>2</sup> (36,382ft<sup>2</sup>) footprint.

[6] All elements of the development are within the boundaries of Lot 43, Block 62. Lot 43 contains the only remaining undeveloped portion of the Avens campus, and is zoned R-3 – Residential – Medium Density. Four duplexes are presently situated on Lot 43. These 8 units are known as 'Aven Ridge' and occupy a footprint of 660m<sup>2</sup>.

In addition to the Aven Pavilion, the development proposes demolishing 19 existing parking spaces and constructing 71 new parking spaces, 52 of which to be accessible only by the alley southwest of Matonabee St.

[7]



**Issues of Concern:**

**1. Non-Compliance With Zoning Bylaw**

[8] Section 10.9 of Bylaw 4404 governs the development of R3- Medium Residential lots. The City has determined this development must be designated as ‘Conditionally Permitted Use’ – Special Care Facility.

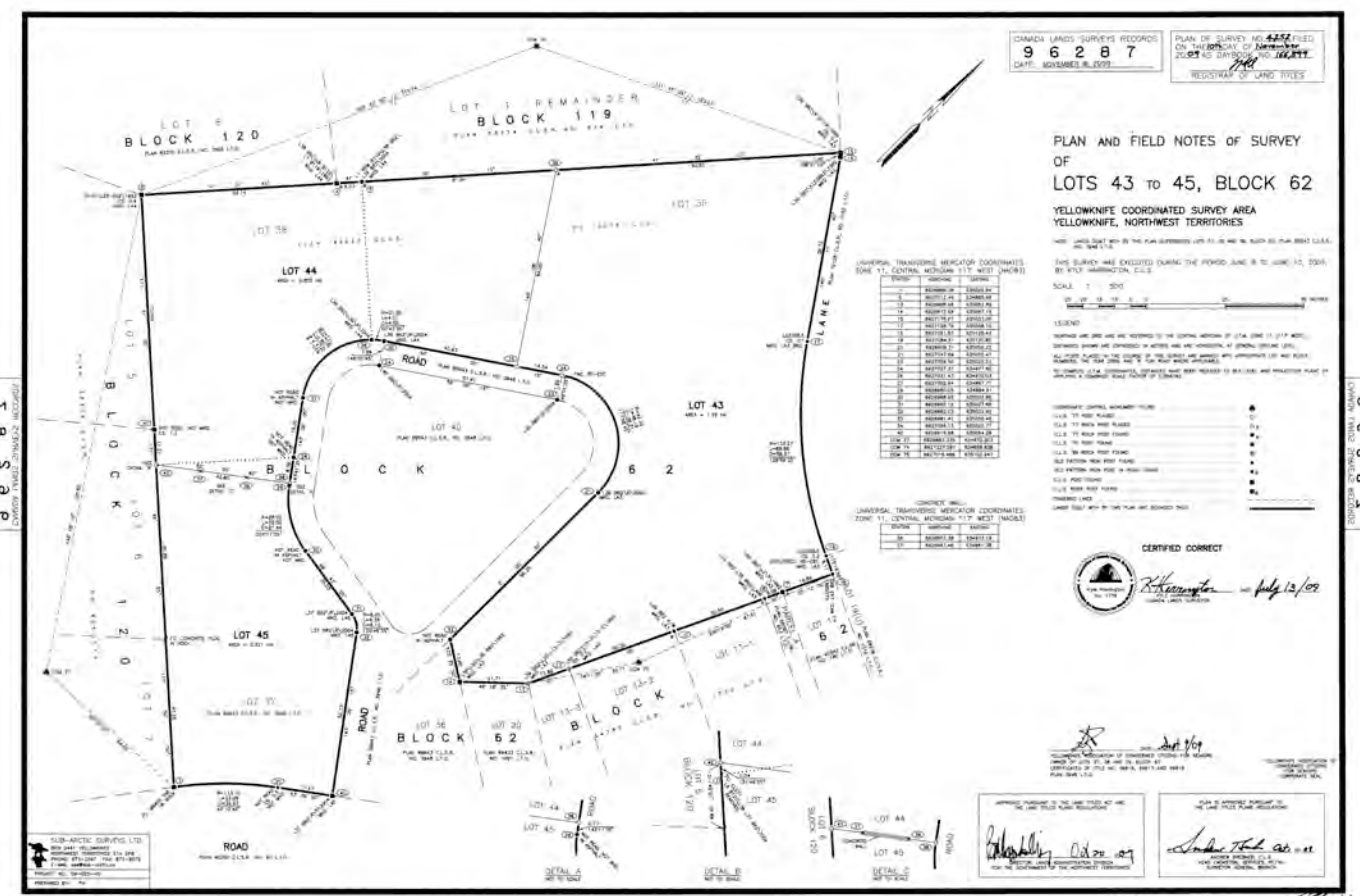
[9] The relevant sections of Bylaw 4404 are as follows:

s. 1.6 “site” means a lot or an area of land or water-body;

s. 1.6 “lot” means an area of land, the boundaries of which are filed on a plan registered in the Land Titles Office;

s. 10.9(3)(i) Site Area: minimum of 125 m<sup>2</sup> per dwelling unit.

[10] This Applicant for a Development Permit is made concerning Lot 43 Block 62. The following is the Survey Plan<sup>2</sup> for Lots 43, 44, and 45.



[11] As noted by the Survey Plan above, the Avens Campus is comprised of five lots – Lots 36, 40, 43, 44, and 45.



[14] The Application incorrectly identifies the development's "site" Legal Description as being Lots 36-45, Block 62. In fact, there are no Lots designated as 37, 38, 39 or 42; and Lot 41 is on the corner of Matonabee St and Franklin Ave (5602 Franklin Ave), well outside the boundaries of the Avens Campus.

[15] Section 10.9(3)(i) of Bylaw 4404 requires a minimum of 125 m<sup>2</sup> per dwelling unit as the Site Area of a development. This Application's Site Plan incorrectly states the "site" as being the entire Avens Campus. The Bylaw's definition of "Site" is firstly a "lot" as noted at paragraph 9 above. The entire proposed development is situated on Lot 43. Therefore the "site" should only refer to Lot 43. To expand the "development site" to encompass the entire Avens Campus flies in the face of statutory interpretation. The internal context of the Bylaw, supports the consideration of this application for a development permit being viewed as a proposed development on Lot 43 alone; not Lots 36, 40, 43, 44, and 45 collectively.

[16] *CityExplorer* lists the area of Lot 43 as being 12,922.5327m<sup>2</sup>.

[17] The present residential units (Aven Ridge) are comprised of 8 units. The proposed development is intended to contain between 102 and 112 units. Therefore the total number of units will be between 110 and 120 units.

[18] The minimum permitted area per unit for an R3 - Medium Density zone is 125m<sup>2</sup>. The required area for 110 units is therefore 13,750m<sup>2</sup>. This exceeds the area of Lot 43. To construct the proposed apartment building would require R4 – Residential – High Density zoning and for this reason alone, **the application for a development permit must be denied as required by section 3.4(2)(c) of Bylaw 4404.**

[19] Should the Applicant seek a variance under section 3.5 of Bylaw 4404, we request notice in order to make submissions to Council.

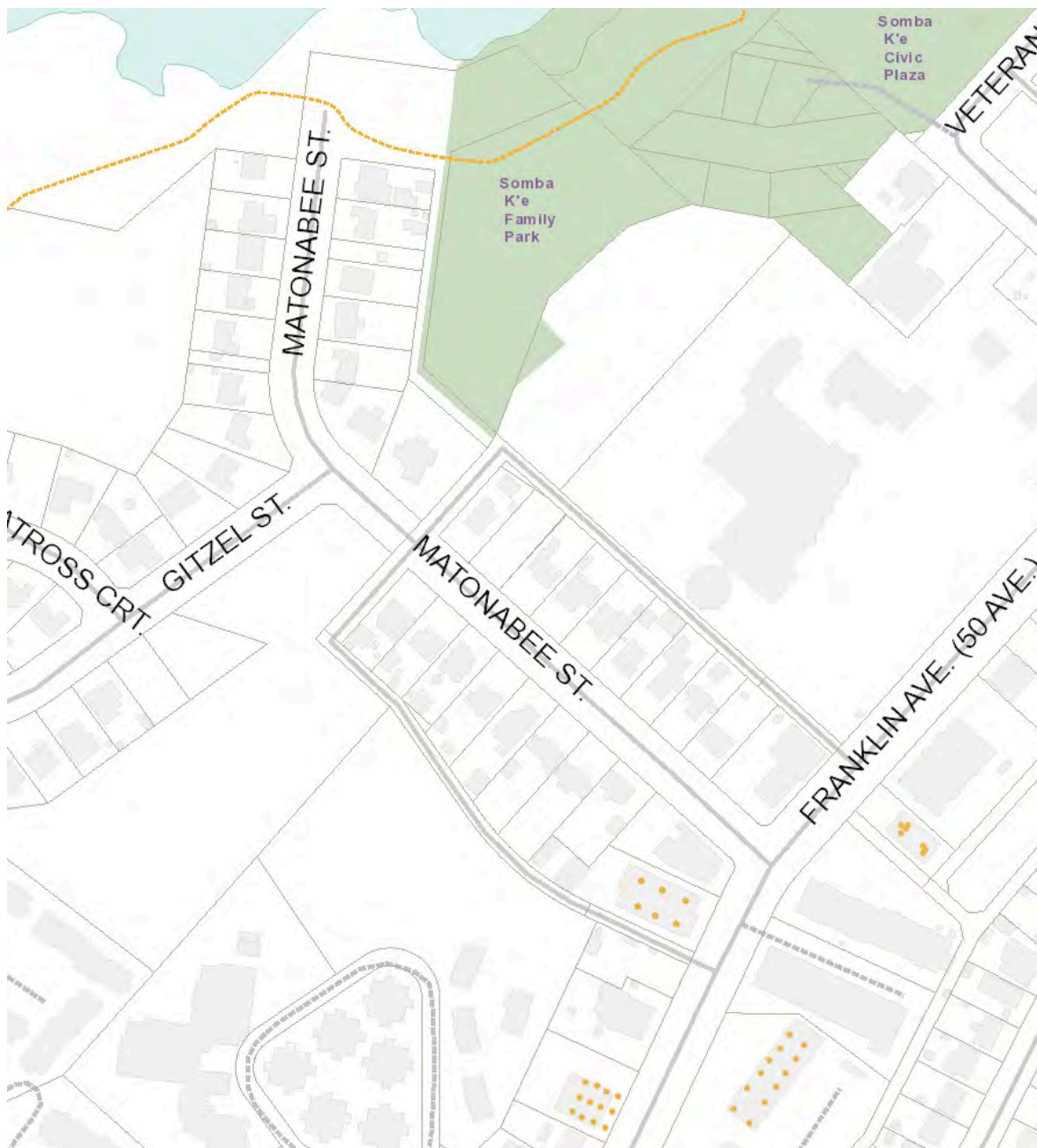
## **2. Safety And Undue Traffic Volume Increase To Matonabee St**

[20] Apart from the two lots at the intersection with Franklin Ave, Matonabee St lays within the boundaries of a R-1 – Residential zone. Every property on Matonabee St is a single-family dwelling. The street is outside of the downtown core. It is a neighbourhood of seniors, families with young children, working and retired residents. It is a unique neighbourhood with a treasured diversity; an oasis in the downtown area.

[21] But it is an oasis under increasing pressure. In 2010, Larga Kitikmeot, the medical residence for 56 patients travelling from the Kitikemot region for health care opened its doors. The neighbourhood welcomed them. Then, just a couple years ago, another neighbour to Matonabee St needed to make changes. Mildred Hall School, with its student population of 257 needed to change its student pick-up and drop-off arrangements for safety reasons. This resulted in all student pick-ups and drop-offs occurring in the alley on the north side of Matonabee St. All such traffic enters

and exists the alley off of Matonabee St. The neighbourhood was not consulted on this significant increase in traffic volume on Matonabee St, but collectively, we understood the need for the change to ensure the safety of the children attending Mildred Hall School.

[22]



[23] Matonabee St is not only used regularly by its residents, but also by those of Gitzel St and the Granite Condominium on Franklin Ave.

[24] In the past few years, we have seen a steady increase in the number of people parking on Matonabee St during the week-days. These individuals then walk downtown to work. With the increase of parked cars on the street, it is often necessary for oncoming drivers to take turns

proceeding due to the narrowing of the passable portion of the street. This often becomes a safety issue during the winter, when due to snow accumulation along the side of the street, cars park further and further away from the sidewalks. For much of the winter, the street is reduced to only 1½ lanes of passable roadway, and at times a single passable lane. This situation becomes increasingly dangerous when one of the vehicles is a school bus, heating oil delivery truck, or delivery truck.

[25] The proposed development Site Plan calls for parking and delivery bays, which are accessible only through the alley off of Matonabee St. The proposed parking is for 31 resident stalls, 38 staff stalls, 2 delivery bays, and a garage intended for the Avens shuttle bus. A total of 72 parking or loading stalls.

[26] The additional traffic this configuration will generate for Matonabee St will be excessive when combined with its present use. One must consider the trips generated by the residents of the proposed apartment building, however staff and deliveries will generate a far greater volume of traffic.

[27] 38 staff parking stalls are proposed. It is our understanding work shift times for staff vary depending on their duties. It is also our understanding shift times range throughout the day, including:

- 8am – 2pm
- 8am – 4pm
- 10am – 6pm
- 4pm – 10pm
- 10pm – 8am

These shift times suggest additional traffic on Matonabee St throughout the day and evening, and cumulatively, accounts for dozens of addition trips on Matonabee St.

[28] All deliveries and pick-ups are proposed to occur at the apartment building's rear entrance, which is accessible only by Matonabee St. Such delivers would include commercial garbage pickups, heating fuel, facility food, resident move in/out, and all other delivers which are inherent to such a facility. Such deliveries and pickups will be by commercial trucks of varying sizes. These over sized trucks will need to use Matonabee St for access, thereby exacerbating the already dangerous traffic issues on the street (para. 24).

[29] The proposed development also envisions the Avens' Shuttle Bus to be parked and operated out of the apartment building's rear entrance. The shuttle bus will add additional strain, by a large commercial vehicle, to the expected traffic on Matonabee St.

[30] Matonabee St is one of only 7 R1-Residential – Single Detached Dwelling zones<sup>4</sup> within the City of Yellowknife. Residents of such areas have an expectation the City will maintain the amenities and character of such neighbourhoods. Consider the impact of a proposed high-density apartment building, with the additional personal and commercial traffic proposed by this development, accessible only by Rivett Crescent or Kasteel Drive.

[31] With the anticipated increase in traffic on Matonabee St, generated by this proposed development, we encourage you to again be mindful of the character and amenities of the Matonabee St neighbourhood.

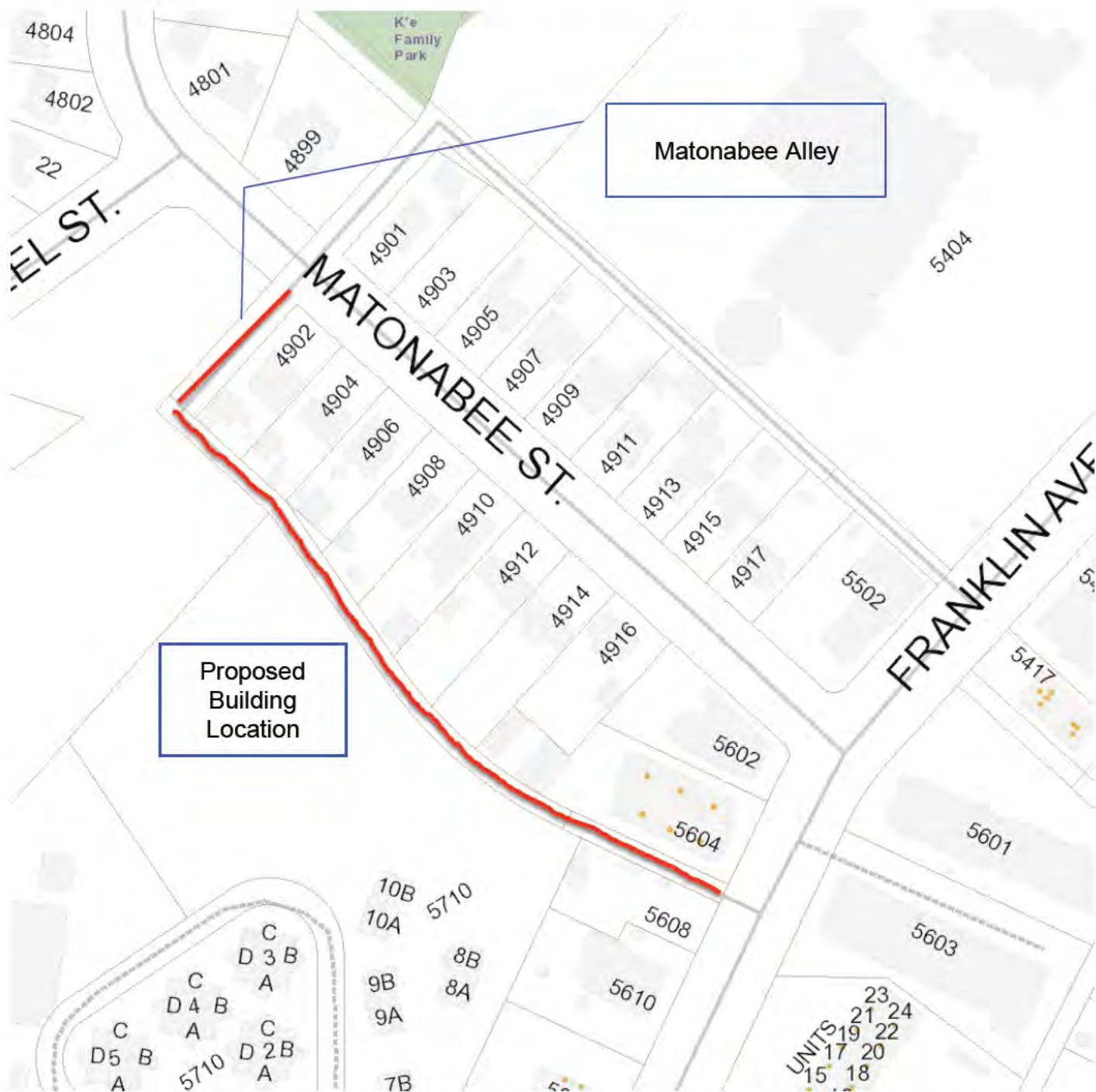
[32] This photograph<sup>5</sup> illustrates the narrowing of Matonabee St due to parking, winter conditions, and the inherent narrowness of a residential street.





**3. Safety and Undue Traffic Volume Increase to the Alley**

[33] The proposed apartment building is accessible primarily by the alley southwest of Matonabee St (the alley).



[34] The alley is approximately 6 meters wide. It does presently operate as two-way. This is workable because of the volume and nature of the traffic. There are however challenges remaining which have been brought to the attention of the City with ongoing discussions.

[35] Many of the Matonabee St residents adjacent to the alley have garages on the alley, which are accessible only through the alley. Granite Condos residents also make regular use of the alley in order to enter Franklin Ave safely via Matonabee St.

[36] The proposed development, as discussed at paragraphs 25 – 29 above, intends to create 72 parking and loading stalls accessible only through the alley.

[37] For all intents and purposes, the rear of the proposed apartment building will be the main entrance for residents, staff, and deliveries. The entrance at the front of the apartment building facing the Avens campus will be little more than a ceremonial entrance for visitors.

[38] Despite Avens having a vehicle and pedestrian entrance off of Franklin Avenue at a controlled four-way intersection, it seeks to transfer the burden of most of its traffic onto a 6m wide alley, which services a R1 residential neighbourhood. This choice demonstrates Avens' desire to minimize its own inconvenience at the expense of others.

[39] The alley can not be remediated to accommodate such an increase in traffic volume. The Franklin Ave entrance to the alley is not expandable due the property lines on either side. The Matonabee St entrance to the alley has a 90° bend which limits both sightline and maneuverability. The City has recently recognized this danger and has installed a stop sign in the alley at the bend, in hopes of mitigating the dangers.

[40] We can not support making the alley one-way. This routing would require entry onto the alley from the Matonabee St end, and exiting onto Franklin Ave. Such a routing creates increased dangers as left turns onto Franklin Ave would require crossing two oncoming lanes of traffic and crossing a solid center line. Due to the sightlines when exiting the alley onto Franklin Ave, one must “nose out” fully across the sidewalk in order to see oncoming traffic. This creates unacceptable danger to drivers as well as bicyclists and pedestrians.

[41] During discussions between Avens, Matonabee St residents, and the City as early as 2014, we raised concerns about Avens' intentions to use the alley. These concerns were ignored. Despite our repeated requests for further consultation with Avens in 2020, Avens refused to meet with us until after Avens had filed its Application for a Development Permit in December 2020. Our single consultation with Avens occurred on January 19, 2021 by Zoom. The meeting was ended by Avens well before all our questions were asked, due to the time restraints of its consultants. We were invited to submit written questions to them; the questions submitted to them have not been answered as of January 25, 2021.

[42] The Avens' draft *Transportation Impact Assessment*<sup>6</sup> is so riddled with factual errors, deficient modeling, trip generation application errors, and conclusions based upon no consideration of actual circumstances, that it should be disregarded out of hand.

#### **4. Negative Impact Caused by Shadow**

[43] We have grave concerns about the amount of sun shadow this apartment building will product, and the impacted area of that shadow.

[44] As part of Avens' Application for a Development Permit, it submitted a Shadow Study<sup>7</sup> consisting of 13 graphic representations of the shadow cast by the proposed apartment building for three unique dates and 3 to 5 specific times for each date. The dates are June 20, December 21, and March 20 / September 22 (which have the same sun path). Apart from 1:00PM depictions for 2 of the dates, none of the comparative dates use the same times during the day. Nor are the selected times evenly distributed during the date in question.

[45] The times selected to represent the shadow cast by the proposed apartment building on each date are random. It can be argued the times used in the study were selected to demonstrate minimum impact. In fact the representations for June 20, March 20, and September 22 show only a single time (March 20 – 5:00pm) as casting a shadow on any adjacent home. The study's apparent goal is to suggest no measurable impact on adjacent properties. Avens' representation of the shadow cast by the proposed apartment building is, at best, misleading and self-serving.

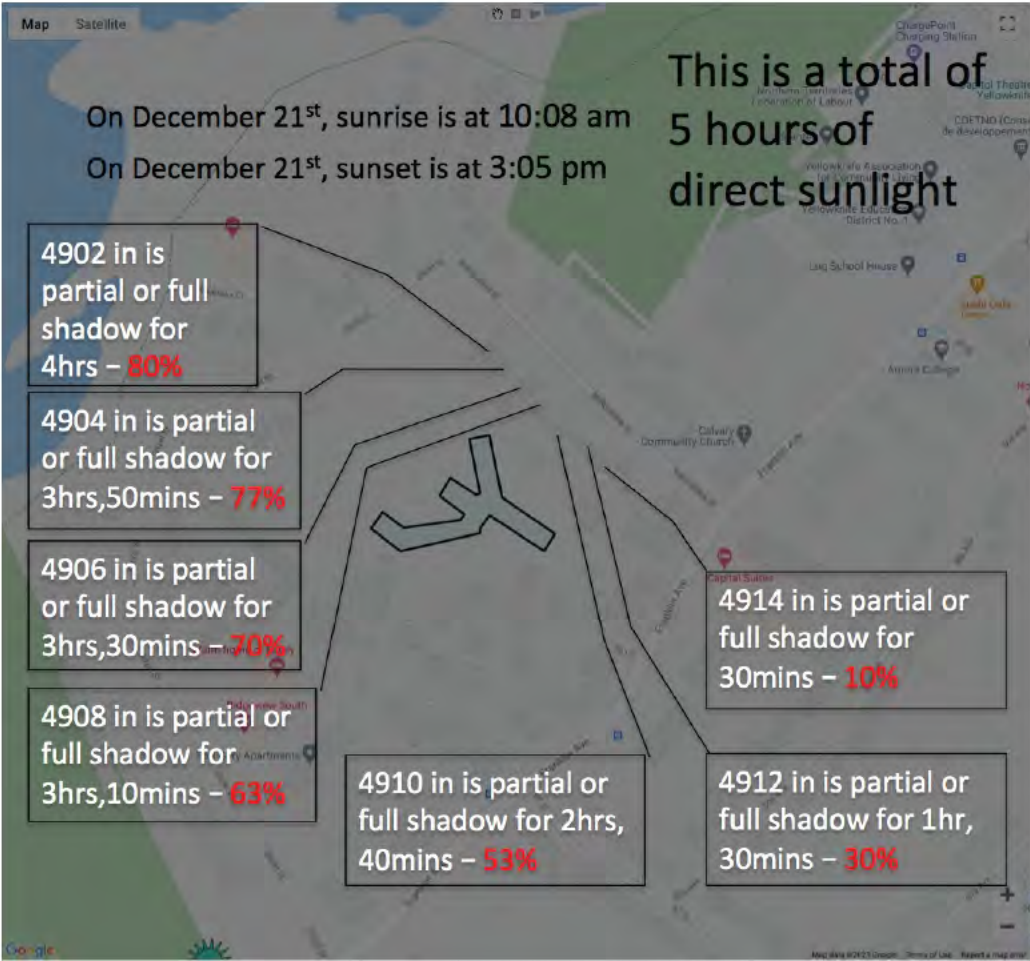
[46] For most Yellowknifers, the sun's path is watched with visceral intent. In the depth of winter, every moment of sunshine is treasured. The need to get outside at lunch, knowing it will be dark by the time you head home from work. In the summer, relishing the ability to sit outside, or paddle on the lake, late into the night in a ritual to banish the recent winter. We value our sunlight more than most.

[47] In reality, the shadow cast by the proposed apartment building will result in a profound loss of sunlight to the adjacent properties.

[48] What follows are two slides from the Powerpoint demonstration, which will be shown to Committee and Council at their hearing of this application.

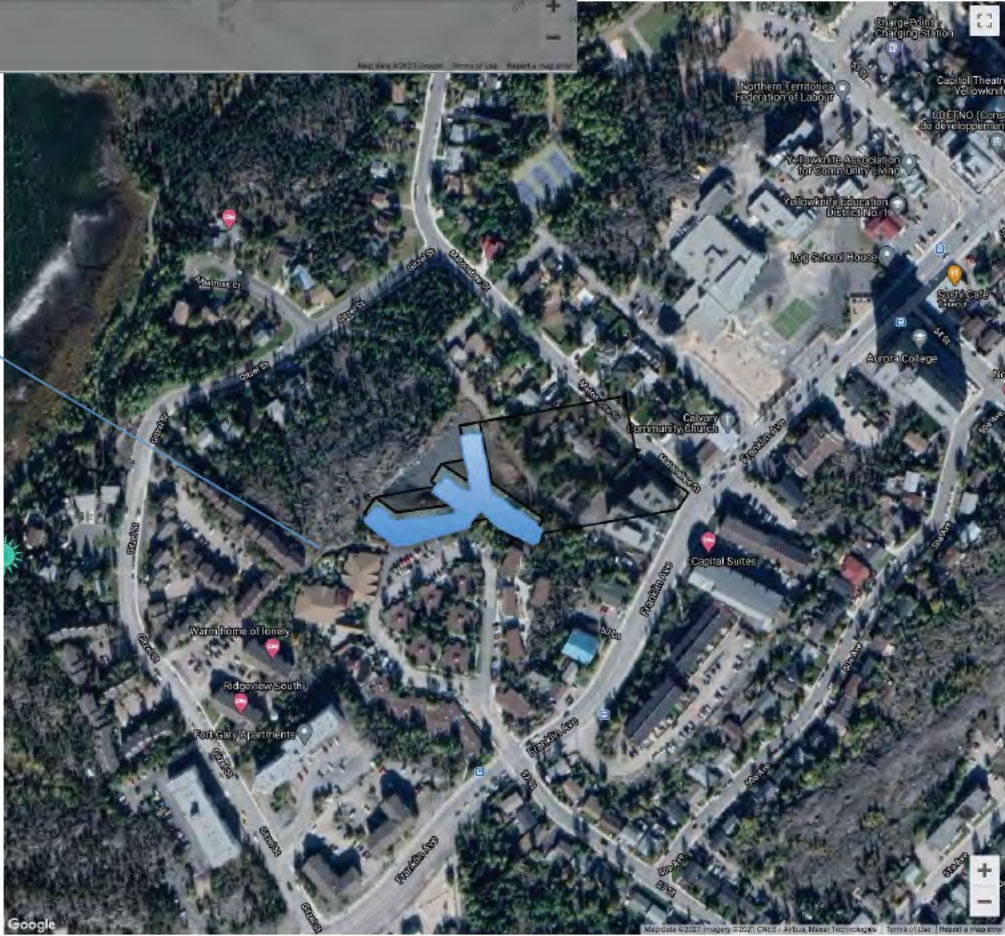
[49] Using December 21, the shortest day of the year, is not representative of the entire year. It does however demonstrate the profound and detrimental impact this development will have on the neighbourhood. This demonstration will allow you to see, for several dates throughout the year, the full impact of the shadow cast by this development. (See Schedule B hereto for slides)

[50] This development will materially interfere with the amenities of the neighbourhood, and will significantly interfere with the enjoyment of neighboring homes.



On December 21, the proposed building will cast a partial or full shadow on adjacent homes, blocking up to 80% of sunlight

On March 20 at 7:00pm, the shadow cast on adjacent homes, is far greater than Avens' shadow study would suggest.



## 5. Drainage of Surface Runoff Water

[51] The adjacent property owners began voicing our concerns about the nature of Avens' proposed development of Lot 43 in 2014. Schedule A to these submissions is the meeting notes from our December 16, 2014 meeting with Avens and City representatives. The notes were prepared and circulated by Avens. It is noteworthy that few of Avens' assurances and commitments from that meeting have been fulfilled.

[52] In 2014, Avens started preparations of Lot 43 building site. The preparations included removal of all vegetation, and extensive blasting to remove several meters of rock. As noted at page 2 of the meeting notes, Avens informed us "*The construction site is lower than the alley*" and "*We will help whatever we can if there is drainage problem in the spring*". This is demonstratively untrue. Since the preparations to the building site, the adjacent property owners have experienced flooding of both the alley and some of our properties.

[53] Since 2014, one adjacent property owner must pump approximately 700 liters of runoff melt water from their garage each spring. The Franklin Ave end of the alley becomes impassable for up to 2 weeks every spring due to pooling of runoff from the building site. The City does, attempt to pump the pooling water away, however this is most often temporary at best. After the spring melt is finished, a muddy bog remains for days thereafter.

[54] The Aven's Grading Plan clearly shows all runoff will enter the alley, further impacting adjacent property owners. Avens representatives have all but stated the water is/will be the City's problem.

[55] All runoff will be directed to the alley which is loose gravel and prone to erosion and degradation.

[56] This development will materially interfere with the amenities of the neighbourhood, and will significantly interfere with the enjoyment of neighboring homes.

## 6. Light and Noise Pollution

[57] This proposed apartment building will be a continuous and excessive source of light pollution. The light pollution will come from several sources including vehicle traffic in the alley, ground lighting from walkways, and windows.

[58] Vehicle traffic – as noted at para. 27 above, staff shift changes will occur at 8am, 10am, 4pm, 6pm, and 10pm. Due to the staff parking situated perpendicular to the alley, every staff vehicle leaving the site will shine directly into several adjacent homes. The same detrimental light source will result from every delivery and shuttle bus trip. Secondly, should the residents choose to back into their parking stalls along the alley, their car headlights will be pointed directly at several adjacent homes.

This intrusion could be for extended periods of time should the residents have a remote starter and allow their vehicles to idle.

[59] Walk way lighting – The Avens' Landscaping plan notes two types of exterior light fixtures; "Light bollard" (EL-01): a walkway light appearing to be about 1 meter tall, and "Landscape area light fixture" (EL-02) which are lamp posts several meters tall. The Landscaping plan notes the location of 3 light bollards and a single light post on the entire development. The Avens Elevation Plans (second entrance drawing) however shows lamp posts about every 10 meters in front of the proposed alley parking stalls and numerous light bollards every 2 meters along the walkways. This lighting, by its intended purpose can be expected to be on from dusk till dawn everyday.

[60] Window lighting- the proposed apartment building calls for 5 ground floor and 24 units on the 2<sup>nd</sup> and 3<sup>rd</sup> floor directly facing the adjacent properties. Each unit has a large window and a sliding glass door. Every unit faces directly across the alley into the adjacent homes. All the alley-facing units are between 10 and 27 meters from the neighbouring properties. At its closest, the adjacent property owner, would need to look up at a 50° to see the top of the apartment building. This obstructs a great deal of the sky and is replaced by a lighted wall 12 meters high. The night sky will be permanently erased by the amount of light pollution emitted.

[61] This development will materially interfere with the amenities of the neighbourhood, and will significantly interfere with the enjoyment of neighboring homes.

## 7. Adjacent Properties Privacy

[62] This proposed apartment building intends for 24 units on the second and third floors to be facing directly towards the adjacent property owners back yards and homes. The side of the building facing the adjacent property owners is almost 100 meters long and 12 meters tall (328 ft by 40ft).

[63] At the north end of the proposed building, it is 3m from their property line. At the south end the building is 12m from their property line and in the center it is 21m from their property line. The alley is 6m wide.

[64] Therefore the proposed building is only 9m to 27m away from the adjacent properties most impacted.

[65] This depiction is from Aven's Site Plan. The distant marks have been added.



[66] In addition to the intrusively short distance of this proposed structure from its neighbours, the apartment building's residents will have a commanding view of the neighbours' back yards, homes, and windows. This is a gross invasion of privacy.





fact, the neighbouring backyards and homes will dominate the view from the apartment building.

[71] The following depiction is from the Avens' Floor Plan showing the density of units which will be overlooking and overshadowing the neighbouring properties.



[72] The approximate location of the alley is added in red.

[73] From the adjacent properties, the proposed apartment building will be seen as a monolithic wall of overlooking windows and balconies. The view of neighbours is provided to give the full extent of the proposed 100m long apartment building.

The proposed apartment building as viewed from the alley.  
Images of "House C" and "House D" from Avens' Elevations Plan.



[74] It is helpful to consider a comparison of what this development would mean to another R1 – Residential zone. Consider Rivett Cres, also located in one of only seven R1 – Residential zones. This hypothetical development proposes an alley behind Rivett Cres, entering Rivett between 121 and 123, with a 112-unit, 3 stories, apartment building with all parking, deliveries, and resident access through the alley.



[75] The proposed alley is red. The Apartment building will be 10m from the Rivett Cres neighbours. It is not difficult to imagine the reaction to such a development proposal.

[76] Adjacent property owners raised the issue of privacy and light pollution at the December 16, 2014 meeting with Avens and the City. At that time, Avens' reply was:

- *"The windows can be angled and oriented away from the alley."*
- *"The back of the building will have no or minimal window openings."*

(See Schedule A at page 4)

[77] Avens has since not only failed to comply with its commitment, it has exacerbated the problem with its most recent proposal. This speaks to the flagrant disregard Avens has shown to its neighbours in prosecuting this development.

[78] This proposed development represents a profound intrusion of our privacy and is unacceptable by any standard.

## 8. Impact On Market Value of Adjacent Properties

[79] Matonabee St residential properties have been considered some of the most desirable in the City. This has been true since the 1960's. It goes without saying, an owned principal residence represents a significant portion of most peoples' net worth. Anything, which may negatively impact the value of a person's home, will have a disproportionately negative impact on one's financial health.

[80] The question to be asked is not 'how will this development negatively impact the value of neighbouring properties?' but rather, 'how will this development NOT negatively impact the value of neighbouring properties?'

[81] Some of the contributing factors include, excessive and unsafe street traffic, excessive and unsafe alley traffic, continuous light pollution, the total lack of privacy in one's backyard, the need to cover windows for much of the year, annual property flooding from spring runoff.

[82] The notion that the proposed development would not negatively impact property values is, at best, delusional.

## City Council's Jurisdiction and Responsibilities

[83] City Council has three succinct roles; that of governance, legislators, and decision-makers. Governance encompasses the oversight of city administration and how the City conducts its business. Council's ability and responsibility to create bylaws rests in its role as legislators. The Council functions as decision-makers when tasked to rule on issues as defined by its bylaws.

[84] The NWT Community Planning and Development Act<sup>8</sup> directs Council that its zoning bylaw must establish a development authority of neither the Council, Development Officer, or both.

16. (1) A zoning bylaw must identify either council or a development officer appointed under section 52, or both, as the development authority responsible for  
 (a) making decisions on applications for each type of development permit; and  
 (b) other powers and duties of a development authority under this Act, the regulations and the zoning bylaw that relate to the use and development of land and buildings. (Underline added)

Section 1.6 of City Bylaw defines "Council" as being "[T]he Council of the City of Yellowknife". The Bylaw is silent of the role of any Committee of Council in the development permit application process.

[85] Section 2.4 of Bylaw 4404 directs in what circumstances Council shall be the development authority rather than the Development Officer.

- 2.4(1) Council shall:  
 (a) Make decisions and state any terms and conditions for development permit applications for those uses listed as Conditionally Permitted Uses;  
 (c) Make decisions and state any terms and conditions, as authorized by this bylaw, for those uses listed as Permitted Uses and Conditionally Permitted Uses requiring a variance; (Underline added)

## Factors to Consider

[86] In addition to the type of development permit application Council shall act as the development authority (decision-maker), section 2.4 also directs that Council must consider several factors.

2.4(3) In reviewing an Application for a Development Permit for a Conditionally Permitted Use, Council shall have regard to:

- (a) The circumstances and merits of the application, including, but not limited to:
  - i) The impact on properties in the vicinity of such factors as airborne emissions, odors, smoke, traffic and noise, sun shadow and wind effects;
  - ii) The design, character and appearance of the proposed development, and in particular whether it is compatible with and complementary to the surrounding properties, and;
  - iii) The treatment provided to site considerations including landscaping, screening, parking and loading, open spaces, lighting and signs.  
(Underline added)

[87] The wording of paragraph 2.4(3)(a) informs Council to “have regard to” the listed factors, but also that the list of factors is not inclusive. Council is directed to consider other factors, which are relevant to the “circumstances and merits of the application”.

[88] The factors which are specifically noted in section 2.4(3) that are raised by this submission are:

- Traffic (Matonabee St and the alley);
- Noise;
- Sun shadow;
- Parking and loading; and
- Lighting

[89] Bylaw 4404 suggests other factors, which may be appropriate for Council to consider at section 3.5(4). This section addresses issues of variance authority, however it directs that a variance must not be granted if it interferes with specific rights of neighbouring property owners. Because the section 2.4(3) factors are not inclusive, where objections are raised concerning other factors, it is incumbent on Council to afford the appropriate weight when considering the additional factors.

[90] As noted in section 3.5(4) two factors, if found to be present, must result in the development being denied.

3.5(4) A variance may only be granted if, in the opinion of the Development Officer or Council:

- (a) The proposed variance would not result in a development that will:
  - i) unduly interfere with the amenities of the neighbourhood; or
  - ii) materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.
- (b) The subject site has irregular lot lines or is a size and shape that presents challenges to development. (Underline Added)

[91] The first factor is “unduly interfere with the amenities of the neighbourhood”. “Amenities” are defined as: something that helps to provide comfort, convenience, or enjoyment<sup>9</sup>. Neighbourhood amenities may include parks, sidewalks, walking paths, or other things or qualities, which contribute to the residents’ enjoyment of the neighbourhood.

[92] The second factor is “materially interfere with or affect the use, enjoyment or value” of adjacent properties. “Materially” can be defined as ‘more than trivial’.

[93] An additional factor not specifically stated in the Bylaw, which Council must consider is privacy. This is a common factor considered by development authorities in other jurisdictions.

[94] An example of privacy being a significant factor in the denial of a development permit is the Calgary Subdivision and Development Appeal Board Case *SDAB2013-0049 (Re)*<sup>10</sup>.

In that case, a developer sought a development permit for the construction of a building containing 3 units. An adjacent property owner successfully appealed the resulting issued permit. The Appeal Board wrote:

20 The appellant presented a map and photographs of a number of similar project types and architectural styles in South Erlton, and submitted that those similar developments establish the context within which their proposed development would fit. However, the Board notes from map evidence that almost all of the examples presented by the appellant back onto or are adjacent to a park, cemetery or some other sort of green space, and that very few, if any, of the examples presented of similar developments were similarly located adjacent to a single detached dwelling, such that the multi-residential dwelling units back onto and overlook into the adjacent parcels, as is the case with the proposed development. Therefore, the Board disagrees with the appellant’s opinion that the proposed development fits within the context of other multi-residential developments in South Erlton.

....

22 In the Board’s opinion, the applicant has tried to maximize the building envelope as much as possible. The size of the dwelling units is relatively large in relation to the size of the parcel. Either the parcel is too small for the development, as proposed, or the development is too large for the site and is comprised of too many dwelling units. From a planning perspective, the proposed development is, in the Board’s view, too intensive for the site. In addition, the potential for overlooking and the significant massing presented by such a large development are exacerbated by the slope of the parcel and the elevation of the proposed development in relation to adjacent and nearby parcels to the east.

....

26 The Board, based on the balance of all the evidence, finds that the proposed development creates substantial overlooking issues onto the adjacent properties. In the Board’s view the proposed privacy walls/screens are insufficient to mitigate the privacy issues resulting from the development, which have an adverse impact on the adjacent neighbouring properties.  
(Underline added)

[95] These submissions, and the submissions of other impacted neighbours that Council has received, provides Council with numerous, relevant, objective, and compelling reasons to deny Avens’ Applicant for a Development Permit. The development will profoundly and negatively impact its neighbours. Several of the grounds offered here should, individually, be grounds for denial. Collectively, the reasons for denial are determinative of denial.

[96] We wish to again confirm that we are supportive of Avens expanding its campus to include independent and supportive living opportunities for our seniors. We believe that goal can be realized on the Avens' campus without such profound impacts on our lives.

[97] Therefore, we ask Council to deny Avens' application in its present form. Such a denial need not be framed as "we don't want this" but rather "its not good enough, do better".

Avens has paid only lip service to its neighbours for many years. Despite this approach, we remain willing to be actual partners in fulfilling Aven's goal. It would be helpful for Council to reinforce that approach and provide Aven's with some guiding principles for moving forward; such as using their Franklin Ave entrance, reducing the building's height so that neighbours are not so significantly impacted by shadow, and design the building so that all it residents' windows do not overlook its neighbours.

All of which is respectfully submitted by

Colin Baile, [REDACTED] Matonabee St (author)

And signed by

Name	Address	Name	Address
Judy Murdock	[REDACTED] Matonabee Street	Darcy Milkowski	[REDACTED] Matonabee Street
Marilyn Malakoe	[REDACTED] Matonabee Street	Garth Malakoe	[REDACTED] Matonabee Street
Hermine Joldersma	[REDACTED] 5604 50 Avenue	Justin Nelson	[REDACTED] Matonabee Street
Liz Baile	[REDACTED] Matonabee Street	Daron Letts	[REDACTED] Matonabee Street
Maribel Nelson	[REDACTED] Matonabee Street	Jillian Letts	[REDACTED] Matonabee Street
Sophie Hatto	[REDACTED] Matonabee Street	Jennifer Tucker	[REDACTED] Matonabee Street
Gabrielle Decorby	[REDACTED] Matonabee Street	Dave Hatto	[REDACTED] Matonabee Street

<sup>1</sup> Application Documents – *NN2014 Avens Pavilion Site Plan*

<sup>2</sup> City of Yellowknife CityExplorer – *Survey Plan: 96287\_CLSR\_NT*

<sup>3</sup> Application Documents – *NN2014 Avens Pavilion Site Plan*

<sup>4</sup> [https://www.yellowknife.ca/en/discovering-yellowknife/resources/geomatic\\_services/19\\_Zoning\\_By-law\\_4404\\_Schedule\\_1.pdf](https://www.yellowknife.ca/en/discovering-yellowknife/resources/geomatic_services/19_Zoning_By-law_4404_Schedule_1.pdf)

<sup>5</sup> Photograph taken on January 21, 2012 at 11:45am by the author

<sup>6</sup> Application Documents – *NN2014 Avens Pavilion Traffic Study Report*

<sup>7</sup> Application Documents – *NN2014 Avens Pavilion Shadow Study*

<sup>8</sup> *Community Planning and Development Act S.N.W.T. 2013, c.9*

<sup>9</sup> <https://www.merriam-webster.com/dictionary/amenities>

<sup>10</sup> SDAB2013-0049 (Re), 2013 CGYSDAB 49 (CanLII), <<https://canlii.ca/t/ggtc3>>

**Subject: RE: Avens Development Permit Application Notification**

**Date:** Thursday, January 7, 2021 at 4:23 PM

**From:** Libby Macphail [REDACTED]

**To:** Colin Baile [REDACTED]

**Cc:** Rob Lok [REDACTED]

Good afternoon Colin,

I have a few inquiries out right now with some other City Staff so that I can better answer the first part of your email- I ask for your patience as that information gets back to me.

Please note however that site plans, elevations, studies that make up development permit applications are the intellectual property of the architects, engineers, and other design professionals that create them, and the City does not have the intellectual property rights for those items, and therefore cannot share without the creator's consent. It is not my intent to conceal information or to make you feel like there are secrets, and I am hopeful that we can instead forge a relationship where you feel informed about the proposed development and prepared to share your comments with Council.

In the meantime, I am able to answer your questions for the second half of your email:

1. The length of the side that most immediately abuts the alley (combined length of the two "wings") is 96.31 m. The height of the proposed structure is 11.9 m. Sun Shadow studies are created using a rendering software by an Architect. The latitude and longitude of Yellowknife was used for the study, and the equinox and solstice days are used as they show the shadows at their average lengths and maximum lengths. The City provided the data for the property lines and buildings through our open data portal. Suncalc.org is a free sun path generator that you may wish to utilize when comparing the diagrams, and is my preferred tool.
2. A draft Traffic Impact Study and grading plan was submitted by the developer. The dimensions of the parking stalls are demonstrated on the site plan (although they may be a bit small on your paper). The parking stall dimensions are 5.5 m by 2.6 m.

Thank you and sincerely,

**Libby Macphail; BA Urban & Regional Planning**  
Planner



**From:** Colin Baile [REDACTED]  
**Sent:** January 7, 2021 1:42 PM  
**To:** Libby Macphail [REDACTED]  
**Cc:** Rob Lok [REDACTED]  
**Subject:** Re: Avens Development Permit Application Notification

Thank you Libby for your reply.

During the 2014 interactions between Aven's – the City – Matonabee residents, information was provided by Avens to the Matonabee residents. Avens has already shared information about much of their project.

While “proprietary” knowledge is a term which simply identifies ownership, it is not the same as “secret”. In fact Avens has made some of the withheld information public already. The process used by the City to consider an Application for a Development Permit is bound by the principles of nature justice; in particular, procedural fairness. As a party with standing before the Council, I am entitled to any evidence to be considered by the Council. There are inherent limits on how proprietary information may be used by third parties, but those limits do not extend to access, by involved parties, to the information in an administrative justice process.

In your email you note certain drawings were selected for distribution. Please provide the policy or directives which are the basis of the selection process.

I will give you some examples of why the requested information is required.

1. the provided shadow study is based, in part, on the dimensions of the proposed structure. Without having the full dimensions of the structure or the method by which the study was undertaken, there is no way to meaningfully speak to the accuracy of the studies results.
2. the provided documentation makes no mention of a traffic impact analysis, dimension of parking spaces, proposed final grades, etc.

Should you remain unwilling to provide the previously requested information, I request a meeting with you and any other city representatives, in order to resolve this fundamental procedural matter as soon as possible.

Thank you

Colin Baile

On 2021-01-07, 9:45 AM, "Libby Macphail" [REDACTED] wrote:  
Good morning Colin,

The matter is being referred to Council on the January 18th Governance and Priorities Committee Meeting. If you wish to submit a written comment, you can do so by sending me an email (including any attachments, etc.). Should you wish to appear before Council in order to make an oral presentation, please email our City Clerks at CityClerk@yellowknife.ca and they will be able to assist you.

As mentioned in earlier correspondence where you were cc'd, the drawings and studies that make up the development permit application are proprietary knowledge. The drawings that were selected were done so carefully to balance intellectual property interests while still ensuring the property owners and lessees within the notification boundary understood the development. It would be inappropriate for the City to further divulge drawings and studies with property owners while the development permitting process is underway.

With that caveat being stated, I am happy to set up an appointment with you in person or over the phone to discuss any questions you may have about the proposed development. We can have a fulsome chat about what has been submitted to date as well.

Thank you,

**Libby Macphail; BA Urban & Regional Planning**  
Planner

**From:** Colin Baile [REDACTED]  
**Sent:** January 7, 2021 8:59 AM  
**To:** Libby Macphail [REDACTED]  
**Subject:** Re: Avens Development Permit Application Notification  
**Importance:** High

Ms. Macphail,

Thank you for delivering the Notice of Proposed Land Use yesterday afternoon.

As this is a conditionally permitted use application, please confirm when this matter shall be referred to Council in accordance with section 2.2(f) of Bylaw 4404 and the procedure by which full oral and written submissions may be made to Council. I require a complete copy of the Avens' Application for a Development Permit in order to make meaningful submissions as the notice provided does not include the information required to do so. Specifically, I require all additional information which accompanied the Application form as required by section 3.3(2) of the Bylaw 4404.

As this Notice was delivered at least one week late, and the time remaining to make submission prior to the deadline of January 13, 2021 has been reduced to only six days, I ask the requested information be provided as soon as possible. Should the information be available by electronic means, please forward it to me by return email. If it is available by hardcopy only, please advise me where and when I may pick up the information.

Thank you for your earliest reply.

Colin Baile

(c) [REDACTED]

On 2021-01-06, 2:28 PM, "Libby Macphail" [REDACTED]  
[REDACTED] > wrote:

Hi Colin,

Thank you very much for your email and bringing this to my attention. I've taken a look- it looks like due to my human error Matonabee St. was missed.

I will be hand delivering the notice and relevant plans this afternoon in order to rectify this.

Sincerely,

**Libby Macphail; BA Urban & Regional Planning**  
Planner

**From:** Colin Baile [REDACTED]  
[REDACTED]  
**Sent:** January 6, 2021 2:17 PM  
**To:** Libby Macphail [REDACTED]  
[REDACTED]  
**Subject:** Avens Development Permit Application Notification

I am a resident of Matonabee St. and understand one person on the street received on December 29, 2020 a letter from you advising Avens has sought a development permit and requesting feedback by January 13, 2021. Be advised I have not received the noted letter.

As an adjacent, I believe I am entitle to notice of such an application. Please forward the material to me AS SOON AS POSSIABLE by email, or if that is not possible, please inform me as soon as possible when I may pick up the material.

Thank you

Colin Baile  
[REDACTED] Matonabee St.

**Subject: Avens Development**

**Date:** Friday, January 8, 2021 at 5:49 PM

**From:** Rob Lok [REDACTED]

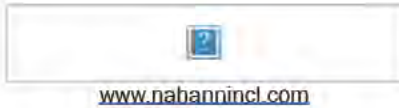
**To:** Colin Baile [REDACTED], Kenny Ruptash [REDACTED]

**Conversation:** Avens Development

Hi Colin,

Thank you for the phone conversation this afternoon.

Through this email, I would like to introduce you to Kenny Ruptash, one of the project managers for the Avens project. I discussed your request for access to the development permit package with Kenny and it is the Avens project team request that they be given the opportunity to provide this documentation directly to the neighbourhood residents, rather than the city immediately having to play the role of mediator. As such, I will give Kenny and the Aven's team an opportunity to provide you with the documentation and we can pick this up again if you are not satisfied with the information that you receive. Please see Kenny's contact information below.



Kenny Ruptash – Vice President Projects  
Nahanni Construction Ltd. | Cold Weather Construction Experts  
T: [REDACTED] | F: [REDACTED] | C: [REDACTED]  
E: [REDACTED]

The City wants to ensure that the Matonabee neighbours are fully informed about the proposed development at Avens, and that residents are given the opportunity to provide comment. Please let me know if you have any questions or concerns going forwards.

Regards,

Rob

**Rob Lok MCIP, RPP**

Manager, Planning & Lands Division

City of Yellowknife

T: [REDACTED]

F: [REDACTED]

[yellowknife.ca](http://yellowknife.ca)

**Subject: AVENS Pavilion - Development Permit Documents**

**Date:** Tuesday, January 12, 2021 at 4:07 PM

**From:** Thomas Milan [REDACTED]

**To:** Colin Baile [REDACTED]

**Cc:** [REDACTED]

Hi Colin,

In follow up to our videoconference, we are advancing digital copies of the AVENS Development Permit package to yourself prior to being able to meet in-person, or online, with consultants present regarding the same.

As we discussed, these drawings have been submitted to the City of Yellowknife for the purposes of starting the Development Permit process. There were some specific questions that the Design team needed City input on, which can only be reviewed and responded to by the City through the Development Permit process.

We understand from previous engagements with our Matonabee neighbours that there are still challenges that we collectively need to work through and look forward to discussing these with you.

The AVENS Pavilion Development Permit documents form a portion of the overall AVENS Pavilion design and shall be considered Confidential Information. Except as otherwise provided in writing by AVENS, you are to keep the Confidential Information confidential. Documents may be downloaded and printed by yourself, however distribution of these documents is not permissible.

AVENS will make documents available to neighbours along Matonabee street, under the same Confidential Information agreement.

The attached word document outlines how to access, comment on, and download the documents from the website once you have created a free account.

By clicking on this link, you will agree to the terms above: [AVENS Pavilion Development Permit Documents < [REDACTED] > ]

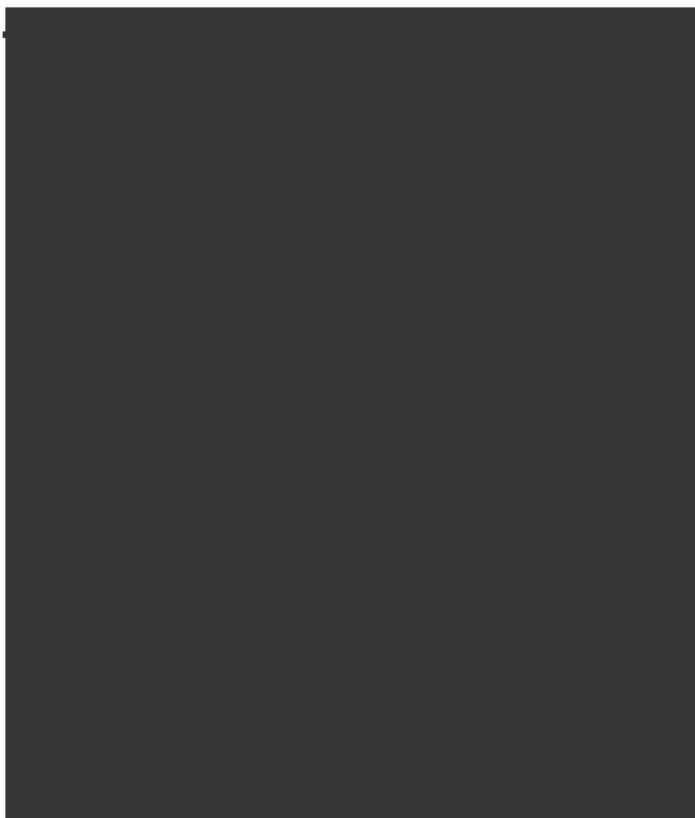
This email may be forwarded to provide other neighbours a method to request access to the documents. Utilizing the link above will start a request for access to the undersigned.

We are looking forward to a potential meeting on the evening of Thursday, January 14, 2021. We will reach out with additional details once we have consultants confirmed.

Thank you,

**Thomas Milan**, P.Eng., PMP

Fireside Project Management Inc.



# PUBLIC NOTICE

## CITY OF YELLOWKNIFE – ZONING BY-LAW NO. 4404

### NOTICE OF DECISION

Development Permit Application No. PL-2020-0335, dated the 02 day of March, 2021, for a development taking place at the following location: 5710 50 AVE.

Lot 43 & 44                      Block 62                      Plan # 4252

Intended Development: Special Care Facility

Has been APPROVED subject to following conditions:

1. The minimum front yard setback has been decreased from 6.0 m to 3.59 m (40.17% variance);
2. Council Motion #0025-21 approved a Conditionally Permitted Use for the establishment of a Special Care Facility located at Lots 43 and 44, Block 62, Plan 4252;
3. Landscaping shall be completed by September 30, 2023 and maintained for the life of the development, as indicated in the stamped approved plans and Development Agreement;
4. Plants used for landscaping shall be of capable healthy growth in Yellowknife, grown from northern stock, with the certification that the plants are grown North of 54 degrees latitude;
5. On-site and Off-site Improvements shall be completed as indicated in the stamped approved plans and Development Agreement;
6. A surveyor's Real Property Report shall be submitted to the City prior to occupancy. The Real Property Report must indicate i) all permanent features on the site and ii) finished grades at all corners of the lot and buildings and periodic grades every 20 m;
7. The property owner is responsible for freeze protection of water lines during construction;
8. Lighting specifications in terms of the intensity of light are to be the minimum required for safety and security, and so that no direct rays of light are projected to adjacent properties;
9. The owner shall delineate all parking spaces on the property;
10. The owner shall delineate and identify with visual indicators a minimum of three (3) accessible parking spaces on the property.
11. A Water Connect Permit will be required for the water and sewer services to the building. Permit application must include Plan and Profile drawings for the servicing that are signed and stamped by an Engineer registered with NAPEG. For information on the permit contact [construction@yellowknife.ca](mailto:construction@yellowknife.ca);
12. The Development shall comply with all stamped approved plans and with the executed development agreement.

DATE of Issue of this Notice of Decision: April 16, 2021

EFFECTIVE DATE: May 1, 2021



Development Officer

#### NOTICE:

Any persons claiming to be adversely affected by the development may, in accordance with the *Community Planning and Development Act*, appeal to the Development Appeal Board, c/o City Clerk's Office, tel. 920-5646, City of Yellowknife, P.O. Box 580, Yellowknife, NT X1A 2N4. Please note that your notice of appeal must be in writing, comply with the *Community Planning and Development Act*, include your contact information and include the payment of the \$25 appeal fee (the appeal fee will be reimbursed if the decision of the Development Officer is reversed). The appeal must be received on or before 4:30 p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

**AFTER THE EFFECTIVE DATE OF THIS PERMIT, THE OWNER OF THE SUBJECT PROPERTY IS AUTHORIZED TO REMOVE THIS NOTICE. ALL OTHER PERSONS FOUND REMOVING THIS NOTICE WILL BE PROSECUTED.**



---

**Subject:** RE: Avens development permit - PL 2020-0335  
**Date:** Thursday, April 22, 2021 at 3:35 PM  
**From:** Libby Macphail [REDACTED]  
**To:** Colin Baile [REDACTED]  
**Cc:** Rob Lok [REDACTED]

Hi Colin,

Yes- you should receive the files shortly through our File Transfer website, as the file size is very large.

Sincerely,

**Libby Macphail; BA Urban & Regional Planning**  
Planner

**From:** Colin Baile [REDACTED]  
**Sent:** April 22, 2021 3:05 PM  
**To:** Libby Macphail [REDACTED]  
**Cc:** Rob Lok [REDACTED]  
**Subject:** Re: Avens development permit - PL 2020-0335

Libby, thank you for your reply.

Would it be possible to send me a copy of the stamped plans and conditions? That way I could review them and if I have any questions we could discuss them.

Thank you

Colin Baile

On 2021-04-22, 1:31 PM, "Libby Macphail" [REDACTED] wrote:  
Good afternoon Colin,

Thank you for your inquiry.

I am not able to provide you with a copy of the development agreement, but I can confirm to you that the City entered into a Development Agreement to ensure on-site improvements, such as sidewalks & landscaping; and off-site improvements,

such as the creation of a new roadway access; are properly implemented.

In regards to the variance, the front yard is considered the area between the proposed building and the lot line highlighted in the photo below:



The variance was granted in accordance with Section 3.5 of the Zoning Bylaw. Due to the irregular curved shape of the front lot line, small parts of the proposed canopy and structure fall within the 6.00 m setback requirement, but the rest of the building meets the 6.00 m setback. This specifically meets test 3.5 (4) (b):

“The subject site has irregular lots lines or is a size and shape that presents challenges to development”

In regards to other decisions that were reached, would you prefer a meeting to view the stamped plans & conditions? That way I can address any questions you have in a more specific manner and point to the plans as well. Two options exist for a meeting during COVID:

- We can book a time for you to come in to City Hall and we can chat over the

front desk

- We can have a virtual meeting over GoTo Meeting and I can share my screen.

Sincerely,

**Libby Macphail; BA Urban & Regional Planning**  
Planner

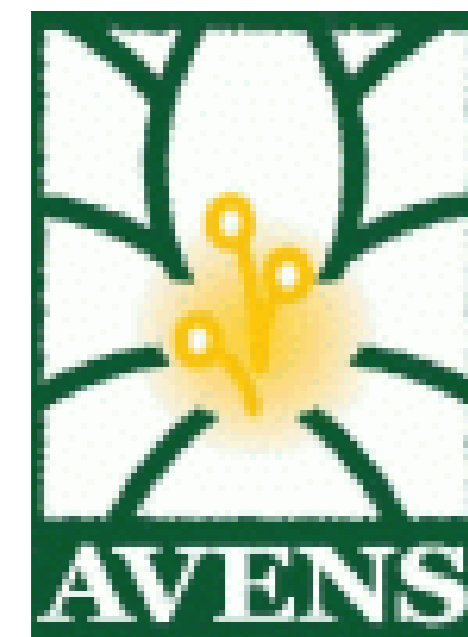
**From:** Colin Baile [REDACTED]  
**Sent:** April 22, 2021 12:42 PM  
**To:** Libby Macphail [REDACTED]  
**Subject:** Avens development permit - PL 2020-0335

Ms. Macphail,

Is it possible for you to provide me with a copy of the development agreement between the City and Avens as well as information regarding the variance granted (what is considered the front yard, etc) and any other decisions reached in approving the development permit application.

Thank you

Colin Baile



ARTIST'S RENDERING ONLY

# AVENS PAVILION

5710, 50TH AVENUE, YELLOWKNIFE, NT X1A 1G1

## ISSUED FOR DEVELOPMENT PERMIT REV1 : 2021.03.02

### CONSULTANTS:

### PROJECT NO.: 144213525

#### CLIENT

AVENS: A Community for Seniors

SUITE 1 - 5710, 50th AVENUE,  
YELLOWKNIFE, NT, X1A 1G1

T. (867) 920-2443  
F. (867) 873-9915

CONTACTS:  
THOMAS MILAN, PROJECT MANAGER

#### ARCHITECT

STANTEC ARCHITECTURE LTD.

325-25 ST. SE  
CALGARY, AB T2A 7H8

T. (403) 716-8000  
F. (403) 716-8009

CONTACTS:  
DON DAVIDON, PRINCIPAL

ARCHITECTURAL DRAWING INDEX	
NO.	DRAWING NAME
DP-000	COVER SHEET
DP-001	SITE PLAN
DP-002	CONCEPT ROAD PLAN
DP-101	LOWER FLOOR PLAN
DP-102	MAIN FLOOR PLAN
DP-103	UPPER FLOOR PLAN
DP-104	ROOF PLAN
DP-201	EXTERIOR ELEVATIONS
DP-202	EXTERIOR ELEVATIONS
DP-203	EXTERIOR ELEVATIONS

#### CIVIL

STANTEC CONSULTING LTD.

4910 53 ST. PO BOX 1777  
YELLOWKNIFE, NT X1A 2P4

T. (867) 920-2882

CONTACTS:  
KEVIN HODGINS, CIVIL ENGINEER

CIVIL DRAWING INDEX	
NO.	DRAWING NAME
C-101	PROPOSED GRADING PLAN
C-201	WATER & SEWER SERVICES

#### LANDSCAPE

STANTEC CONSULTING LTD.

325-25 ST. SE  
CALGARY, AB T2A 7H8

T. (403) 716-8000  
F. (403) 716-8009

CONTACTS:  
MICHAEL WILLIAMSON, LANDSCAPE ARCHITECT

LANDSCAPE DRAWING INDEX	
NO.	DRAWING NAME
L-101	LANDSCAPE PLAN

**Planner's Note:** On some plans, parking configurations demonstrate previous proposed iterations. All plans should be interpreted with the parking configuration demonstrated on the Site Plan, located on Page 2 of this package.

City of Yellowknife

Development Permit # PL-2020-0335

Approved April 16, 2021

Development Officer Libby Macphail







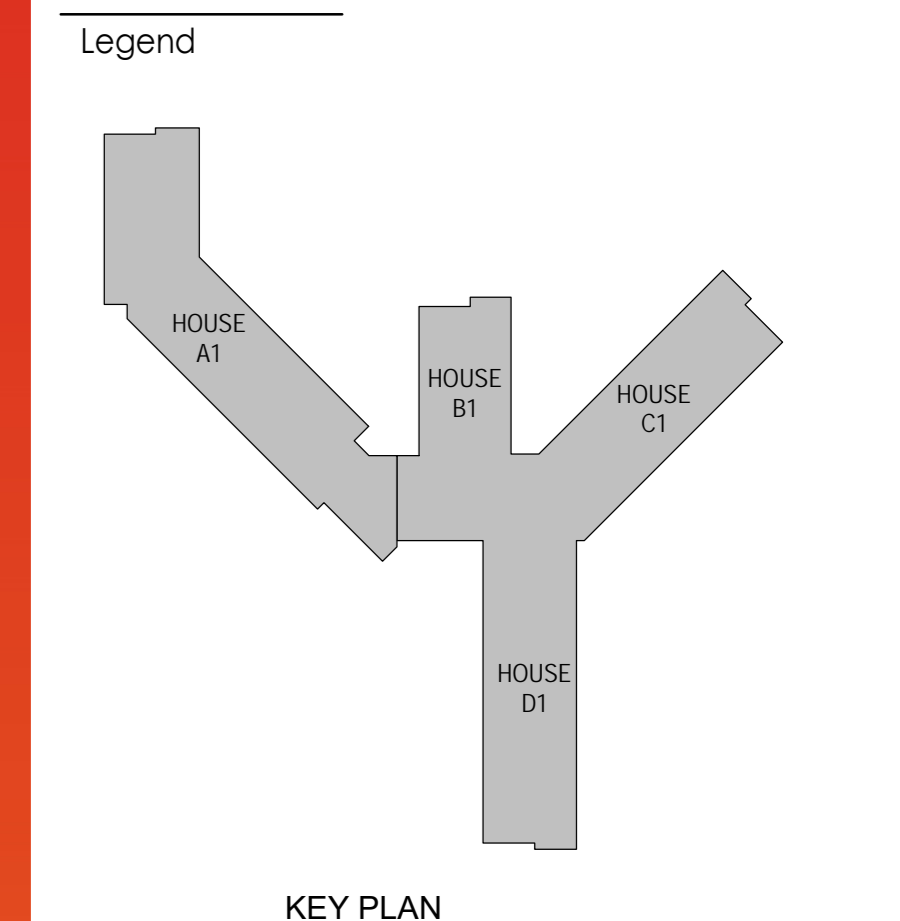


NAHANNI CONSTRUCTION LTD.  
100 Nahanni Drive, Yellowknife, NT X1A 2P6  
Tel: (867) 873-2975  
Fax: (867) 873-9620



STANTEC ARCHITECTURE, LTD.  
325 - 23TH STREET SE  
CALGARY, AB T2A 7H8  
Tel: (403) 716-8000 / Fax: (403) 716-8009  
www.stantec.com

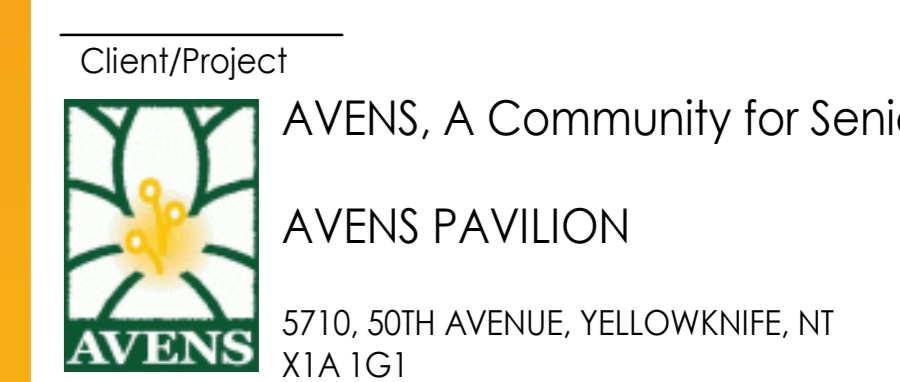
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Notes

Revision	By	DD	YYYY.MM.DD
1	JM	DD	2021.03.02
ISSUED FOR DP REV1			
By: ADP			
RE-ISSUED FOR DP			
ISSUED FOR DP			
Issued			

Permit-Seal

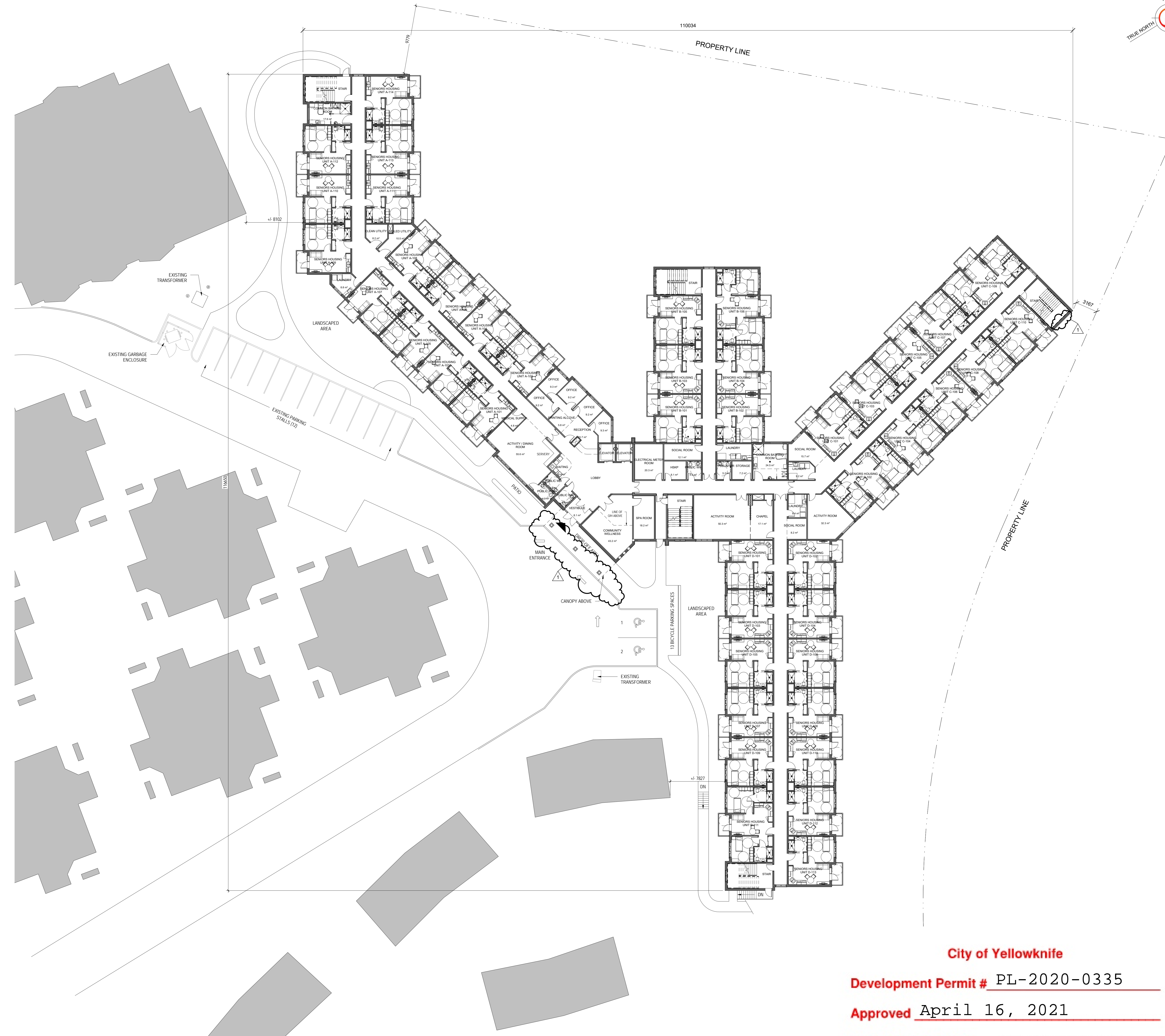


Client/Project  
AVENS, A Community for Seniors  
AVENS PAVILION  
5710, 50TH AVENUE, YELLOWKNIFE, NT  
X1A 1G1

Title  
MAIN FLOOR PLAN  
Project No. 144213525  
Revision 1  
Scale 1:200  
Drawing No.

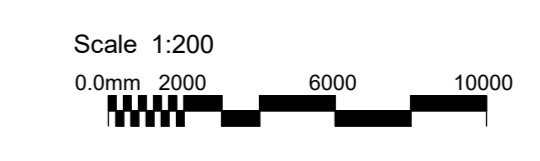
Sheet 3 of 8

DP-102



1 MAIN FLOOR PLAN  
DP-102 1:200

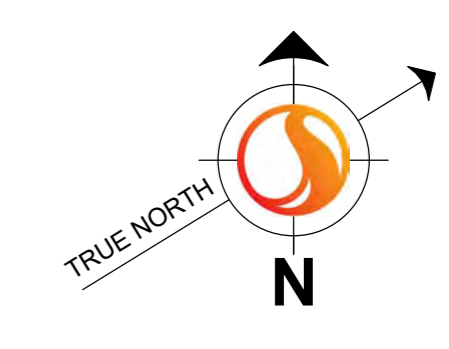
City of Yellowknife  
Development Permit # PL-2020-0335  
Approved April 16, 2021  
Development Officer Libby Macphail



ORIGINAL SHEET: 02 AD (8/11/19)







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100 Nahanni Drive, Yellowknife, NT X1A 2P6  
Tel: (867) 873-2975  
Fax: (867) 873-9620



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CALGARY, AB T2A 7H8  
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Legend

Notes

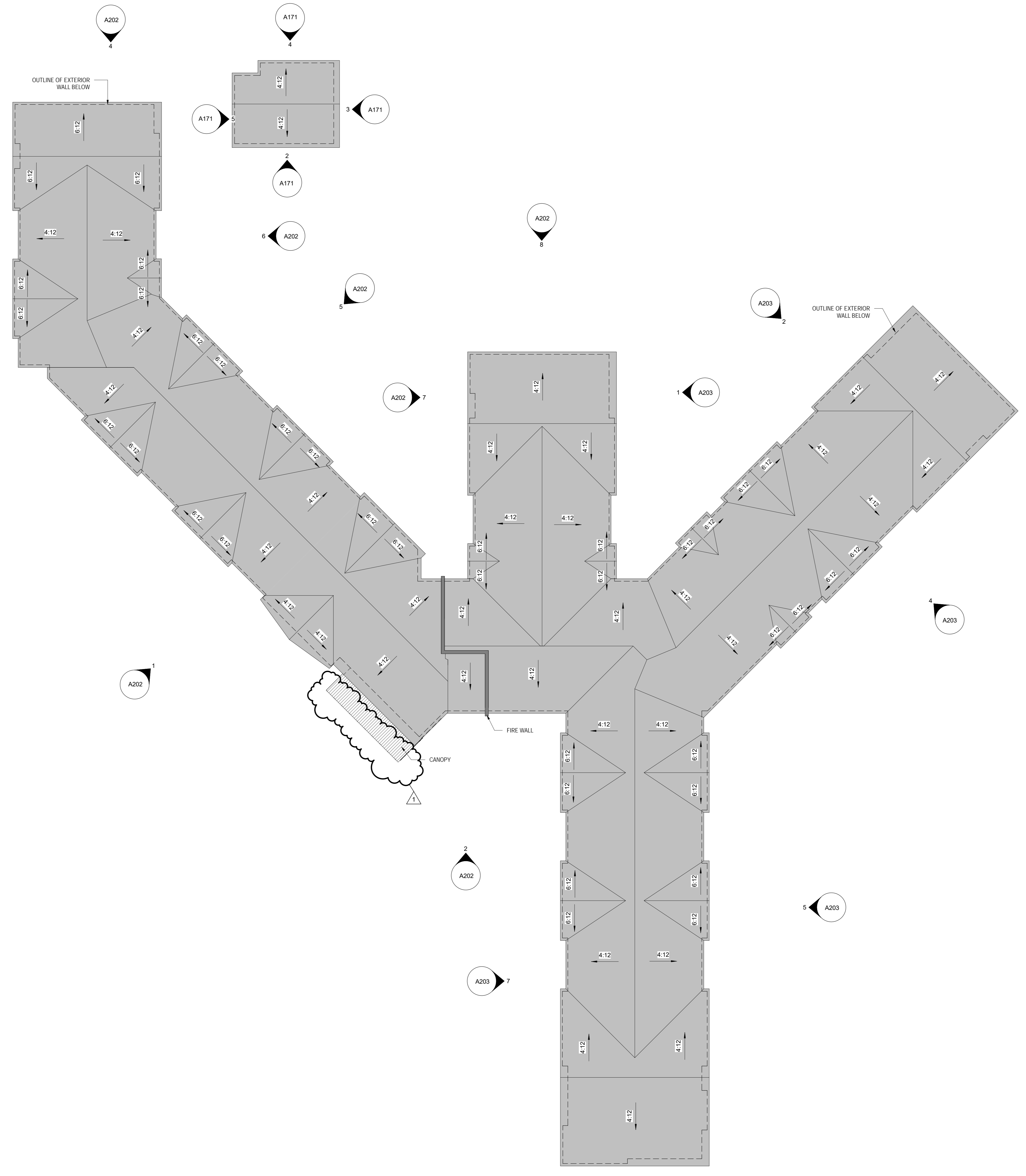
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RE-ISSUED FOR DP	JM	DD	DD	2021.01.14
ISSUED FOR DP	JM	DD	DD	2020.12.02
Issued				

Permit-Seal

Client/Project  
AVENS, A Community for Seniors  
AVENS PAVILION  
5710, 50TH AVENUE, YELLOWKNIFE, NT  
X1A 1G1

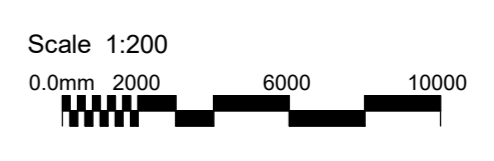
Title  
ROOF PLAN

Project No. 144213525  
Revision 1  
Scale 1 : 200  
Drawing No.  
Sheet 5 of 8  
**DP-104**



1 ROOF PLAN  
DP-104 1 : 200

**City of Yellowknife**  
**Development Permit #** PL-2020-0335  
**Approved** April 16, 2021  
**Development Officer** Libby Macphail



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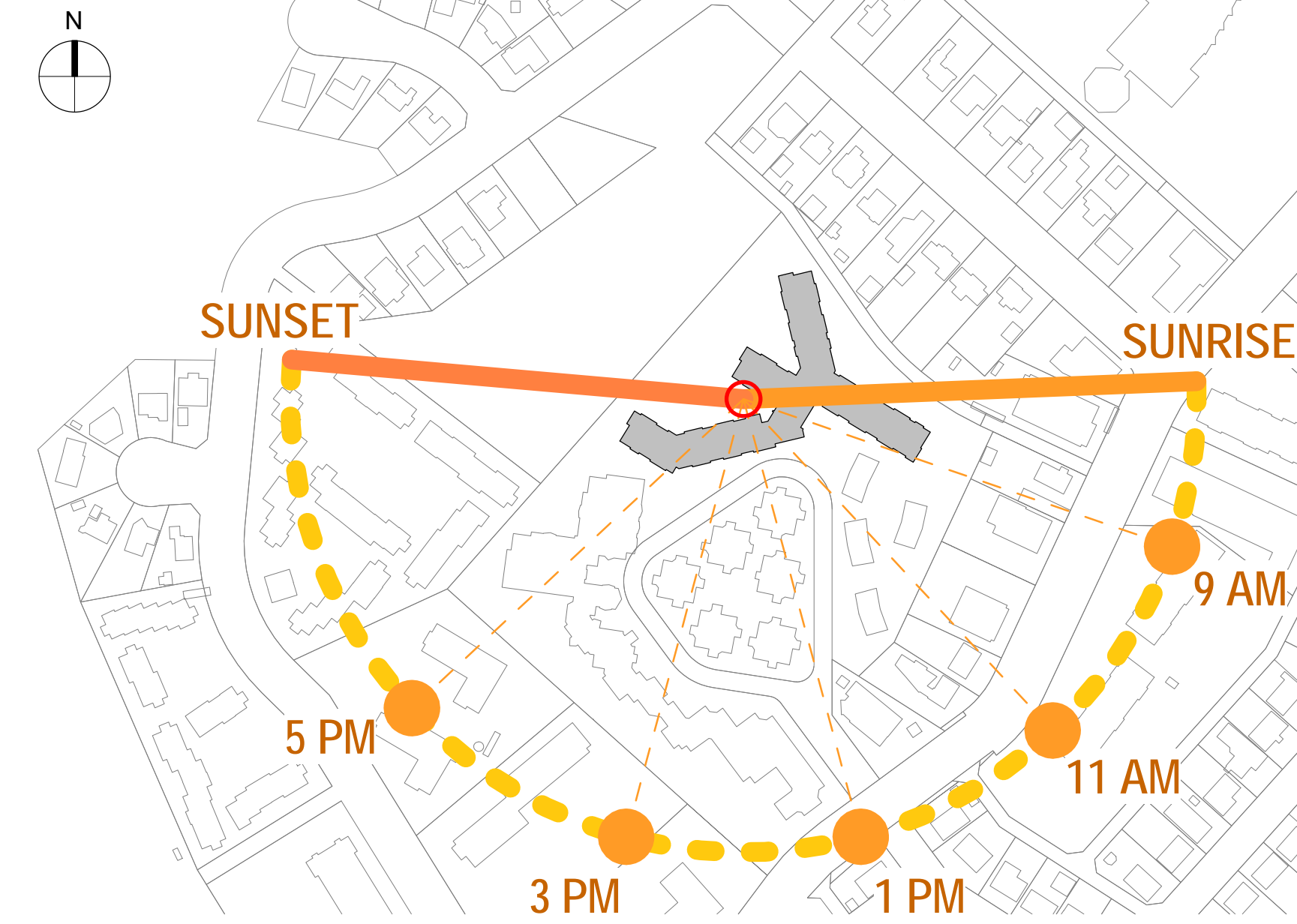




# SHADOW STUDY - SPRING / AUTUMN EQUINOX

LOCATION: YELLOWKNIFE, NT    LATITUDE: 62° 26' 32" N, LONGITUDE: 114° 23' 41" W  
 DATE:    MARCH 20 / SEPTEMBER 22  
 SUNRISE: 7:36 AM / 7:22 AM  
 SUNSET: 7:55 PM / 7:36 PM  
 TIMEZONE: UTC-6:00, MOUNTAIN DAYLIGHT TIME

## SUN PATH



9:00 AM



11:00 AM



1:00 PM



3:00 PM



5:00 PM



DATA SOURCE: CITY OF YELLOWKNIFE - OPEN DATA (<https://opendata.yellowknife.ca/>)  
 - CITY OF YELLOWKNIFE BUILDINGS  
 - CITY OF YELLOWKNIFE CONTOUR LINES  
 - CITY OF YELLOWKNIFE PROPERTY PARCELS

City of Yellowknife

Development Permit # PL-2020-0335

Approved April 16, 2021

Development Officer Libby Macphail



AVEN PAVILION

5710, 50TH AVENUE, YELLOWKNIFE, NT

SHADOW STUDY - SPRING / AUTUMN EQUINOX

144213525

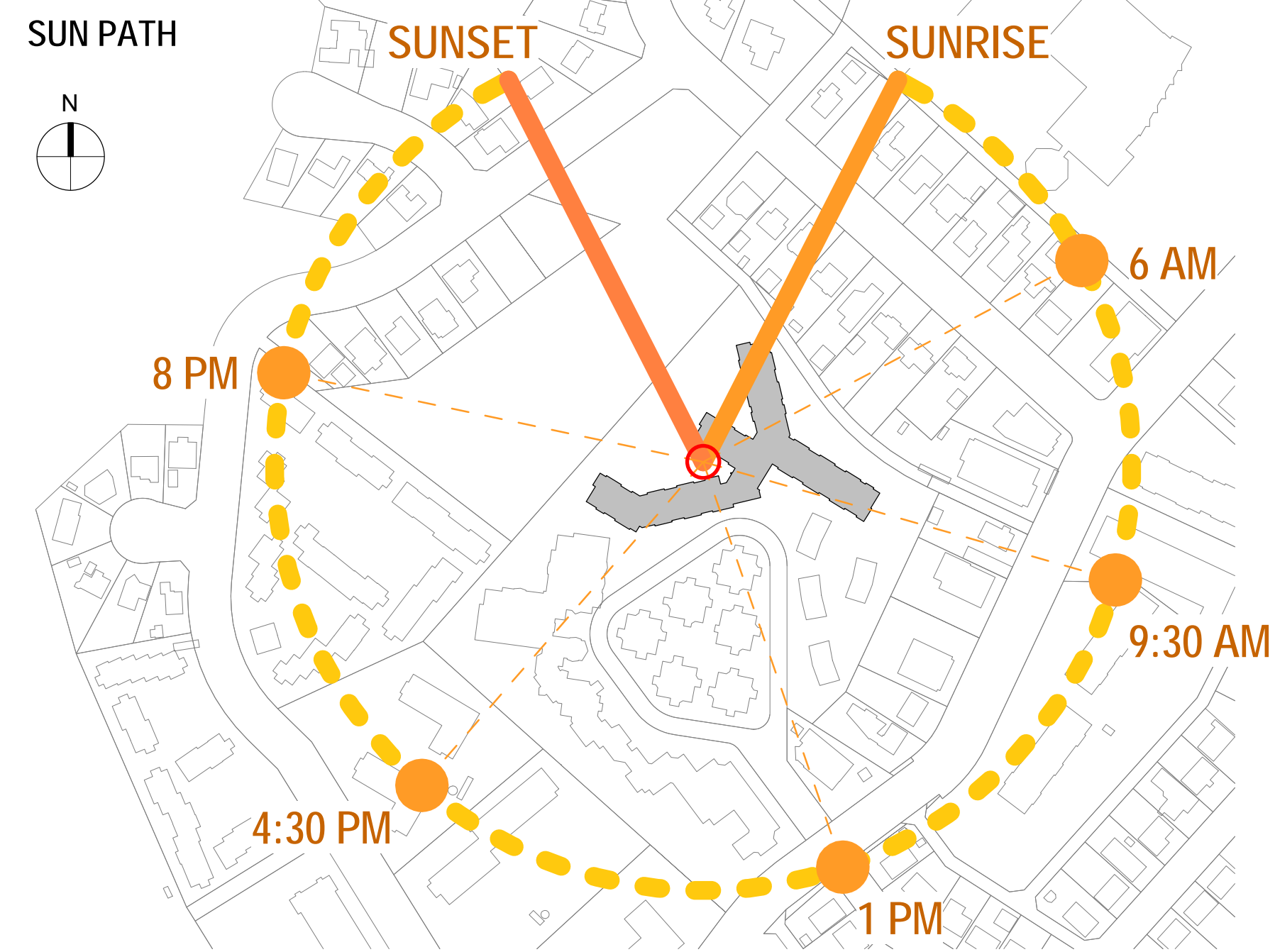
2020/08/20





# SHADOW STUDY - SUMMER SOLSTICE

LOCATION: YELLOWKNIFE, NT    LATITUDE: 62° 26' 32" N, LONGITUDE: 114° 23' 41" W  
 DATE: JUNE 20  
 SUNRISE: 3:38 AM  
 SUNSET: 11:40 PM  
 TIMEZONE: UTC-6:00, MOUNTAIN DAYLIGHT TIME



6:00 AM



9:30 AM



1:00 PM



4:30 PM



8:00 PM



DATA SOURCE: CITY OF YELLOWKNIFE - OPEN DATA (<https://opendata.yellowknife.ca/>)  
 - CITY OF YELLOWKNIFE BUILDINGS  
 - CITY OF YELLOWKNIFE CONTOUR LINES  
 - CITY OF YELLOWKNIFE PROPERTY PARCELS

City of Yellowknife

Development Permit # PL-2020-0335

Approved April 16, 2021

Development Officer Libby Macphail



AVON PAVILION

5710, 50TH AVENUE, YELLOWKNIFE, NT

SHADOW STUDY - SUMMER SOLSTICE

144213525

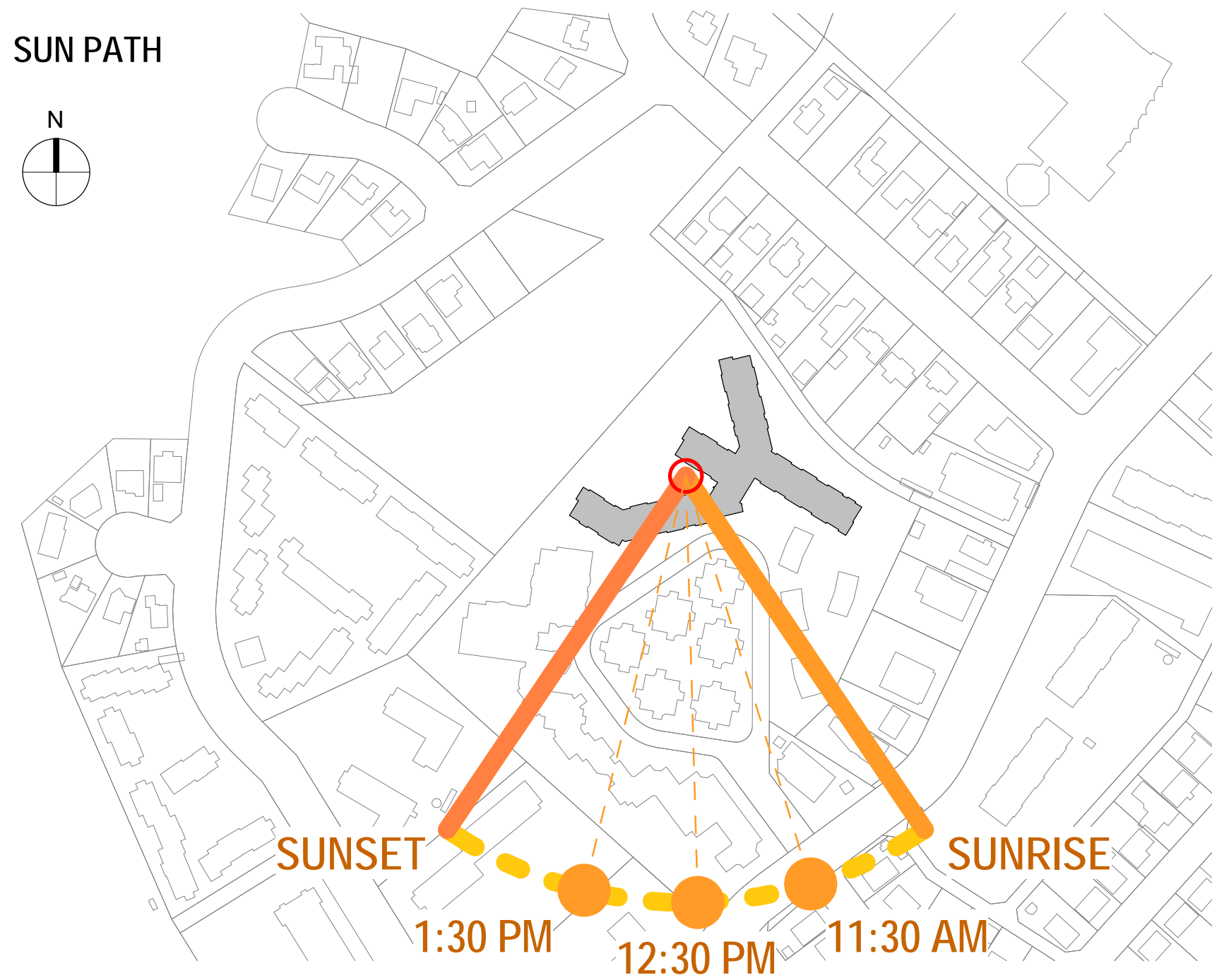
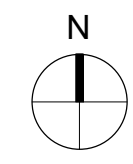
2020/08/20



# SHADOW STUDY - WINTER SOLSTICE

LOCATION: YELLOWKNIFE, NT    LATITUDE: 62° 26' 32" N, LONGITUDE: 114° 23' 41" W  
DATE: DECEMBER 21  
SUNRISE: 10:06 AM  
SUNSET: 3:06 PM  
TIMEZONE: UTC-7:00, MOUNTAIN STANDARD TIME

## SUN PATH



11:30 AM



12:30 PM



1:30 PM



DATA SOURCE: CITY OF YELLOWKNIFE - OPEN DATA (<https://opendata.yellowknife.ca/>)  
- CITY OF YELLOWKNIFE BUILDINGS  
- CITY OF YELLOWKNIFE CONTOUR LINES  
- CITY OF YELLOWKNIFE PROPERTY PARCELS

**City of Yellowknife**

**Development Permit #** PL-2020-0335

**Approved** April 16, 2021

**Development Officer** Libby Macphail



**AVEN PAVILION**

5710, 50TH AVENUE, YELLOWKNIFE, NT

SHADOW STUDY - WINTER SOLSTICE

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