

DEVELOPMENT OFFICER'S REPORT (PRESENTATION)



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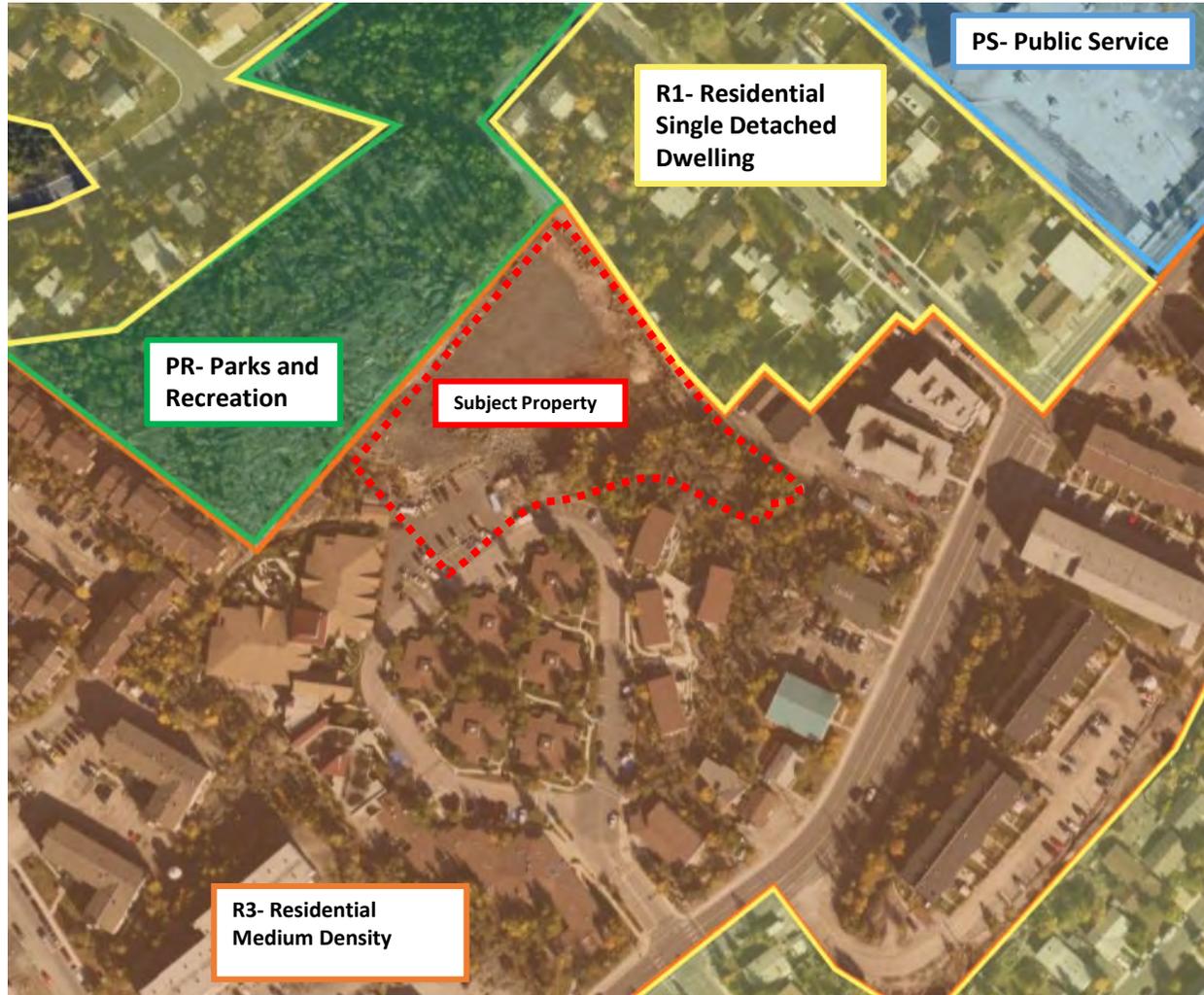
THE ISSUE

An appeal against the decision to issue development permit PL-2020-0335:

A Special Care Facility of 102 Units of Independent/Supportive Living at 5710 50th Avenue (Lots 43 and 44, Block 62).



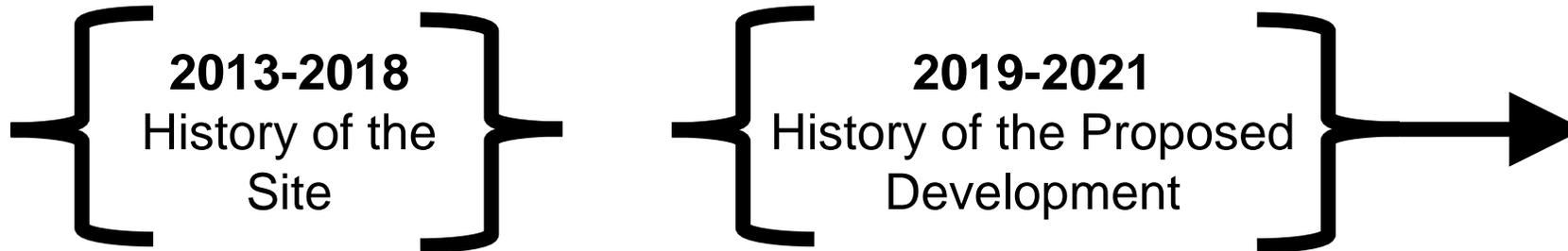
CONTEXT



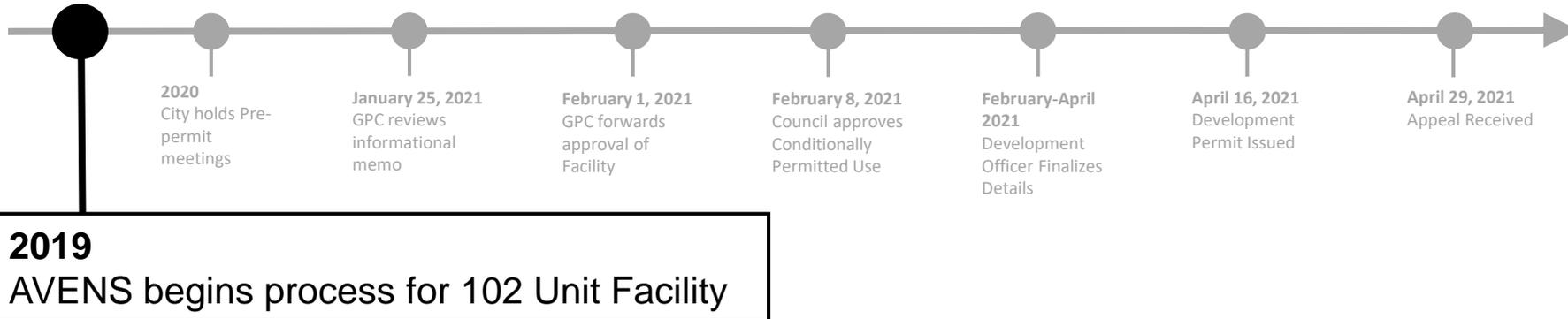
Location of
Development
Permit Appeal

TIMELINE

The History of the Site can be found in **Tab 3**. The History of the proposed development begins in 2019.



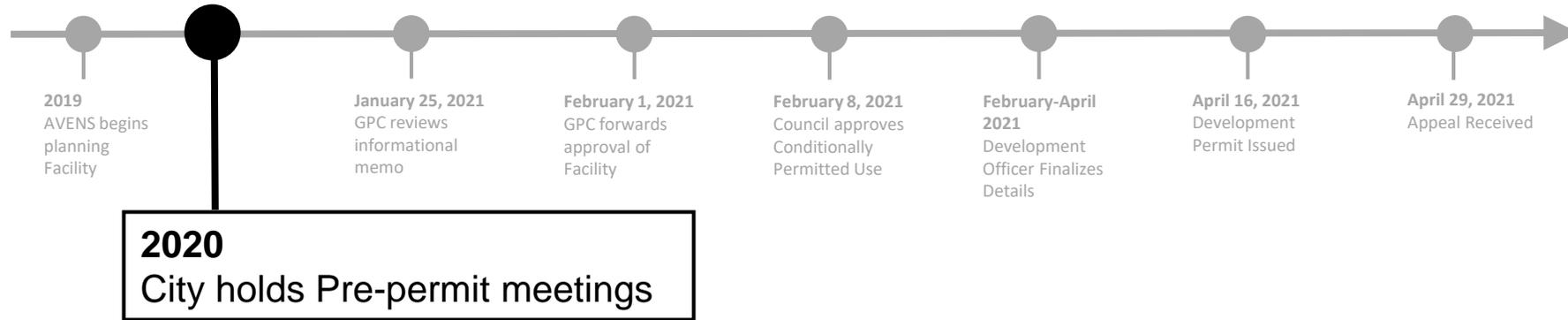
TIMELINE



- Late 2019 AVENS and Nahanni Construction began reaching out to the City for a new design of a Special Care Facility
- The new design focused on Supportive Living and Independent Living rather than long-term and palliative care.



TIMELINE



- In June and November of 2020, the City held two pre-permit meetings with AVENS.
- Confirmed with AVENS that the biggest concerns from Administration were traffic, access, and shadowing — a Traffic Impact Study and Sun-Shadow Study would be required. **(Tab 4)**
- The permit was submitted on December 2nd, 2020.



TIMELINE



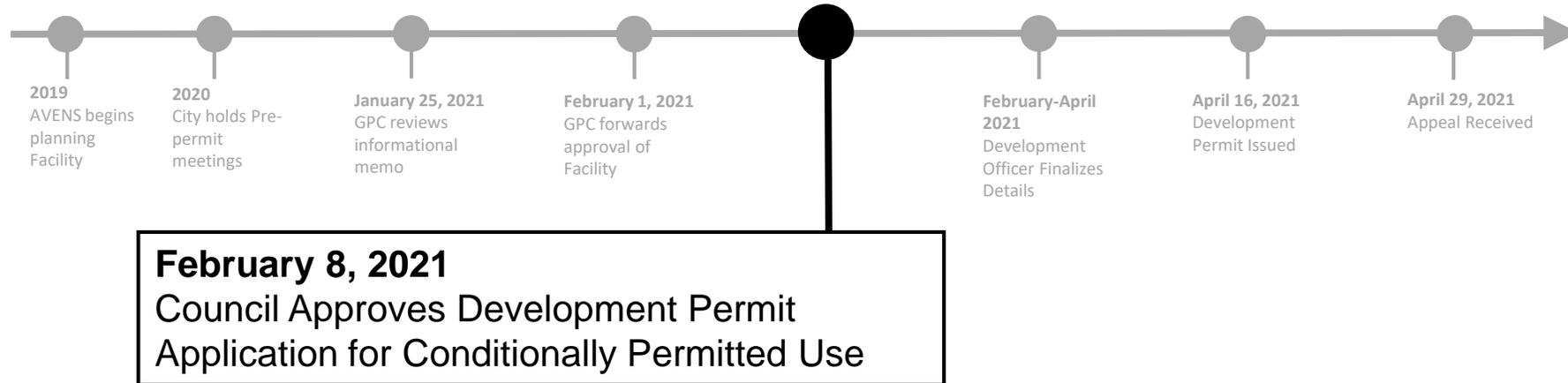
January 25, 2021
GPC reviews informational memo

February 1, 2021
GPC forwards approval of facility

- **January 25, 2021-** The Governance and Priorities Committee reviewed an information memo. **(Tab 5)**
 - GPC heard a presentation from AVENS regarding the project
 - GPC heard a presentation from Hermina Joldersma regarding vehicle access concerns.

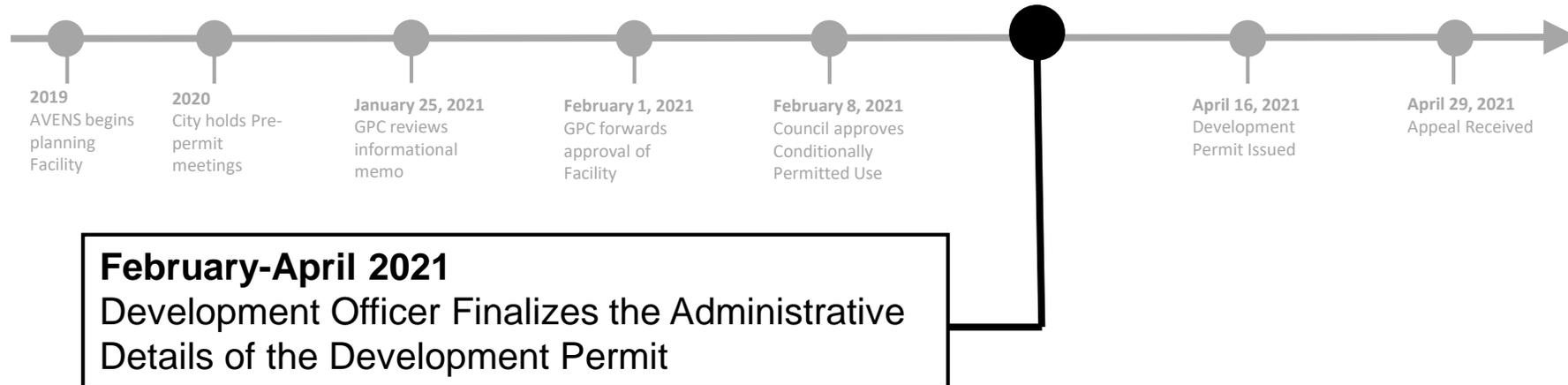
- **February 1, 2021-** The Governance and Priorities Committee forwarded the decision to approve the Special Care Facility **(Tab 6)**
 - GPC heard a presentation from Colin Baile, Marilyn Malakoe and Judy Murdock regarding their concerns

TIMELINE



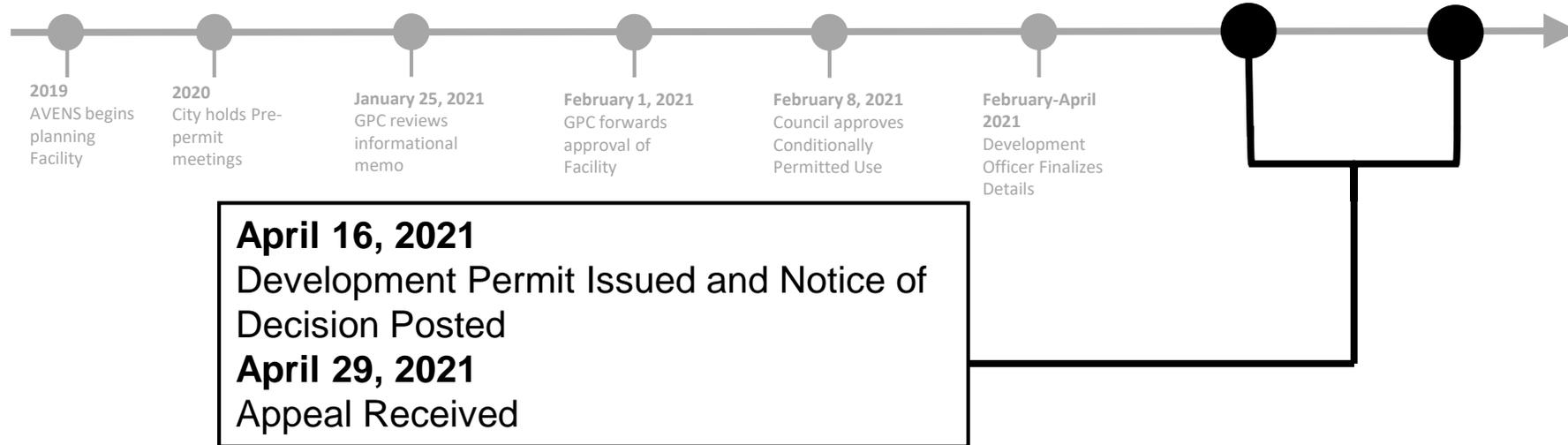
- **February 8, 2021-** Council unanimously approves the application through Council Motion #0025-21. **(Tab 7)**
 - Council received correspondence from the Yellowknife Senior’s Society regarding a petition in support of the application with over 500 signatures. The petition did not meet the requirements in the Cities, Towns and Villages Act. **(Tab 8)**
 - Council added condition #0026-21: “That Council direct Administration to ensure vehicular access/egress points to public roadways, as well as interior driveways, parking lots and circulation areas, are in accordance with accepted transportation standards.

TIMELINE



- Ensured vehicle access/egress, interior driveways, and parking areas were in accordance with accepted transportation standards:
 - Finalized traffic impact study
 - Amended parking off Matonabee Laneway
 - Scoped new access from Matonabee Laneway to Gitzel Street
- Created and executed Development Agreement in accordance with Section 3.8 (1) of the Zoning Bylaw No. 4404
- Ensured all final plans were compliant with the Zoning Bylaw No. 4404 prior to notice being posted.

TIMELINE



- **April 22, 2021-** Colin Baile of 4906 Matonabee St. reached out via email to view plans and ask questions
- **April 28, 2021-** Darcy Milkowski of 4801 Matonabee St. reached out via phone regarding the Traffic Impact Study
- **April 29, 2021-** Judy Murdock of 4914 Matonabee St. and Justin Nelson 4908 Matonabee Street reached out to view plans and the Traffic Impact Study

No inquiries to the Development Officer were received from the other appellants during the appeal period.

STRATEGIC BYLAWS AND POLICIES

Council's Goals and Objectives 2019-2022

How does the proposed development align with Council's Goals and Objectives?

Vision: Yellowknife is a welcoming, inclusive, and prosperous community with a strong sense of pride in our unique history, culture, and natural beauty.

Goal 3: Ensuring a high quality of life for all, including future generations

- Objective 3.3: Work with partners to address pressing social issues
 - Implementation of the City's 10-year plan to end homelessness

Goal 4: Driving strategic land development and growth opportunities

- Objective 4.1: Diversify development options
 - Incentivize the development of diverse housing stock, commercial, and industrial options
 - Objective 4.2: Promote Development across the City
-

STRATEGIC BYLAWS AND POLICIES

2020 Community Plan

- The 2020 Community Plan was approved July 27, 2020.

Section 1.1 Purpose and Section 1.3 Community Planning Approach

- The purpose of the Community Plan is to provide a policy framework to guide the physical development of the municipality, having regard to sustainability, the environment and the economic, social and cultural development of the community.
 - The approach of the Community Plan is to use land in an economically, environmentally, and socially sustainable manner...The Plan also supports compact urban development that will support a variety of mixed uses and higher intensity land uses. (Section 1.3)
-

STRATEGIC BYLAWS AND POLICIES

2020 Community Plan

Section 2.2 Regional Co-Existence and Indigenous Reconciliation

- Migration from smaller communities and urbanization is largely driving Yellowknife's population growth
- Along with an aging population, will continue to affect the demand for and supply of public programs and services by different levels of government

Section 2.3 Demography and Land Use

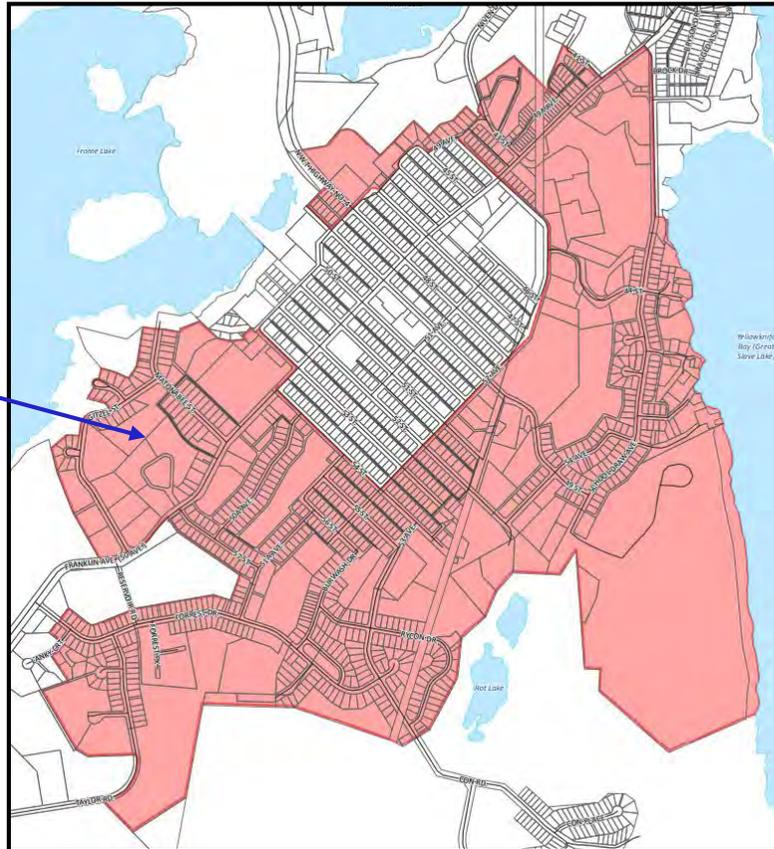
- The average age of the population is increasing (current is 34.6 years)
- The fastest growing population cohort in Yellowknife is 50+ years of age- the "baby boomer" age cohort
- Many older citizens are choosing to stay in the North instead of retiring in Southern provinces
- Housing adequacy, affordability and suitability continue to be issues in Yellowknife, and there is increasing demand for more small housing units

Section 3.2.4 Economic, Environmental and Social Factors

- The City's vision highlights its desire to be inclusive
 - One of the City's goals include making decisions that serve the broad public interest
 - This includes increasing housing options, as it supports the City's social goals
-

STRATEGIC BYLAWS AND POLICIES

2020 Community Plan



Portion of Map 4 from the 2020 Community Plan, demonstrating the Central Residential Designation

Section 4.1.2 Central Residential

- The Central Residential area surrounds the Core and is a transition area between the high-density core and other area designations like The Rec Hub
- Identified as suitable for higher density residential and multi-use development through infill

Relevant Objectives

- 3. “High density development adjacent to the City Core Stepping down to medium density”
- 4. “To encourage higher density residential development”
- 5. “To Encourage a variety of housing options”

STRATEGIC BYLAWS AND POLICIES

Yellowknife's 10 Year Plan to End Homelessness

- Seniors are the most rapidly growing demographic in Yellowknife
 - Seniors can experience homelessness or be placed in vulnerable housing scenarios for a variety of reasons:
 - Lack of income to pay for housing
 - Shortage of affordable and secure housing
 - Deteriorating physical and mental health- functional disabilities, chronic disease, high blood pressure
 - A relationship breakdown
 - Suffering from violence and abuse
 - Seniors are more at risk of homelessness than most:
 - Death of a spouse
 - Social isolation and discrimination
 - Lack of awareness of available benefits and services
 - The proposed development provides permanent supportive housing solutions for a vulnerable group of Yellowknife's population.
-

APPELLANT CONCERNS

Concerns Regarding the Development

1. Development Officer breached Principles of Natural Justice and Procedural Fairness
 - Appellant's right to know the case and reply to it
2. Application is too incomplete to be able to define development as Special Care Facility
3. Design of AVENS Pavilion contravenes Zoning Bylaw No. 4404
 - Regulations of R3 Zone
 - Vehicular Access and Traffic
 - Other Concerns- Drainage, Privacy, Property Values, Shadows

Concerns Regarding Approval Process

1. Administration & Council did not properly approve permit in accordance with Zoning Bylaw No. 4404
 2. Council Delegation of Statutory Authority was Incorrect
 3. Council Breached Principles of Natural Justice and Procedural Fairness
-

**APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT
DEVELOPMENT OFFICER BREACHED PRINCIPLES OF
NATURAL JUSTICE & PROCEDURAL FAIRNESS**

Section 3.7 (2) of Zoning Bylaw No. 4404 states:

“Upon receipt of a complete Application for a Development Permit for a use listed as a Conditionally Permitted Use, the Development Officer shall require the applicant to send a written notice to all owners and lessees of land within 30 metres of the boundary of the subject property, or to a greater circulation area specified by the Development Officer. The notice shall indicate the location and nature of the development proposal, copies of relevant drawings and a location and date to submit comments.”

- Original notice contained the location and nature of the development proposal, copies of the site plan, elevations, and the sun shadow study, and a location and date to submit comments. **(Tab 9)**
-

APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT DEVELOPMENT OFFICER BREACHED PRINCIPLES OF NATURAL JUSTICE & PROCEDURAL FAIRNESS

-
- **December 29th, 2020-** Sent out original letters to neighbourhood (**Tab 9**)
 - **January 6th, 2021-** Notified by Colin Baile that he did not receive a letter. This was due to human error, rectified by hand delivering notices that afternoon. (**Tab 10**)
 - **January 8th, 2021-** Neighbours request draft TIS. Initial request was denied — legal review of policy determined to be procedurally unfair and plans were released (See Jan 15th).
 - **January 9th, 2021-** Introduced residents to AVENS team to receive TIS and full set of plans.
 - **January 11th, 2021-** Council receives request to postpone decision. This request was granted, and a new letter advising residents of revised schedule was hand delivered. (**Tab 11 & 12**)
-

APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT DEVELOPMENT OFFICER BREACHED PRINCIPLES OF NATURAL JUSTICE & PROCEDURAL FAIRNESS

- 
- **January 15th, 2021-** AVENS team releases full plans and Traffic Impact Study to those who request it.
 - **January 19th, 2021-** AVENS hosts a virtual session regarding the development. The session was well attended by the neighbourhood. The City attended to answer questions regarding the Conditionally Permitted Use process.
 - **January 28th, 2021-** Public comment period ends. 7 public comments are received from 16 households. Public comments are catalogued and compiled for Council's review.
 - **February 1st & 8th -** Governance and Priorities Committee forwards application for approval, Council approves the development permit for a Conditionally Permitted Use.
-

APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT UNABLE TO DEFINE AS SPECIAL CARE FACILITY

The Zoning Bylaw defines a Special Care Facility as:

“A building or portion thereof wherein specialized care is provided to occupants in the form of supervisory, nursing, medical, counselling, home making services, or other services related thereto, but this does not include a child care facility.”

What is Independent Living in the AVENS Pavilion context?

- Designed for Seniors who do not require assistance daily, but may require assistance for larger tasks, such as laundry, transportation or dining, on a case-by-case basis.

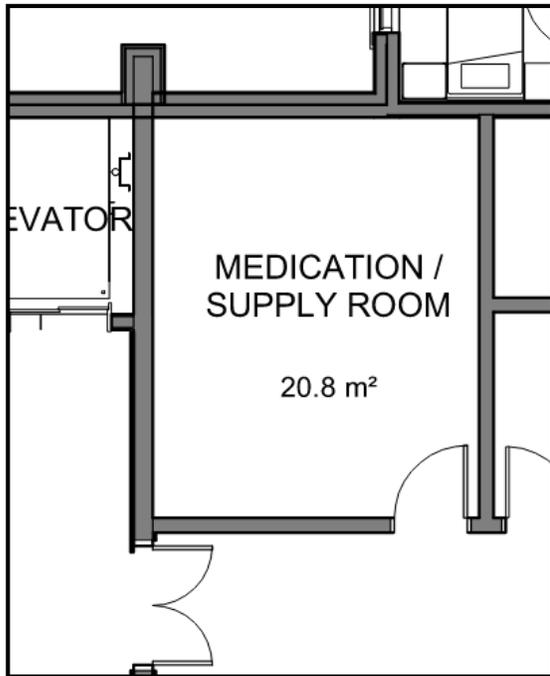
What is Supportive Living in the AVENS Pavilion context?

- Designed for Seniors who require some daily assistance and/or medical care, including assistance with daily grooming, eating, and mobility.

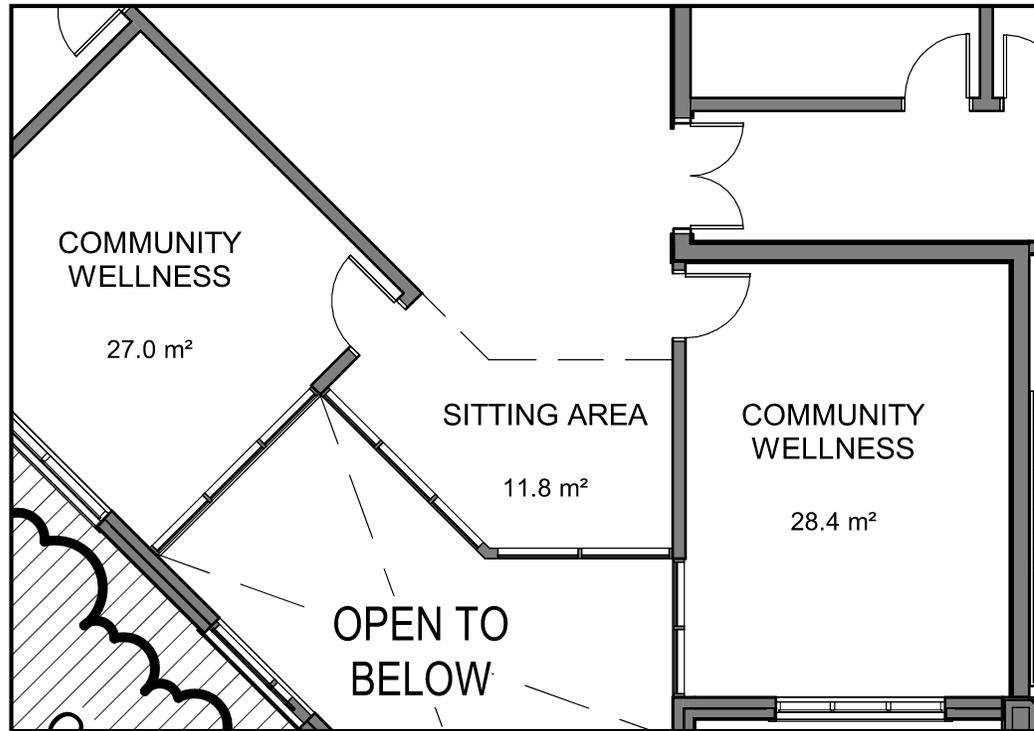
All units within the AVENS Pavilion are designed to be able to transition from Independent Living units to Supportive Living Units, enabling residents to “age-in-place”.

**APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT
UNABLE TO DEFINE AS SPECIAL CARE FACILITY**

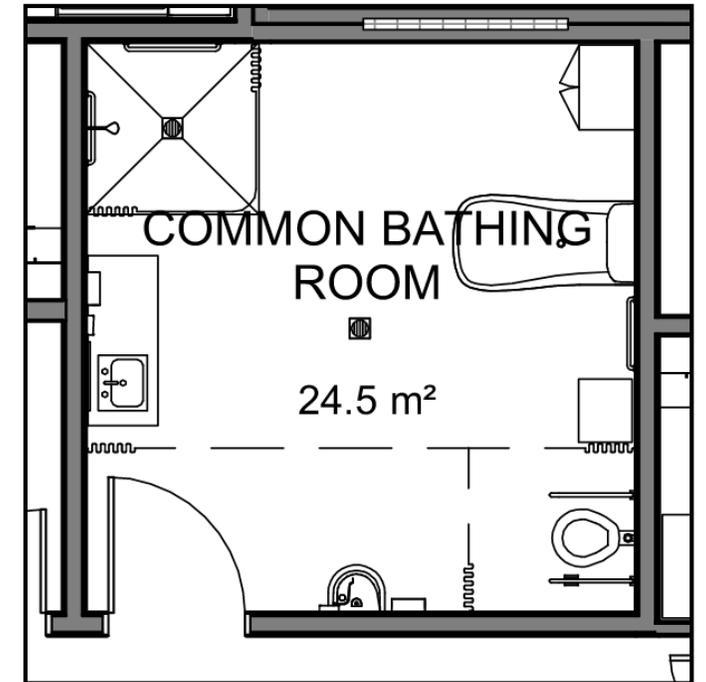
Nursing, Medical, and Counselling Elements



Medication Room



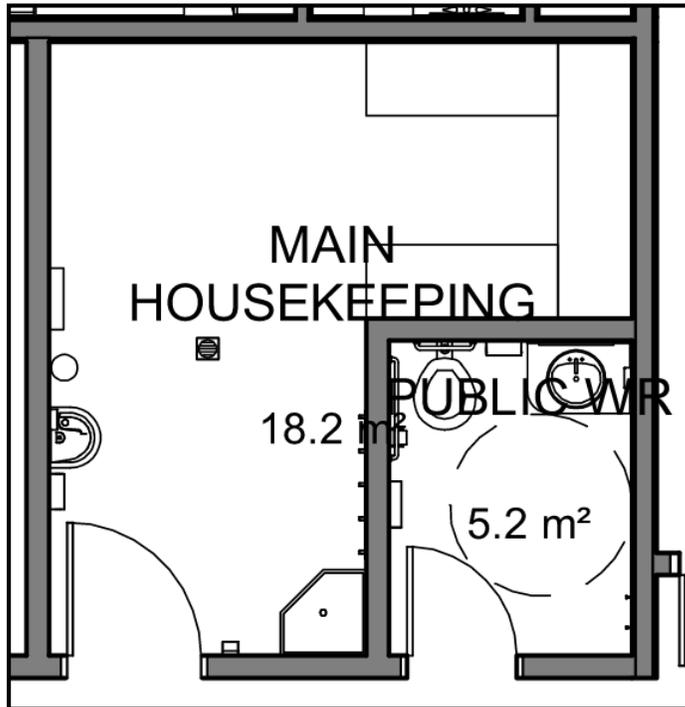
Community Wellness (including a Chapel,
not pictured)



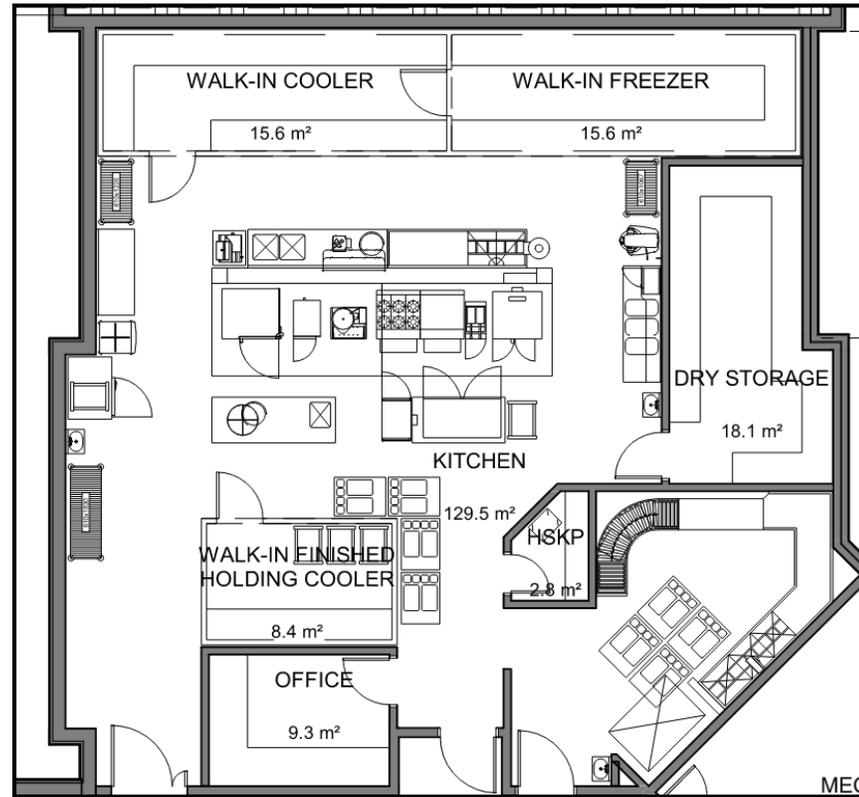
Bathing Rooms

APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT UNABLE TO DEFINE AS SPECIAL CARE FACILITY

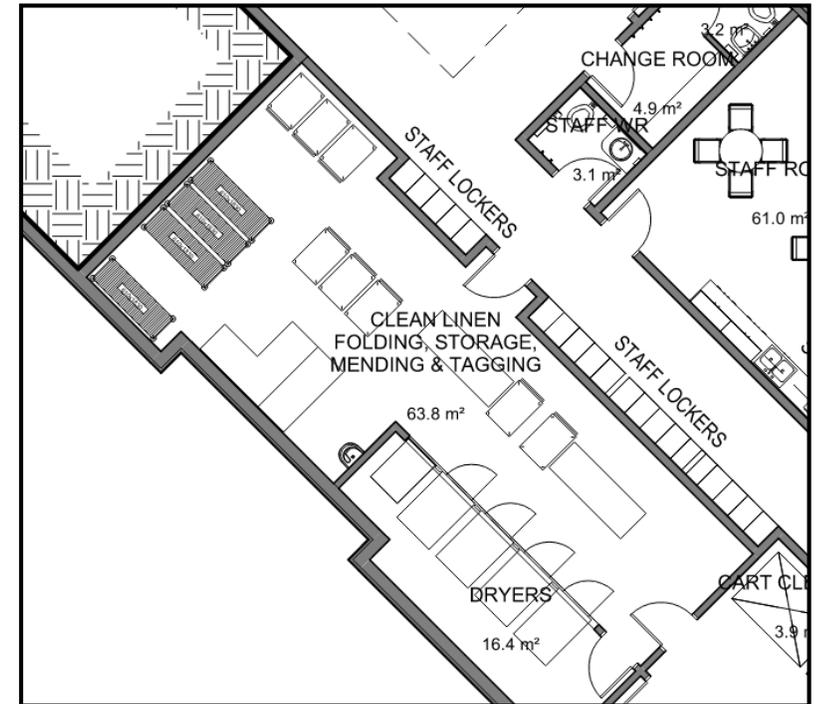
Home-making Services



Housekeeping Rooms



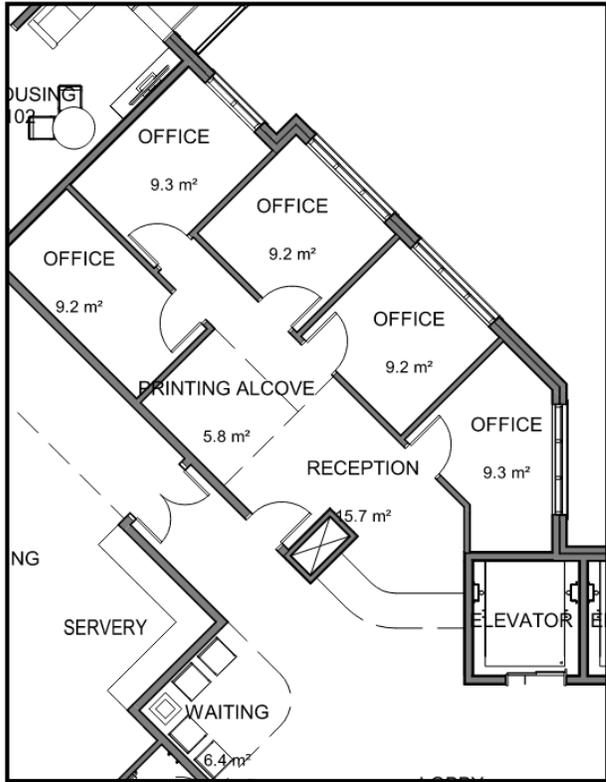
Commercial Kitchen



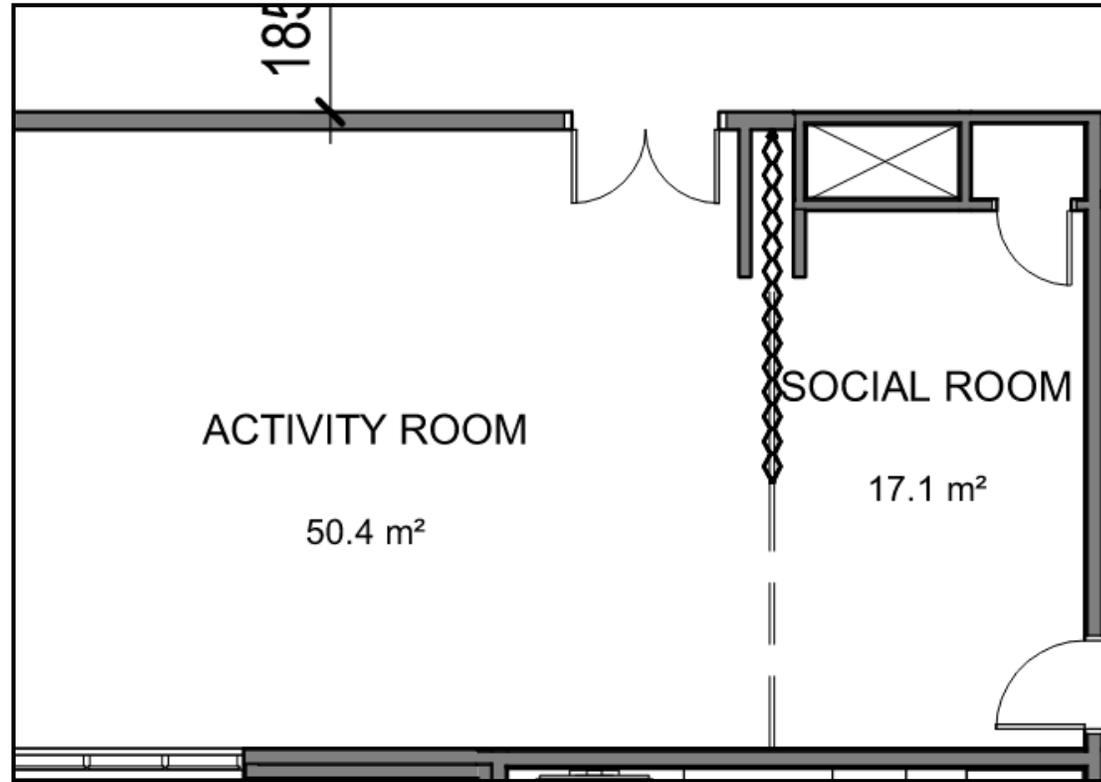
Laundry

APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT UNABLE TO DEFINE AS SPECIAL CARE FACILITY

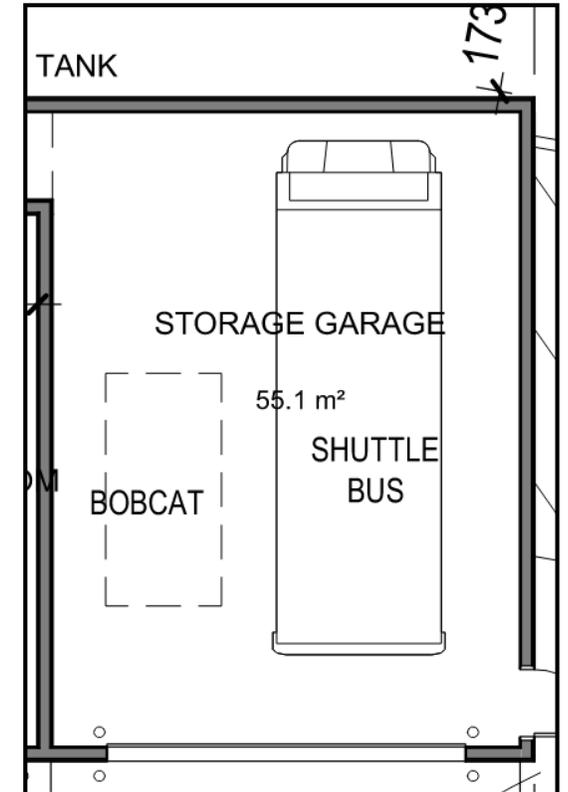
Other Services Related Thereto



Offices for Administrative Services



Activity/Social Rooms



Garage for Shuttle Bus (Transportation)

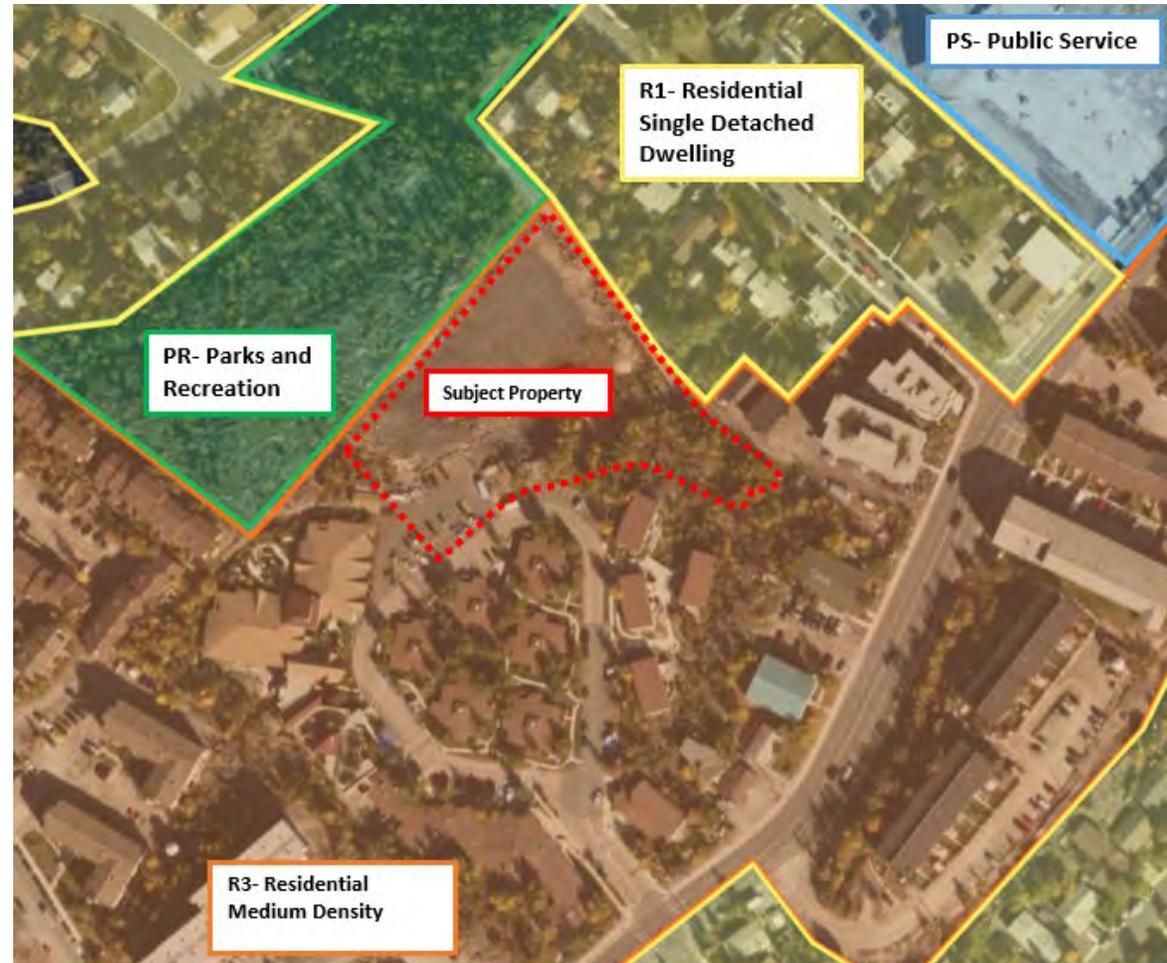
APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT DEVELOPMENT CONTRAVENES ZONING BYLAW

The subject property is zoned **R3- Residential Medium Density**. The proposed development is a Special Care Facility.

“Special Care Facility” is a Conditionally Permitted Use in the R3 Zone.

Council approved the “Special Care Facility” through Council Motion #0025-21 (**Tab 7**)

The technical review document can be found in **Tab 2**.



**APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT
DEVELOPMENT CONTRAVENES ZONING BYLAW**

Section 10.9 R3- Residential Medium Density Zone

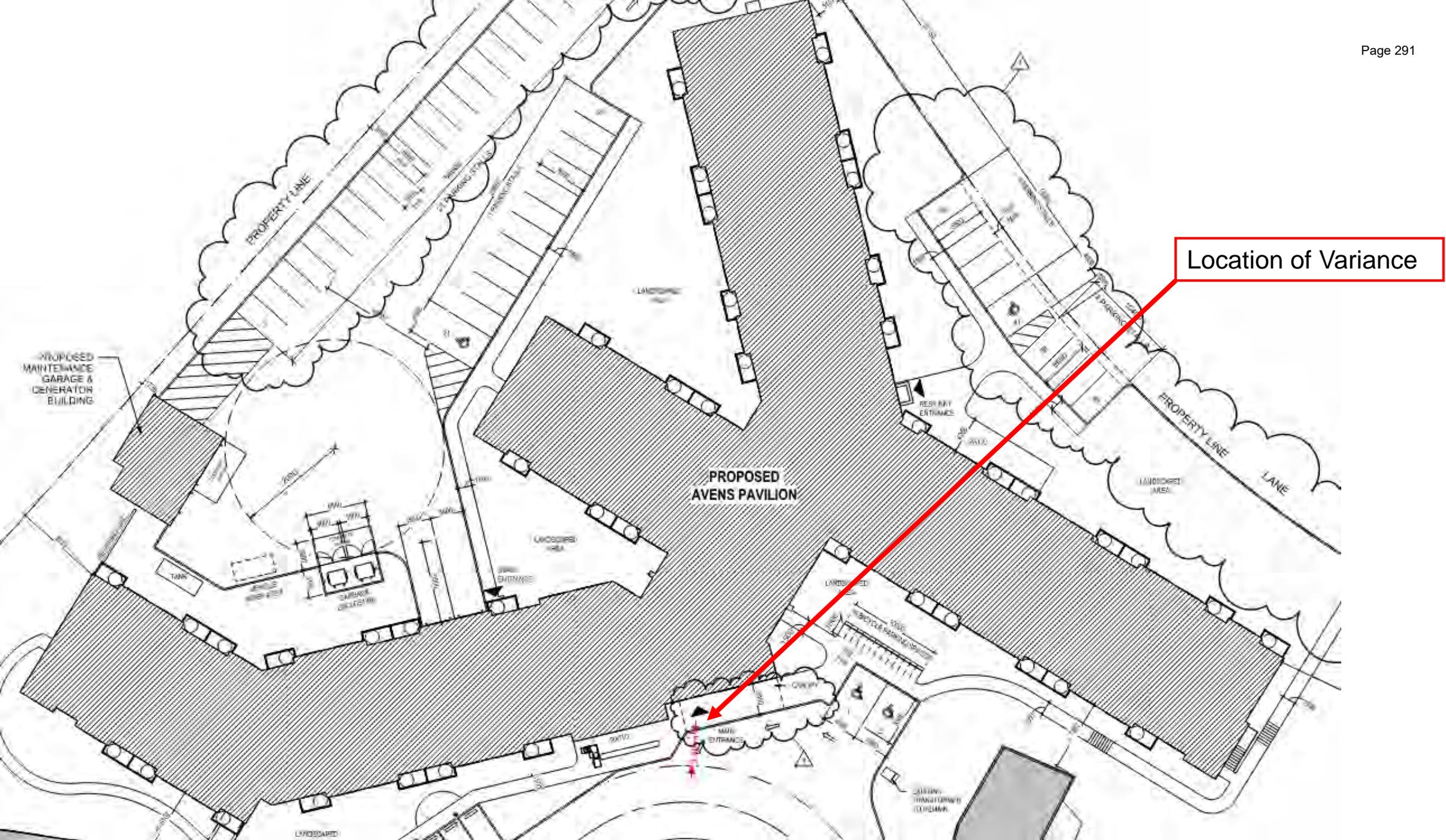
Regulation	Requirement in Zoning By-law	Proposed
Building Height	Maximum of 12.0 m	Met (11.944 m, measured from average finished grade)
Setbacks	Minimum 3m side yard setback	Met (24.98m, 3.17 m, 3.55 m)
	Minimum 6m front yard setback	Variance Granted (3.59 m)
	Minimum 6m rear yard setback	Met (9.779 m)
Density	125 sq m / dwelling unit	Met (134.2 sq m/unit) Council approved the subdivision of Lot 43 & 44 to adjust the interior lot line through Council Motion #0031-21 (Tab 13)
Site Coverage	Maximum of 40%	Met (19.22%)
Parking	Vehicular Parking: 45 stalls; with 3 accessible stalls	Met (45 stalls, with 3 accessible stalls)
	Bike parking: 13 spaces	Met (13 spaces)
Landscaping	Minimum 83 trees, 178 shrubs	Met: 89 Trees, 373 Shrubs

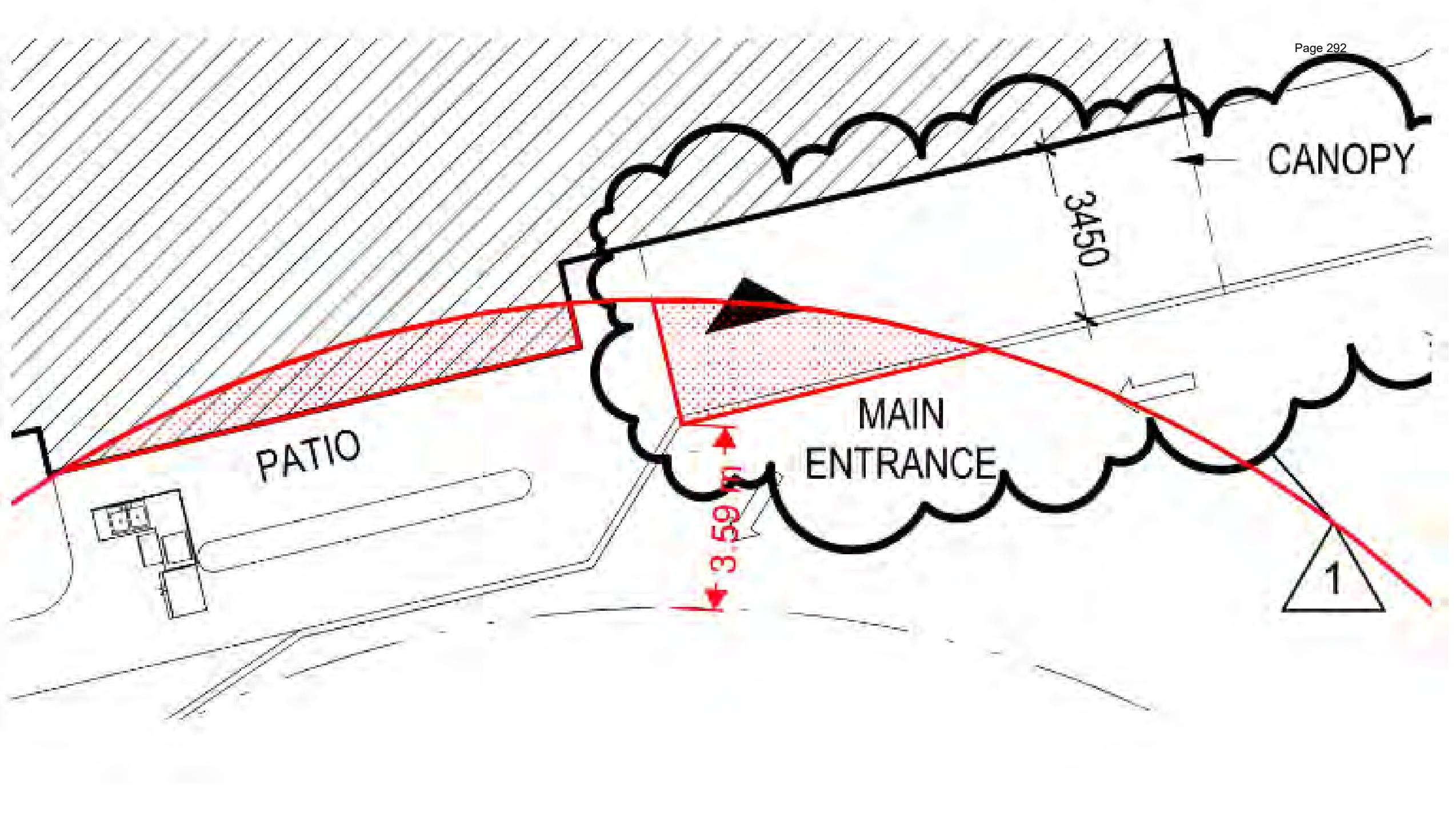
APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT DEVELOPMENT CONTRAVENES ZONING BYLAW

Variance to Minimum Front Yard Setback

Section 3.5 of the Zoning Bylaw outlines the Variance Authority given to a Development Officer. A Development Officer may allow a variance in regard to the front yard setback. The Technical Review document outlines the analysis in detail. **(Tab 2)**

Requirement for Variance	Requirement Fulfilled?
(a) (i) Amenities of the Neighbourhood	Not expected to unduly interfere with the amenities of the neighbourhood. The front yard variance is not expected to impact Matonabee Laneway, Franklin Avenue, sidewalks, or the PR Zone.
(a) (ii) Use, Enjoyment or Value of Neighbours	Not expected to affect the use, enjoyment or value of neighbouring parcels of land. Front lot line is an internal lot line.
(b) Irregular lot lines	✓ Front Lot Line is Irregular
(c) Physical Limitations	N/A
(d) Natural Features	N/A
(e) Error in Siting	N/A
(f) Use Conforms?	✓ Council Motion #0025-21.





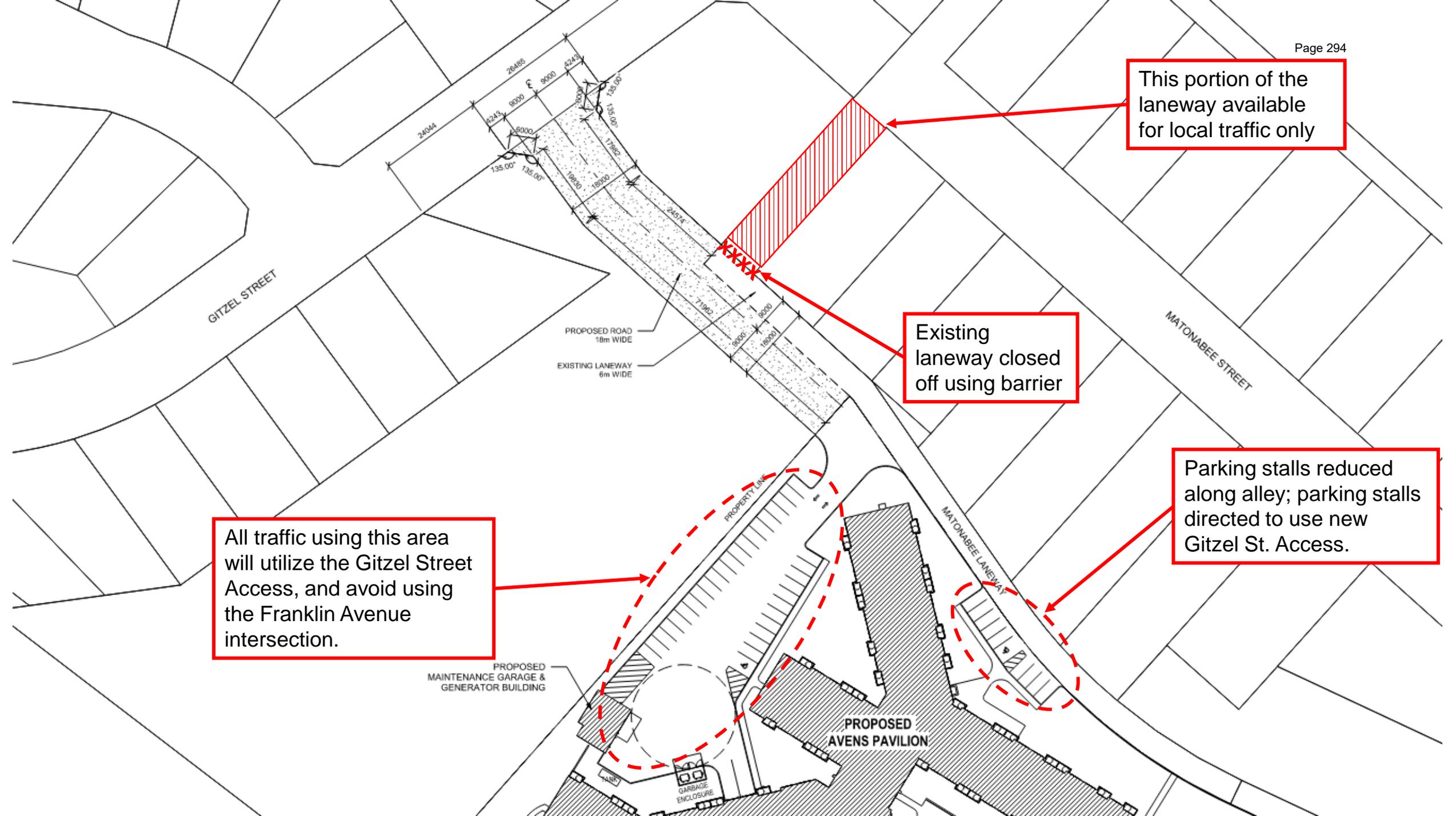
APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT DEVELOPMENT CONTRAVENES ZONING BYLAW

Vehicular Access, Onsite Traffic and Alley Concerns

A Final Traffic Impact Study was submitted on April 6th. Public feedback and Council's concerns were integrated into the study, and Option 4a & 4b were introduced as a result:

- Option 1- Two-Way operations on Matonabee Laneway (No Modification Scenario)
- Option 2- One-Way operations on Matonabee Laneway
- Option 3- Widening Matonabee Laneway from Matonbee Street to the AVENS parking lot entrance
- Option 4a- Construction of a new roadway from Gitzel Street to the AVENS parking lot entrance, and maintain the existing Matonabee Laneway/Matonabee Street intersection
- Option 4b- Construction of a new roadway from Gitzel Street to the AVENS parking lot entrance, and close the existing Matonabee Laneway/Matonabee Street intersection.

Option 4b was selected, as it was the recommended option in the Traffic Impact Study.



This portion of the laneway available for local traffic only

Existing laneway closed off using barrier

Parking stalls reduced along alley; parking stalls directed to use new Gitzel St. Access.

All traffic using this area will utilize the Gitzel Street Access, and avoid using the Franklin Avenue intersection.

PROPOSED ROAD
10m WIDE

EXISTING LANEWAY
6m WIDE

PROPOSED
MAINTENANCE GARAGE &
GENERATOR BUILDING

PROPOSED
AVENS PAVILION

GARBAGE
ENCLOSURE

GITZEL STREET

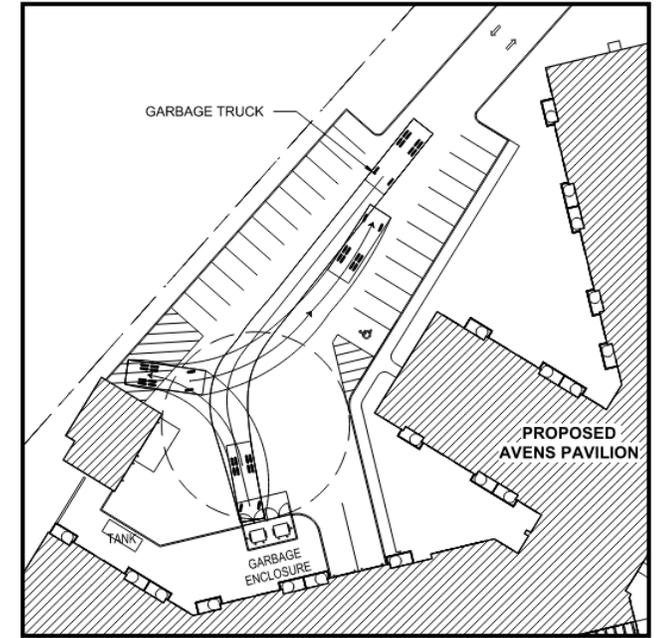
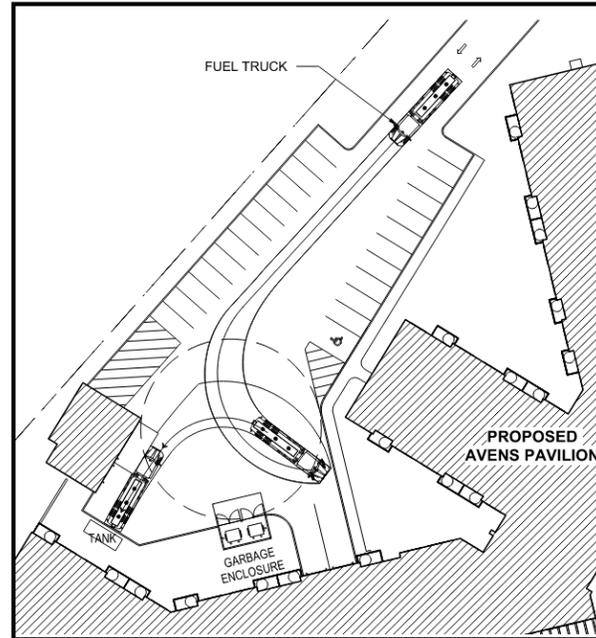
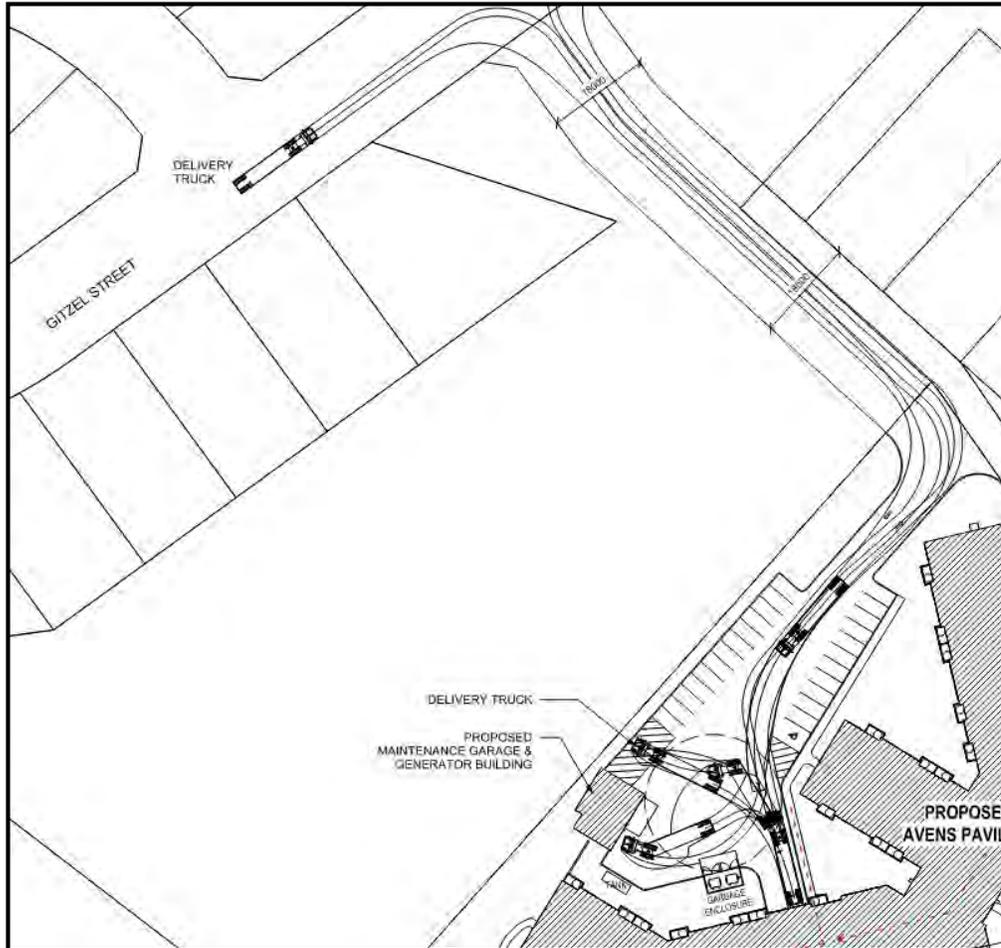
MATONABEE STREET

MATONABEE LANEWAY

PROPERTY LINE

APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT DEVELOPMENT CONTRAVENES ZONING BYLAW

Vehicular Access, Onsite Traffic and Alley Concerns

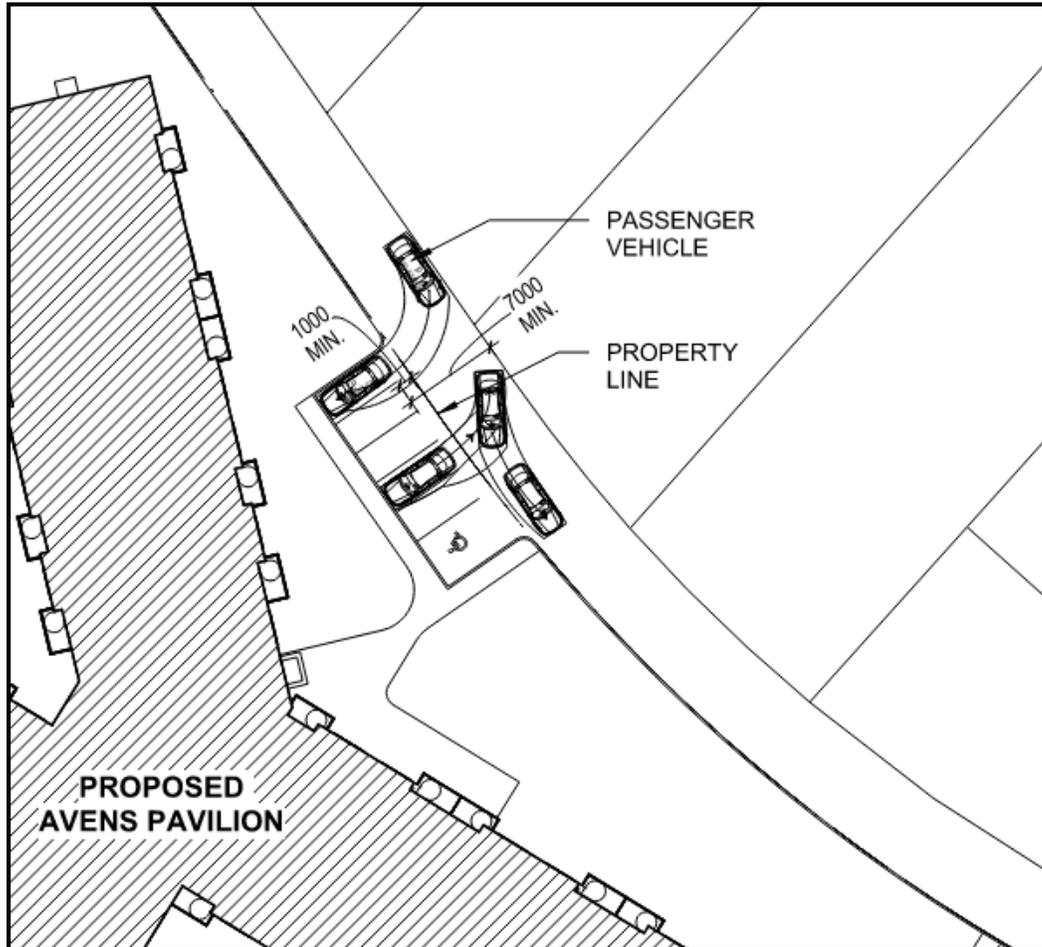


Rear Access Area is sufficient for delivery trucks, fuel trucks, and garbage trucks to effectively circulate.

Site Circulation Plan was reviewed by the Fire Division and access points were found to be sufficient for emergency services.

APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT DEVELOPMENT CONTRAVENES ZONING BYLAW

Vehicular Access, Onsite Traffic and Alley Concerns



Parking area off alley has enough room to be able to turn around successfully, and traffic in this parking area will use the Gitzel Street intersection.

AVENS is required to remove any overgrowth in the alley prior to beginning construction

AVENS is to submit a new grading design for Matonabee Laneway, as it is expected that the increase in hard surfacing on the AVENS site will increase the existing drainage issues.

The City will implement the grading plan to ensure that neighbouring properties are not negatively impacted.

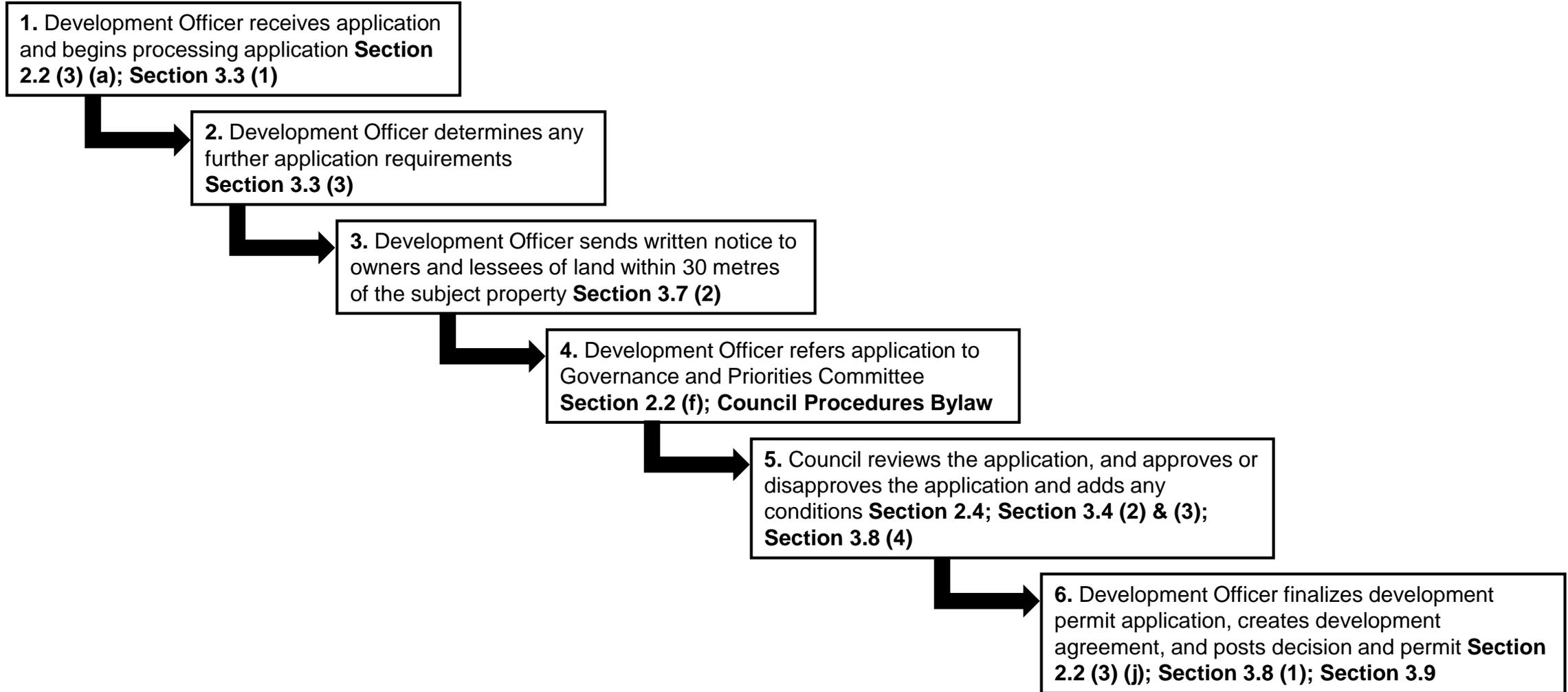
Note: This diagram uses a previous parking iteration. 10 parking spaces are proposed to be off the Laneway.

**APPELLANT CONCERNS- CONCERNS REGARDING THE DEVELOPMENT
DEVELOPMENT CONTRAVENES ZONING BYLAW**

Other Concerns

<p>Privacy</p> <p>The development complies with the minimum yard setbacks for the zone, with the exception of the front yard setback, which is <u>oriented away from the R1 Zone.</u></p>	<p>Shadowing</p> <p>A Sun Shadow Study was provided. The R3 Zone does not provide guidance for analyzing Sun Shadow impacts, but a general analysis shows that <u>neighbouring properties are not unduly impacted by shadowing.</u></p>
<p>Property Values</p> <p>There is <u>no empirical evidence</u> to suggest that Independent or Supportive Living Facilities impact adjacent property values.</p>	<p>Light</p> <p><u>Lighting specifications are a condition of the development permit.</u> Lights will be the minimum required for safety & security, and so that no direct rays are projected to adjacent properties.</p>

APPELLANT CONCERNS- CONCERNS REGARDING APPROVAL PROCESS DID NOT PROPERLY APPROVE PERMIT

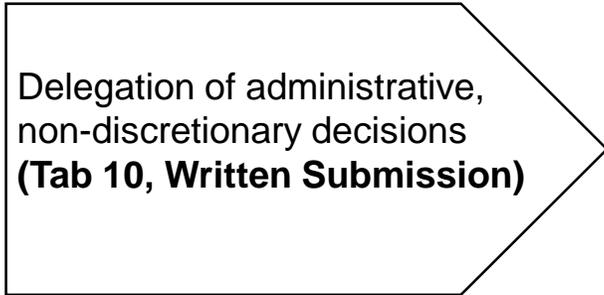


APPELLANT CONCERNS- CONCERNS REGARDING APPROVAL PROCESS

DELEGATION OF AUTHORITY

Council Exercised its Authority Appropriately

- Considered the circumstances and merits of the application in accordance with Section 3.4 (3) of the Zoning Bylaw
- Approved the application for a Conditionally Permitted Use
- Included a condition (Council Motion #0026-21)



Delegation of administrative, non-discretionary decisions
(Tab 10, Written Submission)

Development Officer Conducts Administrative Action

- Finalized application in accordance with accepted transportation standards
 - Once conditions imposed by Council were met, Development Officer is required to issue the Permit and Post Notice.
-

APPELLANT CONCERNS- CONCERNS REGARDING APPROVAL PROCESS

NATURAL JUSTICE & PROCEDURAL FAIRNESS

Disclosure of Information to Members of the Public

- Presentation from Developer on January 19, 2021
- Technical studies: Sun Shadow Study, Traffic Impact Study
- Development Permit Details
- Summary of Public Comments attached to memos

Neighbours Had Opportunity for Public Input

- Written submissions directly to GPC and Council
 - Ability to present and participate in GPC and Council Meetings on January 25, 2021, February 1, 2021, and February 8, 2021
-

QUESTIONS
