Minutes - Executive Policy Committee - June 16, 2010

Minute No. 351
Report - Standing Policy Committee on Downtown Development - June 10, 2010

Item No. 1 Subdivision and Rezoning – 280, 290, 300 and 318 Assiniboine Avenue (Fort Rouge-East Fort Garry Ward)
File DASZ 37/2009 [c/r DAV 105118/2010D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 37/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2009 dated February 4, 2010 for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 100/2004 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 37/2009 dated February 4, 2010 to a "D" Downtown Living Sector.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office, provided that the said effective date occurs within one year from the date the by-law is passed.

Report - Standing Policy Committee on Downtown Development - June 10, 2010

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Downtown Development - June 10, 2010

DECISION MAKING HISTORY:

Moved by Deputy Mayor Swandel,

That the recommendation of the Standing Policy Committee on Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 10, 2010, the Standing Policy Committee on Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On April 12, 2010, the Standing Policy Committee on Downtown Development did not hear any representation on the application and adjourned the public hearing to its meeting on June 10, 2010, at 9:00 a.m. in the Council Building, 510 Main Street.

On March 1, 2010, the Standing Policy Committee on Downtown Development did not hear any representation on the application and adjourned the public hearing to its meeting on April 12, 2010, at 9:00 a.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 280, 290, 300 and 318 Assiniboine Avenue File DASZ 37/2009 [c/r DAV 105118/2010D]**

For submission to: **Executive Policy Committee**

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
Standing Policy Committee on Downtown Development

Report date: **June 10, 2010**

STANDING COMMITTEE RECOMMENDATION:

On June 10, 2010, the Standing Policy Committee on Downtown Development concurred in the recommendation of the Winnipeg Public Service and, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 37/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2009 dated February 4, 2010 for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 100/2004 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 37/2009 dated February 4, 2010 to a "D" Downtown Living Sector.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office, provided that the said effective date occurs within one year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Standing Policy Committee on Downtown Development provided the following supporting reasons for its recommendation:

1. This is an excellent increase in residential opportunities in the Downtown.

2. It provides acceptable interfaces with the public spaces, maintaining the riverbank access and keeping Bonnycastle Park fully intact.

3. It is a very positive development for our downtown.

PUBLIC HEARING SUMMARY

File: DASZ 37/2009 [c/r DAV 105118/2010D]

Before: Standing Policy Committee on Downtown Development
Councillor Swandel, Chairperson
Councillor Gerbasi
Councillor Pagtakhan
Councillor Steeves

Public Hearing: June 10, 2010
North Committee Room
Council Building, 510 Main Street
April 12, 2010
March 1, 2010
West Committee Room
Council Building, 510 Main Street

Applicant: Fillmore Riley (Lionel J. Martens)

Subject:

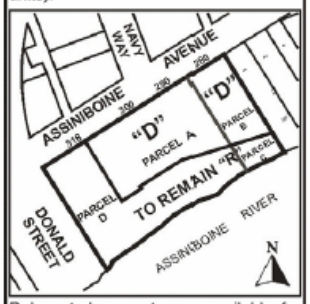
Winnipeg

NOTICE OF PUBLIC HEARING
STANDING POLICY COMMITTEE
ON DOWNTOWN DEVELOPMENT

Date : Monday, March 1, 2010
Time : 9:00 a.m.
Location : Council Building,
510 Main Street

APPLICANT : FILLMORE RILEY, LLP
FILE : DASZ 37/09

PROPOSAL : An application for the approval of the plan of subdivision shown outlined below as may be determined by Council and for a proposed zoning change to By-law No. 100/2004 by rezoning the land show outlined below from an "R" RIVERBANK SECTOR to the "D" DOWNTOWN LIVING SECTOR to allow for the development of a multiple-family dwelling complex (approx. 200 units).



Relevant documents are available for inspection by contacting Mr. K. Kowalke, Planning, Property and Development Department, at 986-5917.

Premises Affected: 280, 290, 300 and 318 Assiniboine Avenue

Exhibits Filed:

1. Application dated February 1, 2010
2. Notification of Public Hearing dated February 3, 2010
3. Manitoba Status of Titles 1564420, 1606373, 2378374 and 2378431
4. Certificate of Title 462526, A75216, A87386 and A92370
5a. Letter of authorization dated September 24, 2009 from Heritage Landing on Assiniboine Inc. to Fillmore Riley LLP
5b. Letter of authorization dated November 26, 2009 from the City of Winnipeg to Heritage Landing on Assiniboine Inc.
6. Miscellaneous Plan No. 8289/11
7. Site Plans (18 pages)
8. Report from the Planning and Land Use Division dated February 16, 2010
9. Inspection Report
10. Notice of Adjournment dated March 1, 2010
11. Notice of Rescheduled Adjournment dated March 11, 2010
12. Notice of Adjournment dated April 13, 2010
13. Supplemental Report from the Planning and Land Use Division dated May 28, 2010
14. Computer Generated Images (14) of the proposed development, submitted at the public hearing by Gareth Simons

REPRESENTATIONS:

In Support:

Harold Funk
Gareth Simons
Heidi Spletzer
Brad Wiebe

In Opposition

Nil

For Information:

Nil

For the City:

Mr. D. Joshi, Director, Planning, Property and Development Department
Mr. B. Thorgrimson, Acting, Manager of Real Estate, Planning, Property and Development Department

Exhibit "13" referred to in File DASZ 37/2009[c/r DAV 105118/2010D]

ADMINISTRATIVE REPORT

Title: **DASZ 37/09 – 280, 290, 300 and 318 Assiniboine Avenue – Public Hearing**

ISSUE: **For consideration at the public hearing for a subdivision and rezoning for 280, 290, 300 and 318 Assiniboine Avenue – DASZ 37/09**

Critical Path: **Standing Policy Committee on Downtown Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	D. Joshi	N/A	P. Sheegl Deputy C.A.O.

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 37/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2009 dated February 4, 2010 for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 100/2004 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 37/2009 dated February 4, 2010 to a "D" Downtown Living Sector.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office, provided that the said effective date occurs within one year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

An application has been received to subdivide and rezone land at 280, 290, 300 and 318 Assiniboine Avenue and an associated application has been received for a variance to Zoning By-law 100/2004. The Development Procedures By-Law (5893/92) specifies that the required public hearings shall be combined and heard by the designated committee, which is the Standing Policy Committee for Downtown Development.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning, Property and Development Department (Planning and Land Use Division) are concurred in, a development permit can be issued.

HISTORY

On November 19, 2008, Council declared the subject lands surplus to the City's requirements.

On February 10, 2010 the public hearing for this application was advertised in the two daily newspapers.

On March 1, 2010, Standing Policy Committee adjourned the hearing on this application due to a large number of unresolved issues to allow the applicant time to work through those aspects of the proposal.

On April 12, 2010, the application was again adjourned, as more time was required for the applicant to address outstanding design issues.

FINANCIAL IMPACT

Financial Impact Statement **Date:** **May 25, 2010**

Project Name:

DASZ 37/09 280-318 Assiniboine Avenue – Public Hearing

COMMENTS:

The recommendations contained in this report include that a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots. The amount of the cash in lieu of land dedication is not reasonably estimable at this time.

Other than as noted above, there are no financial implications associated with the recommendations contained in this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Public Works Department
Water and Waste Department
Winnipeg Transit

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kurtis Kowalke
Date	May 28, 2010
File	DASZ 37/2009

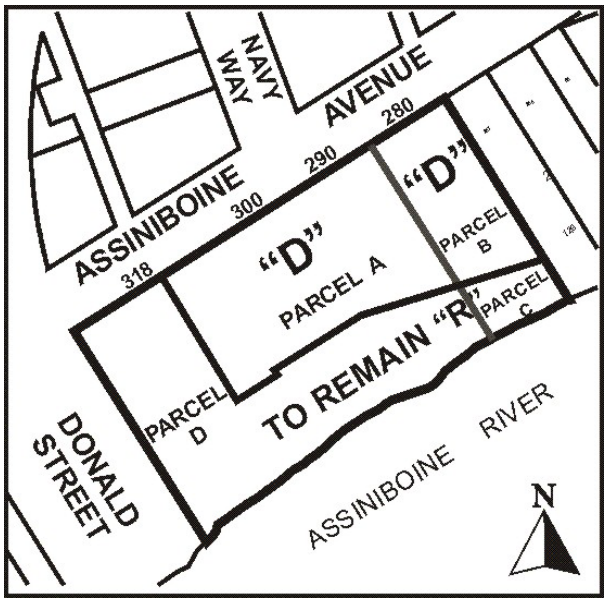
List of Schedules and Attachments

1. Attachment 1 – Planning Discussion
2. Schedule “A” for File DASZ 37/2009 Plan of Subdivision and Rezoning, dated February 4, 2010.

O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2010 Reports\ DASZ09 37 - 280-318 Assiniboine REVISED.doc

Attachment 1 – Planning Discussion

DATE	May 13, 2010
FILE	DASZ 37/2009
RELATED FILES	CA 12/09; DAV 10-105118/D; DAV 10-127989/B
COMMUNITY	City Centre Community
NEIGHBOURHOOD	1.165
SUBJECT	To subdivide and rezone the subject lands from the existing "R" Riverbank category to a "D" Downtown Living category in order to facilitate a new mixed-use multiple family residential development
LOCATION:	280, 290, 300 and 318 Assiniboine Avenue
LEGAL DESCRIPTION:	LOT 72 PLAN 23855 1 ST J
APPLICANT:	Lionel J. Martens Fillmore Riley 360 MAIN ST. SUITE 1700 WINNIPEG, MB R3C 3Z3
OWNER:	CITY-PARKS C/O PLANNING PROPERTY & DEVELOPMENT SERV 65 GARRY ST., WINNIPEG, MB R3C 4K4



RECOMMENDATION: Approval

SITE DESCRIPTION

The subject site consists of portions of four lots on the south side of Assiniboine Avenue, as illustrated below, and is approximately one acre in size. 280 Assiniboine Avenue is a gravel parking lot. 290 Assiniboine Avenue is a parks maintenance yard. 300 Assiniboine Avenue is the former community committee / board of revisions office. 318 Assiniboine Avenue is a public green space that includes an accessible pathway to the riverwalk.

The remaining portions of these four lots, amounting to approximately one acre wrapping the south and west sides of the subject site, will remain zoned "R" Riverbank and are not part of the proposed rezoning or land sale.

North: across Assiniboine Avenue are an apartment building and the federal HMCS Chippawa building, both zoned "D" Downtown Living;

South: treed riverbank land that drops sharply to the riverwalk, to remain zoned "R";

East: Bonnycastle Park;

West: the remaining 98 feet (30 metres) of 318 Assiniboine Avenue adjacent to the Midtown Bridge including the riverwalk access path, to remain zoned "R".

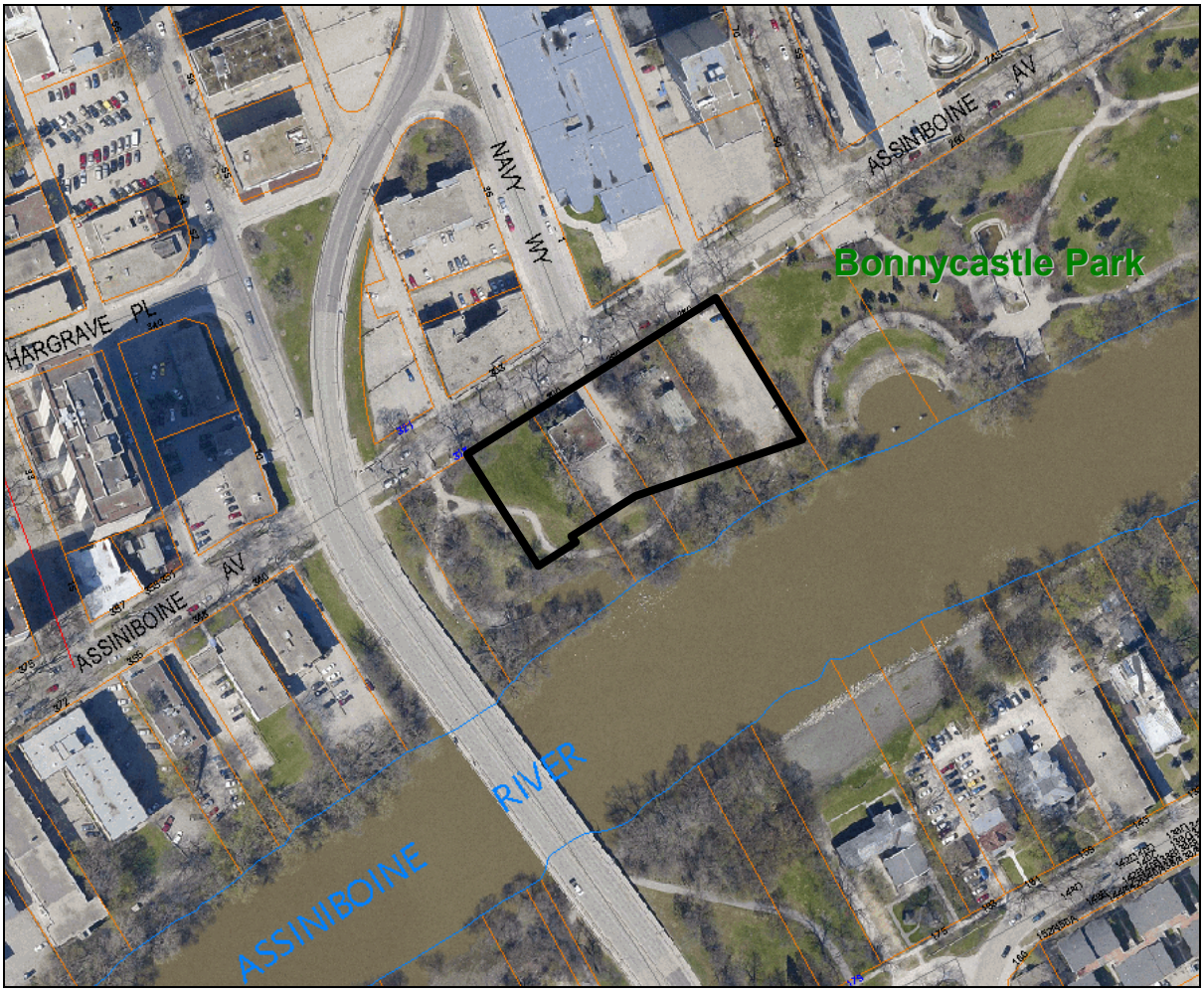


Figure 1: 2009 air photo map of subject parcel and surrounding context

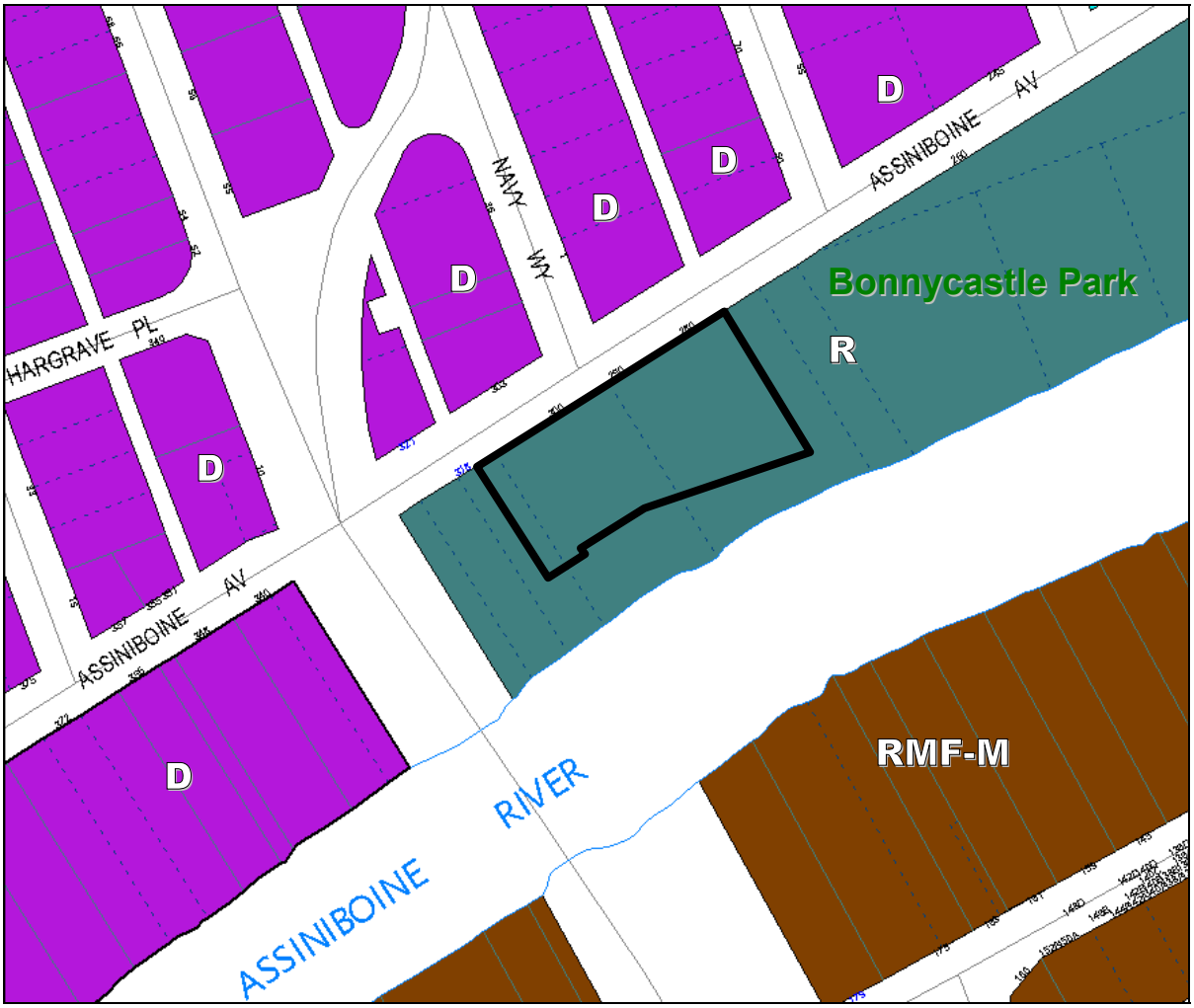


Figure 2: Zoning map of subject parcel and surrounding context

BACKGROUND

On November 19, 2008, Council declared the subject lands surplus to the City's requirements.

On December 10, 2009 the proponents presented the design concept to the Urban Design Advisory Committee. The Committee was supportive of the density proposed, but only if it could be redesigned with dwelling units at or near grade to provide a more appropriate interface with the public realm.

March 1, 2010, Standing Policy Committee adjourned the hearing on this application due to a large number of unresolved variables including:

- loading area functionality
- refuse pick-up functionality
- parkade access/egress safety conflicts
- configuration of at-grade frontage (blank parkade walls)
- shadow analysis
- wind impact analysis
- combined sewer capacity

On May 13, 2010, a revised set of plans was submitted that addressed the majority of the issues noted.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The proponent intends to develop approximately 200 dwelling units and 200 indoor parking spaces.
- The western half of the site will have 19 townhouse units with parking behind and below. The east half of the site will include three floors of commercial space with parking behind and below and 22 storeys of residential units above.
- Loading space will be on-site in front of the lobby since it cannot be accommodated on Assiniboine Avenue.
- Parkade access and garbage pick-up will occur on the west side of the building.

ANALYSIS AND ISSUES

PLAN WINNIPEG

The subject site falls within the Downtown policy area. Plan Winnipeg states, "The City shall encourage downtown living in existing downtown residential neighbourhoods and elsewhere in the downtown…" The proposed development is consistent with this objective.

Other applicable policies include 1A-07 "The City shall integrate rivers, parks, and green spaces in the downtown by… encouraging the private sector to incorporate open space, landscaping, and pedestrian amenities into development project in the downtown."

And policy 1A-08 states, "The City shall promote high standards of urban design in the downtown by ensuring that all projects for which it is responsible reflect exemplary urban design and maintenance; and encouraging private developments to meet similar high standards of design and maintenance…"

Implications of these two policies are considered under the Urban Design heading below.

CENTREPLAN

Centreplan recommends increasing the variety and supply of downtown housing. This application supports that objective. It also strives to continue the progress in establishing the Red and Assiniboine Rivers as special places and community assets in the downtown. The maps of the Development Framework (1999 and 2008) contemplated an expanded Bonnycastle Park through the subject lands.

ZONING

- **"R" Riverbank Sector** is intended primarily for the use and enjoyment of the public.
    - Uses supportive of and accessory to continuous linear parkway and public gathering nodes are encouraged.
    - This sector permits public or private development that is integrated with the functions of public space, such as accessory restaurants, retail, or services. It also accommodates public recreation and entertainment uses such as recreation centres, performance venues, galleries or museums.
    - Maximum building height is four storeys.

- **"D" Downtown Living Sector** is intended to enhance primarily residential areas. The predominant use of buildings in this sector is expected to be residential.
    - Mixed-use development is encouraged.
    - Complementary uses that support neighbourhood development, such as parks, recreation, local commercial and personal services, are also encouraged.

- Residential buildings must provide a 20 foot rear yard and a 10 foot side yard for buildings up to 4 storeys, 20 foot side yard for portions of buildings over 4 storeys (the subject of variance file DAV 10-127989/B).
- There is no front yard requirement or maximum building height.
- Parking at grade may occupy no more than 40% of lot area (the subject of variance file DAV 105118/2010 D).

Although there currently exists a number of non-conforming non-public uses on the subject lands, Zoning By-Law 100/2004 would require that, when those uses ceased to continue, the lands would be repurposed for public-oriented development.

Since the Downtown Zoning By-Law 100/2004 was adopted, there has only been one rezoning approved. In 2005, Council approved the rezoning of the waterfront properties between Galt Avenue and McDermot Avenue from "D" Downtown Living to "R" Riverbank to ensure that future use of those lands would not exclude opportunities for public enjoyment of the riverfront.

While the rezoning in 2005 could be deemed as precedent for Council policy interpretation regarding downtown riverfront lands, it is important to acknowledge that the Assinboine River already has a continuous parkway with the riverwalk that is not directly affected by this application. Furthermore, a minimum 12 metre (40 foot) buffer, including the riverwalk, is being retained as public riverbank, zoned "R" along the length of this development. By contrast, the Waterfront Drive properties on the Red River that were rezoned had no protection for riverbank access on any portion of any of the sites involved.

In terms of the loss of public-oriented "Riverbank" land, it is also worth noting that two blocks to the east, the lands fronting the north side of Assiniboine Avenue between Fort Street and Main Street are in the process of being redeveloped as a public park that is intended to function as an extension of Bonnycastle Park. As a result, this neighbourhood will benefit from a significant net gain in public land. As such, residential or residential mixed-use may be the highest and best use for the lands at 280-318 Assiniboine Avenue.

TRANSPORTATION AND SITE ACCESS

Assiniboine Avenue is being redeveloped with a bike boulevard this year. This will form an important active transportation link between Osborne Street and Main Street. Through-traffic will be further limited with the introduction of additional one-way segments. The portion in front of the subject lands will remain two-way, but will not include any on-street parking or loading.

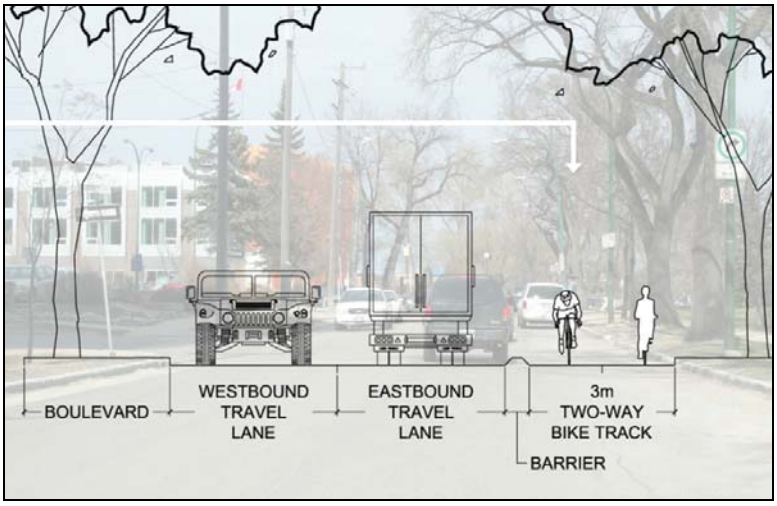


Figure 3: Assiniboine Avenue bike boulevard concept

A traffic impact assessment of the proposed development was undertaken and reviewed by the Public Works Department. Conclusions were:

- the proposed development is expected to generate approximately 69 vehicle trips in the morning peak hour and 78 vehicle trips in the afternoon peak hour;
- a review of both signalized and unsignalized intersections that we would expect to be impacted by the proposed development showed the impact to be minor and resulted in no change to the level of service;
- no traffic improvements are necessary to accommodate the proposed development.

The applicants will need to apply for a Private Access Permit in order to construct the desired approaches off Assiniboine Avenue. They have met with the Public Works Department to address site layout in relation to the Private Access By-Law. As a result, garbage truck access has been resolved with a turnaround at the west side of the property (using a proposed easement on City land). The loading area configuration will require moving trucks to back in from the right-of-way. This presents concerns for the safety of pedestrians and cyclists. However, the geometry required to accommodate a turnaround for these vehicles through this shallow site would make any development all but impossible. The City Forester has expressed some concern about the significant loss of boulevard trees that is proposed, especially a large American Elm in front of the west end of the site. However, the only viable option for this development may be to compensate for its loss through new plantings.

SERVICING

Underground infrastructure in the downtown generally supports higher density development. However, the proximity of a combined sewer outfall adjacent to the Midtown Bridge was cause for concern regarding stormwater capacity during heavy rainfall events. Initially, the Water and Waste Department had asked for a municipal engineer's servicing report on the combined sewer network capacity at this location. However, upon subsequent analysis, it was determined that an engineer's estimate of the flow rates generated from the development would suffice. This is typically handled through the building permit process and does not require a servicing agreement.

RIVERBANKS

The proximity of the proposed building to the water's edge presents unique challenges. No high rise building has even been constructed in Winnipeg so close to the river's edge leaving such little space available for bank stabilization works. A Waterways Permit must be applied for and obtained prior to issuance of building permits for any development within 350 feet of a river in the City of Winnipeg. The applicant is currently undertaking a geotechnical study in support of their Waterways application.

SITE DESIGN ISSUES

Per the Downtown Urban Design Guidelines, development is expected to celebrate the best features of the surrounding context. Urban Design Review therefore considers the relationship between the building and the riverwalk, as well as the relationship to the public street. The initial design submitted with this application had some significant unresolved issues such as vehicular access, pedestrian safety, and the treatment of the public edges and public right-of-

ways at grade. Between then and the date of this report, the Winnipeg Public Service has worked with the applicant to clarify expectations and to facilitate in resolution of the design. A revised design concept was presented to the Urban Design Advisory Committee on May 13, 2010, and it was agreed that the issues with the initial proposal were substantially resolved and the expectations for Downtown Urban Design had been met. The committee provided the project endorsement in principle. Final Urban Design Review will occur at the point when final working drawings are submitted for plan examination.

The proposal indicates active uses at grade facing the public street (townhouses and commercial space). Those uses wrap the corners and also have openings on the east and west sides. Because the subject site is surrounded by public realm on all sides, two levels of parking above grade at the back of the building present challenges in terms of how they impacts adjacent lands. The architect has been encouraged to maximize opening and include design features and appropriate landscaping to deter crime and to minimize the impacts of the parkade on the adjacent green spaces and the riverwalk.

In order to accommodate access from the west side of the building, the development is proposed to be shifted to the east property line. This is the subject of a separate variance. The applicant is encouraged to seek a four-metre limiting distance agreement with the City in order to satisfy a building code requirement for separation distance to allow for window openings.

A shadow analysis was requested. The intent was to inform the size, shape and relative position of the tower on the site based on impacts on the park and other adjacent properties. Results indicate that the apartment at 303 Assiniboine Avenue will be in shadow of the proposed building mornings in the wintertime. The City of Winnipeg property across the street, zoned Downtown Living, will be in shadow of the proposed building throughout the midday period September through March. Bonnycastle Park will be impacted by shadows from the proposed tower afternoons all times of the year as illustrated below.



spring/fall equinox 2 pm shadows



spring/fall equinox 4 pm shadows



summer solstice 2 pm shadows **summer solstice 4 pm shadows**

- A wind impact study will be required prior to final urban design approval.

LAND USE BY-LAW
While the subject rezoning cannot be appealed, the associated variance may be appealed to another hearing at the Appeals Committee in accordance with the Development Procedures By-law.

LAND DEDICATION
When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg. As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes. The amount of lands is not less than 10%. The developer will provide land or 'cash in lieu' as determined by the Planning, Property and Development Department. If dedication is 'cash in lieu' of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10 %. 'Cash in lieu' of land will be required under this development application.

RECOMMENDATION

- The Planning, Property and Development Department recommends approval because the proposal represents a more appropriate land use than what currently exists at 280, 290 and 300 Assiniboine.

- The proposal supports the goal of residential infill within existing Downtown neighbourhoods.
- The proposed design satisfies the expectations of Urban Design Review for the Downtown.
- Impacts on adjacent properties (traffic, shadowing), while notable, are typical of a downtown urban setting.

Schedule “A” for File No. DASZ 37/09, dated February 4, 2010.

By-Law No. _____

File No. **DASZ 37/09**

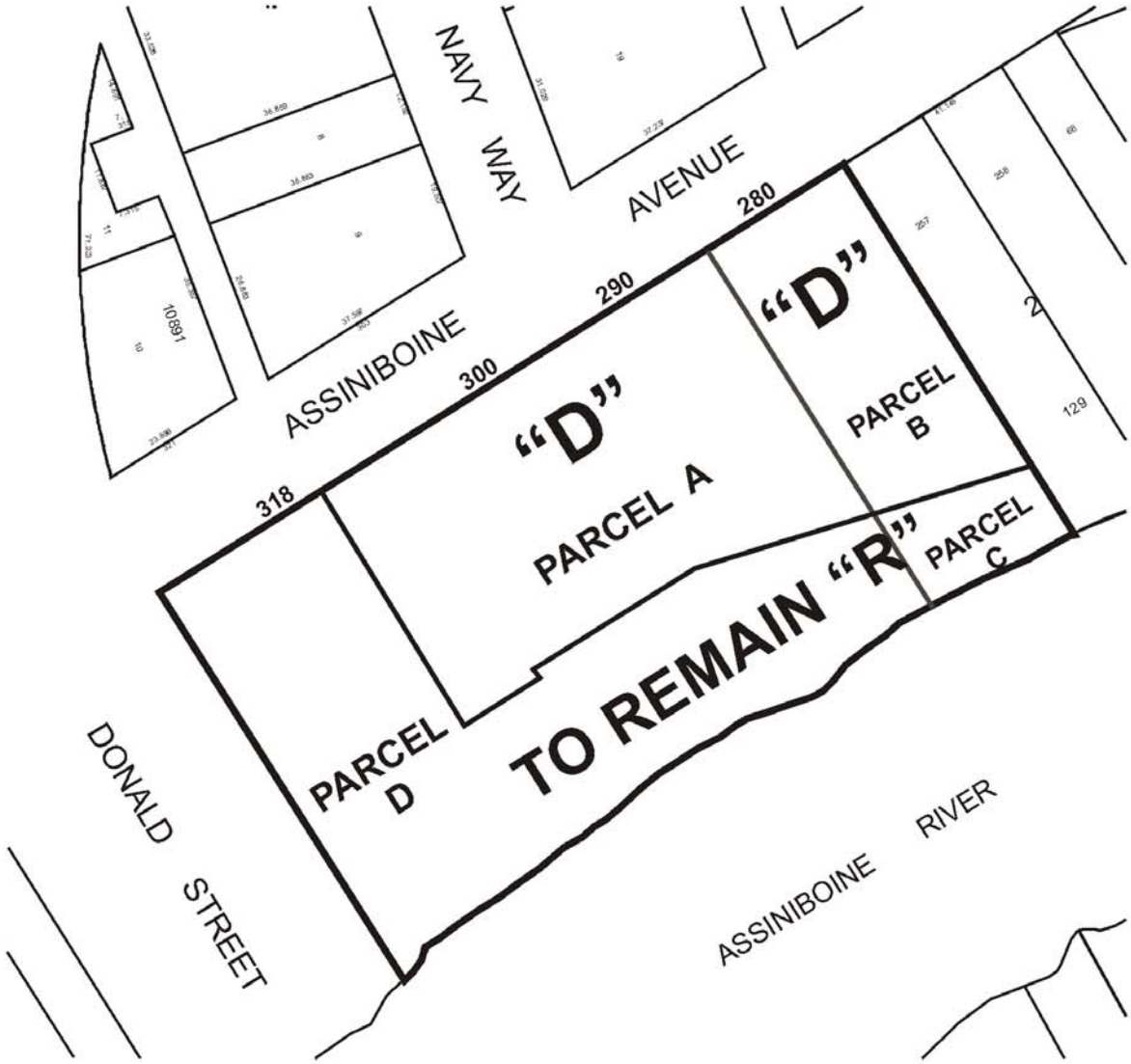
Atlas Sheet No.

N

AA25
DOWNTOWN
DEVELOPMENT

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 280, 290, 300 & 318 Assiniboine Avenue from an “R” RIVERBANK SECTOR to the “D” DOWNTOWN LIVING SECTOR to allow for the development of a multiple-family dwelling complex (approx. 200 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "9" referred to in File DASZ 37/2009[c/r DAV 105118/2010D]

ADMINISTRATIVE REPORT

ISSUE: DASZ 37/09 – 280, 290, 300 and 318 Assiniboine Avenue – Public Hearing

Critical Path: Standing Policy Committee on Downtown Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	D. Joshi	N/A	P. Sheegl Deputy CAO

RECOMMENDATIONS

1. That the subdivision and rezoning as shown in Schedule "A" for File DASZ 37/2009 dated February 4, 2010 be adjourned to another hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation in this report is concurred in, another hearing date will be set to give the applicant more time to prepare information and drawings to address the following concerns raised in this report:
- loading area functionality
- refuse pick-up functionality
- parkade access/egress safety conflicts
- configuration of at-grade frontage (blank parkade walls)
- shadow analysis
- wind impact analysis
- combined sewer capacity

HISTORY

In 2008, a change to the Development Procedures By-Law (By-Law 223/2007) came into effect that stated, *where a public hearing… is scheduled before a community committee, the hearing must not be*

adjourned or laid over to a date later than the second regularly scheduled meeting of that committee after the meeting at which the hearing is first scheduled. However, this limitation does not apply to public hearings at Standing Policy Committee who retain the flexibility to adjourn a public hearing as deemed necessary.

On November 19, 2008, Council declared the subject lands surplus to the City's requirements.

FINANCIAL IMPACT

Financial Impact Statement **Date:** **February 4, 2010**

Project Name:

DASZ 37/09 280-318 Assiniboine Avenue – Public Hearing

COMMENTS:

The recommendation contained in this report is that the subdivision and rezoning as shown in Schedule "A" for File DASZ 37/2009 dated February 4, 2010 be adjourned to another hearing.

There are no financial implications associated with this recommendation.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Public Works Department
Water and Waste Department
Winnipeg Transit

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kurtis Kowalke
Date	February 16, 2010
File	DASZ 37/2009

List of Schedules and Attachments

3. Attachment 1 – Planning Discussion
4. Schedule “A” for File DASZ 37/2009 Plan of Subdivision and Rezoning, dated February 4, 2010.

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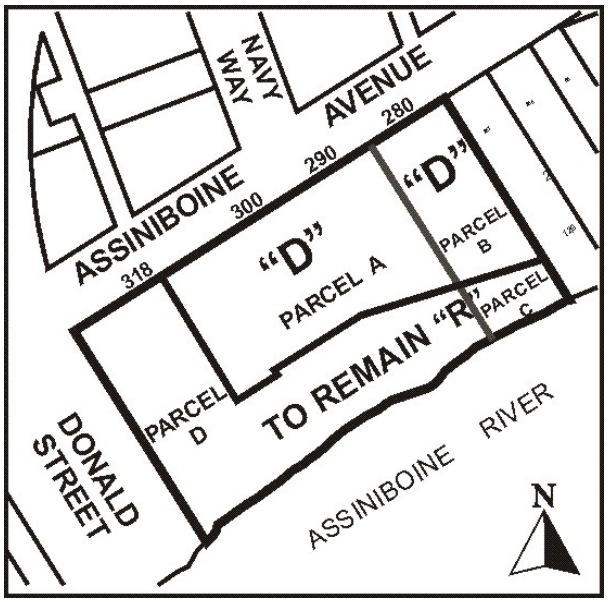
Attachment 1 – Planning Discussion

DATE	February 4, 2010
FILE	DASZ 37/2009
RELATED FILES	CA 12/09; DAV 10-105118/D
COMMUNITY	City Centre Community
NEIGHBOURHOOD	1.165
SUBJECT	To subdivide and rezone the subject lands from the existing "R" Riverbank category to a "D" Downtown Living category in order to facilitate a new multiple family residential development
LOCATION:	280, 290, 300 and 318 Assiniboine Avenue
LEGAL DESCRIPTION:	LOT 72 PLAN 23855 1 ST J
APPLICANT:	Lionel J. Martens Fillmore Riley 360 MAIN ST. SUITE 1700 WINNIPEG, MB R3C 3Z3
OWNER:	CITY-PARKS C/O PLANNING PROPERTY & DEVELOPMENT SERV 65 GARRY ST., WINNIPEG, MB R3C 4K4



RECOMMENDATION: Adjournment

SITE DESCRIPTION

The subject site consists of portions of four lots on the south side of Assiniboine Avenue, as illustrated below, and is approximately one acre in size. 280 Assiniboine Avenue is a gravel parking lot. 290 Assiniboine Avenue is a parks maintenance yard. 300 Assiniboine Avenue is the former community committee / board of revisions office. 318 Assiniboine Avenue is a public green space that includes an accessible pathway to the riverwalk.

The remaining portions of these four lots, amounting to approximately one acre wrapping the south and west sides of the subject site, will remain zoned "R" Riverbank and are not part of the proposed land sale.

North: across Assiniboine Avenue are an apartment building and the federal HMCS Chippawa building, both zoned "D" Downtown Living;

South: treed riverbank land that drops sharply to the riverwalk, to remain zoned "R";

East: Bonnycastle Park;

West: the remaining 98 feet (30 metres) of 318 Assiniboine Avenue adjacent to the Midtown Bridge including the riverwalk access path, to remain zoned "R".

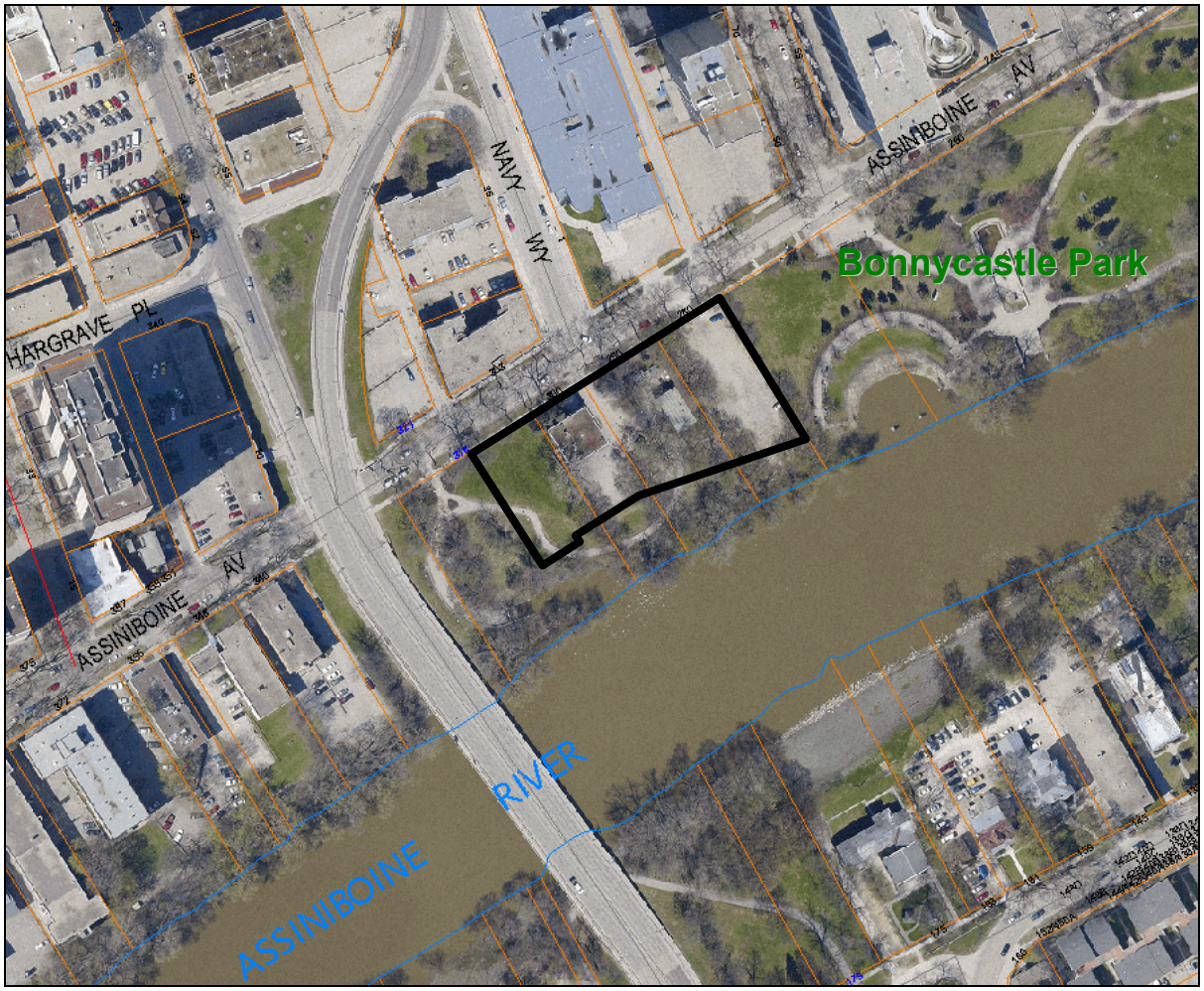


Figure 1: 2009 air photo map of subject parcel and surrounding context



Figure 2: Zoning map of subject parcel and surrounding context

BACKGROUND

On November 19, 2008, Council declared the subject lands surplus to the City's requirements.

On December 10, 2009 the proponents presented the design concept to the Urban Design Advisory Committee. The Committee was supportive of the density proposed, but only if it could be redesigned with dwelling units at or near grade to provide a more appropriate interface with the public realm.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The proponent intends to develop approximately 200 dwelling units and 200 indoor parking spaces;
- The current design concept contemplates a 24-storey apartment tower and 12 townhouse units above three levels of parking. Two of the parking levels are above grade and one is underground.

- Loading space will be on-site in front of the lobby since it cannot be accommodated on Assiniboine Avenue.
- The rear yard will have some form of hard ground cover to allow maintenance vehicles to access the rear of the building.

ANALYSIS AND ISSUES

PLAN WINNIPEG

The subject site falls within the Downtown policy area. Plan Winnipeg states, "The City shall encourage downtown living in existing downtown residential neighbourhoods and elsewhere in the downtown…" The proposed development is consistent with this objective.

Other applicable policies include 1A-07 "The City shall integrate rivers, parks, and green spaces in the downtown by… encouraging the private sector to incorporate open space, landscaping, and pedestrian amenities into development project in the downtown."

And policy 1A-08 states, "The City shall promote high standards of urban design in the downtown by ensuring that all projects for which it is responsible reflect exemplary urban design and maintenance; and encouraging private developments to meet similar high standards of design and maintenance…"

Implications of these two policies are considered under the Urban Design heading below.

CENTREPLAN

Centreplan recommends increasing the variety and supply of downtown housing. This application supports that objective. It also strives to continue the progress in establishing the Red and Assiniboine Rivers as special places and community assets in the downtown. The maps of the Development Framework (1999 and 2008) contemplate an expanded Bonnycastle Park through the subject lands.

ZONING

- **"R" Riverbank Sector** is intended primarily for the use and enjoyment of the public.
    - Uses supportive of and accessory to continuous linear parkway and public gathering nodes are encouraged.
    - This sector permits public or private development that is integrated with the functions of public space, such as accessory restaurants, retail, or services. It also accommodates public recreation and entertainment uses such as recreation centres, performance venues, galleries or museums.
    - Maximum building height is four storeys.

- **"D" Downtown Living Sector** is intended to enhance primarily residential areas. The predominant use of buildings in this sector is expected to be residential.
    - Mixed-use development is encouraged.
    - Complementary uses that support neighbourhood development, such as parks, recreation, local commercial and personal services, are also encouraged.
    - Residential buildings must provide a 20 foot rear yard and a 10 foot side yard for buildings up to 4 storeys, 20 foot side yard for portions of buildings over 4 storeys.
    - There is no front yard requirement or maximum building height.
    - Parking at grade may occupy no more than 40% of lot area (the subject of variance file DAV 105118/2010 D).

Although there currently exists a number of non-conforming non-public uses on the subject lands, Zoning By-Law 100/2004 would require that, when those uses ceased to continue, the lands would be repurposed for public-oriented development.

Since the Downtown Zoning By-Law 100/2004 was adopted, there has only been one rezoning approved. In 2005, Council approved the rezoning of the waterfront properties between Galt

Avenue and McDermot Avenue from “D” Downtown Living to “R” Riverbank to ensure that future use of those lands would not exclude opportunities for public enjoyment of the riverfront.

While the rezoning in 2005 could be deemed as precedent for Council policy interpretation regarding downtown riverfront lands, it is important to acknowledge that the Assinboine River already has a continuous parkway with the riverwalk that is not directly affected by this application. Furthermore, a minimum 12 metre (40 foot) buffer, including the riverwalk, is being retained as public riverbank, zoned “R” along the length of this development. By contrast, the Waterfront Drive properties on the Red River that were rezoned had no protection for riverbank access on any portion of any of the sites involved.

In terms of the loss of public-oriented “Riverbank” land, it is also worth noting that two blocks to the east, the lands fronting the north side of Assiniboine Avenue between Fort Street and Main Street are in the process of being redeveloped as a public park that is intended to function as an extension of Bonnycastle Park. As a result, this neighbourhood will benefit from a significant net gain in public land. As such, residential or residential mixed-use may be the highest and best use for the lands at 280-318 Assiniboine Avenue.

TRANSPORTATION AND SITE ACCESS

Assiniboine Avenue is being redeveloped with a bike boulevard this year. This will form an important active transportation link between Osborne Street and Main Street. Through-traffic will be further limited with the introduction of additional one-way segments. The portion in front of the subject lands will remain two-way, but will not include any on-street parking or loading.

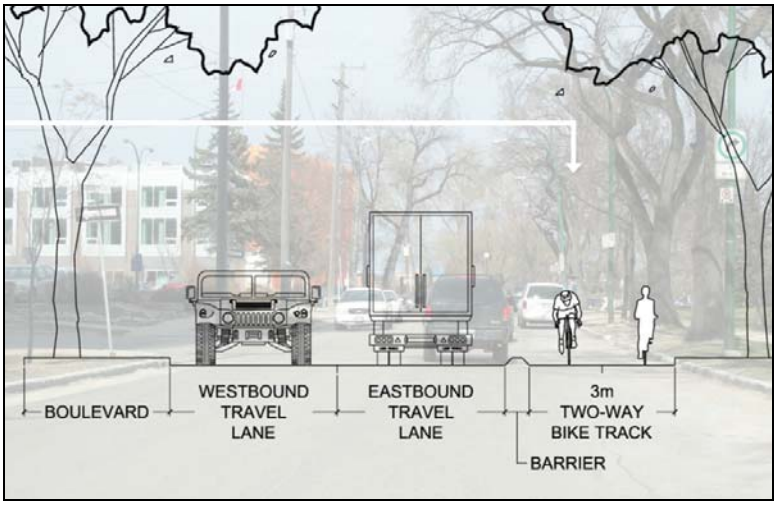


Figure 3: Assiniboine Avenue bike boulevard concept

- The proposed development as illustrated provides inadequate space for moving trucks or delivery trucks, potentially resulting in those vehicles obstructing the public right-of-way.
- The loading area configuration requires vehicles to back out into the right-of-way. This is not supported by the Public Works Department.
- A traffic impact assessment of the proposed development was undertaken and reviewed by the Public Works Department. Conclusions were:

- the proposed development is expected to generate approximately 69 vehicle trips in the morning peak hour and 78 vehicle trips in the afternoon peak hour;
- a review of both signalized and unsignalized intersections that we would expect to be impacted by the proposed development showed the impact to be minor and resulted in no change to the level of service;
- no traffic improvements are necessary to accommodate the proposed development.

SERVICING

Underground infrastructure in the downtown generally supports higher density development. However, the proximity of a combined sewer outfall adjacent to the Midtown Bridge is potential cause for concern. During peak periods, wastewater from the development will have less opportunity to dissipate through the system before reaching the outfall, potentially contributing to the severity of sewer outflows into the Assiniboine River. Water and Waste Department has asked for a municipal engineer's servicing report on the combined sewer capacity at this location. If it is found that the sewer system is not adequate, then the proponent would be required to construct any system upgrades.

RIVERBANKS

A geotechnical report must be received and approved by the City's riverbank management engineer prior to issuance of building permits.

SITE DESIGN ISSUES

- A wind impact study will be required prior to final urban design approval.
- A shadow analysis has been requested but has not yet been received. This is expected to inform the size, shape and relative position of the tower on the site based on impacts on the park and other adjacent properties.
- Safety concerns were raised regarding the design of the parkade entrance/exit. Poor sight lines may put pedestrians at risk. There could also be conflict with the crossing at Navy Way.
- It is unclear from the drawings how and where garbage is picked-up. A development of this scale is likely to have daily garbage pick-up and there was concern that garbage bins would end up in the front yard adjacent to the sidewalk on Assiniboine Avenue.
- The predominant use of the site at grade level is parking.

The zoning by-law does not permit the majority of the site at grade to be used for parking. This is to encourage active uses at grade with the bulk of parking to be located below grade or above grade. The proposed development, as presented, is highly vehicle-oriented and pedestrian unfriendly. There is serious concern that this development, which abuts public space on all sides, is to be wrapped by a 20-foot high parkade wall. This will create a stark, unfriendly sidewalk that feels less safe. The public park spaces on the east and west sides would also be affected by the parkade wall and lack of casual surveillance to discourage crime. No amount of landscape or façade detailing can mitigate this problem. Even the townhouse units, that were included to extend active uses and eyes on the street, have no direct connection to the sidewalk and are located 20 feet above grade (on the third storey). The architect has committed to addressing this concern with a revised design, but this has not been received as of the date of this report.

Per the Downtown Urban Design Guidelines, development is expected to celebrate the best features of the surrounding context. Urban Design Review will therefore be looking at the relationship between the building and the riverwalk, as well as the relationship to the public street.

LAND DEDICATION

When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg. As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes. The amount of lands is not less than 10%. The developer will provide land or 'cash in lieu' as determined by the Planning, Property and Development Department. If dedication is 'cash in lieu' of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10 %. 'Cash in lieu' of land will be required under this development application.

RECOMMENDATION

- The Planning, Property and Development Department recommends adjournment because the design concept as shown still has significant functional deficiencies.
- Whether agreements will be needed in connection with this rezoning and what they would contain will be confirmed once all the final information is received.
- While the notion of high density residential development at this location is not opposed, it remains to be demonstrated that it can be functionally accommodated on this site, given its unique constraints, in a manner that meets the expectations for downtown development per Plan Winnipeg, CentrePlan, the Downtown Zoning By-Law and the Downtown Urban Design Guidelines.

Schedule “A” for File No. DASZ 37/09, dated February 4, 2010.

By-Law No. _____

File No. **DASZ 37/09**

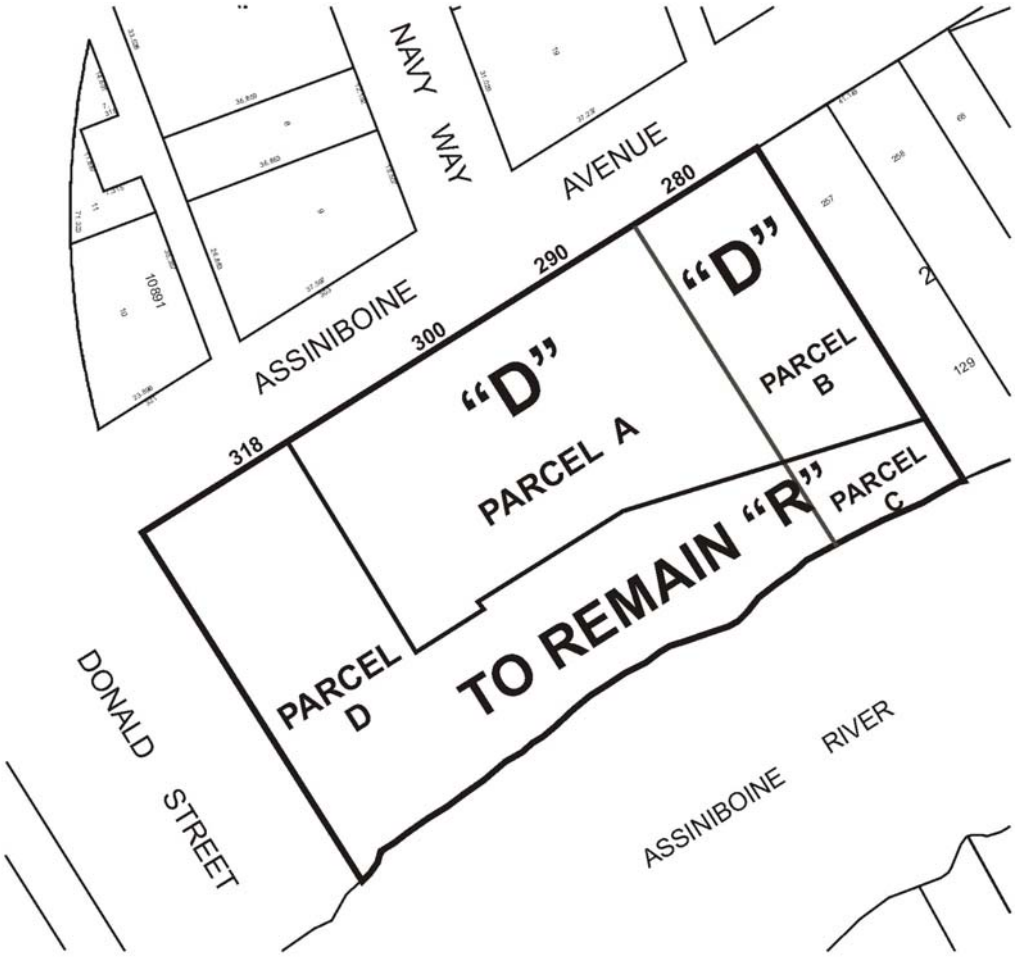
Atlas Sheet No.

N

AA25 DOWNTOWN DEVELOPMENT

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 280, 290, 300 & 318 Assiniboine Avenue from an “R” RIVERBANK SECTOR to the “D” DOWNTOWN LIVING SECTOR to allow for the development of a multiple-family dwelling complex (approx. 200 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____