Agenda - Council – April 27, 2011

Report - Standing Policy Committee on Property and Development – April 5, 2011

Item No. 1 Rezoning – 666 Jessie Avenue
(Fort Rouge – East Fort Garry Ward)
File DAZ 201/2011

STANDING COMMITTEE RECOMMENDATION:

On April 20, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 201/2011 dated February 24, 2011 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That the maximum height of the building be 30 feet.

        ii. That the building be a maximum of 2 stories.

2. 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.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted 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.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. 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 Property and Development – April 5, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 5, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 7, 2011, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- add the following words at the end of Recommendation 1:

  "subject to the following:

  A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

     i. That the maximum height of the building be 30 feet.
     ii. That the building be a maximum of 2 stories",

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 666 Jessie Avenue**
File DAZ 201/2011

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **March 8, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 7, 2011, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 201/2011 dated February 24, 2011 to an "R2" Residential Two-Family District, ***subject to the following:***

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:
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4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

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

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. It is not inappropriate to have this rezoning in this spot.

PUBLIC HEARING SUMMARY

File:	DAZ 201/2011
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Orlikow Councillor Smith
Public Hearing:	March 7, 2011 Council Chamber Council Building, 510 Main Street
Applicant:	Ernie H. A. Walter Architect Inc. (Yaron Walter)
Subject:	



Premises Affected: 666 Jessie Avenue

Exhibits Filed:

1. Application dated November 14, 2010
2. Notification of Public Hearing dated January 19, 2011
3. Manitoba Status of Title 2502919
4. Letter of authorization dated December 28, 2010 from Xueping Li and Xin Jiang to Ernie H. A. Walter Architect Inc.
5. Plans (8 pages)
6. Report from the Planning and Land Use Division dated February 24, 2011
7. Inspection Report
8. Communication dated February 22, 2011, from Kat Rother in opposition to the application
9. Communication dated February 23, 2011, from Dennis Swayze, in opposition to the application
10. Communication dated February 28, 2011, from Miriam Rudolph and Terry Hildebrand, in opposition to the application
11. Communication dated February 3, 2011, from Ashley Larson and Derek Pauls, in opposition to the application
12. Communication dated March 2, 2011, from Mr. and Mrs. Nandor Huszar, in opposition to the application
13. Communication dated March 6, 2011, from Russ and Patttie Boyes, in opposition to the application
14. Communication dated March 6, 2011, from Joan Latter, in opposition to the application
15. Presentation in opposition to the application, submitted by Patricia C. Holbrow at the public hearing
16. Photographs (4) in opposition to the application submitted by Patricia C. Holbrow at the public hearing
17. Petition in opposition to the application purporting to contain the signatures of 35 area residents, submitted by Patricia C. Holbrow at the public hearing
18. Photographs (5) in opposition to the application, submitted by Dennis Swayze at the public hearing
19. Audio Recording of representations of public hearing held on March 7, 2011

REPRESENTATIONS:

In Support:

Ernie Walter, Ernie H. A. Walter Architect Inc.

Yaron Walter, Ernie H. A. Walter Architect Inc.

In Opposition

Russell and Pattie Boyes
Shirley Forsyth
Patricia C. Holbrow
Mr. and Mrs. Nandor Huszar
Ashley Larson and Derek Pauls
Joan Latter
Kat Rother
Miriam Rudolph and Terry Hildebrand
Derek Single
Dennis and Jan Swayze

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 201/2011

ADMINISTRATIVE REPORT

Title: DAZ 201/2011 – 666 Jessie Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 201/2011 – 666 Jessie AVE

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 201/2011 dated February 24, 2011 to an "R2" Residential Two-Family District.

2. 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.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted 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.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. 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

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, permits may be issued.

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

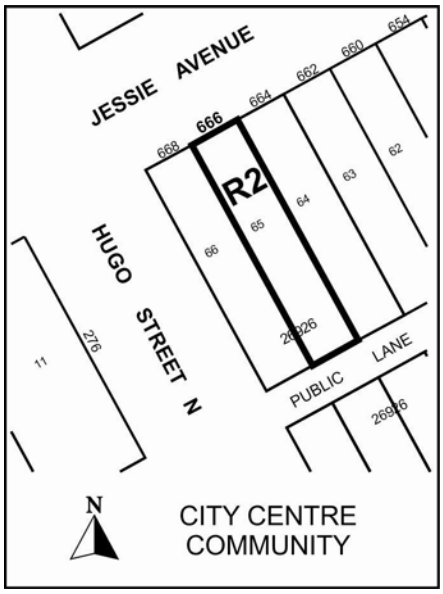
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP
Date:	February 24, 2011
File No.	DAZ 201/2011

APPENDIX 'A'

DATE: February 24, 2011
FILE: DAZ 201/2011
RELATED FILES: DAV 11-102541/D, DCU 11-102536/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.106

SUBJECT: To rezone the subject land from an "R1-S" Single-Family Residential District to an "R2" Two-Family District

LOCATION: 666 Jessie AVENUE
LEGAL DESCRIPTION: Lot 65 Plan 26926



APPLICANT: Ernie H.A. Walter Architect Inc. (Yaron Walter)
100-698 Corydon Avenue
WINNIPEG MB R3M 0X9

OWNER: Xueping Li and Xin Jiang

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject property, which is currently zoned "R1-S" Single-Family Residential District, is located on Jessie Avenue, between Hugo and Daly Streets, in the Earl Grey neighbourhood of the Fort Rouge-East Fort Garry ward.

North: Residences zoned "R1-S" Single-Family Residential District
South: Residences zoned "R1-S" Single-Family Residential District
East: Residences zoned "R1-S" Single-Family Residential District
West: Triplex under development zoned "RMF-S" Residential Multi-Family District

BACKGROUND
In 2006, City Council granted a rezoning for 668 Jessie, which is the lot to the immediate west of the subject property, in order to construct a triplex. (DAZ 265/2005). That structure is currently under construction. The proposed development, which is being proposed by the same developer, would be similar to what was previously approved.

With respect to the previous rezoning, the planning report stated the following:

The proposed 3-unit residential development replicates the current density at this location. Its built form, although a clear departure from the conventional Earl Grey neighbourhood typology, handles a narrow corner site creatively and responsibly. The form and scale are not overpowering and provide a reasonable transition from the adjacent 4-storey nursing home and the piazza.

It should be noted, the existing dwelling has non-conforming rights to 3-units in a portion of Earl Grey that was zoned "R2" Two-Family District until the mid-1990s (downzoned to "R1-3" Single-Family District under DAZ 21/395). The proposed 32 foot high residence is comparable to the 30-foot height maximum under "R1-3" zoning.

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to demolish the existing single-family dwelling and to construct a three-storey, three-unit dwelling on the subject property. The proposed development is 35 feet in height and provides three accessory parking spaces, with access from the public lane. Variance file DAV 11-102541/D deals with lot area, parking, and setback deficiencies and conditional use file DCU 11-102536/D deals with density.

ANALYSIS AND ISSUES
A. Context
While predominantly single-family residential, the Earl Grey neighbourhood contains a variety of different housing types and forms, including duplexes, several apartment buildings and a care home. The larger multiple-family buildings are typically located on corner sites, which provides a transition in building mass and density between the interior of the block and the corner. Some examples of multiple-family buildings in the immediate area include:

276 Hugo Street
626 Jessie
635 Mulvey
554 Jessie
573 Warsaw
272 Cockburn
612 Mulvey
613 Warsaw
668 Jessie
690 Fleet

B. Policies
i. Plan Winnipeg 2020

This portion of the Earl Grey neighbourhood is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a variety of residential forms and densities, including increased density in established neighbourhoods when the proposed development is respectful of the context and considerate of immediately adjacent properties.

ii. OurWinnipeg (Complete Communities Direction Strategy)
This portion of the Earl Grey neighbourhood is designated as an Area of Stability. Policies which are relevant to this application are as follows:

1) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3) In order to meet the full life cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, and townhouses.

4) Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as creation of *Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods.*

iii. Infill Development Guidelines
A checklist provided in Appendix A identifies the applicable guidelines for this project from the *Infill Guidelines* and indicates whether they have been addressed by the applicant. The guidelines which are not fully met, with an explanation and recommended changes (if applicable) are as follows:

Guideline #1

2.2.2 iii) Establish rear yard setbacks that are consistent with the pattern of the neighbourhood

The Zoning By-law requires a 25 foot rear yard setback. The principal reason for the rear yard setback is to allow for privacy and sunlight penetration at the rear of properties.

Neighbourhood Context
The property immediately to the west, 668 Jessie Avenue, which is current under construction, was granted a variance for a 2 foot rear yard setback for a carport (DAV 145728/2009C). However, the principal building is setback ±20 feet from the property line with a balcony projection. The property to the east, 664 Jessie Avenue, is setback more than 25 feet from the rear property line.

Many multiple-family buildings in the area have a reduced rear yard setback. The setbacks of the multiple-family buildings identified above are as follows:

Address	**Rear Yard Setback**
276 Hugo Street	0 feet
626 Jessie	0 feet
635 Mulvey	6 feet

554 Jessie	5 feet
573 Warsaw	8 feet
272 Cockburn	9 feet
612 Mulvey	10 feet
613 Warsaw	20 feet
668 Jessie	20 feet
690 Fleet	21 feet

Consistency
To that point, the proposed development is consistent with the setbacks of many multiple-family buildings in the area, however, it is not consistent with the setback of single-family properties within the neighbourhood, nor with the setback of the triplex immediately to the west.

Impact
The rear yard setback proposed will compromise light penetration and privacy for the adjacent property to the east.

Conclusion
The subject area is experiencing development pressures because of its proximity to Corydon Avenue and Downtown.

The City is currently beginning a secondary planning process for this area that will attempt to address how best to address the tensions that often exist between the need to accommodate new development and the desire to preserve the existing community character.

In this instance, absent a secondary plan for the area which may speak in more detail to massing and built form issues for new infill development, the existing policy must suffice.

Consequently, the Winnipeg Public Service recommends **that the rear yard setback be increased to match that which was approved for the property to the immediate west (668 Jessie).** *see DAV 11-102541/D*

Guideline #2

2.2.2 iv) Front yard setbacks should respect the established street pattern by providing setbacks typical of the neighbourhood

Multiple family buildings generally have reduced front yard setbacks, which provide a transition between the interior of the block and the corner.

It should be noted that the property to the west (668 Jessie) received a variance for an 18 foot front yard last year. (DAV 145728/2009C)

Conclusion
Given that when completed, 666 Jessie and 668 Jessie may appear from the street as one large, articulated building mass[1], it is appropriate to extend the reduced front yard setback to

[1] Multiple-family properties in the neighbourhood are usually on wider lots (at least 50 feet wide). However, although 666 Jessie and 668 Jessie are two separate buildings, each of the two triplexes are on narrow lots (only 25 feet wide), have small side yard setbacks, and have building massing and design which are similar. The effect may be that they appear as one large building from the street.

this property as well. This setback serves as a transition from the interior of the block to the corner, and as such, does not affect the overall visual harmony of the street wall[2].

Guideline #3

5.2 i) Massing and height of new buildings should take into consideration the area context

Conclusion
Height
The subject property will be 35 feet high, which is the maximum height permitted in both the "R2" Two-Family District and "R1-S" Single-Family District. Consequently, the proposed height does not exceed what is currently allowed under Zoning By-law 200/2006.
Massing
Given that the property is both narrow and an interior lot, the massing will not be prominent from the sides. With that said, the side profile is broken up by an interior courtyard recess. In the front, the massing will resemble what was approved for 668 Jessie and is consistent with what is permitted under the Zoning By-law for both "R2" and "R1-S" zoned properties.

C. Summary
The Division supports the development of a triplex at the subject location. While this typology would not be appropriate at a midblock location within the neighbourhood, at this particular location, which is in close proximity to a 4-storey nursing home, across a street from the piazza, and next to the aforementioned triplex currently under construction, the proposed structure will continue the subtle transition in building typology which is a pattern at corners throughout the neighbourhood.

With that said, the proposed development must be consistent with the Multiple Family Infill Guidelines. In that way, the Winnipeg Public Service is recommending that the length of the building be reduced in order to match what was previously approved for 668 Jessie and that the east side yard setback be increased to 3 feet. The height (35 feet), which has been identified as a concern by several people in the area, is consistent with what is now permitted in Zoning By-law 200/2006 in all single-family residential zoning districts in the City.

RECOMMENDATIONS
The Planning and Land Use Division recommends approval for the following reasons:

- The subject site is an appropriate location for a development with slightly higher density than the community norm

- The Earl Grey neighbourhood contains a variety of different housing types and forms, including duplexes, several apartment buildings and a care home.

- The proposal is consistent with *Plan Winnipeg 2020*, *Complete Communities*, and with the recommended modifications, *the Infill Guidelines*

[2] A street wall is the part of a building that faces the street, but it generally refers to how and where several buildings line up to define a proper walking environment. At the most basic level, buildings should be set back an equal distance so that facades are even for as far as a pedestrian can see. A well-defined street wall is considered essential for walkable neighborhoods because it forms a protected and uninterrupted pedestrian zone.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Robinson, AICP
PPD File # DAZ 230/2010

APPENDIX "B"
Schedule "A" for File No. DAZ 201/2011, City Centre Community Committee, dated February 24, 2011

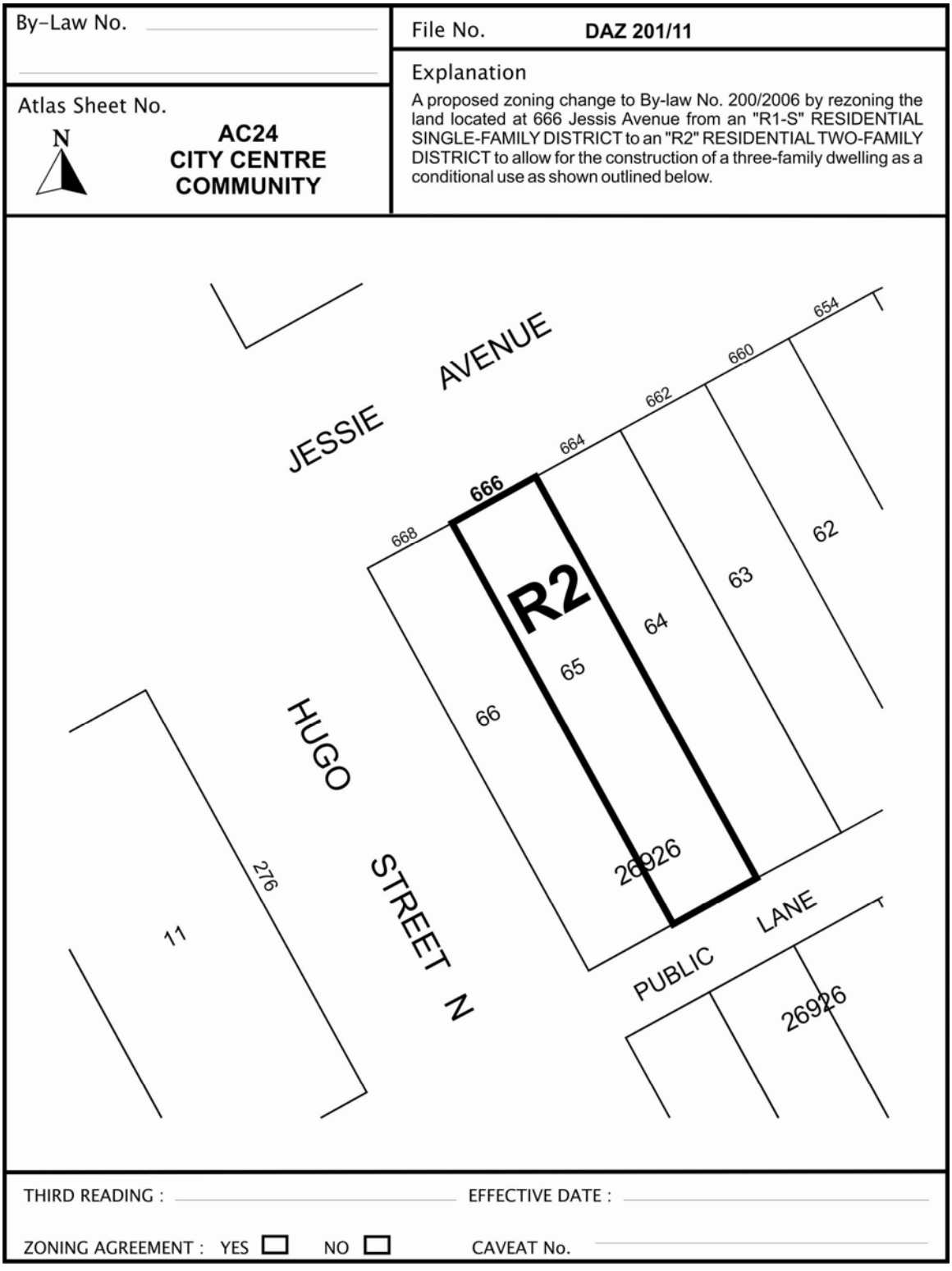




Figure 1: Aerial Photo (Flown in 2009)

Appendix A – Infill Guidelines

Guideline	Comply (Yes or No)
Section 2 - Site Planning	
2.2.1 Site Selection	
i) Encourage development along streets with sufficient capacity to accommodate the anticipated traffic generated by the development	**Yes**
ii) Encourage development on sites with reasonable access to Transit, active transportation pathways, public green space, and other services and amenities	**Yes**
2.2.2 Setbacks	
i) Encourage development along streets with sufficient capacity to accommodate the anticipated traffic generated by the development	**Yes**
ii) Where the proposed building is taller than the maximum allowable height for the adjacent, existing zoning district, achieve an appropriate side yard setback based on a 45 degree angular plane	**NA**
iii) Establish rear yard setbacks that are consistent with the pattern of the neighbourhood	**No**
iv) Front yard setbacks should respect the established street pattern by providing setbacks typical of the neighbourhood	**No**
2.2.3 Building Orientation	
i) The main building façade should be oriented to face the public street	**Yes**
ii) Main building entries should be clearly identifiable, visible, and accessible from the public street	**Yes**
iii) Building design should consider opportunities for enhancing personal security and safety, incorporating CPTED principles	**Yes**
2.2.4 Site Characteristics	
i) The design should take into consideration specific conditions such as significant natural, historical, and cultural elements…	**NA**
ii) Preserve established, healthy, and mature landscape including mature trees where beneficial to the project and viable	**NA**

Section 3 - Pedestrian Access and Circulation	
i) Layout universally accessible walkways along potential desire lines….	**NA**
ii) Provide easy, universally accessible and direct access to public sidewalks	**Yes**
iii) Locate walkways to minimize potential conflict with vehicular and service areas	**Yes**
iv) Incorporate landscaping and lighting into the pedestrian system where feasible	**NA**
v) Provide clear site lines to encourage comfortable and safe pedestrian use	**NA**
vi) The design of the pedestrian access and circulation system should consider CPTED principles	**Yes**
Section 4 - Vehicular Access, Circulation, and Parking	
4.2.1 Vehicular Access and Circulation	
i) Vehicular access and egress for medium-density multi-family should be located on Arterial or Collector streets	**NA**
ii) The location and orientation of vehicle access and egress should minimize the impact on the pedestrian environment, pedestrian safety, and adjacent properties	**Yes**
iii) Limit the width and quantity of curb cuts as much as possible	**NA**
4.2.2 Parking and Service Area	
i) Ensure adequate on-site parking	**Yes**
ii) Reduce the prominence of parking areas	**Yes**
iii) Allow for greater amounts of landscaped open space by making driveways, garages, and parking lots as compact and discrete as possible	**NA**
Section 5 - Built Form	
5.2 Guidelines	
i) Massing and height of new buildings should take into consideration the area context	**No**
ii) Encourage building design and use details that emphasize human scale and are pedestrian friendly at grade	**Yes**
iii) Reduce the perception of mass and height of large multiple-family buildings…	**NA**
iv) Ensure accessory structures are compatible in design with the primary buildings they serve	**NA**

Section 6 - Landscaping	
i) Provide landscaping as an integral part of the development…	**Yes**
ii) Use landscaping to define the development's pedestrian and vehicular entry ways, walkways, and driveways	**Yes**
iii) Use landscaping to break-up or buffer the visual impacts of the development's paved areas, service areas…	**Yes**
iv) Landscaping should not obstruct site lines or create isolated areas, especially adjacent to walkways	**Yes**
Section 7 - Lighting	
i) Develop a unified exterior lighting design…	**NA**
ii) Provide exterior lighting that promotes safe vehicular and pedestrian access and circulation	**Yes**
iii) Light spill over and glare should be minimized	**Yes**