Agenda – Council – January 29, 2014

Report – Standing Policy Committee on Property and Development – January 14, 2014

Item No. 8 Rezoning – 87 Harvard Avenue
(River Heights-Fort Garry Ward)
File DAZ 225/2013 [c/r DCU 160192/2013D and DAV 165916/2013D]

STANDING COMMITTEE RECOMMENDATION:

On January 22, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted 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 225/2013 dated December 5, 2013 to an "R2" Residential Two-Family District, subject to the following:

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

        i. That the development shall occur in substantial conformance with plans submitted and identified as Sheets 1-7 for File No. DCU 13-160192/D and DAV 13-165916/D, dated October 4, 2013.

        ii. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        iii. That the subject property shall be limited to a maximum of four (4) dwelling units.

        iv. That no attached garage shall be permitted.

        v. That no front approach shall be permitted.

Report – Standing Policy Committee on Property and Development – January 14, 2014

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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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.

Report – Standing Policy Committee on Property and Development – January 14, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2014, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 14, 2014, 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 December 10, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 87 Harvard Avenue**
File DAZ 225/2013

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

Prepared by: **Andrew Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **December 11, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 10, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended 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 225/2013 dated December 5, 2013 to an "R2" Residential Two-Family District, subject to the following:

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

        i. That the development shall occur in substantial conformance with plans submitted and identified as Sheets 1-7 for File No. DCU 13-160192/D and DAV 13-165916/D, dated October 4, 2013.

        ii. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        iii. That the subject property shall be limited to a maximum of four (4) dwelling units.

        iv. That no attached garage shall be permitted.

        v. That no front approach shall be permitted.

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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 City Centre Community Committee provided the following supporting reasons for its recommendation:

1. This is a high quality project with an extensive public consultation.
2. Although there is not one hundred percent support there is significant support throughout the community including the immediate neighbour.
3. This change makes sense and I don’t feel it’s putting anything else at risk.

PUBLIC HEARING SUMMARY

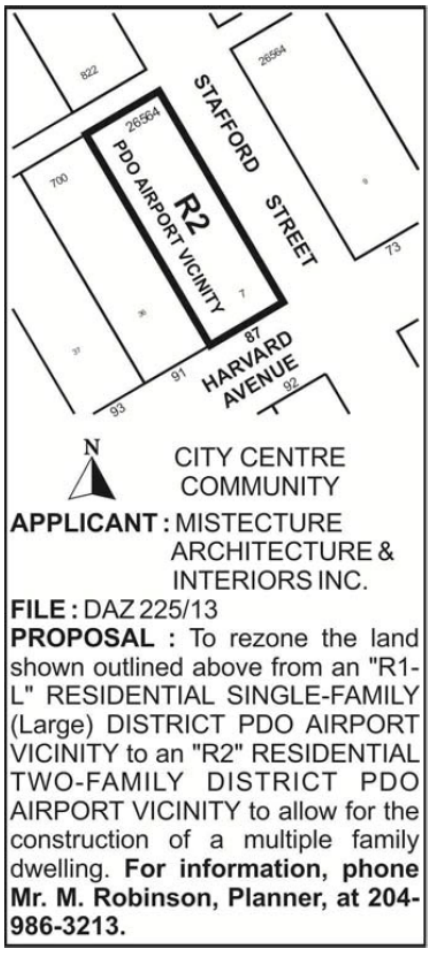
File: DAZ 225/2013

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Gerbasi
Councillor Orlikow

Public Hearing: December 10, 2013
Council Building, 510 Main Street

Applicant: Hijab Mitra (Mistecture Architecture & Interiors Inc.)

Subject:



Premises Affected: 87 Harvard Avenue

Exhibits Filed:
1. Application dated October 7, 2013
2. Notification of Public Hearing dated October 15, 2013
3. Manitoba Status of Title 2682595/1

4. Letter of authorization dated September 11, 2013 from Karampaul Sandin, Director, 87 Harvard Inc. to Hijab Mitra, Mistecture Architecture and Interiors Inc.
5. Surveyor's Building Location Certificate and sketch dated August 1, 2013
6. Drawing of subject property
7. Plans (5 pages)
8. Report from the Planning and Land Use Division dated December 5, 2013
9. Inspection Report
10. Communication dated December 2, 2013, from Marina Ross in opposition to the application
11. Presentation submitted by the applicant at the public hearing
12. Audio Recording of representations

REPRESENTATIONS:

In Support:

Hijab Mitra, Mistecture Architecture & Interiors Inc.
Karampaul Sandhu
Sunil Callay
Mehul Patel
Martin Pankrate
Alvina Pankrate

In Opposition

Marina Ross
Joe Wolchock and Lisa Boone
Gary Harmen
Donna Sarna

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File DAZ 225/2013

ADMINISTRATIVE REPORT

Title: DAZ 225/2013 – 87 Harvard Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 225/2013 – 87 Harvard Avenue

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
B. Smith	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 225/2013 dated December 5 , 2013 to an "R2" Residential Two-Family District, subject to the following:

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

        i. That the development shall occur in substantial conformance with plans submitted and identified as Sheets 1-7 for File No. DCU 13-160192/D and DAV 13-165916/D, dated October 4, 2013

        ii. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        iii. That the subject property shall be limited to a maximum of four (4) dwelling units
        iv. That no attached garage shall be permitted
        v. That no front approach shall be permitted

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.

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6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement

7. 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, the property will be rezoned.

CONSULTATION

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

SUBMITTED BY

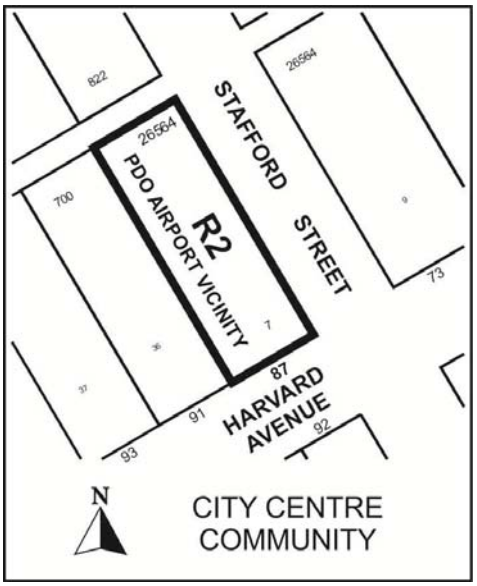
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	December 5, 2013
File No.	DAZ 225/2013

APPENDIX 'A'

DATE: December 5, 2013
FILE: DAZ 225/2013
RELATED FILES: DAV 13-165916/D, DCU 13-160192/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.601

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

LOCATION: 87 Harvard Avenue
LEGAL DESCRIPTION: Lot 7 Plan 26564



APPLICANT: Hijab Mitra – Mictecture Architecture and Interiors Inc.

OWNER: 87 Harvard Inc.

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is currently zoned "R1-L" Single-Family Residential District Large, is located at the northwest corner of Harvard Avenue and Stafford Street, in the Crescentwood neighbourhood of the River Heights – Fort Garry ward.

North: Residences zoned "R1-L" Residential Single-Family District Large
South: Residences zoned "R1-L" Residential Single-Family District Large
East: Stafford Street, then residences zoned "R1-L" Residential Single-Family District Large
West: Residences zoned "R1-L" Residential Single-Family District Large

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the subject property in order to construct a four-plex.

The existing residence will be demolished in order to construct the new structure

The buildings' exteriors will be comprised of a blend of multi-coloured hardi-board siding, cultured stone, and Tyndal stone. A garage with eight (8) parking stalls will be provided at the rear of the building.

Reason for application
In order to construct multiple-family dwellings, the properties must be rezoned from the current "R1-L" Residential Single-Family District to an "R2" Residential Two-Family District.

ANALYSIS AND ISSUES
A. Context
All of the residences on the block are zoned "R1-L" Residential Single-Family District.

OurWinnipeg/Complete Communities
B. Policies
This portion of the Crescentwood 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) Encourage intensification to occur at centres and along corridors

4) 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.

5) 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.*

Other
The Conference Board of Canada has projected a substantial shift in the share of new units, away from single-family, and towards apartment/condo multiple-family units, over the next 20+ years. As per the Conference Board forecast from 2009 to 2031

- Single-family is projected to decrease from a 71% share to a 35% share of housing starts
- Multiple-family is projected to rise from a 29% share to a 65% share of housing starts.

A key assumption in the Conference Board projections is that, as the 'boomer' generation ages, they will generally leave their single-family homes and move into condos or apartments.

By providing a variety of different housing types in each neighbourhood, people have an opportunity to "age in place" – staying in familiar surroundings and keeping the same networks of friends.

iii. Draft Infill Development Guidelines
Below are the applicable guidelines for this project from the *Draft Infill Guidelines* and a discussion of how they have been addressed by the applicant.

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.

The proposed development provides a rear yard setback of 69 feet, 9 inches. This is similar to the rear yard setback of the adjacent property to the west.

Guideline #2

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

The proposed front yard setback is 60 feet, to the front porch. This is consistent with the front yard setback of other homes on the street.

Guideline #3

2.2.3 i) The main building façade should be oriented to face the public street and encourage opportunities for informal surveillance and human activity on the street

The proposed development orients its main entrances to Harvard Avenue.

Guideline #4

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

Height
The Zoning By-law allows a maximum height of 35 feet, which is measured from the mid-point of a sloped roof. Consequently, the actual height may be several feet higher than this, depending on the slope of the roof.

With that said, the subject property is approximately 27 feet, 6 inches to the midpoint of the roof slope and 32 feet, 6 inches to the top of the roof.

This is comparable to some of the existing properties on the subject block. For example, the block has number of properties that are 2.5 storeys with pitched roofs, which are similar to the proposed height. (see Appendix 'C')

Massing
The subject building is being massed to fit the area context. The image in Appendix 'C' illustrates how the proposed building is in step with the massing of the adjacent properties.

C. *Summary*
The Division supports the development of the proposed four-plex on the subject property. Increasing the density moderately on corner sites abutting major corridors, with appropriately designed infill projects, such as this one, provides a mix of housing type and tenure– to meet the future needs of the community. It is a subtle transition in building typology which is sensitive to the existing character of the neighbourhood.

D. Public Consultation
The applicant has indicated that they have spoken with a majority of residents on the street. In addition, the applicant held an information meeting for residents at the River Heights Community Centre on Friday November 22, 2013. The applicant has submitted a consultation report to the City.

RECOMMENDATIONS
The Urban Planning Division recommends approval for the following reasons:

- The proposal is consistent with *Complete Communities and the draft Infill Guidelines for Multiple-Family Development in Areas of Stability*
- The subject site is an appropriate location for a development with a moderately higher density than the community norm

Plan Approval
It is recommended that final plans be approved by City Centre Community Committee and the Director of PP&D, prior to the issuance of permits. It is expected that the final design will be in substantial conformance with the plans that were submitted with the application and shown at the public hearing.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 225/2013

APPENDIX "B"
Schedule "A" for File No. DAZ 225/2013, City Centre Community Committee, dated December 5, 2013

By-Law No. _____

File No. **DAZ 225/13**

Atlas Sheet No.

N

AC23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 87 Harvard Avenue from an "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT PDO AIRPORT VICINITY to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT PDO AIRPORT VICINITY to allow for the construction of a multiple family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2012)

APPENDIX "C"
Street View

