Agenda –Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – October 5, 2015

APPEAL HEARINGS

Item No. 1 **The Downtown Winnipeg Zoning By-law No. 100/2004 – 49 Adelaide Street**
(Point Douglas Ward)
File EZ-DAZ(34)

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Winnipeg Public Service recommends that the appeal be denied and the decision of the Director of Planning, Property and Development Department, dated September 2, 2015, be upheld.

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DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2015, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management adjourned the appeal hearing to its meeting on October 5, 2015 at 9:30 a.m. in the Council Building, 510 Main Street.

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Appellant: Sandhu Developments (Jasreen Sidhu)

Premises Affected: 49 Adelaide Street

Nature of Appeal: On September 3, 2015, Jasreen Sidhu, on behalf of Sandhu Developments appealed Decision dated September 2, 2015, issued by the Director of Planning, Property and Development, regarding provisions of The Downtown Winnipeg By-law No. 100/2004 for the premises located at 49 Adelaide Street.

The Decision stated:

- That the Urban Design application for the Stables on Adelaide project has been denied due to the proposed window treatment which significantly alters the building's character, is not consistent with the intent of the Character Sector and does not address the recommendations of the Urban Design Advisory Committee (UDAC).

Exhibits Filed:

1. Decision issued by the Director of Planning, Property and Development and Notification of Appeal Hearing dated September 2, 2015
2. Notice of Appeal filed by Jasreen Sidhu, on behalf of Sandhu Developments received September 3, 2015
3. Presentation in support of the appeal, submitted at the appeal hearing by Karampaul Sandhu, Sandhu Developments and Gerald Korzeniowski, Gerald Korzeniowski Architect Inc.
4. Presentation with respect to the appeal, submitted at the appeal hearing by Lee Caldwell, Planning, Property and Development Department, City of Winnipeg
5. Notice of Adjournment dated September 22, 2015
6. Report from the Winnipeg Public Service dated September 28, 2015

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REPRESENTATIONS:

In Support of the Appeal:

In Opposition to the Appeal:

For Information on the Appeal:

For the City:

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That the Appeal be allowed / allowed in part / denied and the decision of the Director of Planning, Property and Development, be confirmed / cancelled.

Moved by Councillor

That the Appeal Hearing be concluded.

Winnipeg

Planning, Property and Development Department • Service de l'urbanisme, des biens et de l'aménagement

Office of the Director • Bureau du directeur

Telephone:
Fax / Téléc. : (204) 947-2284

September 2, 2015

Sandhu Developments
Attention: Jasreen Sidhu

Dear Ms. Sidhu:

RE: APPLICATION FOR URBAN DESIGN REVIEW UDR NO. 37/15 FOR A REDEVELOPMENT AT 49 ADELAIDE STREET UNDER PROVISION OF THE DOWNTOWN WINNIPEG ZONING BY-LAW 100/2004.

Further to our meeting today, this will confirm that the Urban Design application for the Stables on Adelaide project has been denied due to the proposed window treatment which significantly alters the building's character , is not consistent with the intent of the Character Sector and does not address the recommendations of the Urban Design Advisory Committee (UDAC).

The UDAC recommended maintaining the existing window openings rather than installing a smaller window and infilling the left over space with another material such as Lexan (acrylic panel). On the primary façade (Adelaide) windows are recessed up to 12" and 40 out of 58 windows are partially or completely in filled with acrylic panel. In addition the UDAC did not support installing mechanical grills or heating/cooling units within the window openings on Adelaide. On the Adelaide façade there are 11 mechanical grills and 11 heating/cooling units that have been installed within window openings. Finally the UDAC recommended a window type that better fit the industrial nature of the building and the historic warehouse district context. The proposed windows which have already been installed are white vinyl, sliders which do not fit the character of the building or warehouse district context.

We met today to attempt to resolve the concerns, at the meeting, Sandhu indicated there was a willingness to modify the windows placement to try to meet the Urban Design Advisory Committee /Public Service recommendations but were unable to modify the mechanical vents/heating cooling units. Since Sandhu is unable to address all of the Urban Design issues, it was agreed that you would appeal my decision.

Please be advised that the appeal will be heard by the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management at its meeting on Monday, September 21, 2015 at 9:30 a.m. in the Council Building located at 510 Main Street.

The purpose of the appeal hearing is to allow you to make submission, ask questions or register objections with respect to this matter.

Please call Ms. J. Marques, Clerk of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management to confirm your appeal and attendance at the September 21, 2015 meeting. The contact number for Ms. Marques is 986-4228.

Sincerely,

Marc Pittet
Acting Director of Planning, Property and Development

c. J. Marques, Senior Committee Clerk

Exhibit " 2 " Appeal – The Downtown Winnipeg By-law No. 100/2004 – 49 Adelaide Street

From: Jasreen Sidhu
Sent: Thursday, September 03, 2015 8:55 AM
To: Marques, Josie
Subject: Re: 49 Adelaide Urban Design application appeal

Hello Josie,

I would like to confirm that Sandhu Developments will proceed with the appeal for UDAC recommendations at 49 Adelaide Street. Gerald Korzeniowski, Karampaul Sandhu, and Jasreen Sidhu will be in attendance.

Thank you.

ADMINISTRATIVE REPORT

Title: UDR 37/15 (14-162654) **-** 49 Adelaide Public Hearing

Critical Path: Standing Policy Committee on Downtown Development, Heritage and Riverbank Management

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
K. McKim	J. Kiernan	n/a	M. Jack COO

RECOMMENDATIONS

The Winnipeg Public Service recommends that the appeal be denied and the decision of the Director of Planning, Property and Development Department, dated September 2, 2015, be upheld.

REASON FOR THE REPORT

- On September 2, 2015 the Director of Planning, Property and Development denied urban design approval for exterior alterations at 49 Adelaide Street. The applicant is appealing the Director's decision.

- The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management is the delegated hearing body for an appeal of the Director's decision on urban design applications pursuant to Subsection 120(6) of the Downtown Winnipeg Zoning By-law 100/2004.

EXECUTIVE SUMMARY

- The applicant seeks urban design approval for a redevelopment project at 49 Adelaide Street, located within the Warehouse Character Sector.

- The proposed window treatment significantly alters the building's character, is not consistent with the intent of the Character Sector and does not address the recommendations of the Urban Design Advisory Committee (UDAC).

- The Winnipeg Public Service is recommending that the application be denied and that the urban design issues be resolved in order to preserve the architectural character of both the building and the Warehouse Character District for citizens and visitors now and into the future.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Public Service are concurred with, the Public Service will work with the applicant to achieve a solution that better meets urban design objectives for redevelopment within the Warehouse Character sector.

HISTORY

- In October 2014, plans were received by Zoning for a redevelopment at 49 Adelaide Street to convert a warehouse building into residential apartments units. Work included new windows, doors elevator, mechanical and electrical systems.

- The proposed development is located on the west edge of the Exchange District within the Warehouse Character Sector. The Downtown Winnipeg Zoning By-law established a Character Sector for the protection and enhancement of certain portions of the Downtown that have a distinct architectural style.

- In April 2015, the applicant submitted the application for urban design review.

- In May 2015, the applicant was advised that there was concern with the window treatment, infilling a significant number of windows with concrete block and cement panel and installing mechanical grills and heating/cooling units within window openings as well as screening parking adjacent the building. The applicant was advised to stop work on the exterior; windows had been removed and in filled on the rear façade without urban design approval or a valid building permit. By-law Violation notices were issued on July 2 and 14, however all the requests to stop work were ignored and the file was forwarded to enforcement for prosecution on July 22, 2015.

- The UDAC, appointed to provide advice to the Director on urban design aspects of downtown development, reviewed the project on June 25, 2015. UDAC's purpose is to ensure that all development has considered and incorporated a high level of design that will enhance the urban environment. The Committee unanimously agreed that the proposed window replacement would have a negative impact on the street and would set a dangerous precedent in the Warehouse Character Sector and the Exchange District. The Committee made a number of recommendations with respect to the proposed exterior alterations.

- Revised design was submitted on July 29, 2015. The revised design reduced the number of windows being in filled completely, but did not address the other issues which have a cumulative impact on the buildings character.
    - The Committee recommended a window type that better fit the industrial nature of the building and the historic warehouse district context.
        - The applicant proposes a suburban, residential type window (white vinyl, slider) that does not fit the character of the building or warehouse district.
        - In addition, vinyl windows are not compatible with masonry (expands/contracts/warps at a higher rate than brick causing gaps that require caulk and eventually fail).
    - The Committee recommended maintaining the existing window openings to avoid in fill and did not support installing mechanical grills or heating and cooling units within the windows openings on the Adelaide façade.
        - On the primary façade (Adelaide) the applicant proposes recessing all of the windows up to 12", infilling 40 out of 58 windows partially or completely with reflective acrylic panel or concrete block; installing 11 mechanical grills within windows openings and installing 11 exterior heating/cooling (PTAC) units within windows openings.

- August 12, 2015, the applicant was advised that the issues identified by the UDAC had not been addressed adequately and that the Public Service was unable to support the current revised design. The applicant was advised that there was an opportunity to appeal this decision to the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management (SPC DDHRM), after a meeting with the Director.

- September 2, 2015, the applicant met with the Director, however it was not possible to resolve the urban design issues since the windows and mechanical vents had already been installed. The applicant expressed willingness to work with the Public Service to design an infill around the smaller windows, however the proposed acrylic panel was subject to scratching and would be very difficult to detail so that it appeared to be part of the real window. The applicant advised that it was too late to change the mechanical vents (already installed) and heating/cooling units (to be installed). Following the meeting, the Director advised by letter that the urban design application had been denied.

- On September 21, 2015, SPC DDHRM adjourned the appeal hearing regarding the Decision issued on September 2, 2015, by the Director of Planning, Property and Development, regarding provisions of the Downtown Winnipeg Zoning By-law No. 100/2004, for the premises located at 49 Adelaide Street.

- On September 24, 2015, the Winnipeg Public Service met with the applicant prior to the October 5 SPC DDHRM to attempt resolution of the design issues which include:

    1) Windows are smaller than the opening - requires infill panel to fill the space around the window
    2) Window material/PVC slider, colour white – doesn't fit the industrial character of the building
    3) Mechanical hood and PTAC units within window openings

4) Windows have been recessed – changes the appearance of the building and difficult to detail the gap
5) Too many different window sizes and patterns – lacks a common language

The Public Service made the following recommendations:

1) Replace windows on 3 visible sides (north, west, south)
2) New windows to be sized to fit real window opening
3) Minimize the recess – windows should be no deeper than the originals
4) Relocate mechanical hoods above or beside window
5) Play up the industrial look of the building by using silver/anodized aluminum or fiberglass dark brown coloured windows
6) Maximize glazing – reduce or eliminate infill panels within window openings
7) Operable windows to be single hung not horizontal slider
8) Symmetrical window mullion breakup rather than 1/3- 2/3 mullion breakup
9) PTAC units relocated to interior. If not possible grills should match window colour.

The applicant advised that replacing windows would be too costly and mechanical changes at this point would be a deal breaker. Instead the applicant proposed an alternate treatment - cladding the white PVC windows with charcoal grey metal and that windows were recessed 4 inches rather than 12" (to be confirmed). The applicant also advised that the earlier proposed infill panel using acrylic panel framed in white PVC would not be suitable due to anticipated problems with durability. Infilling the gaps around the smaller windows is proposed to be Hardi panel which can be painted and will be weather tight. While the proposed alternate solution will only mitigate the issue of colour, it was agreed that the applicant would prepare a mock up on site for review by the Winnipeg Public Service with the hope that a reasonable compromise can be found.

- As of the date of this report an acceptable solution has not been provided (the mockup is not available yet for review) therefore the Winnipeg Public Service recommends that the appeal be denied and the decision of the Director of Planning, Property and Development Department, dated September 2, 2015, be upheld.

FINANCIAL IMPACT

Financial Impact Statement Date: September 28, 2015

Project Name:

UDR 37/15 (14-162654) - 49 Adelaide Public Hearing

COMMENTS:

There are no financial implications associated with this report.

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

CONSULTATION

In preparing this report there was consultation with:

N/A

OURWINNIPEG POLICY ALIGNMENT

The *OurWinnipeg* Complete Communities Direction Strategy, Section 03-1e, Direction 2 states: *Pursue high quality urban design in a manner that conserves, enriches, and showcases the rich collection of heritage resources Downtown.*

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Design
Prepared by:	Lee Caldwell
Date:	September 28, 2015 (revised)

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