Minute No. 148
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2017

Item No. 2 Subdivision and Rezoning – 479 and formerly 481 Maryland Street (Daniel McIntyre Ward)
File DASZ 40/2016 [c/r DAV 148161/2016D and DEMO 178184/2016]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DASZ 40/2016, dated December 13, 2016, to an "RMF-L" Residential Multi-Family – Large District, subject to the following:

    A. That the applicant enter into, execute and deliver 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 final plans, showing the location and details of buildings, elevations, parking, landscaping, signage, garbage, lighting and fencing shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for 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.

        ii. That the height of any building shall not exceed forty-five (45) feet.

2. That the plan of subdivision proposed under File No. DASZ 40/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 40/2016, dated December 13, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, with the following revision:

    A. The Developer shall, at no expense to the City, legally open property required for a 1.114m widening to the west side of the existing north-south Public Lane right-of-way, along the full length of the Planned Area, abutting the east limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2017

COUNCIL DECISION (continued):

3. That in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 two (2) years 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 the two (2)-year period and Council approves the extension.

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 subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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 the one year period and Council approves the extension.

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

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2017

COUNCIL DECISION (continued):

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. 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, Heritage and Downtown Development – January 17, 2017

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 17, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 13, 2016, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

That the recommendation of the Winnipeg Public Service be concurred in and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Subdivision and Rezoning – 479 and formerly 481 Maryland Street File DASZ 40/2016**

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

Prepared by: **Kate McMillan, Committee Clerk**
City Centre Community Committee

Report date: **December 15, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 13, 2016, 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, Heritage and Downtown Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DASZ 40/2016, dated December 13, 2016, to an "RMF-L" Residential Multi-Family – Large District, subject to the following:

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

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        ii. That the height of any building shall not exceed forty-five (45) feet.

COMMUNITY COMMITTEE RECOMMENDATION (continued):

2. That the plan of subdivision proposed under File No. DASZ 40/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 40/2016, dated December 13, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, with the following revision:

   A. The Developer shall, at no expense to the City, legally open property required for a 1.114m widening to the west side of the existing north-south Public Lane right-

   of-way, along the full length of the Planned Area, abutting the east limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

3. That in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 two (2) years 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 the two (2)-year period and Council approves the extension.

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 subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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 the one year period and Council approves the extension.

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

COMMUNITY COMMITTEE RECOMMENDATION (continued):

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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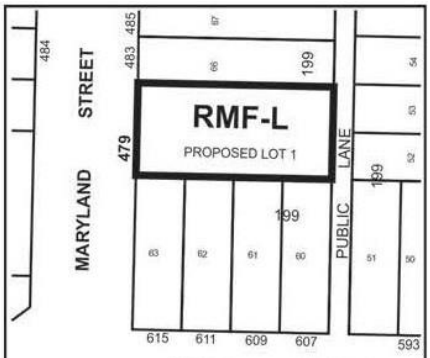
The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. It does create more density. I do think that it is on a major corridor, Ellice and Maryland, an active transportation route and that is where we want density to happen.

2. I believe it fits in with the neighbourhood.

PUBLIC HEARING SUMMARY

File:	DASZ 40/2016
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Gilroy Councillor Orlikow
Public Hearing:	December 13, 2016 Council Building, 510 Main Street
Applicant:	701 Architecture Inc. (Brent Lauman)
Subject:	



APPLICANT : SEVEN ZERO ONE ARCHITECTURE INC.
FILE : DASZ 40/16
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from a "C2 PDO-1 NEIGHBOURHOOD MAIN STREETS" COMMERCIAL COMMUNITY DISTRICT and an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling. **For information, phone Mr. A. Ross, Planner, at 204-986-5235.**

Premises Affected: 479 and formerly 481 Maryland Street

Exhibits Filed:

1. Application dated September 9, 2016
2. Notification of Public Hearing dated November 14, 2016
3. Manitoba Status of Titles 2667285/1 and 2843161/1
4. Letter of authorization dated July 2, 2016 from Antonio Fonseca and Brigitte Bisson to 701 Architecture
5. Letter of authorization dated July 2, 2016 from Martin Riazuddin, 7281171 Manitoba Ltd., to 701 Architecture
6. Plans (9 pages)
7. Report from the Urban Planning Division dated December 5, 2016
8. Inspection Report
9. Presentation in opposition to the application submitted by Charles Cao at the public hearing
10. Recording of Representations

REPRESENTATIONS:

In Support:

Brent Lauman, 701 Architecture
Kevin Loewen, 701 Architecture
Martin Riazuddin

In Opposition

Charles Cao
Son Cao
Vinh Le
Lynne Somerville
Cyril Keeper

For Information:

Nil

For the City:

M. Robinson, Senior Planner, Planning, Property and Development Department
A. Ross, Planner, Planning, Property and Development Department

Exhibit " 7 " referred to in File DASZ 40/2016

ADMINISTRATIVE REPORT

Title: DASZ 40/2016 – 479 Maryland ST

Issue: For consideration at the public hearing for a subdivision and rezoning for DASZ 40/2016 – 479 Maryland ST

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

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Andrew Ross	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DASZ 40/2016, dated December 13, 2016, to an "RMF-L" Residential Multi-Family – Large District, subject to the following:

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12. 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.

REASON FOR THE REPORT

- The applicant is proposing to subdivide the land in order to consolidate two existing lots into one lot; and to rezone the new consolidated lot from a “C2 PDO-1” Neighbourhood Main Streets Commercial Community District and an “RMF-M” Residential Multi-Family (Medium) District to an “RMF-L” Residential Multi-Family (Large) District, in order to allow for the development of a four-storey residential building with eighteen units on the subject property.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- 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 Urban Planning Division are concurred in, the property can be rezoned and subdivided.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

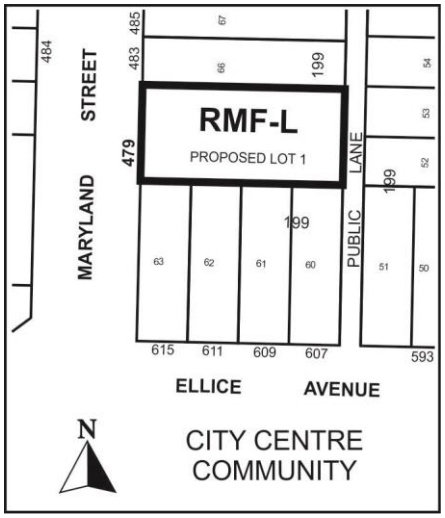
Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Andrew Ross, MCP, MCIP, RPP
Date:	December 5, 2016
File No.	DASZ 40/2016

APPENDIX 'A'

FILE: DASZ 40/16
RELATED FILES: DAV 16-148161\D
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: 1.108

SUBJECT: To consolidate two existing lots into one lot; and to rezone from a "C2 PDO-1" Neighbourhood Main Streets Commercial Community District and an "RMF-M" Residential Multi-Family (Medium) District to an "RMF-L" Residential Multi-Family (Large) District.

LOCATION: 479 Maryland ST
LEGAL DESCRIPTION: LOT 64 PLAN 199 72 ST JA



APPLICANT: Brent Lauman
511 St Mary's RD
Winnipeg , Manitoba R2M 3L2

OWNER: BRIGITTE BISSON
95 TACHE AVE
Winnipeg , Manitoba R2H 1Z3

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

The subject site is located on Maryland Street just north of Ellice Avenue, in the Daniel McIntyre neighbourhood of the Daniel McIntyre ward (See Figure 1).

The site is identified as a Mature Community under the *Complete Communities Direction Strategy*. The existing southernmost property on the site is currently zoned C2 and the northernmost property on the site is currently zoned RMF-M (see Figure 2).



Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2016)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Single family uses (zoned "RMF-M" – Residential Multi-Family – Medium)

South: Commercial and Office uses (zoned "C2" – Commercial Community)

East: Single and Multi-family uses (zoned "RMF-M" – Residential Multi-Family – Medium)

West: Maryland Street, then Place of worship uses (zoned "RMF-M" – Residential Multi-Family – Medium)

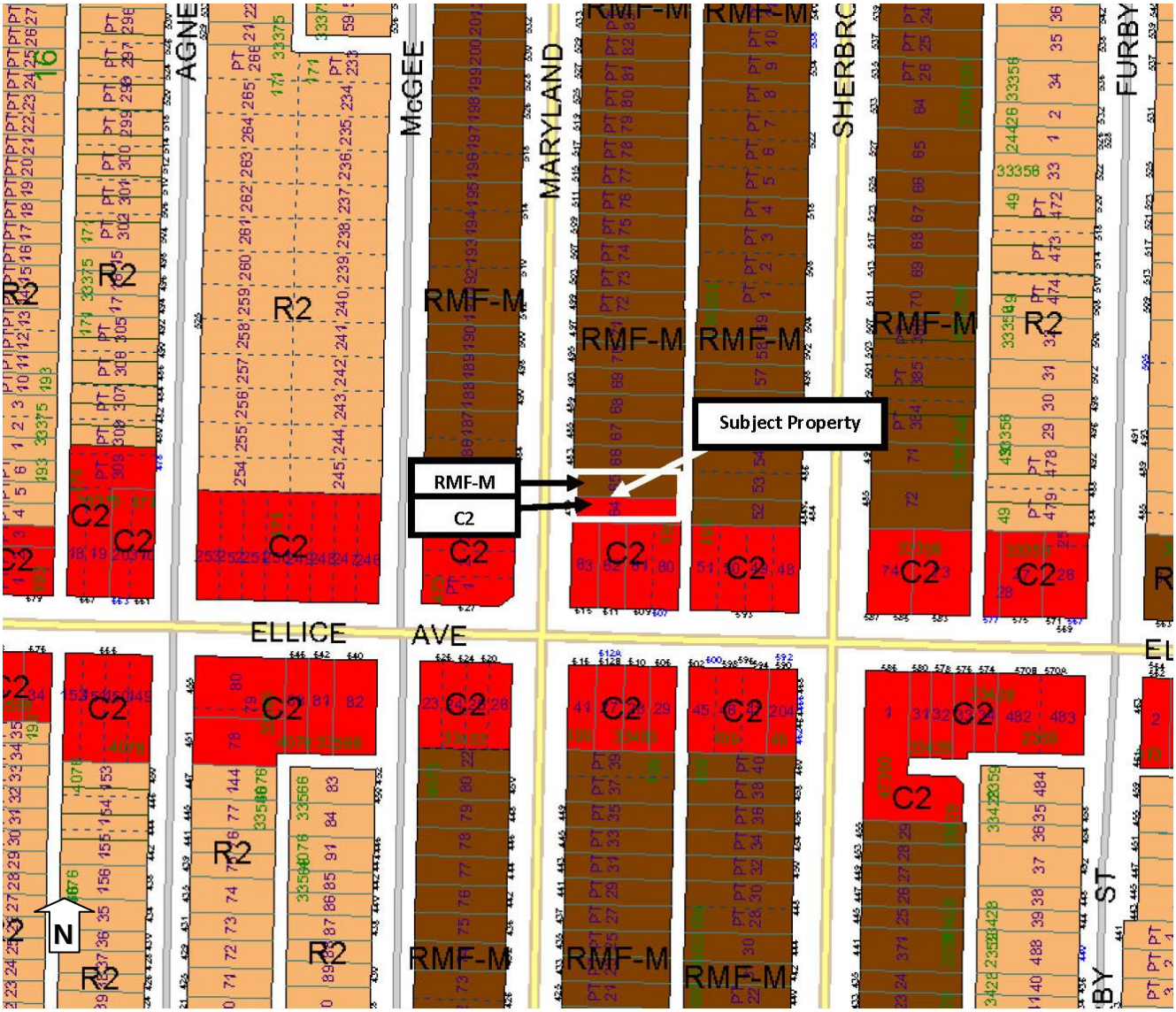


Figure 2: Existing zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks a rezoning and subdivision in order to consolidate 479 and 481 Maryland Street into one 7,448 sq. ft. wide property and to build a 4-storey multifamily building with 18 units on the property.

Reason for application
The proposed density exceeds what is allowed in the "C2" Commercial Community and the "RMF-M" Residential Multi-family District. A subdivision is required to consolidate the two lots into one, and the rezoning to "RMF-L" is required to support the proposed density.

ANALYSIS AND ISSUES

Context
The immediate area is characterized primarily by residential development at a range of densities, from single family to multi-family, with the majority of dwellings being multi-family. Ellice Avenue, immediately south of the subject property, is characterized primarily by commercial development.

Policies
Complete Communities Direction Strategy
As per the *Complete Communities Direction Strategy,* the proposed development falls within Areas of Stability – Mature Communities policy area. Key policies guiding development within Areas of Stability include:

- Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- Support Complete Communities by ensuring diverse and high quality housing stock.
- 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, townhouses.

This development adds to the mix of housing options in the Daniel McIntyre neighbourhood, and brings new multi-family housing stock to the area. The proposed density is in keeping with that of the surrounding context.

Neighbourhood Plan
People and Housing – A Plan for Spence 2014-2016 was developed between 2013-2014 through focus groups, public forums, community/site visits, surveys and key person interviews.

Neighbourhood housing plans are not Council policies; however the Urban Planning Division encourages efforts to align with them due to the significant amount of community involvement and resources that go into establishing their visions and aims. The following are the main goals identified in the Plan:

- Goal 1. Quality - Coordinate resources to improve housing quality
- Goal 2. Quantity - Stabilize and increase the number of units of housing available in the Spence neighbourhood.
- Goal 3. Affordability - Ensure that housing reflects the mixed-income and diverse cultural population characteristics of the Spence neighbourhood, and is financially accessible to all households.

- Goal 4. Accountability - Work with the community, owners, tenants, social agencies, the City of Winnipeg, the Province of Manitoba and others to ensure everyone meets their responsibilities, enjoys their rights in housing and reflect the goals of the housing plan.

The Urban Planning Division believes that the proposed development provides general alignment and support of the above goals of the neighbourhood plan.

Zoning

Density
The consolidated lot is 7,448 sq. ft. in area. Eighteen units as proposed is greater than what would be permitted under the current “RMF-M” and “C2” zoning. A rezoning to “RMF-L” is therefore required to support the proposed density.

Eighteen units on a lot of this size is complementary to the context on this block, which has historically exhibited a mix of multi-family densities.

As shown on Figure 3, this block of Maryland Street contains several examples of mid-block multi-family housing, including:
518 Maryland – 28 units
510 Maryland – 21 units
540 Maryland – 21 units
490 Maryland – 10 units
572 Maryland – 6 units
549 Maryland – 4 units

Several of these examples include density higher than the density of the subject development. Those examples would likely not meet contemporary zoning regulations due to their minimal parking. The subject proposal however provides a lower density than those examples and provides sufficient onsite parking (1 stall per unit), thereby striking a functional balance between density and parking.

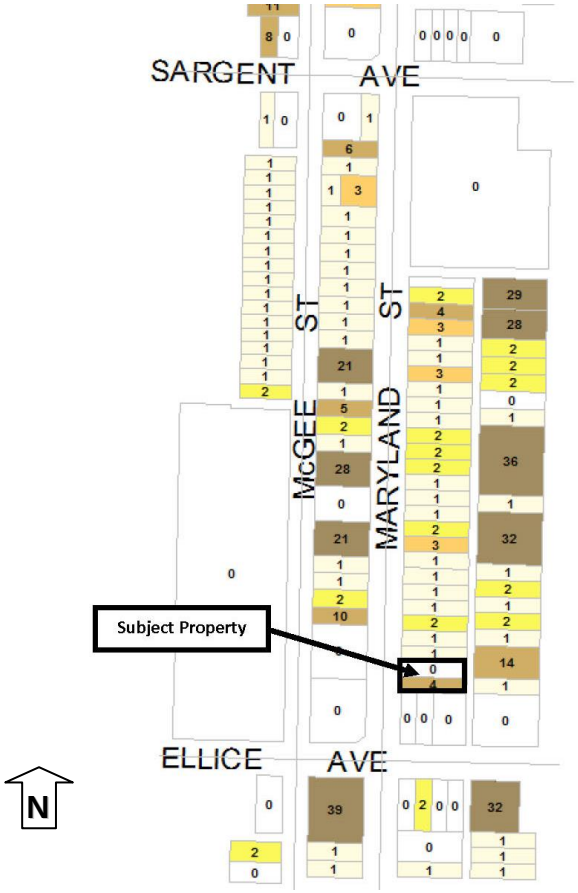


Figure 3: Dwelling unit counts of properties on the subject block of Maryland Street.

Height
Multi-family buildings at 518, 510 and 540 Maryland Street range in height from approximately 40-45 feet. The proposed height of 45 feet for the subject development is consistent with these heights.

The property abuts a commercial development to the south, a public lane to the east, and Maryland Street to the west. On the north, it abuts a single-family dwelling which is approximately 30 feet in height. The proposed development provides a side yard of 7.6 feet from the building wall on that side, and a side yard of 2.5 feet from the parking on that side. The Urban Planning Division believes that these setbacks help to reduce the building's impact on that property, and are reflective of similar setbacks found in the neighbourhood.

OTHER CONSIDERATIONS

Public Engagement
The applicant presented their plans at a Spence Community Housing Committee meeting on June 7, 2016. Nine people attended.

The applicant held a public open house on June 30, 2016 at 528 Sargent Avenue from 7pm-8:30pm. Four people attended.

Zoning Agreement
A zoning agreement is being recommended in order to ensure a maximum building height of 45 feet.

Plan Approval
Plan approval is being recommended in order to provide opportunity for approval of site details, and to ensure that the external appearance of the building is complementary to the context. The Urban Planning Division and the applicant have discussed different approaches that may provide greater articulation and transparency on the Maryland façade. These will be included as part of plan approval.

SUMMARY

The Urban Planning Division supports the rezoning and subdivision for the following key reasons:

- Complete Communities supports low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- The subdivision and rezoning provides a lot size and a density that is compatible with the context.
- The height is restricted through a zoning agreement and final design details will be addressed through plan approval.

RECOMMENDATIONS
The Urban Planning Division recommends that the application be approved and that the subject property be rezoned and subdivided.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Andrew Ross, MCP, MCIP
PPD File # DASZ 40/2016 – 479 Maryland Ave

Schedule “A” for File No. DASZ 40/2016, City Centre Community Committee, December 13, 2016

By-Law No. _____

File No. **DASZ 40/16**

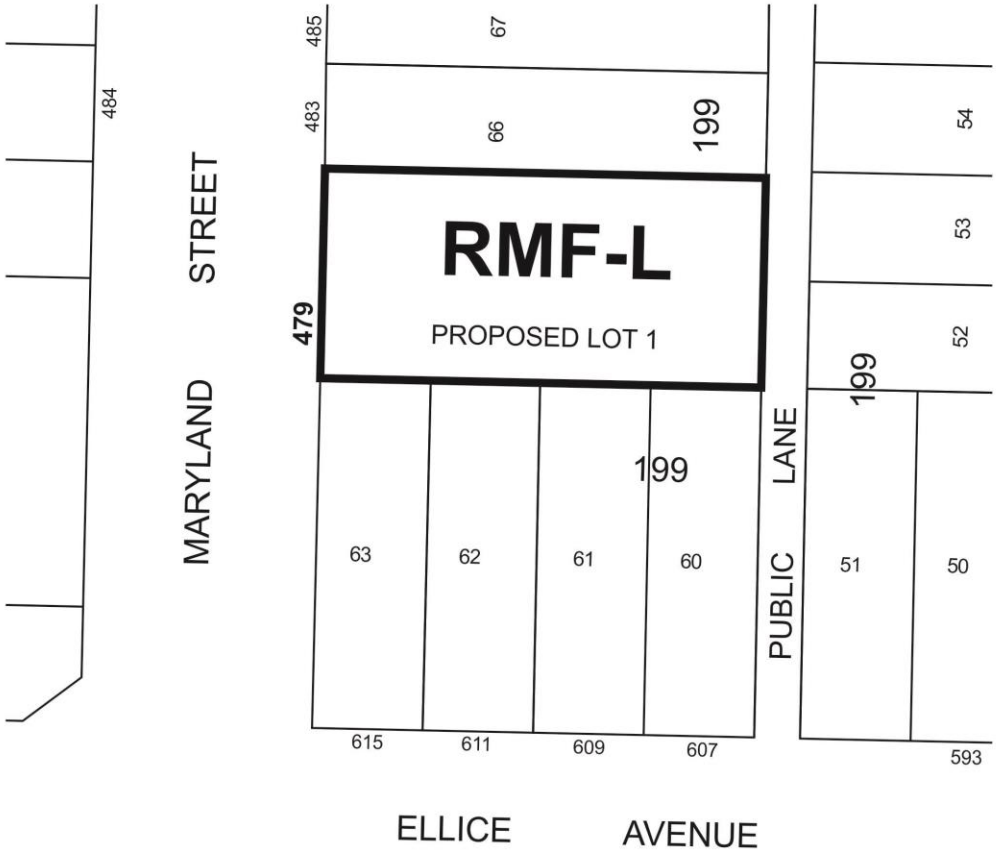
Explanation

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 479 and former 481 Maryland Street from a “C2 PDO-1 NEIGHBOURHOOD MAIN STREETS” COMMERCIAL COMMUNITY DISTRICT and an “RMF-M” RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to an “RMF-L” RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling as shown outlined below.

Atlas Sheet No.

N

Z23
CITY CENTRE
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____