Minutes – Executive Policy Committee – November 12, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 28, 2019

Item No. 2 Winnipeg Building By-Law No. 4555/87 Amendment – Snow Loading

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That amendments to the Winnipeg Building By-law No. 4555/87 (draft By-law is attached as Schedule A to this report), be enacted to establish a process and regulations for:

    A. Determining what impacts, if any, new developments may have on neighbouring properties; and

    B. Allowing the designated employee to require remediation of any unsafe condition, created by new development, on existing buildings.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 28, 2019

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On October 28, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

R. Klassen, Manager, Commercial Construction Permits, Planning, Property and Development Department, submitted a presentation titled "Winnipeg Building By-law No. 4555/87 Amendment – Snow Loading" in support of the matter.

ADMINISTRATIVE REPORT

Title: Winnipeg Building By-Law No. 4555/87 Amendment – Snow Loading

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Crocker	J. Kiernan	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

It is becoming increasingly common in the City of Winnipeg for older buildings in established areas to be demolished to accommodate new developments, or for new larger and higher buildings to be located next to existing structures. If the new construction is higher than the existing buildings on neighbouring properties, the lower buildings may be subjected to increased snow loads, which negatively impact these structures. The snow loading concerns primarily impact commercial buildings – single-family dwellings are not affected.

The purpose of this report is to propose amendments to the Winnipeg Building By-law No. 4555/87 that outlines processes and regulations applicable to new development and existing buildings that may be affected by that new development. These regulations will outline the requirements necessary to progress the construction of new development while ensuring that the new development does not create an unsafe condition for the affected adjacent structure.

RECOMMENDATIONS

1. That Council enact amendments to the Winnipeg Building By-law No. 4555/87 (draft by-law is attached as Schedule A to this report) to establish a process and regulations for

   A. determining what impacts, if any, new developments may have on neighbouring properties; and

   B. allow the designated employee to require remediation of any unsafe condition, created by new development, on existing buildings.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Ensure that regulation is in place to identify the responsibilities for the entity undertaking new development that will affect adjacent property, and the entity that owns and operates the affected adjacent property. This will identify requirements at the permit stage and with respect to the progression of stages of construction.

By-law amendments must be approved by Council.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of this report are concurred in, the Winnipeg Building By-law No. 4555/87 will be amended to include additional regulation in respect of the impacts of new development on existing buildings.

HISTORY/DISCUSSION

Since the 1950's the National Building Code of Canada has assumed the snow load on a roof to equal that which accumulated on the ground. In subsequent code editions, this assumption was refined to limit the snow loading on a roof as a percentage of ground snow load, based on the size and shape of the building. Single-family dwellings, duplexes and some smaller row houses (which typically have peaked roofs) do not have the same concern with the accumulation of snow as do larger commercial structures (which typically have flat roofs). For this reason, the proposed amendments do not impact those residential structures.

Snow accumulation resulting from snow blowing off high roofs onto lower roofs or drifting against building projections is not new. The methodology for establishing the magnitude and extent of the snow accumulation resulting from these conditions is clearly defined in the Structural Commentary G of the 2010 National Building Code of Canada. When a new development is constructed within 5 meters of an existing building and the new development is higher than the existing building, the resulting new snow distribution will be projected onto the existing low roof; the closer together the buildings are, the greater the effect. Since building roofs are designed to support very specific snow loads as dictated by the Manitoba Building Code (the "Code"), there is generally little or no reserve capacity in the existing framing and possibly the foundation to support any additional weight. If the existing building is not assessed for these altered snow-load conditions, this may result in an unsafe condition in the existing building. General requirements for addressing these situations can be found in the current Code, City of Winnipeg by-laws and the Engineers and Geoscientists of Manitoba code of ethics. What is not clearly defined in these documents are the roles and responsibilities of the building permit applicant, building owners, developers, and contractors etc., to rectify any resulting unsafe conditions.

The Public Service recommends that, at the plan examination stage, when new work is identified as creating conditions where increased snow loads will be imposed on existing buildings, confirmation that the existing buildings are capable of supporting these increased loads be required.

Under the proposed amendments to the Winnipeg Building By-law No. 4555/87 (the “By-law”), building assessments and verification that existing buildings have sufficient strength to accommodate these increased loads must be submitted under the seal and signature of an engineer registered in the province of Manitoba. If the engineer determines that strengthening of the existing building is required, then drawings, details and specifications for this work would have to be provided and the appropriate building permits obtained for this work to be performed. Also, to prevent an unsafe condition, restrictions would be placed on the building permit of the new construction limiting its height to that of the adjacent structures until all required strengthening is complete.

The proposed amendments to the By-law impose an obligation on the designated employee to refuse to issue a permit where he or she has determined that the proposed building will create an unsafe condition in respect of an existing building, and authorize the designated employee to require the performance of inspections or tests in order to make that determination. Moreover, the designated employee may only issue the building permit once the applicant has taken all reasonable steps to ensure that the new building will not create an unsafe condition in respect of the existing building.

The proposed amendments to the By-law place the initial responsibility for determining and remediating unsafe conditions on the owner of the new building. However, to prevent the owner of an existing building from “holding development hostage” by simply refusing to allow access for the purposes of making a determination as to additional snow loads, the proposed amendments to the By-law authorizes the designated employee to issue a building permit in certain circumstances. In these circumstances, the City would then enforce the Code against the owner of the existing building.

While the proposed amendments to the By-law were created for the situation of additional snow loads, they are drafted in more general terms to prevent new developments from creating unsafe conditions in respect of existing buildings in other situations as well.

FINANCIAL IMPACT

Financial Impact Statement

Date: September 26, 2019

Project Name:

Winnipeg Building By-Law No. 4555/87 Amendment - Snow Loading

COMMENTS:

There are no direct financial implications associated with the recommendations contained in this report.

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

CONSULTATION

This Report has been prepared in consultation with:

Legal Services (as to legal issues)
Development & Inspections

OURWINNIPEG POLICY ALIGNMENT

01-3 Prosperity
Direction 1: Provide Efficient and Focused Civic Administration and Governance

SUBMITTED BY

Department: Planning, Property and Development
Division: Development & Inspections
Prepared by: Megan Naaykens
Date: September 27, 2019

Attachments:

Schedule A – Draft Amending By-law