Agenda – Council – July 21, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 4, 2022

Item No. 9 Extension of Time – Subdivision and Rezoning – 265 Osborne Street (Fort Rouge-East Fort Garry Ward)
File DASZ 3/2019

STANDING COMMITTEE RECOMMENDATION:

On July 13, 2022, 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 the time limit to provide for the enactment of the necessary rezoning by-law under File No. DASZ 3/2019 be extended to July 23, 2023.

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 – July 4, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 2022, 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 July 4, 2022, 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 June 24, 2022, 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.

ADMINISTRATIVE REPORT

Title: Extension of Time – Subdivision and Rezoning – 265 Osborne Street – File No. DASZ 3/2019

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

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Jasper	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for enactment by Council of the necessary rezoning by-law under DASZ 3/2019 will expire on July 23, 2022. The Developer has requested an extension of time in order to enact the rezoning by-law.

The Winnipeg Public Service has no objection to this request.

RECOMMENDATIONS

1. That the time limit to provide for the enactment of the necessary rezoning by-law under File No. DASZ 3/2019 be extended to July 23, 2023.

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

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are concurred in, the Developer will be allowed an extension of time to July 23, 2023, to enact the required rezoning by-law under DASZ 3/2019 and complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On July 23, 2020, Council adopted Item No. 9 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated July 13, 2020 which recommended approval of a subdivision and rezoning to a “TOD PDO-1 Corydon-Osborne Transit Oriented Development” District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

Recommendation 5 of the above-referenced report states:

> "That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the “By-law”) is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension."

The necessary by-law has not been enacted and the two 2 year period will expire on July 23, 2022.

On May 19. 2022, the Owner, 10093827 Manitoba Ltd., Attention: Jeff Silverstein, 275 Garry Street, Winnipeg, Manitoba R3C 1H9 submitted a request for a one (1) year extension of time in order to satisfy the necessary by-law enactment requirements and complete the necessary registrations at the Winnipeg Land Titles Office. See Appendix “B” attached.

The Winnipeg Public Service has reviewed this request for an extension of time and is of the opinion that approval of the subject extension of time would be acceptable as circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

The proposed rezoning and subdivision aligns with the Key Direction of *OurWinnipeg* that applies to the Mature Communities Policy Area, which states: *“Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg’s changing population.*”

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed rezoning and subdivision complies with the *Winnipeg Climate Action Plan* because the proposed development would increase the residential density of an established neighbourhood.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

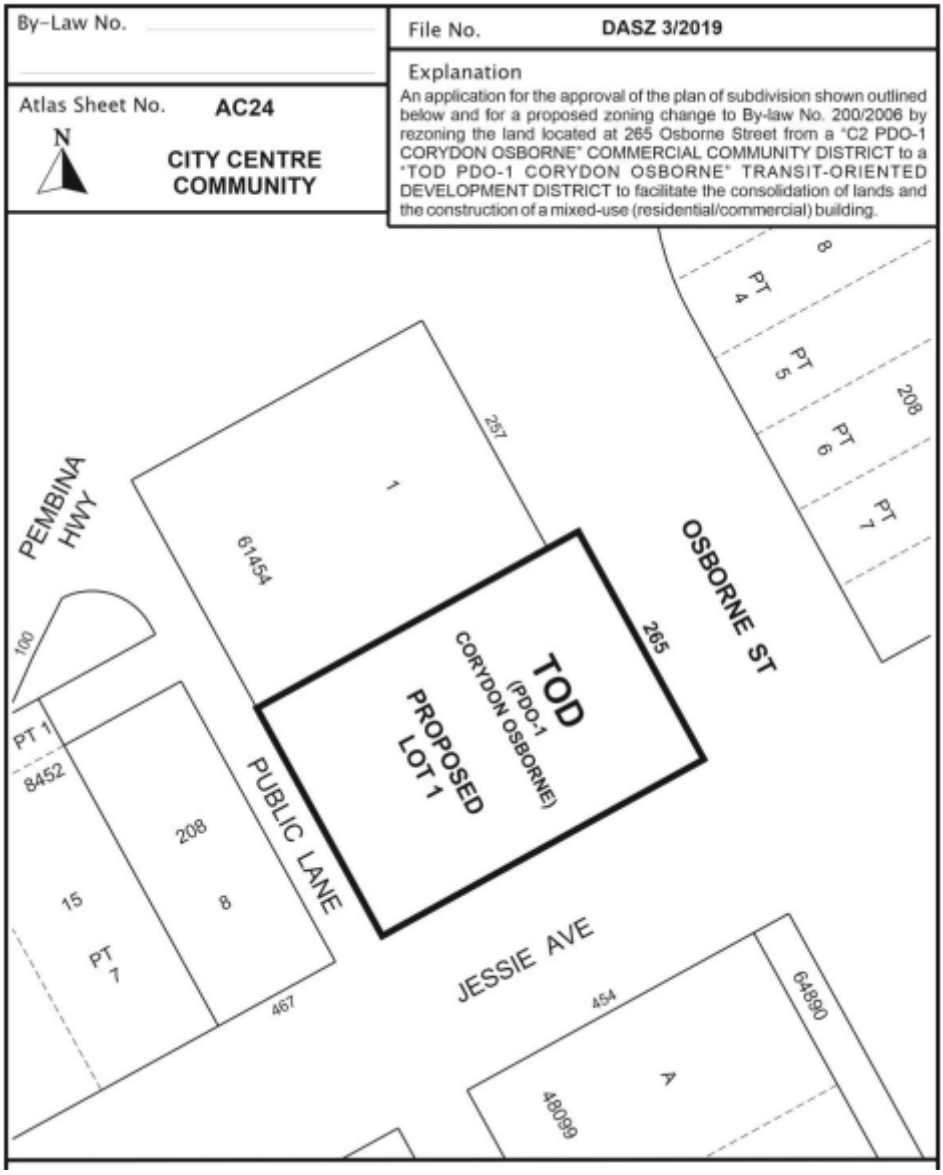
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: May 26, 2022
File No: DASZ 3/2019
Attachments: Appendix “A” – DASZ 3/2019 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 3/2019 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Land Development Branch, Property, Planning and Development
City of Winnipeg
Main Floor, 65 Garry St. Winnipeg, MB
R3C 4K4

ATTN: Michele Hammerberg, Development Applications Coordinator

Good morning Michele,

RE: 265 Osborne Street Extension Application

I am writing this Letter of Intent to introduce the City of Winnipeg to 10093827 Manitoba Ltd- the ownership group that has assumed control of the 17 story apartment development located at 265 Osborne Street as the previous ownership group has failed to move the project forward.

The shareholders of 10093827 Manitoba Ltd- consisting of myself and Jack Kovnats- are excited by the opportunities the new transit station will generate. As previous investors and lenders we have spent considerable time to interview the former project team, key stakeholders, contractors, and other project team members to determine what caused the project's failure. From those discussions, we believe we understand the failings of the previous ownership group including the failure to provide clear requirements, the failures to understand the complexity of the project, and other external factors.

From these interviews, we have examined the business case for the project and have made the decision to assume control of the project from foreclosure.

It was only recently in reviewing project documents, correspondence, management reports, and contracts, that we discovered an issue with the rezoning/subdivision matters and an extension to complete the survey work and mylars is required. Our intent is to proceed with this work immediately- Barnes and Duncan have completed the field work

and estimate printing of mylars July 1.22, City of Winnipeg approval estimated August 1.22 and registration at land Titles August 15.22.

Our new ownership group is therefore formally seeking a time extension from the City of Winnipeg to meet the conditions of approval for the rezoning/subdivision. We have requested the surveyor to move as quickly as possible as per the timeline above, produce the mylars, complete matters and eventually submit for bylaw preparation.

I will submit the Extension of Time Application Form document under separate cover and pay the required fees.

Our new ownership group has the necessary experience to motivate the team members, track the progress, meet timelines and communicate transparently to empower the project team with a new work culture that will allow the project to be successfully completed.

We look forward to working with the City of Winnipeg on this exciting development.

I have also included the cross parking agreement between 257 and 265 Osborne- the same shareholders own both properties but under two different corporations.

We look forward to working with the City of Winnipeg on this exciting development.

Thank you so much

Regards

Jeff Silverstein
10093827 Manitoba Ltd