Agenda – Council – February 23, 2023

Report – Executive Policy Committee – February 14, 2023

Item No. 4 Rezoning – 1836 Legion Avenue
(Point Douglas Ward)
File DAZ 220/2022 [c/r DAV 189737/2022D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 14, 2023, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMF-S PDO-1 Airport Vicinity" Residential Multi-family (Small) District, as shown on the map dated January 23, 2023 and included within Schedule "A" and the Proposed By-law attached as Appendix "B".

2. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application, as determined by the City's Director of Planning, Property and Development.

3. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at next available Council meeting.

4. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if the developer pays the amount required under Recommendation 2 and all associated ancillary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.

5. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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

7. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 220/2022.

Report – Executive Policy Committee – February 14, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 14, 2023, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 23, 2023, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

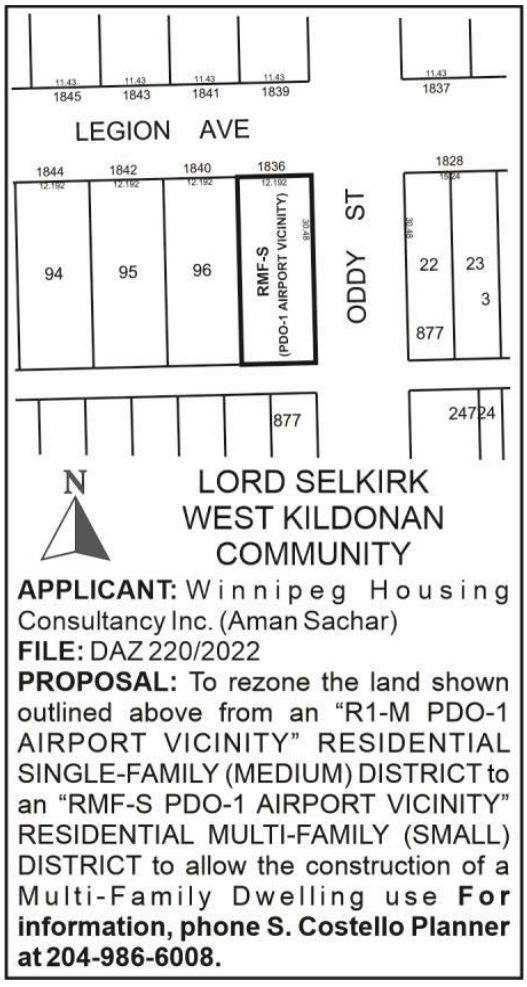
File: DAZ 220/2022

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Eadie, Chairperson
Councillor Santos

Public Hearing: January 23, 2023
Council Building, 510 Main Street

Applicant: Winnipeg Housing Consultancy (Aman Sachar)

Subject:



Premises Affected: 1836 Legion Avenue

For submission to: The Executive Policy Committee

Prepared by: P. Prinsloo, Senior Committee Clerk
Lord Selkirk-West Kildonan Community Committee

Report date: January 24, 2023

Community Committee Recommendation:

On January 23, 2023, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, 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 to an "RMF-S PDO-1 Airport Vicinity" Residential Multi-family (Small) District, as shown on the map dated January 23, 2023 and included within Schedule "A" and the Proposed By-law attached as Appendix "B".

2. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application, as determined by the City's Director of Planning, Property and Development.

3. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at next available Council meeting.

4. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if the developer pays the amount required under Recommendation 2 and all associated ancillary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.

5. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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

7. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 220/2022.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. I appreciate the developer and owner coming forward and providing some information about what they're going to be doing with a home that is obviously coming of age and needs some redevelopment. Its always good to see multifamily homes coming into a mature neighbourhood and revitalize the community.

2. Hearing that they're going to save the two big trees, are beautiful trees, I see them and the fact that you're making every concerted effort to save that, I'm very happy to see that. As well, Brooklands is a very mature neighbourhood with King Edward on the side, you know there's lots of transit and like you said there's economic development, there's the Red River College, so you're going to provide new homes for students or if not students, then still new homes for the influx of newcomers that are coming o our city, so I am very supportive of that as well. I'm happy to hear that we able to work out some of those concerns on the variances so that's good to know so we don't need to do much changes on the fly, which is nice.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 0

In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated October 14, 2022
2. Notification of Public Hearing dated November 25, 2022
3. Manitoba Status of Title 2896169/1
4. Letter of authorization dated April 9, 2022 from Rahul Kamal to Winnipeg Housing Consultancy (Aman Sachar)
5. Surveyor's Building Location Certificate and sketch dated April 5, 2022
6. Drawings of Site & Landscape Plan (A1.1), Main Floor Plan (A2.1), Second Floor Plan (A2.2), Basement Floor Plan (A2.3), North Elevation (Front) (A3.1), South Elevation (Rear) (A3.2), West Elevation (Side) (A3.3) & East Elevation (Side) (A3.4) (8 pages)
7. Plan of Rezoning dated July 7, 2022
8. Report from the Urban Planning Division dated November 22, 2022
9. Inspection Report
10. Presentation submitted by the Applicant for 1836 Legion Avenue

REPRESENTATIONS:

In Support:

Aman Sachar
Rahul Kamal

In Opposition:

Nil

For Information:

Nil

For the City:

R. Hayer, Planner, Planning, Property and Development Department

Exhibit “8” referred to in File DAZ 220/2022

ADMINISTRATIVE REPORT

Title: DAZ 220/2022 – 1836 Legion Avenue

Issue: For consideration at the public hearing for a Rezoning from “R1-M” to “RMF-S” Residential Multi-Family (Small).

Critical Path: Lord Selkirk West Kildonan Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council.

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Costello, BURPl.	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an “RMF-S PDO-1 Airport Vicinity” Residential Multi-family (Small) District, as shown on the map dated January 23, 2023 and included within Schedule “A” and the Proposed By-law attached as Appendix “B”.

2. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application, as determined by the City’s Director of Planning, Property and Development.

3. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at next available Council meeting.

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5. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given first

reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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

7. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 220/2022.

REASON FOR THE REPORT

- The applicant intends to rezone the property from “R1-M” to “RMF-S” to establish a multi-family building on the property having a total of 3 dwelling units.
- 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.

OURWINNIPEG 2045 POLICY ALIGNMENT

City Building Objective 1. Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan’s sustainable development goals:

Facilitate growth and change strategically within Winnipeg’s unique Transformative Areas and Established Neighbourhoods, to enhance the ability of the urban environment to contribute towards this Plan’s goals.

City Building Objective 3. Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset:

New and existing communities are complete when they demonstrate: universally designed environments; mixed-income neighbourhoods; a continuum of housing types; multi-modal connections within and to elsewhere in the city; heritage conservation; opportunities for physical activity, social interaction, and access to healthy food, daily needs, employment, education, recreation, and green infrastructure.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether the PRS is applicable, however it was determined that it does not apply.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Shaylyn Costello, BURPl.
Date:	November 22, 2022
File No.	DAZ 220/2022

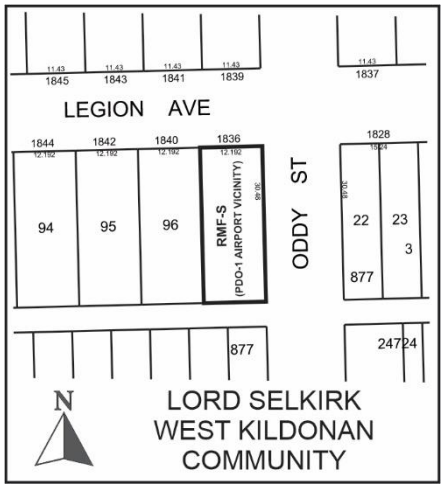
List of Schedules and Attachments

- **Appendix “A” – Planning Discussion.**
- **Schedule “A” for File no. DAZ 220/2022.**
- **Appendix “B” – Proposed By-law.**

APPENDIX 'A'

DATE: November 22, 2022
FILE: **DAZ 220/2022**
RELATED FILES: DAV 22-189737/D
COMMUNITY: Lord Selkirk-West Kildonan Committee
NEIGHBOURHOOD #: 3.124 (Brooklands)

SUBJECT: For a Rezoning to "RMF-S" Residential Multi-Family (small).
LOCATION: **1836 Legion Avenue**
LEGAL DESCRIPTION: SP LOT 97 PLAN 24724 WLTO IN OTM LOTS 6B & 7B PARISH OF ST JOHN



APPLICANT: **Winnipeg Housing Consultancy (Aman Sachar)**
47 Lake Bend Rd
Winnipeg, MB R3Y 0M6

OWNER: Rahul Kamal
86 Acadia Bay
Winnipeg, MB R3T 3H9

SITE DESCRIPTION

- The subject property is located at the south-west corner of Legion Avenue and Oddy Street, in the Brooklands neighbourhood of the Point Douglas ward.
- The site is designated Established Neighbourhood - Mature Community under the *Complete Communities Direction Strategy 2.0.* The property is zoned "R1-M" Residential Single-family (medium).
- **The property is 40 feet wide and 100 feet deep, totaling 4000 square feet in lot area. The property contains a single-family dwelling constructed in 1956 and a detached garage taking access from an approach on Oddy Street.**



Figure 1: Air Photo Map of Property and Surrounding Area *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Legion Avenue, then single-family dwellings zoned "R1-M."

South: Single-family dwellings zoned "R1-M" on McDermot Avenue West.

East: Oddy Street, then single-family dwellings zoned "R1-M."

West: Single-family dwellings zoned "R1-M," then King Edward Street.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant is proposing to construct a two-storey, three-unit multi-family development with four parking stalls off the back lane. The front elevation is clad with acrylic stucco, hardie board and stone. The entrance to the main level unit is located at the front, with upper and lower level suites containing entrances from the rear as well as an entrance on the east side. The second story unit includes a balcony. The plans also include landscaping consisting of 12 shrubs, as well as one existing tree to be maintained in the front yard. The proposed site plan and elevations are consistent with the *Infill Guidelines.*

Rezoning the property from “R1-M” to “RMF-S” is required to accommodate the proposal, as well as variances. The administrative report associated with the variances can be found under file DAV 22-189737\D.

ANALYSIS AND ISSUES

COLLABORATIVE PLANNING

The applicant contacted the Planning, Property and Development Department prior to making an application. The Department reviewed the plans against the *Infill Guidelines* and provided feedback to the applicant. Modifications to the plans after the application was submitted included adding an accessible path, eliminating the need for variances for pedestrian connections and east corner side yard, to the satisfaction of the Public Service.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

The subject property is within the Established Neighbourhood – Mature Communities Policy Area under *the Complete Communities Direction Strategy 2.0*. With regard to this proposal, the key policies guiding the development of Established Neighbourhoods include:

1.0 Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.

General Policies

- *1.1 Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development.*
- *1.2 Increase the population within Established Neighbourhoods to contribute to the physical renewal and revitalization of older neighbourhoods.*
- *1.3 The subdivision of land or the consolidation of land may occur when it is done in a context-sensitive manner, and only when in compliance with policy section 9.1 of the Strategic Infrastructure and Resources section.*
- *1.4 Support opportunities for further residential intensification within approximately 400 metres of a rapid transit station, where appropriate and in accordance with the TOD Handbook.*
- *1.5 Support up to mid-rise residential development in Established Neighbourhoods that is compatible with neighbourhood context.*
- *1.6 In the absence of a secondary plan guiding the local development of an Established Neighbourhood, intensification should be guided by a number of factors to ensure compatible development, including:*
    - *a. Applicable City-endorsed policies or guidelines;*
    - *b. Existing zoning of the property and adjacent properties;*
    - *c. Characteristics of the immediately surrounding built form including building mass, height, lot coverage, setbacks, and layout;*
    - *d. Surrounding uses and their characteristics including residential density and the intensity of commercial and other non-residential uses;*
    - *e. Characteristics of the lot, including whether it is a corner lot, a larger lot than is typical for the neighbourhood, or the shape of the lot;*
    - *f. Proximity to Downtown, Mixed Use Centres, Major Redevelopment Sites and Mixed-Use Corridors;*
    - *g. The supporting street network (ex. local, collector, or arterial streets) and the street network's ability to support proposed development;*
    - *h. The supporting transit, pedestrian and active transportation network; and*
    - *i. The supporting water, wastewater, and land drainage infrastructure and capacity to accommodate a proposed development or ability to make the required upgrades necessary to accommodate a proposed development.*

Mature Communities

- *1.8 Low-rise residential uses will generally be accommodated on arterial and collector streets where compatible with adjacent land uses, where they can be conveniently served by transit and local commercial amenities, and in consideration of the factors listed in Policy section 1.6.*

The proposed development is consistent with the *Complete Communities Direction Strategy 2.0* in the following ways:

- Low-rise multi-family is generally accommodated on arterial streets, but additional considerations allow low-rise multi-family to be considered on local streets as well, provided it satisfies the above policies. The subject property is a corner lot and provides a triplex form comparable to the scale of development on the block.
- *CCDS 2.0* sets the general framework for height, density, and typology in Mature Communities – and the *Small-scale and Low-rise Development Guidelines for Mature Communities (*the *Infill Guidelines)* provide greater detail. The proposed design is consistent with all applicable design guidelines.
- The property is approximately 160 metres from Red River College Polytechnic Institute which provides employment and educational opportunities in close proximity.
- The property is within 400 metres of transit in the Transportation Master Plan, with Notre Dame Avenue identified as a Frequent Route and King Edward Street identified as a Direct Route in the Primary Transit Network.
- The proposed buildings reflect high-quality multi-family design with minimized impacts to the surrounding residences, with appropriately scaled height, setbacks, and lot coverage. Parking is located behind the building off the back lane, prioritizing pedestrian orientation with connections to both abutting sidewalks.

SMALL-SCALE AND LOW-RISE DEVELOPMENT GUIDELINES FOR MATURE COMMUNITIES

The *Infill Guidelines* were approved by City Council on June 24, 2021 and apply to all residential development in the Mature Community policy area as identified in the *Complete Communities* direction strategy.

The subject property is located in Area 1 of the *Infill Guidelines* area*.* As a result, any proposed development will be required to meet either the Preferred Location Criteria or Secondary Considerations for establishing a triplex. The proposal is consistent with scenario 1 as shown below:

<u>Preferred Location Criteria</u>

2.1.3 TRIPLEX

The Preferred Location Criteria for a triplex multi-unit use in Area 1 should be on the following basis:

Scenario 1 – Where all of the following criteria are met:

a. on sites where the rear yard abuts a lane;
b. on sites with a minimum site width of at least 35 feet (10.66 metres) and a minimum lot area of 3,500 square feet (325.16 square metres);
c. on sites located within 2,625 feet (800 metres) of the Primary Transit Network or rapid transit station; and
d. on corner lots (including internal corner lots).

- The subject property meets the Preferred Location Criteria for establishing a triplex under Scenario 1 being a corner lot abutting a back lane in proximity to the Transit Network. Furthermore, it exceeds the minimum width and lot area requirements.
- In addition, the plans must meet all design requirements in the *Infill Guidelines* in order to be supported.

Design Guidelines

- The proposed triplex development meets the design guidelines in the following ways:
    - The maximum building height is less than 28 feet, at ~27 feet
    - Side yards meeting/exceeding the minimum 4 feet are provided
    - Lot coverage is less than 30% at 29.5%
    - A rear yard of 37 feet is provided, exceeding 36% of the lot depth (36 feet)
    - New shrubs will be planted on the site in addition to the retention of an existing tree as identified in the Arborist report, meeting the landscaping requirements
    - The front elevation of the building utilizes a variety of high-quality cladding materials
    - The building includes projections and recesses, and building articulation for visual interest
    - The front building façade provides adequate window coverage
    - Fencing is provided to screen abutting uses
- Overall the submitted design is of high quality and is consistent with the Design Guidelines for triplex development. The design elements such as height, design and form are contextually-sensitive to the surrounding neighbourhood and creates a modest increase in density (from 1 unit to 3 units) representing low to moderate change in a mature community.
- Based on these considerations and a submission of a site plan that is of high quality, the Public Service is supportive of the submitted design.

REZONING

- The applicant is proposing to rezone the lands from “R1-M” to “RMF-S,” the multi-family district with the lowest density.
- The “RMF-S” district is intended to accommodate the development of low-rise multi-family units. Specifically, this district accommodates a density up to 1250 sq. ft. per unit. Based on the lot area of the site, the applicant is proposing 3 dwelling units with 4 compliant parking stalls off the back lane.
- The property is identified as being 400 metres or less (walking) from transit. King Edward Street and Notre Dame Avenue are both identified as part of the Primary Transit Network in the Transportation Master Plan.
- The subject property is a corner lot. While the property abuts a single-family dwelling to the west, the massing, roofline and height of the building is appropriately scaled in a manner that is consistent with the *Infill Guidelines*. Corner lots are preferred locations for

small-scale low-rise multi-family intensification as identified in the Preferred Location Criteria of the *Guidelines* as well as *CCDS 2.0*.

- In addition, there are variances to the proposed "RMF-S" District associated with the development related to lot area and buffering and setbacks for accessory parking. These are analyzed in the Administrative Report for associated file No. DAV 22-189737/D.
- The proposed rezoning application is considered compatible with the surrounding area and will increase the use of the property, and is unlikely to create a substantial adverse effect on the neighbourhood.

ADDITIONAL CONSIDERATIONS

ARBORIST REPORT

An Arborist Report was prepared by Trilogy Tree Services and was submitted in support of the application, which provided an assessment for all 4 trees on the property. Tree #1 is identified as being in very good health and good structural conditions and its preservation and protection during construction is recommended.

This tree is shown on the landscaping plan for the proposed development and a condition of approval has been added to help ensure its preservation. The remaining trees are identified as low value. The Arborist Report can be found attached as Attachment #1 of the Administrative Report for the associated variance.

REASONS FOR RECOMMENDATIONS

The Urban Planning Division recommends approval of the rezoning for the following reasons**:**

- **The rezoning application would conform with *OurWinnipeg 2045* and *the Complete Communities Direction Strategy 2.0*, and would be compatible with the surrounding area.**
- **The subject site is located within a Mature Community on a corner lot which are characteristics recognized in the *Complete Communities Direction Strategy 2.0* as suitable for small-scale intensification intensification.**
- **The area will be well connected by future transit in close proximity, as per the Transit Master Plan.**
- **The proposed triplex represents high-quality design elements and is consistent with the *Infill Guidelines* Preferred Location Criteria and Design Guidelines*.***
- **The Arborist Report did not identify any substantial adverse impacts caused by the proposal and the one tree recommended for preservation is being preserved in the front yard as shown on the proposed plans.**
- **This proposal is the result of a collaborative planning process with City Departments.**

This Report Submitted by:
Planning, Property and Development Department
Urban Planning and Design Division
Report Prepared by: Shaylyn Costello, B.U.R.Pl.
DAZ File Number: 220/2022

SCHEDULE A FOR FILE NO. DAZ 220/2022, LORD SELKIRK WEST KILDONAN COMMUNITY COMMITTEE, JANUARY 23, 2023

By-Law No. _____

File No. **DAZ 220/2022**

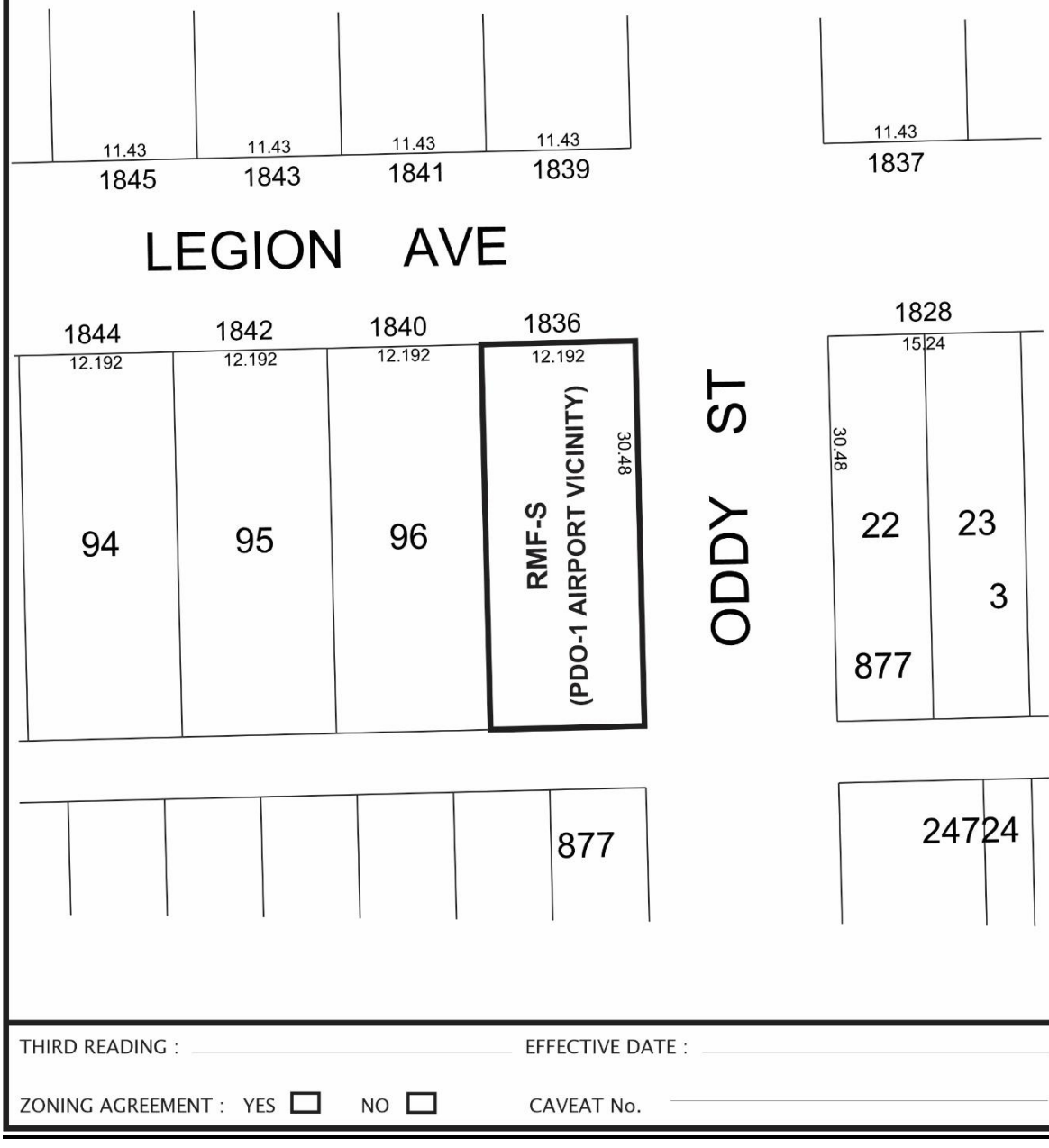
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LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1836 Legion Avenue from an "R1-M PDO-1 AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-S PDO-1 AIRPORT VICINITY" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to allow the construction of a Multi-Family Dwelling use.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “7” referred to in File DAZ 220/2022

