Minute No. 497
Report – Executive Policy Committee – June 16, 2021

Item No. 10 **Rezoning – 477 and 479 Spence Street**
(Daniel McIntyre Ward)
File DAZ 201/2021 [c/r DCU 117208/2021D and DAV 117187/20201D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 201/2021 by rezoning the subject land to an "RMF-M" Residential Multi Family Medium District as shown on the map dated May 31, 2021 and attached as Schedule "A" to this report.

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 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.

4. That upon instruction from the Director of Planning, Property and Development, the City Solicitor/Director of Legal Services shall prepare and bring directly to Council for enactment the By-law in accordance with the above.

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

Report – Executive Policy Committee – June 16, 2021

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2021, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 31, 2021, the City Centre 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 201/2021

Before: City Centre Community Committee
Councillor Orlikow, Chairperson
Councillor Gilroy

Public Hearing: May 31, 2021
Council Building, 510 Main Street

Applicant: Unger Properties Inc. (Travis and Stephanie Unger)

Subject:



Premises Affected: 477 and 479 Spence Street

For submission to: Executive Policy Committee

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

Report date: May 31, 2021

Community Committee Recommendation:

On May 31, 2021, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 201/2021 by rezoning the subject land to an "RMF-M" Residential Multi Family Medium District as shown on the map dated May 31, 2021 and attached as Schedule "A" to this report.

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 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.

4. That upon instruction from the Director of Planning, Property and Development, the City Solicitor/Director of Legal Services shall prepare and bring directly to Council for enactment the By-law in accordance with the above.

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

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

1. The Ungers have a really good rapport in the community, they're going to have a property manager on site, and they're adding affordable units that we're really lacking in the City and the community as a whole.

2. It goes with the Spence five-year plan.

3. They live right across the straight so they really are a part of this community and are invested in what goes in across the street.

4. This fits with OurWinnipeg plan and I like that they have the green space for residents to go. I think this is a very, very exciting plan and I want to thank them for taking this initiative and this is going to be supporting a lot of people in the community.

Exhibits Filed:

1. Application dated February 26, 2021
2. Notification of Public Hearing dated April 29, 2021
3. Manitoba Status of Title 2986951/1
4. Letter of authorization dated July 23, 2020 from Travis Unger, Unger Properties Inc. and Stephanie Unger, Unger Properties Inc. to Unger Properties Inc.
5. Surveyor's Building Location Certificate and sketch dated May 7, 2020
6. Plans (7 pages)
7. Report from the Urban Planning Division dated May 20, 2021
8. Communication dated May 20, 2021, from Dave Guenther in support of the application
9. Communication dated May 24, 2021, from Ralph Unger in support of the application
10. Communication dated May 24, 2021, from Dan and Karen Giesbrecht in support of the application
11. Inspection Report
12. Communication dated May 25, 2021 from Hannah Guenther in support of the application
13. Communication dated May 26, 2021 from Jennifer Kornelsen in support of the application
14. Communication dated May 13, 2021 from Debby Sillito in support of the application
15. Recording of Representations

REPRESENTATIONS:

In Support:

Janell Friesen
Dan Giesbrecht
Karen Giesbrecht
Dave Guenther
Hannah Guenther
Jennifer Kornelsen
Debby Sillito
Benjamin Simcoe
Ralph Unger
Stephanie Unger
Travis Unger

In Opposition:

Nil

For Information:

Nil

For the City:

D. Harris, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 201/2021

ADMINISTRATIVE REPORT

Title: DAZ 201/2021 at 477/479 Spence St.

Issue: For consideration at the public hearing to rezone the property at 477/479 Spence St. to the "RMF-M" district to establish a Single Room Occupancy (SRO) use.

Critical Path: City Centre Community Committee > Standing Policy Committee on Property and Development > Executive Policy Committee > Council

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
D.Harris, RPP, MCIP	n/a	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 201/2021 by rezoning the subject land to an "RMF-M" Residential Multi Family Medium District as shown on the map dated May 31, 2021 and attached as Schedule "A" to this report.

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 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.

4. That, upon instruction from the Director of Planning, Property and Development, the City Solicitor/Director of Legal Services shall prepare and bring directly to Council for enactment the By-law in accordance with the above.

5. 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

- The applicant wishes to rezone the subject property from the “R2” Residential Two-Family district to the “RMF-M” Residential Multi-Family Medium district to enable the establishment of an 18 room Single Room Occupancy (SRO) use.
- 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 land will be **rezoned**.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Dylan Harris, RPP, MCIP
Date:	May 20, 2021
File No.	DAZ 201/2021

APPENDIX 'A'

DATE: May 31, 2021

FILE: **DAZ 201/2021**

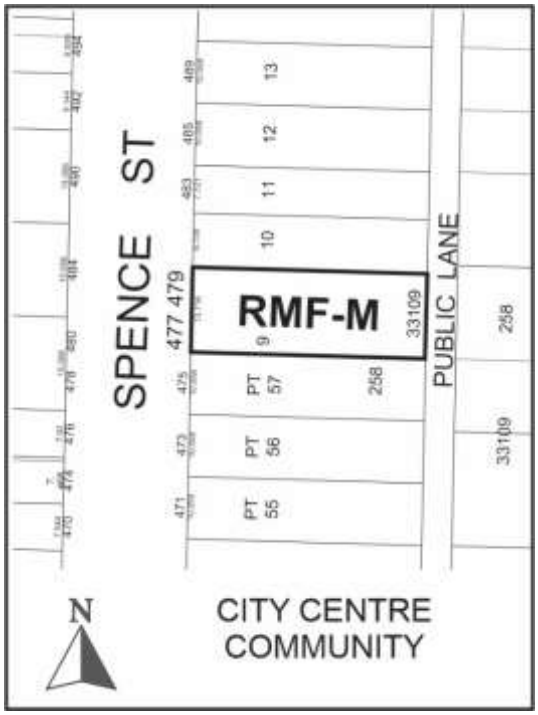
RELATED FILES: DAV 21-117187/D & DCU 21-117208/D

COMMUNITY: City Centre Committee

NEIGHBOURHOOD #: 1.104 Spence

SUBJECT: To rezone the subject property from R2 to RMF-M in order to convert a previous licensed care facility into an 18-bedroom Single Room Occupancy (SRO) use.

LOCATION: 477/479 Spence St.



LEGAL DESCRIPTION: SP LOT 9 PLAN 33109 WLTO IN RL 78 PARISH OF ST JAMES

APPLICANT: Unger Properties Inc-Travis & Stephanie Unger

528 Sargent Ave

Winnipeg MB,
R3B 1W2

OWNER: Unger Properties Inc-Travis & Stephanie Unger
528 Sargent Ave
Winnipeg MB,
R3B 1W2

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located on east side of Spence St, in the Spence neighbourhood of the Daniel McIntyre ward
- The property is currently zoned “R2” Residential Two-Family District and is 5606 sq. ft. in area.
- The site is located in a Mature Community as designated in the *Complete Communities Direction Strategy.*
- A three (3) storey, 4564 sq. ft. residential dwelling that was previously operated as a care home, constructed in 1901, is currently located on site.

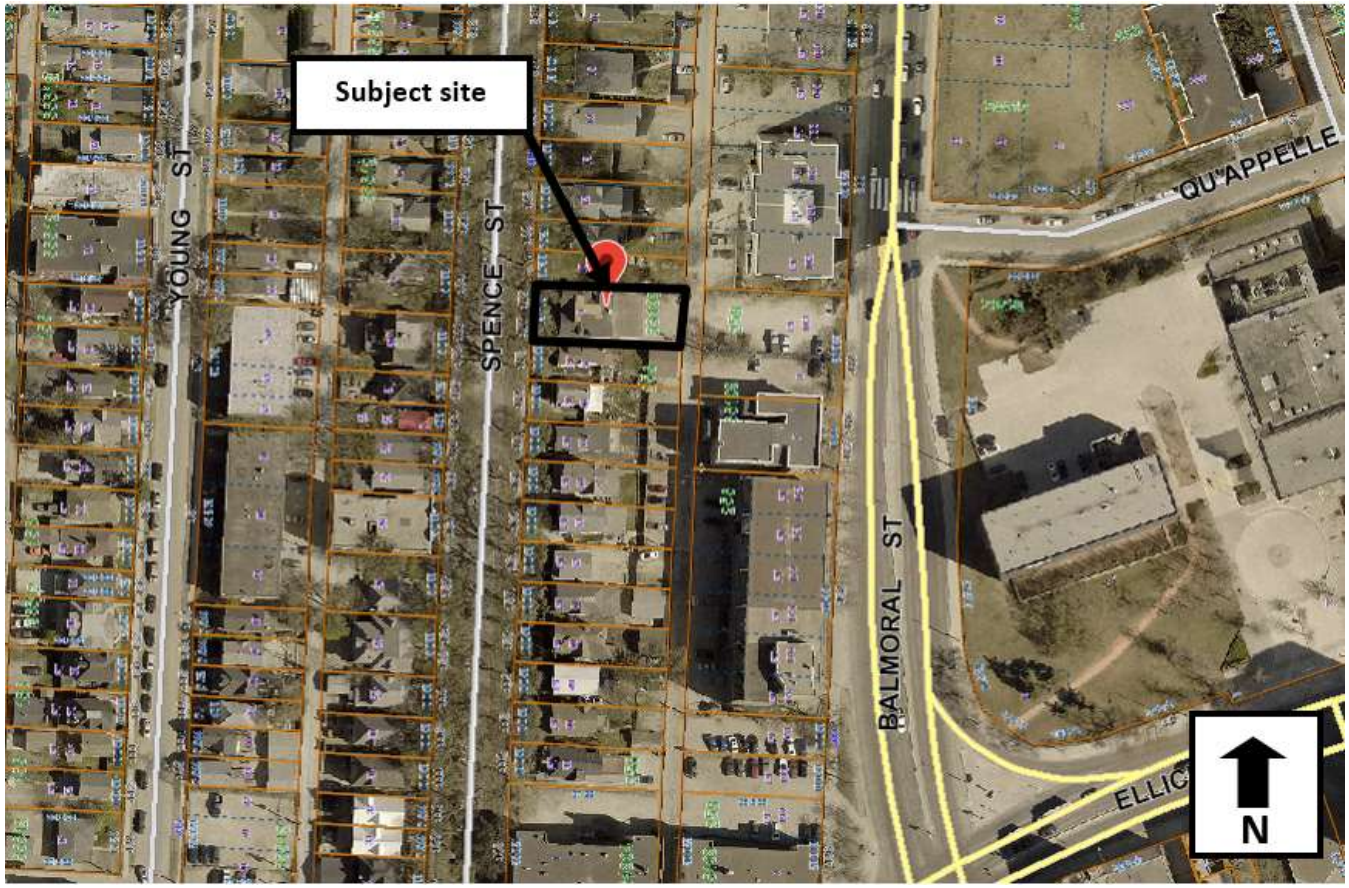


Figure 1: Subject site and surrounding area (flown 2018)

SURROUNDING LAND USE AND ZONING

The subject area is characterized by a broad mix of residential uses including higher density multi-family residential uses, lower density multi-family residential uses, two-family residential uses and Single Room Occupancy residential uses. Land uses directly adjacent to the subject site include:

North: A vacant lot then a licensed single room occupancy (SRO) use zoned "R2" Residential Two Family district.

South: A single family residential use zoned "R2" Residential Two-Family district.

East: A surface parking lot and a 42 unit multi-family residential use zoned "C2" Commercial Community and "RMF-L" Residential Multi-Family Large district.

West: A licensed single room occupancy (SRO) use and a two family residential use zoned "R2" Residential Two-Family district.

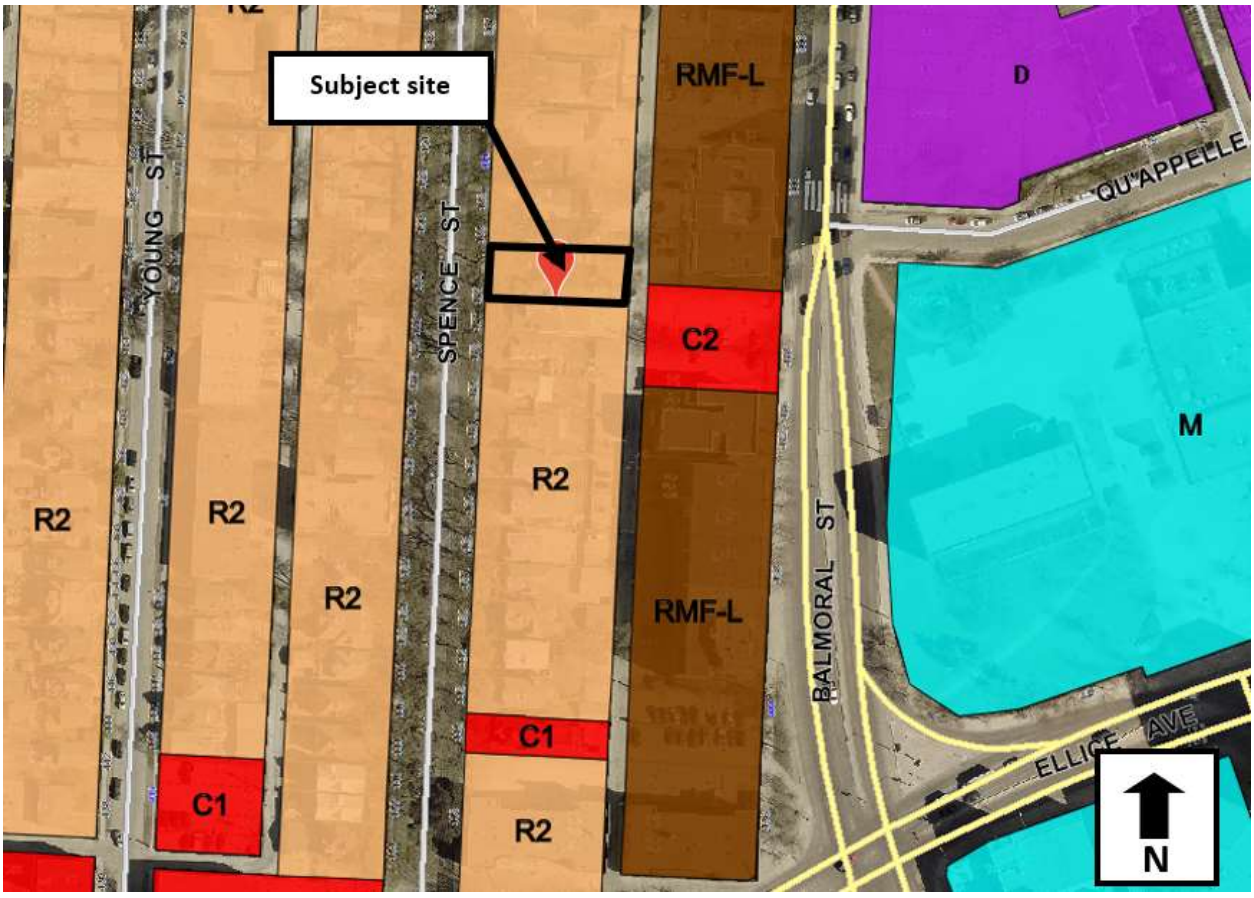


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to convert the existing three (3) storey dwelling at 477/479 Spence from a formerly operating 19 bed care home use into an 18 room single room occupancy (SRO) use.
- The Zoning By-law defines an SRO as:

  "…a building, other than a hotel or hostel, which provides living units with separate sleeping areas and some combination of shared bath or toilet facilities. The building may or may not provide meals to guests for compensation, and may or may not have separate shared cooking facilities for residents. Single-room occupancy includes uses commonly called "rooming houses"
- The existing dwelling will be maintained, but will undergo interior alterations to improve accommodation and to ensure building code requirements are met.
- The proposed SRO will be renovated to provide the following accommodation and amenity:
  - First floor:
    - Five (5) bedrooms (total)
    - Two (2) bathrooms (total)
    - A common dining room
    - A common kitchen
    - Pantry and storage room
    - A living room
    - An attached suite at the rear of the building contains two bedrooms, a bathroom and living room
    - Foyer and rear entry / exit
  - Second floor:
    - Seven (7) bedrooms
    - Two (2) bathrooms
    - Laundry facility
  - Third floor:
    - Six (6) bedrooms
- As stated above, the ground floor contains an attached suite at the rear of the building. This suite will provide accommodation for the resident property manager.
- In some instances, a self-contained residential suite is located within a building along with an SRO use. If that unit contains all essential amenities (including a kitchen), the bedrooms in that suite do not count towards the number of rooms in the SRO.

- The self-contained suite at 477/479 Spence does not contain a kitchen, therefore the City counts the two (2) bedrooms located in the attached suite as part of the SRO use, resulting in a total bedroom count of 18 rooms.
- In addition to interior renovations, the applicant is proposing to construct a new front stair and landing with a ramp to enable wheel chair access to the ground floor.
- The submitted letter of intent states other interior improvements to door openings and bathroom layout will result in a visit-able ground floor for those with reduced mobility.
- The proposed site contains three (3) parking stalls off the rear lane including an accessible stall.
- An existing garbage container is also located at the rear of the property along the rear lane.
- Submitted site plans illustrate provision of two trees and a number of shrubs in the front yard as well as some visitor bicycle parking.

A corresponding conditional use application (DCU 21-117208/D) and variance application (DAV 21-117187D) is required to enable the proposed development. For more information please see the associated planners reports.

REASON FOR APPLICATION

- 477/479 Spence St. is currently zoned “R2” Residential Two-Family district.
- The “R2” district does not permit the establishment of Single Room Occupancy (SRO) uses.
- The applicant wishes to convert the existing dwelling on site from a former 19 bed care home use to an 18 bedroom Single Room Occupancy Use.
- In order to accommodate the SRO use, the applicant must rezone the subject property into a multi-family zoning district.
- Rezoning the subject property into the RMF-M district will permit the establishment of an SRO use to a maximum intensity of 12 bedrooms.
- The subject application does require additional conditional use approval to enable the applicant to establish their desired 18 bedroom capacity.

Collaboration with the Public Service:

- The applicant first contacted the Urban Planning Division in October of 2018 to gauge support for an application to convert the existing dwelling from a care home use to a single room occupancy (SRO) use.
- At that time, the Urban Planning Division indicated support for a rezoning application to a multi-family residential zoning district (RMF-M) to enable the establishment of an SRO use as required under our current zoning by-law.
- The Division did not yet offer support for a conditional use to exceed the permitted 12 bed SRO capacity, as additional information was required.

- The Urban Planning Division advised the applicant to conduct neighbourhood consultation and to speak with the Spence Neighbourhood Association regarding their proposed redevelopment.
- The Urban Planning Division also advised the applicant to engage the City's Plan Examination branch to ensure the proposed development could meet contemporary building code.
- The applicant's architect submitted a full code review of the proposed development to the City prior to filing application, outlining all upgrades required to meet contemporary building code.
- The Plan Examination Branch has confirmed they have been in regular contact with the applicant and their architect. Plan examination has confirmed the proposed SRO conversion can be established through conducting upgrades to the existing building.
- The applicant has provided the Urban Planning Division with a comprehensive letter of intent which includes:
    - Signatures of support from adjacent neighbours
    - A letter of support from the Spence Neighbourhood Association
    - Detailed policy analysis that illustrates alignment of the proposed development with *OurWinnipeg* policy.
    - Detailed policy analysis that illustrates alignment of the proposed development with Spence Neighbourhood 5 year plan.
    - Detailed justification for requested variances and conditional use
- At the invitation of the applicant, the Urban Planning Division did meet with the applicant on site. This onsite tour provided additional context and clarity regarding the proposed development and assisted in fully understanding the proposed redevelopment.

PUBLIC ENGAGEMENT

- The Urban Planning Division advised the applicant to undertake public consultation prior to submitting formal application.
- As outlined in their letter of intent, the applicants have been residents of this neighbourhood for over 20 years, residing in and operating a Single Room Occupancy (SRO) directly across the street.
- The applicant owns and operates three (3) other residential properties on this block and is an established member of this community.
- The applicant has provided documentation with signatures of support from residents at the following addresses:
    - 475 Spence St.
    - 476 Spence St.
    - 474 Spence St.
    - 478 / 480, 481, 483 + 485 Spence St (applicant)

- 484 Spence St.

- In addition to signatures of support from adjacent neighbours, the applicant has submitted a letter of support for the proposed SRO from the Spence Neighbourhood Association (SNA).
- The letter from the Spence Neighbourhood Association establishes clear support for the proposed rezoning, temporary use variance and conditional use to permit the establishment of a Single Room Occupancy exceeding 12 beds.
- The SNA letter also states that applicant (Unger Properties) has a strong relationship with SNA, is a member of the community and has a reputation as an "exceptional management company" in the Spence area.
- Lastly, SNA states the proposed SRO conversion is consistent with policy in their *5 Year Plan* including:
    - Development of affordable and low-income housing
    - Increasing affordability, safety and accessibility for all people isolated from stable, supportive housing

ANALYSIS AND ISSUES

OurWinnipeg

- Section 01-4 Housing in the City of Winnipeg's development plan *OurWinnipeg* describes the provision of quality housing in the following way:
    - *The City of Winnipeg has an important role to play in planning for a diversity of housing types, tenures and costs in each neighbourhood.*
    - *Housing is a cornerstone of healthy communities and of a strong city; it is a basic need and is central to our quality of life.*
- Specific *OurWinnipeg* policies which apply to the subject application include:
    - *Direction 1: Support diverse housing options in each neighbourhood or neighbourhood cluster throughout the city.*
        - *With guidance from Complete Communities, encourage the development of safe and affordable housing throughout the city.*
        - *Encourage and support principles of Universal Design and/or visitability in new housing.*
    - Direction 2: *Collaborate with other levels of government and other partners to renew and regenerate Winnipeg's housing stock.*
        - *Continue to use initiatives to facilitate housing rehabilitation in reinvestment neighbourhoods and infill housing in mature neighbourhoods.*
    - Direction 3: *Establish partnerships with the private, not-for-profit and government sectors to provide affordable housing throughout the city, with a particular focus on locations near a variety of transportation options.*

- *Maintain a collaborative approach to affordable housing, recognizing that the City can play a role by facilitating and providing incentives to other partners.*
- *Encourage new and infill development, as well as the redevelopment of existing properties to incorporate affordable housing that is integrated with market housing.*
- *Promote partnership with housing developers and other housing stakeholders in continually resolving issues related to affordable housing, visitable housing and land use needs.*

- Direction 4: *Provide leadership in encouraging and enforcing property related housing standards that create and promote safe living conditions for homeowners, tenants and for communities as a whole.*
  - *Assist landlords and homeowners to maintain safe housing through information, inspections, and where necessary, by-law enforcement.*
  - *Help maintain a community sense of well-being and safety by responding to community requests for enforcing livability and property standards and derelict buildings in a cooperative and timely way.*
  - *Promote and enforce the requirement of the permit and inspection processes for property related*
  - *Promote tenant, landlord and homeowner awareness of property related standards, such as fire, health and building codes, and encourage residents and landlords to undertake preventative maintenance that reduces property decline and maintains or improves safety standards.*

OurWinnipeg policy provides strong support for the creation of safe, affordable and visitable housing, that meet a variety of housing needs in Winnipeg. *OurWinnipeg* policy simultaneously encourages provision of affordable housing through partnerships with landlords and housing providers through conversion and upgrading of existing buildings in a manner that results in neighbourhood reinvestment.

The applicant is proposing to undertake numerous building improvements in order to establish a housing type that can provide safe and affordable housing for people of lower income. The applicant has demonstrated a commitment to providing safe, quality SRO housing through submitted information, neighbourhood consultation and City of Winnipeg engagement. Further, the applicant's history as a reputable property manager with direct experience managing SRO housing in the Spence neighbourhood will result in a well managed and supportive housing environment. For these reasons the Urban Planning Division finds the proposed redevelopment to be **consistent** with *OurWinnipeg* policy.

Complete Communities Direction Strategy

- The subject property is located within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy.
- With regard to this proposal, the key policies guiding the development of Areas of Stability include:
  - Direction 1: *Support the completion of areas of stability:*

- *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
- *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.*

- The property is located within a Mature Community in which the following policy applies:
  - Direction 1: *Encourage conservation and upgrading of existing housing in mature areas and expand housing opportunities through infill development*
    - *Support the rehabilitation of existing housing stock where required*
    - *Build upon the local heritage of mature neighbourhoods including the sustainable reuse of existing building stock and other historic elements.*

The proposed SRO use will provide a needed form of housing to residents of the Spence neighbourhood. The conversion of an existing dwelling will not result in any added impact to adjacent uses and will maintain the aesthetic consistency of this block of Spence St.

Further, reinvestment and conversion will result in the rehabilitation of existing housing stock as directed in the *Complete Communities Direction Strategy.*

Spence Neighbourhood Association 5 Year Plan

- The *Spence Neighbourhood Association 5 Year Plan* is a community developed planning document.
- Although not adopted as council by-law, the SNA 5 year plan provides important direction on community values and objectives.
- Key policy directions related to housing in the SNA plan relevant to this proposal include:
  - *Increase housing affordability*
  - *Improve the experience of safety in local rooming houses and apartments*
  - *Improve and support relationships between landlords, tenants and homeowners.*

The proposed SRO conversion at 477/479 Spence St. is consistent with above key directions in that the applicant has submitted a high quality proposal to establish a safe and well managed SRO. The applicant has significant experience in the management of SRO housing in the Spence neighbourhood and will be providing live in management. The SNA has submitted a letter of support confirming alignment of the proposed development with key SNA 5 year plan housing objectives.

ZONING BY-LAW 200/2006

- Single Room Occupancy (SRO) uses are not permitted in the “R2” zoning district.
- There are a number of legal SRO uses on this block, on property zoned “R2” that were established under previous zoning by-law regulations.
- Unfortunately, under Zoning By-law 200/2006, only multi-family or commercial zoning districts can accommodate an SRO use.
- The “RMF-M” Residential Multi-Family Medium district permits SRO uses to a maximum of 12 bedrooms.
- The “RMF-M” district also allows multi-family residential uses to a maximum density of one (1) unit per 800 sq. ft. This is the same allowable density in the “R2” district through conditional use approval.
- The “RMF-M” district enables development to occur in a fashion most similar to existing development on this block.
- More importantly, the “RMF-M” district enables the establishment of an SRO use through conversion of the existing dwelling at 477/479 Spence St.

Given these regulations, the RMF-M zoning district is the most appropriate zoning district to facilitate the applicant’s proposal to establish an 18 bedroom SRO use.

SUMMARY

The Urban Planning Division recommends approval for the following reasons:

- The proposed rezoning will enable the conversion of an existing dwelling into a licensed SRO use, that will provide safe, affordable housing options for residents living in the Spence neighbourhood.
- The rezoning is consistent with policies in *OurWinnipeg* and the *Complete Communities Direction Strategy*,
- The proposed rezoning is also consistent with the vision established by the Spence neighbourhood as communicated in the *Spence Neighbourhood Association 5 Year Plan*.

RECOMMENDATIONS

The Urban Planning Division recommends this application be **approved** and the subject property be rezoned into the “RMF- M” Residential Multi-Family Medium district.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Dylan Harris, RPP, MCIP
PPD File # DAZ 201/2021

Schedule "A" for File DASZ 201/2021, City Centre Community Committee, May 31, 2021

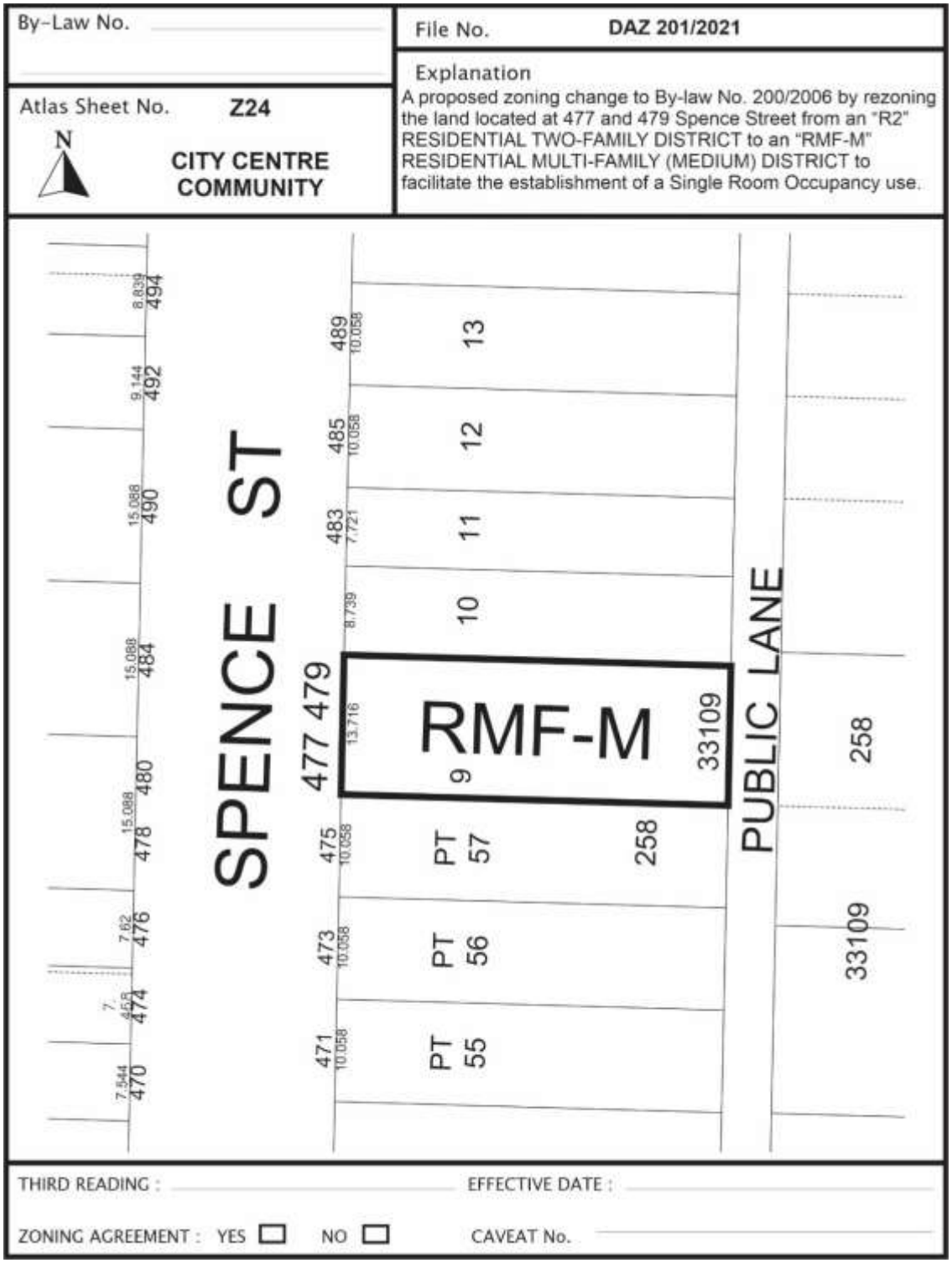
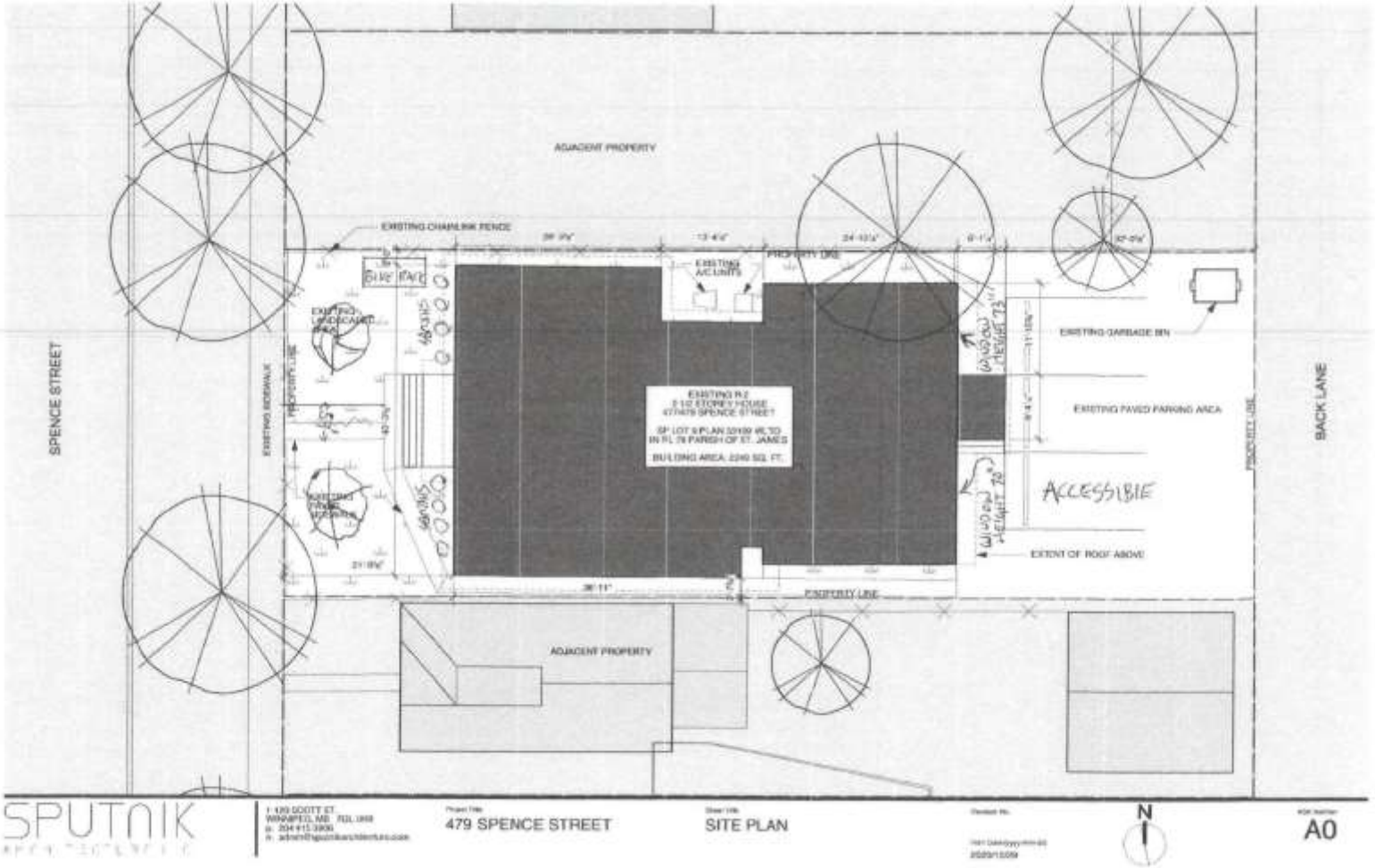
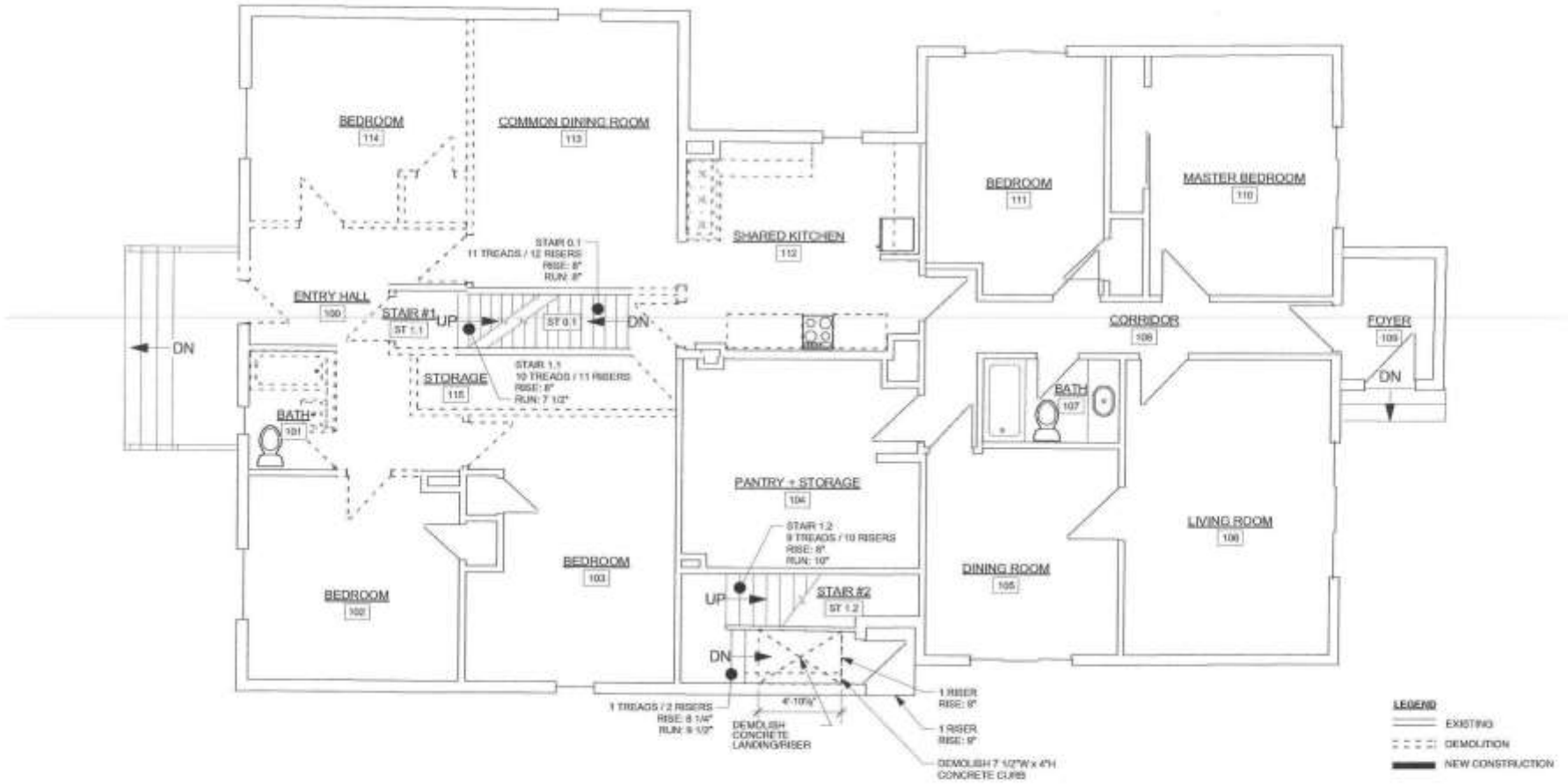


Exhibit “6” referred to in File DAZ 201/2021





SPUTNIK ARCHITECTURE INC.

1-120 SCOTT ST.
WINNIPEG, MB R3L 0K8
p: 204 415 2906
e: admin@sputnikarchitecture.com

Project Title
479 SPENCE STREET

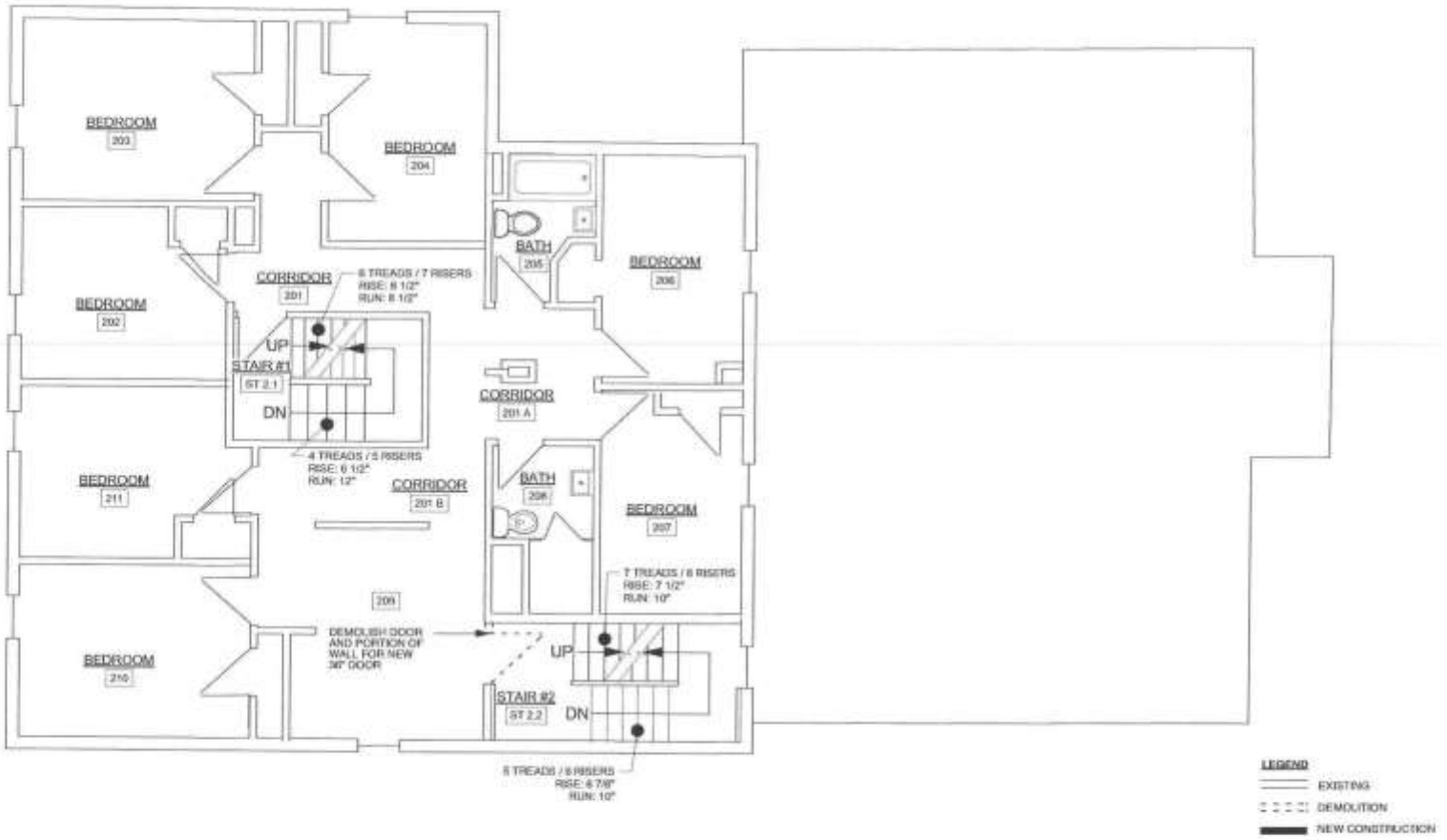
Sheet Title
MAIN FLOOR - DEMOLITION PLAN

Revision No.

Plot Date (yyyy-mm-dd)
2020/12/01

N

Architectural Number
A1.0



SPUTNIK ARCHITECTURE INC.

1-120 SCOTT ST.
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p. 204 415 2906
e: admin@sputnikarchitecture.com

Project Title
479 SPENCE STREET

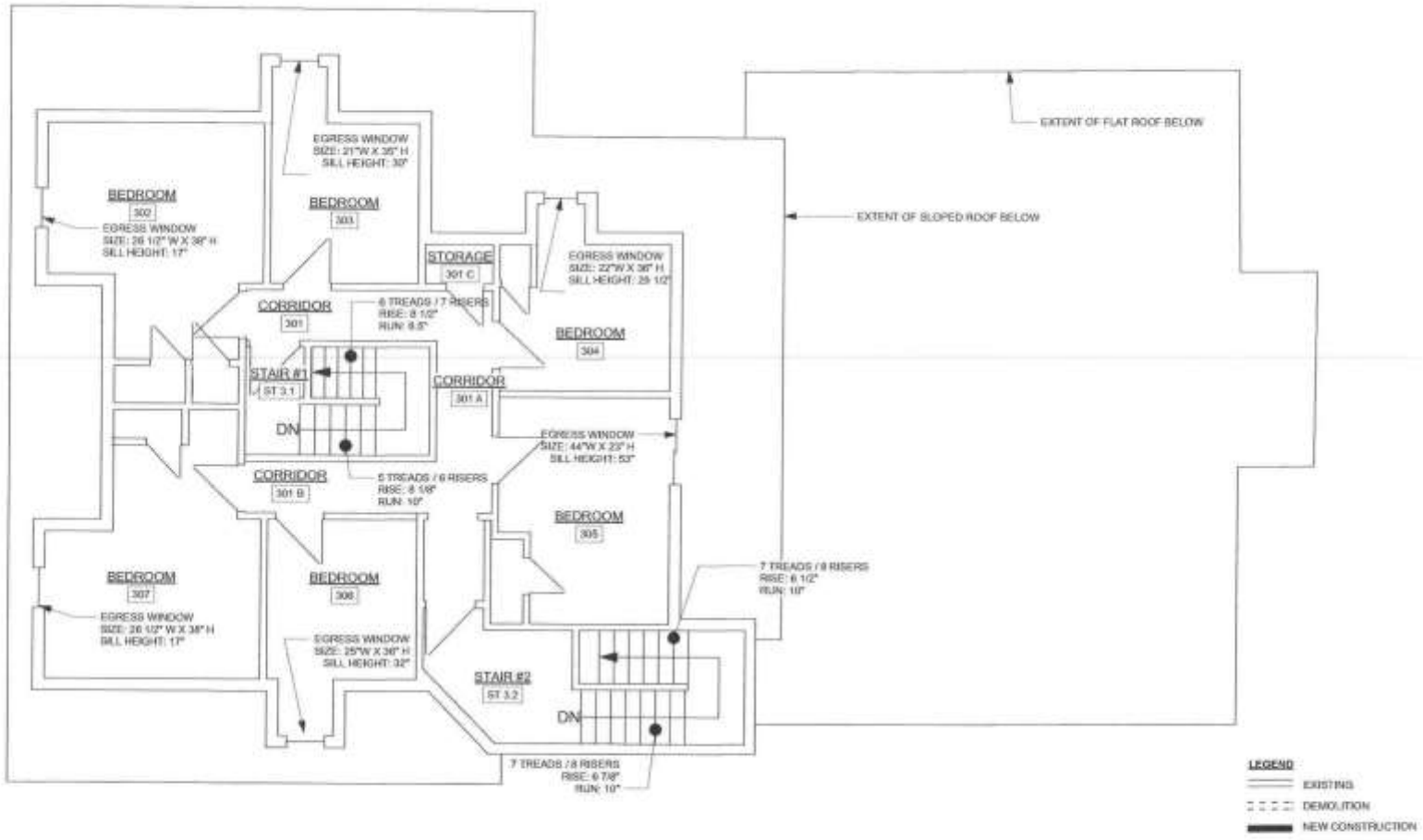
Sheet Title
2ND FLOOR - DEMOLITION PLAN

Revision No.

Plot Date (yyyy-mm-dd)
2020/10/01

N

ASK Number
A1.1



SPUTNIK ARCHITECTURE INC.

1-155 SCOTT ST.
WINNIPEG, MB R2L 0K8
p. 204 415 3006
e: admin@sputnikarchitecture.com

Project Title
479 SPENCE STREET

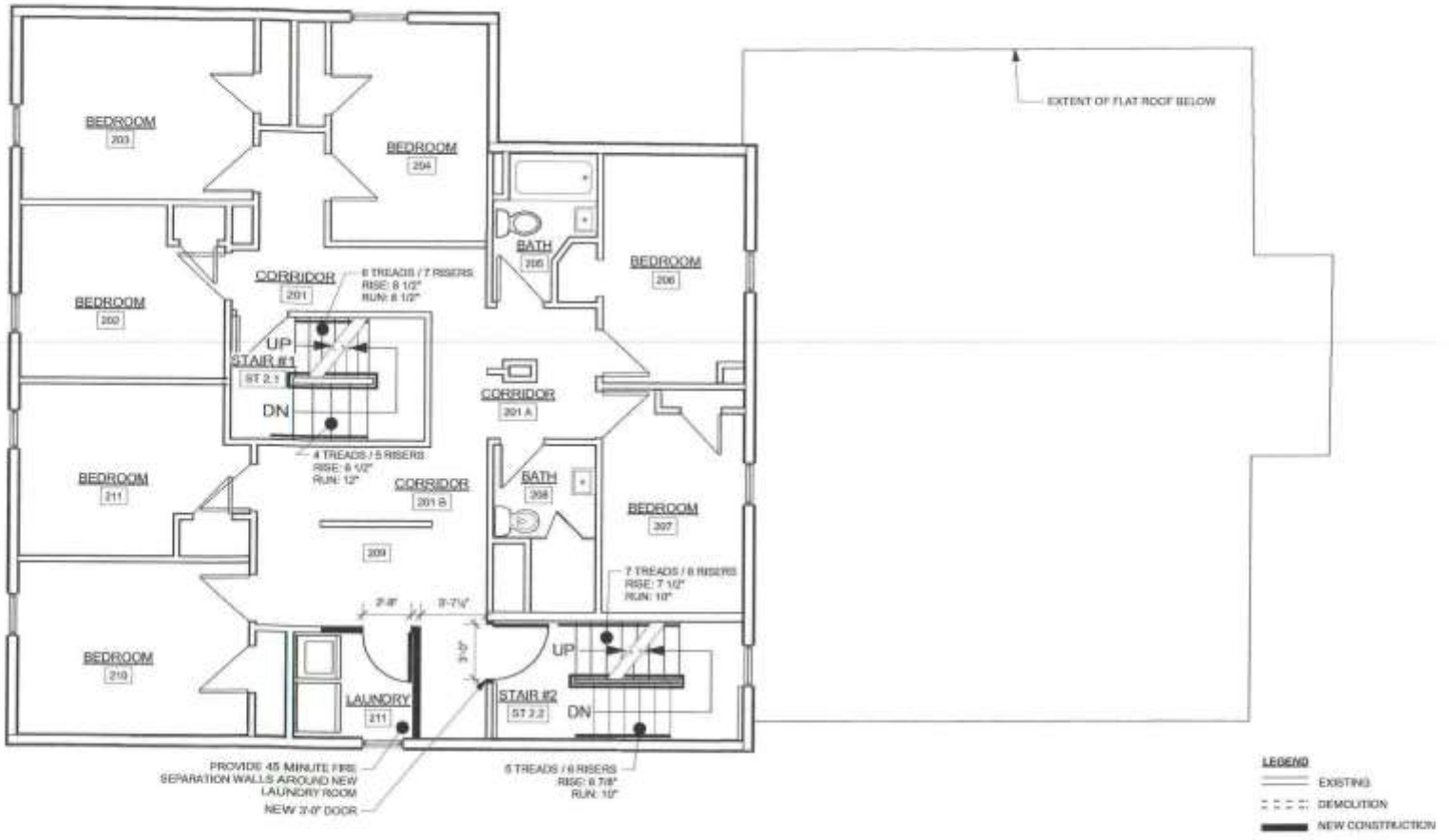
Sheet Title
3RD FLOOR - DEMOLITION PLAN

Revision No.

Plot Date (yyyy-mm-dd)
2020/10/01

N

Arch Number
A1.2



SPUTNIK ARCHITECTURE INC.

1-120 SCOTT ST.
WINNIPEG, MB R2L 0H9
p. 204 415 3906
e. admin@sputnikarchitecture.com

Project Title: 479 SPENCE STREET

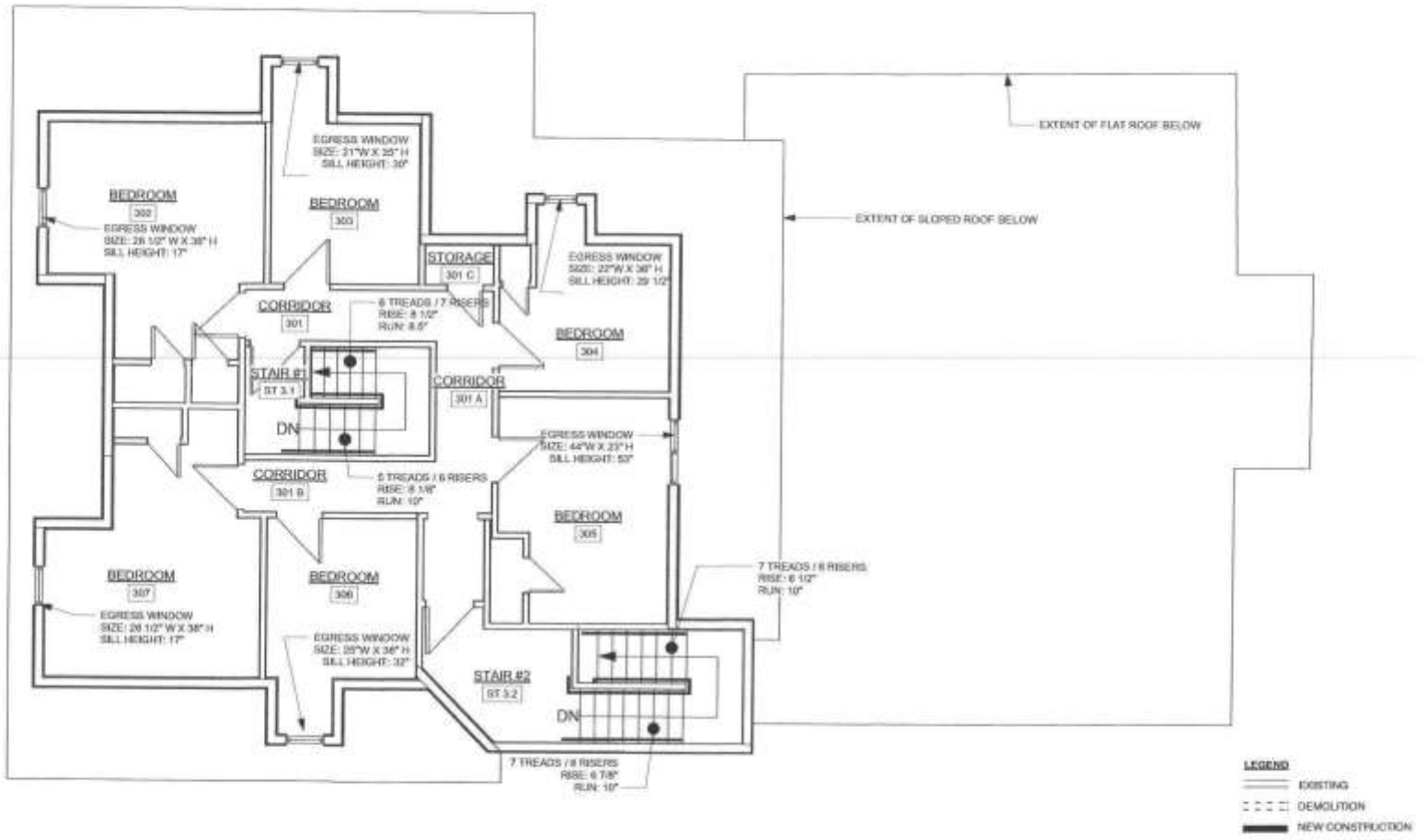
Sheet Title: 2ND FLOOR - CONSTRUCTION PLAN

Revision No.

Plot Date (yyyy-mm-dd): 2020/12/01

N

A/E Number: A2.1



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Project Title
479 SPENCE STREET

Sheet Title
3RD FLOOR - CONSTRUCTION PLAN

Revision No.

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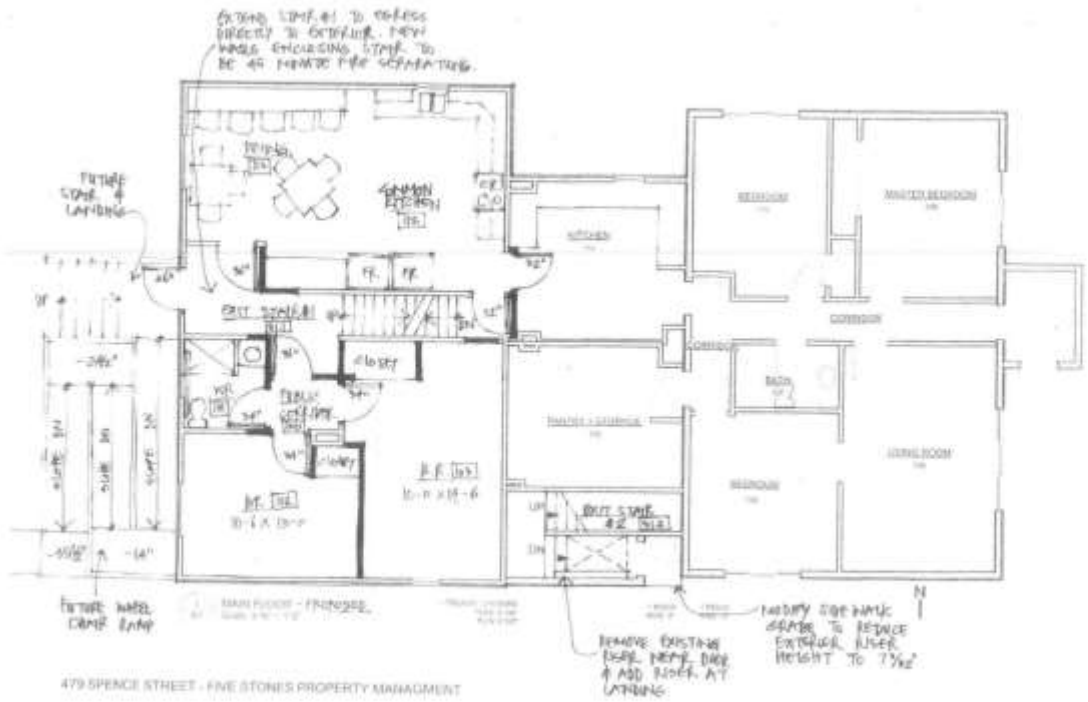
479 SPENCE STREET - FIVE STONES PROPERTY MANAGMENT