Minute No. 394
Report – Standing Policy Committee on Property and Development – April 6, 2023

Item No. 14 Repeal of By-law No. 12043
(River Heights-Fort Garry Ward)

COUNCIL DECISION:

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

1. That a by-law to repeal By-law No. 12043 be enacted, a draft of which is attached as Appendix B to this report.

2. That Instrument No. 544126 be discharged.

3. 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 – April 6, 2023

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

Councillors Rollins, Santos and Schreyer were absent from the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 6, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Repeal of By-law No. 12043

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

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	M. Pittet (Acting)	N/A	M. Jack

EXECUTIVE SUMMARY

Properties within a small portion of the Crescentwood neighbourhood are subject to By-law No. 12043 (the "By-law" attached as Appendix A), enacted in 1926, that prohibits the construction of apartment, or tenement houses on or upon any lots fronting or abutting either side of Grosvenor Avenue between Rockwood Street and Cambridge Street. The By-law is currently registered against title to the affected properties by way of Instrument No. 544126.

The By-law does not align with the policies for Established Neighbourhoods - Mature Communities contained in the *Complete Communities Direction Strategy 2.0* By-law No. 119/2020 or with the *Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities (Residential Infill Strategy)*, and therefore, the Public Service recommends that it be repealed.

It should be noted that removing this by-law to eliminate the restriction of multi-family dwellings does not mean these lots are now automatically entitled to be developed as such. They will continue to remain zoned as single family lots with the existing single-family entitlements within the current *Winnipeg Zoning By-law 200/06*. The process to enable multi-family development on any of these lots would require a comprehensive application process to determine alignment with policy including advertisement and a public hearing for at least a rezoning application.

RECOMMENDATIONS

1. That Council enact a by-law to repeal By-law No. 12043, a draft of which is attached as Appendix B to this report.

2. That Instrument No. 544126 be discharged.

3. 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

By-law No. 12043 does not align with the policies for Mature Communities as outlined in *Complete Communities Direction Strategy 2.0* and the *Residential Infill Strategy* and, therefore, the Public Service is recommending the By-law be repealed.

Only Council has the authority to enact or repeal by-laws.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no immediate financial implications to the Recommendations of this report.

HISTORY/DISCUSSION

In 1926, the City of Winnipeg enacted By-law No. 12043 (the "By-law" attached as Appendix A), which placed a number of building restrictions on the properties located in a small portion of the Crescentwood neighbourhood (see Figure 1). The By-law was registered against title to these properties by way of Instrument No. 544126 on July 5, 1926.

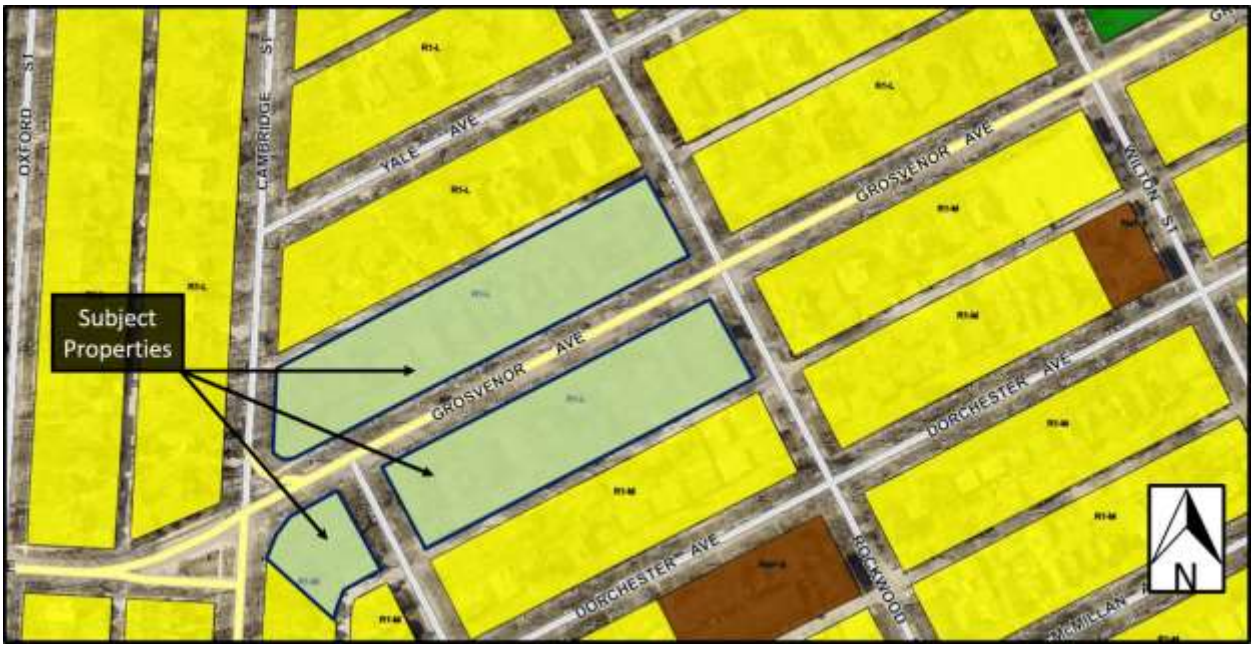


Figure 1: Map of properties affected by By-law No. 12043.

On May 26, 2022, Council approved the OurWinnipeg 2045 By-law No. 120/2020 and the Complete Communities Direction Strategy 2.0 By-law No. 119/2020 ("CCDS 2.0") which provide a vision for how the city will sustainably grow over the next 25 years.

A key aspect of this vision is accommodating more housing within Established Neighbourhoods – Mature Communities in an effort to help meet the City's intensification target as outlined in the City's Climate Action Change Plan and CCDS 2.0 which states that a minimum of 50% of all

new dwelling units be accommodated in the intensification target area of the City (see Map 2, CCDS 2.0, page 21 for boundaries of Intensification target areas).

More specifically, Established Neighbourhoods are identified as areas that will accommodate contextually-sensitive growth and change to increase the diversity of housing choices, improve housing affordability, and more efficiently use land, infrastructure and services.

On June 24, 2021, Council passed the *Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities* (the "Residential Infill Strategy"). The Residential Infill Strategy provides a framework for accommodating housing growth in Mature Communities in a contextually-suitable manner. It includes Preferred Location Criteria which outline specific conditions that should be present to support different housing types including single-family, two-family, and small-scale multi-family housing.

The Crescentwood Neighbourhood is identified as an Established Neighbourhood – Mature Community under the CCDS 2.0. and is subject to the CCDS 2.0 policies for Established Neighbourhoods as well as the Residential Infill Strategy. The contents of By-law No. 12043, which restricts multi-family housing on Grosvenor Avenue between Rockwood Street and Cambridge Street, does not align with the CCDS 2.0 or the Residential Infill Strategy as it does not allow for a diversity of housing options.

The subject properties on this section of Grosvenor Avenue are all currently zoned "R1-L" - Residential Single-Family Large District. If the By-law is repealed, any proposal to establish a multi-family residential use would still require a rezoning and a public hearing, and would be subject to CCDS 2.0 and the Residential Infill Strategy.

There are 22 properties affected by By-law No. 12043 which range in lot frontage from 50 feet to 77 feet with the majority of the properties (16) being 50 feet wide. The range in lot area varies from 6,060 square feet to 9,088 square feet with the majority of the properties (16) being around 6,070 square feet.

Another neighbourhood that had a similar By-law is Norwood West, which was affected by By-law No. 1810 of the former City of St. Boniface. That by-law, which was adopted in 1927, prohibited all housing other than single-family residential. In December 2022, Council repealed By-law No. 1810.

While the By-law could be repealed for individual properties on a case-by-case basis as development proposals are received, this would add several months to each approval process and require significant staff resources. To simplify and expedite the approval process, and to enable compatible infill development that aligns with current City policy, the Public Service is recommending that Council repeal By-law No. 12043 in its entirety and that it be discharged from title to the affected properties.

FINANCIAL IMPACT

Financial Impact Statement

Date: February 3, 2023

Project Name:

Repeal of By-law No. 12043

COMMENTS:

There are no direct financial implications associated with this report.

Mike McGinn Feb. 3, 2023
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services (as to legal issues)

OURWINNIPEG 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.

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
4.1 Increase Strategic Infill Development that Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Dan Iskierski, MCP
Date: February 6, 2023
File No: N/A

ATTACHMENTS:

Appendix A: Copy of By-law No. 12043
Appendix B: DRAFT Repealing By-law