Agenda – Executive Policy Committee – May 16, 2023

REPORTS

Item No. 13 Rezoning – 638 Jubilee Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 226/2022 [c/r DAV 209262/2022D]

COMMUNITY COMMITTEE RECOMMENDATION:

On April 25, 2023, 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 226/2022 by rezoning the subject land to an "R2" Residential Two-Family District, as shown on the map dated April 25, 2023 and included in Schedule "C" and the Proposed By-law attached as Appendix "B", subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. For any new development on the property, the Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. landscaping; and
            g. free-standing signage

        on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

    B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 1.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

COMMUNITY COMMITTEE RECOMMENDATION (continued):

C. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated March 20, 2023 to the satisfaction of the Director of Planning, Property and Development.

3. 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.

4. 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.

5. 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 3 and all associated ancillary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.

6. 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.

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

8. 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 226/2022.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On April 25, 2023, 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 226/2022

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

Public Hearing: April 25, 2023
Council Building, 510 Main Street

Applicant: Architects At Play Inc. (Grant LaBossiere)

Subject:



APPLICANT: Architects At Play Inc. (Grant LaBossiere)
FILE: DAZ 226/2022
PROPOSAL: To rezone the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow the conversion of a Single-Family Dwelling use to a Two-Family Dwelling use. **For information, phone S. Costello Planner at 204-986-6008**

Premises Affected: 638 Jubilee Avenue

For submission to: Executive Policy Committee

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

Report date: April 25, 2023

Community Committee Recommendation:

On April 25, 2023, 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:

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

8. 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 226/2022.

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

1. As a local Councillor, this is a dream project. There needs to be some revamp of a lot of older homes in the area and if I could duplicate this project all the way down Jubilee and while I keep an open mind always to what's before me, I also keep a priority to make sure there's housing for Winnipeggers and the best and most environmentally friendly way we can do that is to tackle a project like this. For reasons of climate that we've talked about today I'm supportive of the project.

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 November 24, 2022 2. Notification of Public Hearing dated March 20, 2023 3. Manitoba Status of Title 3124324/1 4. Letter of authorization dated October 5, 2021 from Dean Munoz-Perez to Architects At Play Inc. and New Vision Renovations 5. Surveyor's Building Location Certificate and sketch dated August 23, 2021 6. Landscaping Layout Plan 7. Drawing of subject property 8. Tree Condition Report for 638 Jubilee Avenue 9. Plans (8 pages) 10. Report from the Urban Planning Division dated April 6, 2023 11. Inspection Report 12. Communication dated April 20, 2023, from Alex Hunter in support of the application 13. Communication dated April 24, 2023, from Grant Labossiere in support of the application 14. Recording of Representations

REPRESENTATIONS:

In Support:

Alex Hunter
Grant Labossiere

In Opposition:

Nil

For Information:

Nil

For the City:

S. Costello, Planner, Planning, Property and Development Department
D. Iskierski, Planner, Planning, Property and Development Department
A. Ross, Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer, Property and Development Department

Exhibit "10" referred to in File DAZ 226/2022

ADMINISTRATIVE REPORT

Title: DAZ 226/2022 – 638 Jubilee Avenue

Issue: For consideration at the public hearing for a rezoning to "R2" Residential Two-Family to convert an existing single-family dwelling to a two-family dwelling.

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
S. Costello, BURPl.	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 226/2022 by rezoning the subject land to an "R2" Residential Two-Family District, as shown on the map dated April 25, 2023 and included in Schedule "C" and the Proposed By-law attached as Appendix "B", subject to the following conditions:

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i. For any new development on the property, the Owner must submit plans showing the location and design of any and all proposed:

(a) buildings;

(b) accessory parking areas;

(c) private approaches;

(d) garbage enclosures;

(e) fencing;

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on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

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

8. 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 226/2022.

REASON FOR THE REPORT

- The applicant is proposing to rezone 638 Jubilee Avenue from Residential Single-Family Medium (R1-M) to Residential Two-Family (R2) in order to convert the existing single-family dwelling into an up-down duplex.
- Rezoning applications require a public hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter,* section 249.
- 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:	April 6, 2023
File No.	DAZ 226/2022

List of Schedules and Attachments

- Schedule A – Planning Discussion.
- Schedule B – Report of the Administrative Coordinating Group.
- Schedule C for File no. DAZ 226/2022.
- Appendix A – Arborist Report.
- Appendix B – Draft By-law.

Schedule A

DATE:	April 25, 2023
FILE:	**DAZ 226/2022**
RELATED FILES:	DAV 22-209262\D
COMMUNITY:	City Centre Committee
NEIGHBOURHOOD #:	1.665 Lord Roberts
SUBJECT:	To rezone the subject property to “R2” Residential Two-family to convert the existing single-family dwelling into a two-family dwelling
LOCATION:	638 Jubilee Avenue
LEGAL DESCRIPTION:	LOT 18 PLAN 27937 17 ST B



APPLICANT:	Grant Labossiere (Architects at Play) 1819 Main St Winnipeg, MB R2V 2A2
OWNER:	Dean Munoz-Perez 22 Monterey Rd Winnipeg, MB R2J 1X1

SITE DESCRIPTION

- The subject property is located on the south side of Jubilee Avenue, in the Lord Roberts neighbourhood of the Fort Rouge – East Fort Garry 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 37 feet wide and 162 feet deep for a total lot area of 5994 square feet. The subject property currently contains a single-family dwelling built in 1911 and a detached garage taking access from the concrete public lane.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

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

South: Public lane, then single-family dwellings zoned "R1-M."

East: Single-family dwellings zoned "R1-M," then Daly Street South.

West: Single-family dwellings zoned "R1-M," then Cockburn Street South.

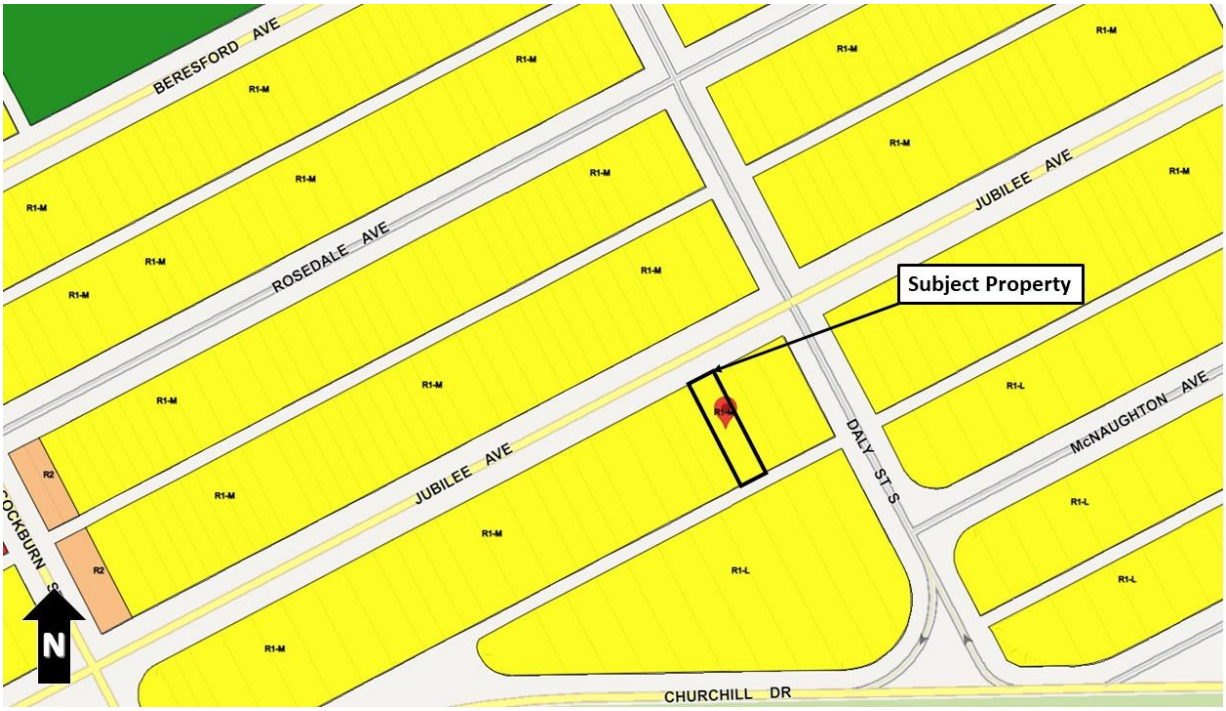


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant is proposing to convert the existing dwelling into a two-family dwelling. The current two-storey dwelling is clad with stucco and wood siding, and contains front and rear decks. The existing two-car garage is proposed to remain on site, and additional parking is proposed off the lane, beside the garage. The existing dwelling has a front yard setback of 37 feet, a rear yard of 68.5 feet, and side yards of 3 feet and 8.8 feet, with a total lot coverage of approximately 17% due to the generous lot depth. Fencing is provided on both sides of the dwelling.

Variances, as well as a rezoning, are required to accommodate the existing dwelling conversion. Details on the proposed Variance application can be found in the Administrative Report for DAV 22-209262\D.

ANALYSIS AND ISSUES

COLLABORATIVE PLANNING

<u>With the Public Service</u>

A pre-application feedback letter was submitted to the applicant in December of 2021 for the proposal to convert the existing dwelling at 638 Jubilee Avenue into a duplex and maintain the existing garage on the property. The letter indicated the Planning, Property and Development Department would be supportive of the proposed rezoning and variances, provided the landscaping and parking requirements are met as per the *Infill Guidelines.*

<u>With the Public</u>

The applicant canvassed the neighbourhood for the proposed duplex conversion. A letter of support/no concern was submitted with the application, with signatures from five nearby residents.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

The City of Winnipeg's development plan, *OurWinnipeg*, and its citywide secondary plan, the *Complete Communities Direction Strategy 2.0* (CCDS 2.0), lay out the framework for how our City will grow over the next 25 years and how all other plans and City Council decisions must be consistent with it. The subject site is designated "Established Neighbourhoods - Mature Community" under *CCDS 2.0* and applicable goals and policies that apply to the proposal are noted below.

- *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.*
- *1.6 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 the ability to make the required upgrades necessary to accommodate a proposed development.*
- *1.12 (A): Develop small-scale and low-rise residential development guidelines that will direct the location and design of residential infill development in Mature Communities through the use of planning and design guidelines implemented through regulation…*

CCDS 2.0 places emphasis on developing Mature Communities in a context-sensitive manner, and making use of the *Infill Guidelines* to ensure that intensification takes place in suitable locations and exhibit high quality design. Providing infill by way of adding dwelling units to existing buildings can be an efficient and context-sensitive method for adding gentle density to a mature community, and therefore is supported by *CCDS 2.0.*

INFILL GUIDELINES

The *Small Scale and Low-Rise Residential Development Guidelines for Mature Communities* (*Infill Guidelines*) were adopted by Winnipeg City Council on June 24, 2021, following multiple years of engagement and consultation with the public.

The Guidelines apply to small-scale residential development within Winnipeg's Mature Communities and are intended to help City of Winnipeg employees, land developers, and individual residents interpret the policies within *OurWinnipeg* and *CCDS 2.0*.

The Guidelines also supplement the regulations outlined in the City of Winnipeg Zoning By-law No. 200/2006 in assessing how well a proposed development design fits the local context and whether it is an appropriate location for proposed development within an existing neighbourhood.

The subject property meets the Preferred Location Criteria (PLC) for up-down duplex buildings in the *Infill Guidelines.*

Preferred Location Criteria

The subject property is in Area 1 of the *Infill Guidelines*. It is consistent with the location criteria for up-down duplexes.

2.1.1 SINGLE-FAMILY DETACHED AND UP-DOWN DUPLEX DWELLINGS

3. An up-down duplex use should be permitted on sites with access to a rear lane, a minimum site width of 32 feet (9.75 metres) and a minimum lot area of 2,880 square feet (267.6 square metres).

The lot exceeds the minimum dimensional requirements at 37 feet wide and 5994 square feet in lot area and is accessed via a rear lane and therefore meets all applicable location criteria.

Design Guidelines

The design guidelines are intended to apply to new development concurrently with the preferred location criteria. However, the proposed duplex is a conversion so they do not apply, with the exception of the landscaping requirements, which are applied to the site.

The lot exceeds the minimum soft landscaping requirement and proposes to add two new Amur Maple trees and eight Japanese Spirea shrubs. Therefore, the design guidelines specific to landscaping are being met and there are no design-related concerns.

REZONING

- The applicant is proposing to rezone the lands to 'R2" from its existing "R1-M" and convert the existing single-family dwelling to a duplex. Two-family dwellings are not permitted in "R1."
- The "R2" district is intended to accommodate the development of single- and two-family dwellings in areas with medium to high residential densities. Specifically, this district accommodates a minimum lot area of 5,000 square feet (2,500 per dwelling unit for two-family) or 800 square feet per dwelling unit for multi-family which is a conditional use in "R2."

- In addition, there are variances to the proposed “R2” District associated with the development pertaining to the east side yard and associated eave projection. These are analyzed in the Administrative Report for Associated file No. DAV 22-209262\D.
- The proposed rezoning application is considered compatible with the surrounding area given it makes use of the existing dwelling and meets the Preferred Location Criteria for up-down duplexes.
- A condition has been included to require a plan approval application for any future development of the site, to ensure that if the duplex is demolished and redeveloped in the future, it will be consistent with the applicable Design Guidelines.

ADDITIONAL CONSIDERATIONS

ARBORIST REPORT

An Arborist Report was prepared by GBPro Arborist Services to review and assess the trees on site. The report assessed 9 trees on site and recommended that only one tree be preserved – Specimen #2. The report conclusion later stated that “a case could be made for its removal and replacement.” The remaining trees were identified as being either in poor health or too close in proximity to the existing structures on the property. The developer has proposed the removal of all trees, which will be replaced by two Amur Maple trees, and 8 shrubs. The Arborist Report in its entirety can be found at Appendix A.

REASONS FOR RECOMMENDATIONS

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

- The proposal proposes to add one additional dwelling unit on site for a total of two dwelling units, which is a minor change to the density of the property.
- The existing dwelling and garage will be preserved by way of this intensification, which is consistent with *CCDS 2.0* policies.
- The subject property meets the Preferred Location Criteria in the *Infill Guidelines* for up-down duplexes, in that it has sufficient lot area and width, and is accessed by a back lane.
- The proposal adds new landscaping to beautify the site, consistent with the landscaping design guidelines in the *Infill Guidelines.*
- The property is on Jubilee Avenue, an arterial street, and is also less than 600 metres from Osborne Street which is identified as a Frequent Transit Route in the Transit Master Plan. The property is anticipated to be well-connected to the rest of the City.
- There is nothing to suggest that adding a second dwelling unit in the existing dwelling would have any adverse impacts to the surrounding area.

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: 226/2022

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED AT 638 JUBILEE AVENUE

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DAZ 226/2022. The Developer should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

Section I – General Comments

The Water and Waste Department (WWD) advises that:

1) There is currently adequate servicing for the proposed development based on the provided development plans as of the date of the review. In the event that the development plans change or a substantial period of time passes, the WWD will need to re-review the proposal.

2) The City's infrastructure capacity is permanently assigned to a particular proposal only when a permit application has been reviewed and accepted by WWD. Once capacity of the sewer system is reached, as determined by the WWD, proposals to discharge additional flow into the City's sewer system will not be supported without system upgrades.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 226/2022
March 20, 2023

"*Original Signed by K. Kowalyk"*
K. Kowalyk, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

SCHEDULE C FOR FILE NO. DAZ 226/2022, CITY CENTRE COMMUNITY COMMITTEE, APRIL 25, 2023

By-Law No. _____

File No. **DAZ 226/2022**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 638 Jubilee Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the conversion of a Single-Family Dwelling use to a Two-Family Dwelling use.

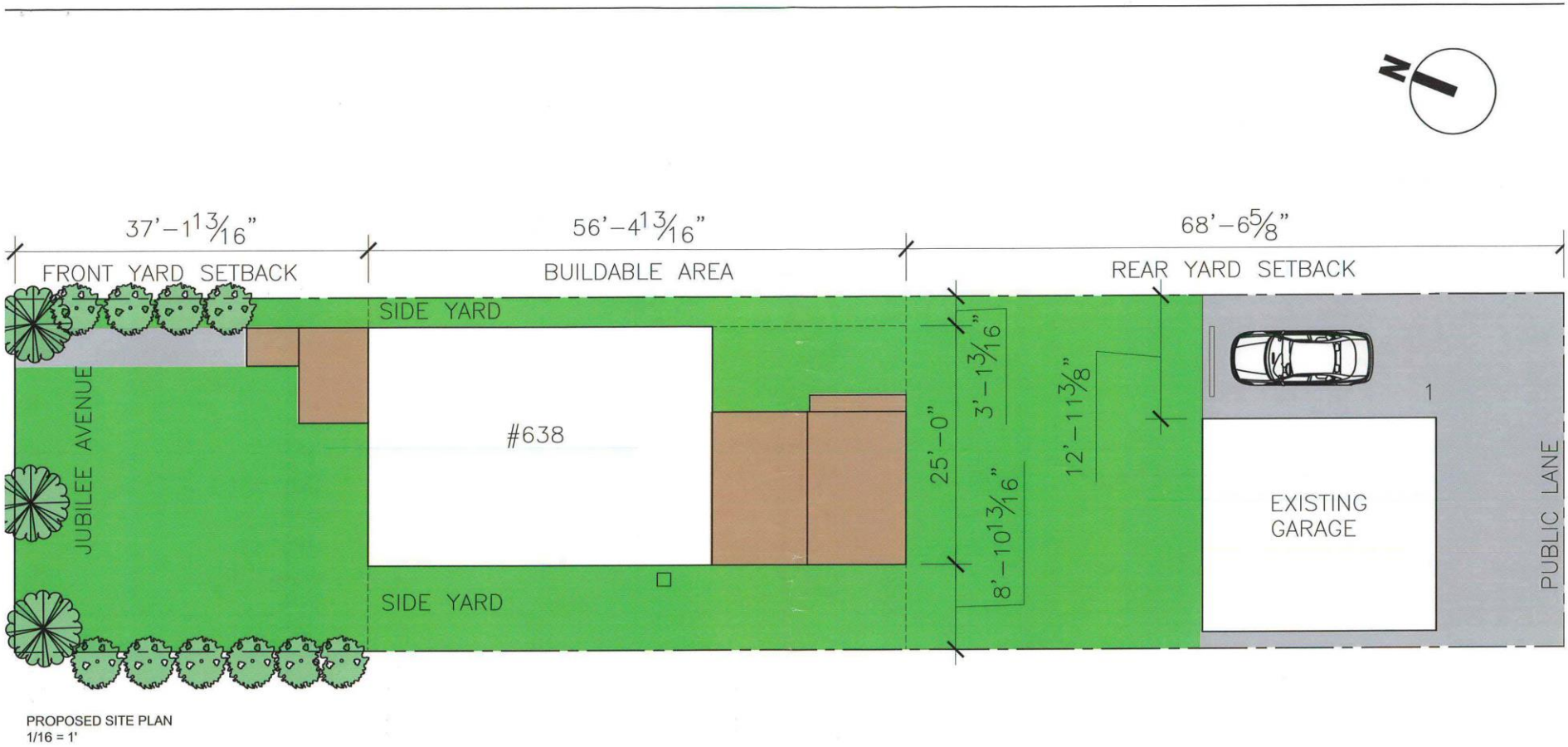
Atlas Sheet No. **AE25 CITY CENTRE COMMUNITY**



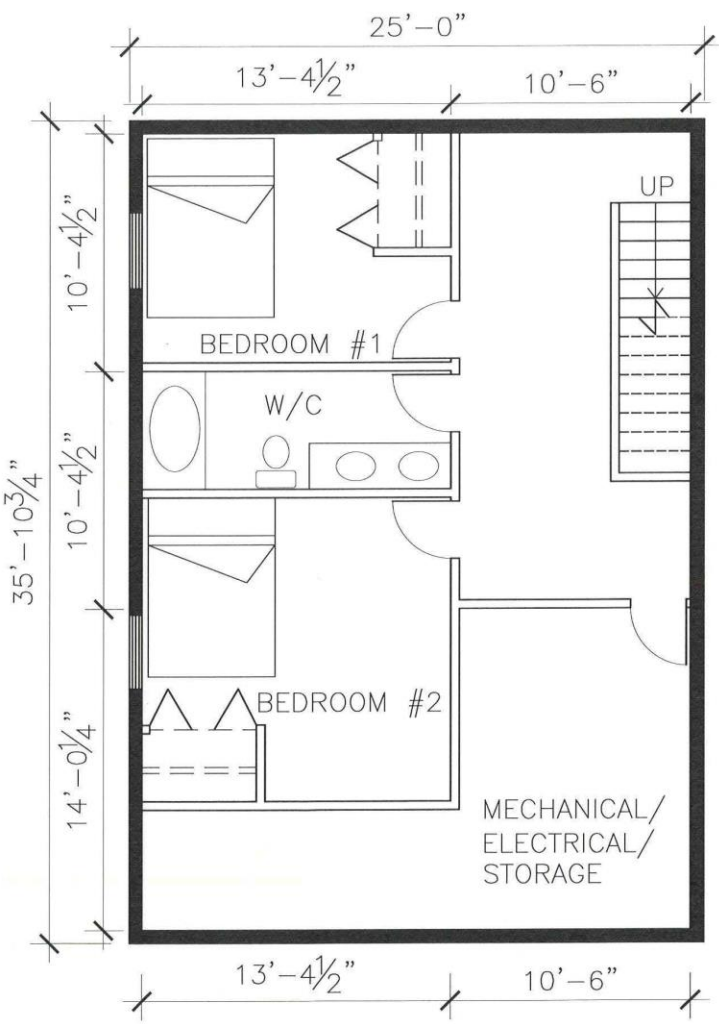
THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

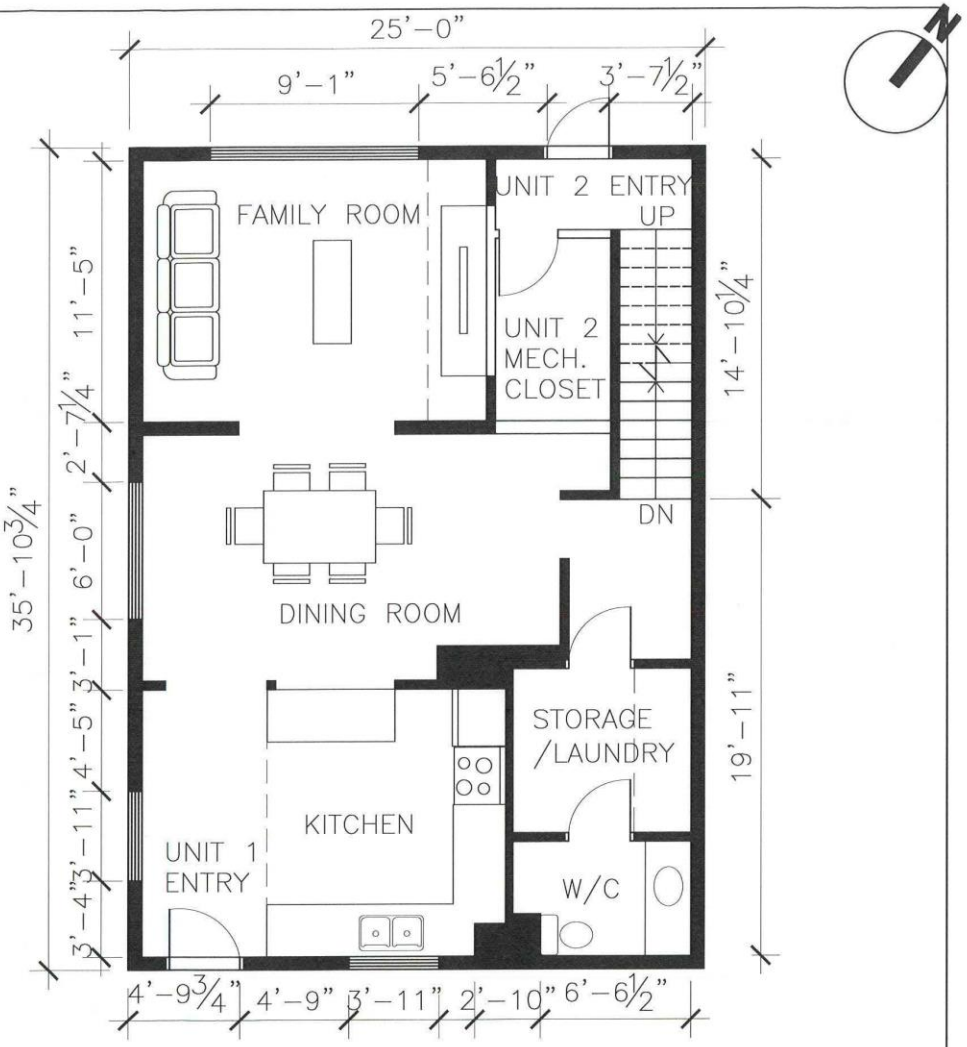
Exhibit “9” referred to in File DAZ 226/2022



638 JUBILEE AVE	SITE PLAN	03.JUN.2022	ARCHITECTS AT PLAY WWW.ARCHITECTSATPLAY.CA

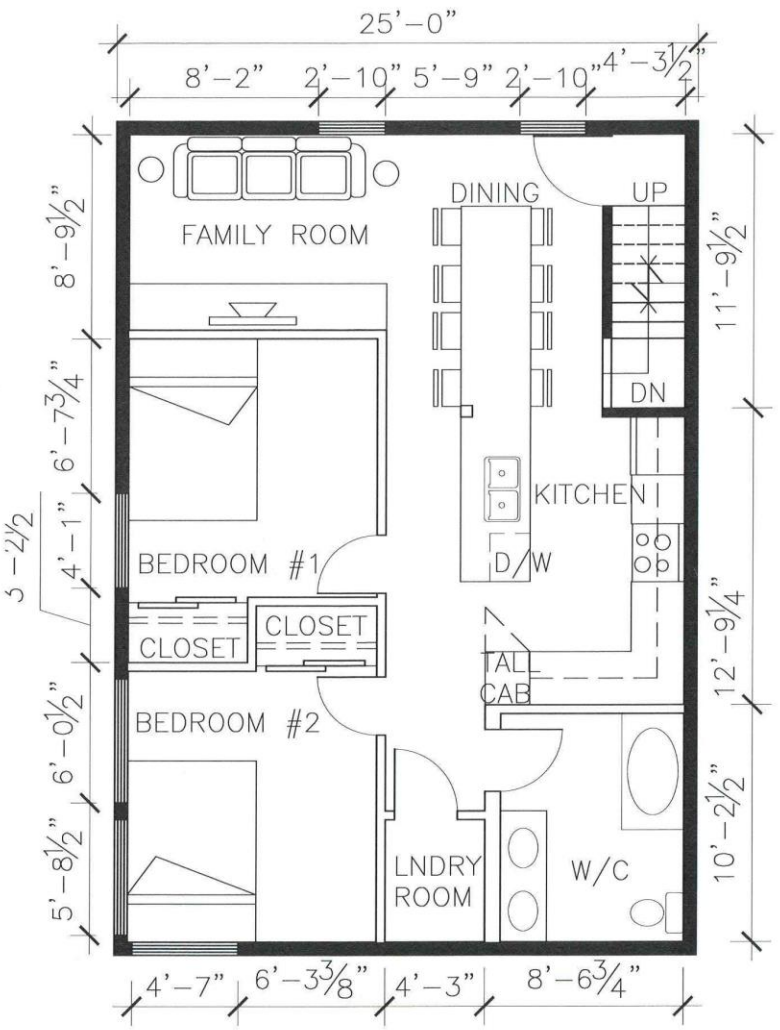


BASEMENT FLOOR PLAN
1/8 = 1'

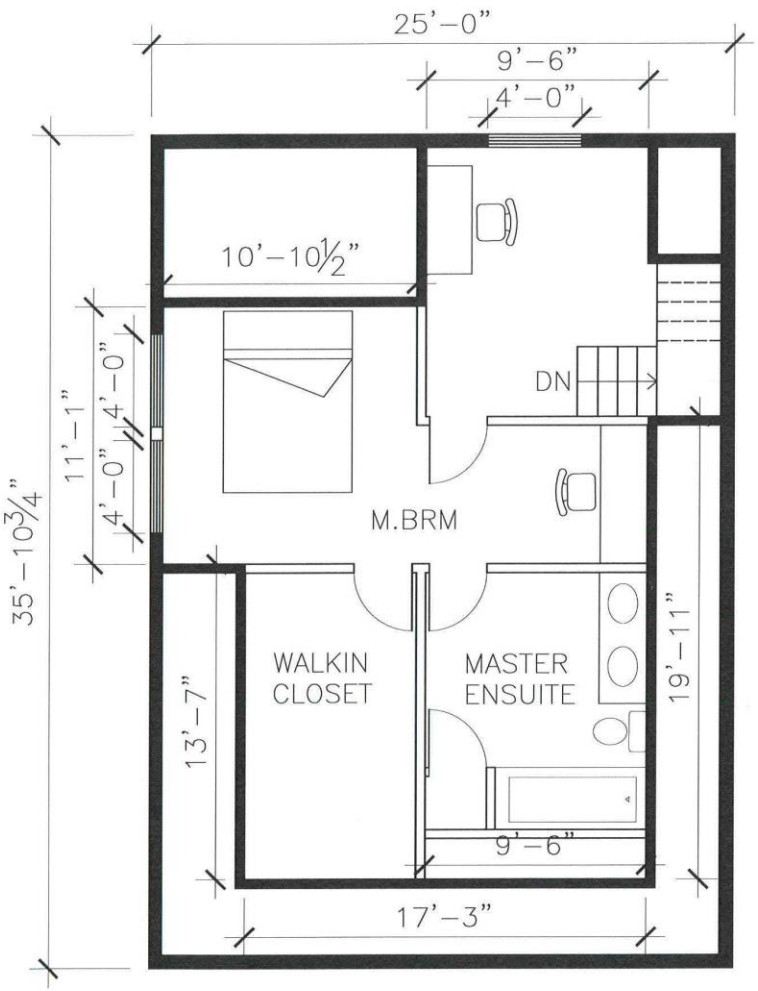


FIRST FLOOR PLAN
1/8 = 1'

638 JUBILEE AVE	PROPOSED UNIT 1 DEVELOPMENT	03.JUN.2022	ARCHITECTS AT PLAY WWW.ARCHITECTSATPLAY.CA

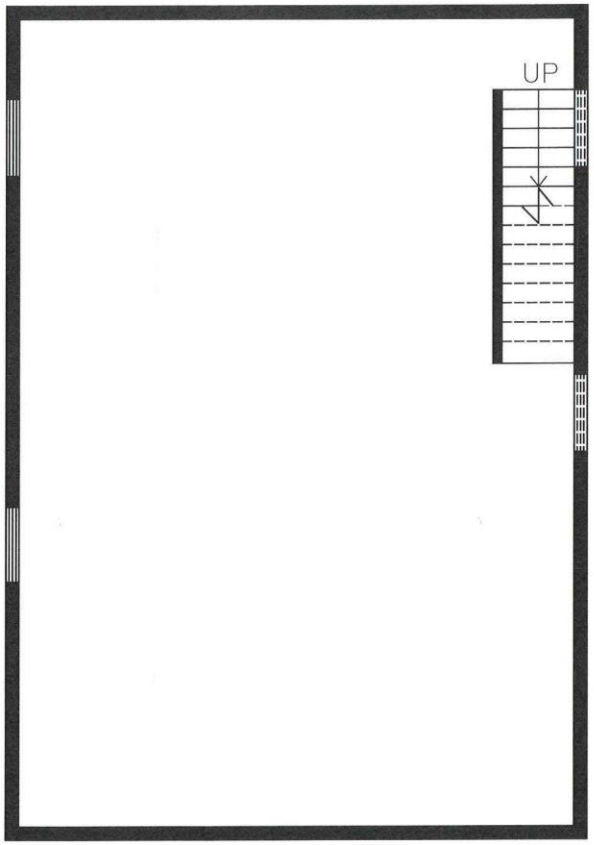


SECOND FLOOR PLAN
1/8 = 1'

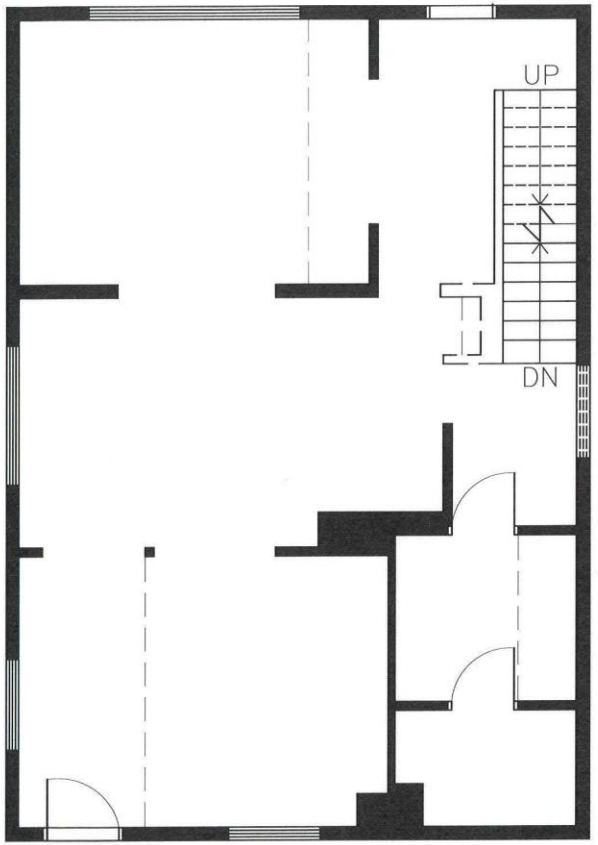


ATTIC FLOOR PLAN
1/8 = 1'

638 JUBILEE AVE	PROPOSED UNIT 2 DEVELOPMENT	03.JUN.2022	ARCHITECTS AT PLAY WWW.ARCHITECTSATPLAY.CA

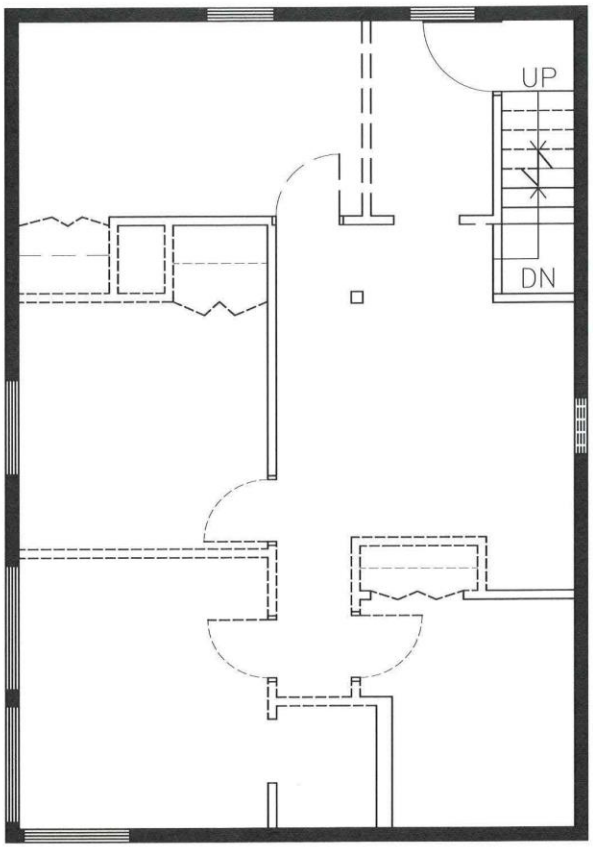


EXISTING BASEMENT FLOOR PLAN
1/8 = 1'

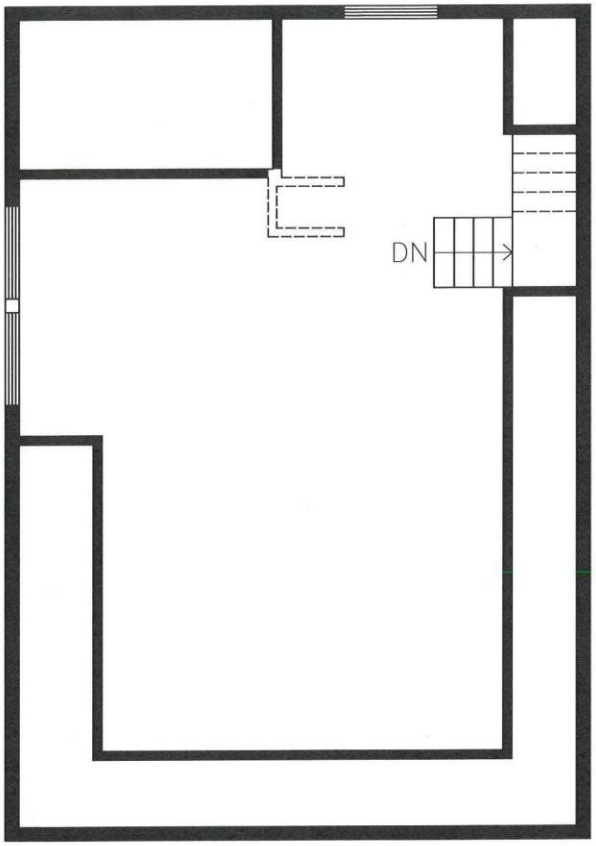


EXISTING FIRST FLOOR PLAN
1/8 = 1'

638 JUBILEE AVE	EXISTING FLOOR PLANS	03.JUN.2022	ARCHITECTS AT PLAY WWW.ARCHITECTSATPLAY.CA

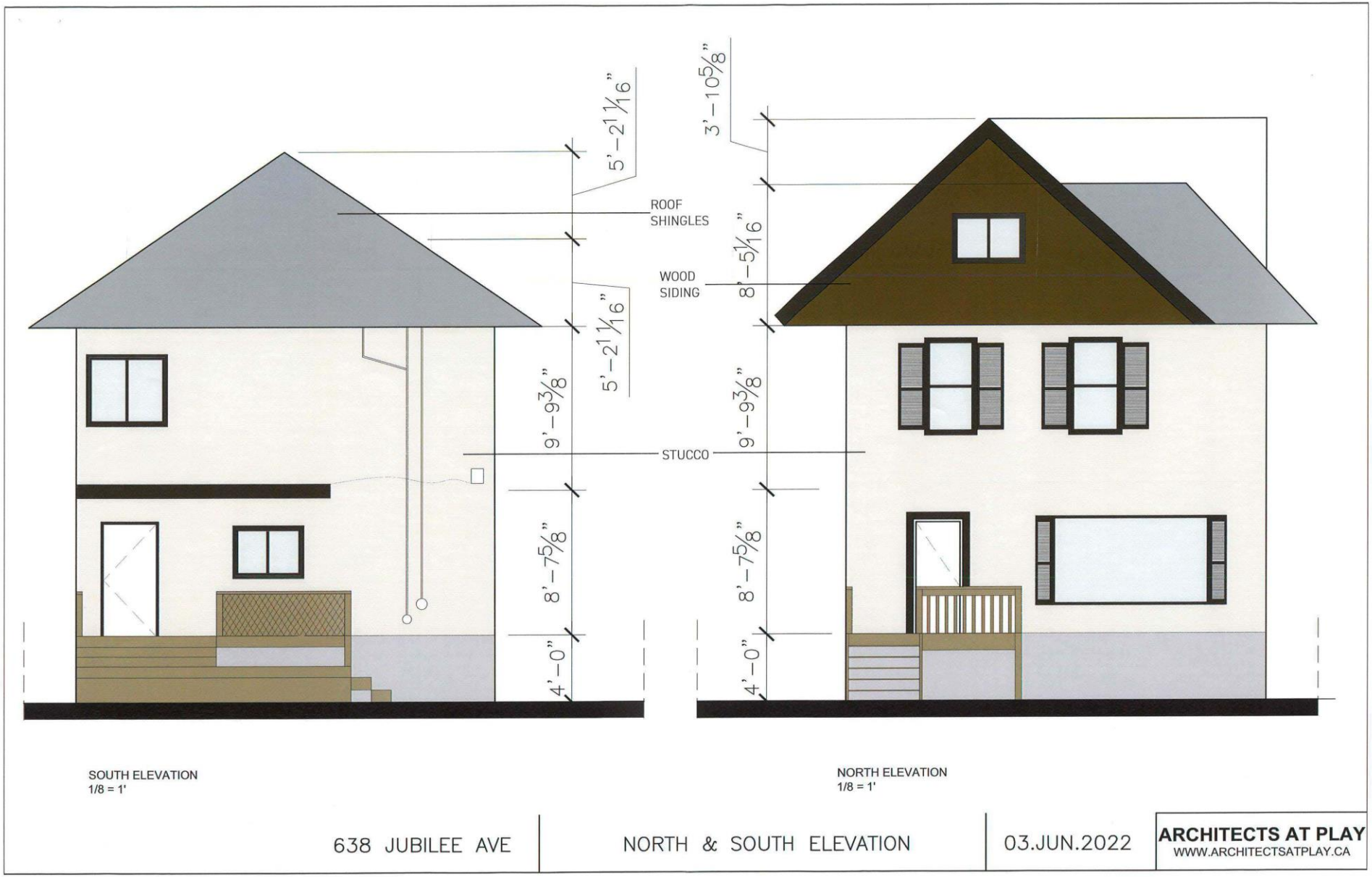


EXISTING SECOND FLOOR PLAN
1/8 = 1'



EXISTING ATTIC FLOOR PLAN
1/8 = 1'

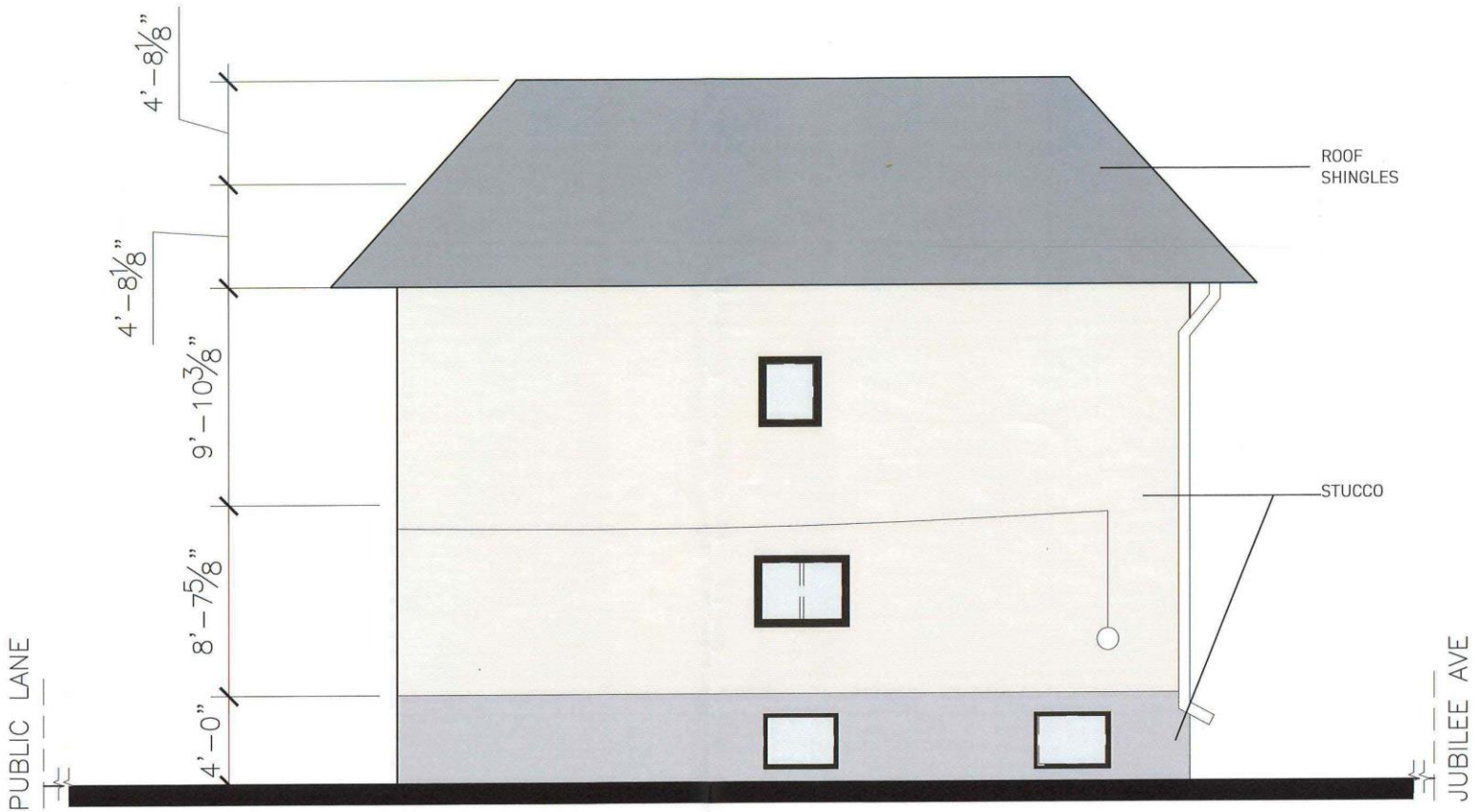
638 JUBILEE AVE	EXISTING FLOOR PLANS	03.JUN.2022	ARCHITECTS AT PLAY WWW.ARCHITECTSATPLAY.CA



SOUTH ELEVATION
1/8 = 1'

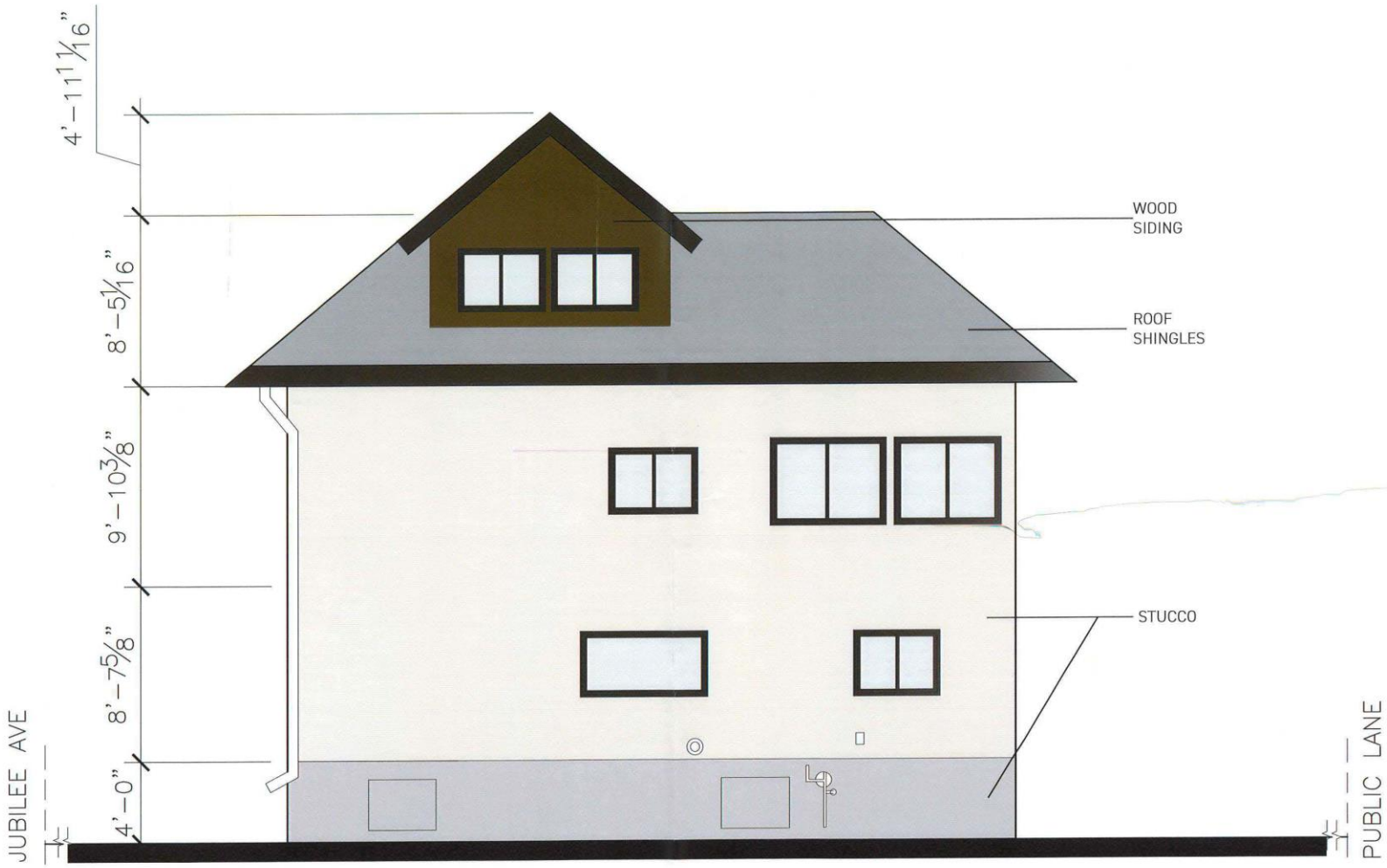
NORTH ELEVATION
1/8 = 1'

638 JUBILEE AVE	NORTH & SOUTH ELEVATION	03.JUN.2022	ARCHITECTS AT PLAY WWW.ARCHITECTSATPLAY.CA



EAST ELEVATION
1/8 = 1'

638 JUBILEE AVE	EAST ELEVATION	03.JUN.2022	**ARCHITECTS AT PLAY** WWW.ARCHITECTSATPLAY.CA



WEST ELEVATION
1/8 = 1'

638 JUBILEE AVE	WEST ELEVATION	03.JUN.2022	ARCHITECTS AT PLAY WWW.ARCHITECTSATPLAY.CA