Agenda – Council – July 13, 2023

Report – Standing Policy Committee on Property and Development – June 27, 2023

Item No. 7 Subdivision and Rezoning of 490 Shaftesbury Boulevard and 2nd and 3rd Reading of By-law 84/2022 (Charleswood-Tuxedo-Westwood Ward) File DASZ 3/2022 [c/r DAV 102389/2022D]

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That Recommendation 2.A of Council's decision dated May 26, 2022, in respect of Development Application No. DASZ No. 3/2022 be amended by:

    A. Deleting: That the maximum building height for building C as identified in Schedule C of this report shall be limited to 50 feet, as measured from grade to top of roof; and

    B. Adding the following new conditions:

        i. Total density of Buildings A, B and C not to exceed a maximum of 58 units;

        ii. Building A maximum height not to exceed 72 feet; Building B maximum height not to exceed 60 feet; and Building C maximum height not to exceed 50 feet; and

        iii. The number of above grade visitor parking stalls to increase from 4 to 8.

2. That Council give second and third reading to By-law 84/2022.

3. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – June 27, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 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 June 27, 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: Subdivision and Rezoning of 490 Shaftesbury Boulevard and 2nd and 3rd Reading of By-law 84/2022

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

AUTHORIZATION

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

EXECUTIVE SUMMARY

An application to subdivide and rezone the lands at 490 Shaftesbury Boulevard from the "PR-1" Parks and Recreation zoning district to the "RMF-M" Residential Multi Family – Medium zoning district (DASZ 3/2022) was submitted to the City and deemed complete on April 12, 2022.

DASZ 3/2022 was recommended for approval by the Assiniboia Community Committee on April 27, 2022, with the addition of a condition to the servicing agreement that requires the developer to plant trees within the boulevard fronting the Subject Property in accordance with City specifications and standards, and to maintain these trees for a period of two years. On May 26, 2022, Council adopted the recommendations and approved DASZ 3/2022. The By-law to amend the zoning from "PR-1" to "RMF-M" (By-law No. 84/2022) was given first reading on June 23, 2022.

Pursuant to the provisions of Section 236.1 of the City of Winnipeg Charter, sufficient objections were received by the City and the proposed by-law was referred to the Municipal Board (the "Board") after first reading.

The Board held a public hearing on April 4, 5 and 6, 2023 and communicated their recommendation to Council on June 2, 2023.

The Board's report, attached as Schedule "A" to this report, recommends that the City approve the development with three additional conditions to limit the density and height of the development and to address neighbourhood concerns regarding overflow parking onto nearby streets by visitors to the site. The conditions recommended by the Board are as follows:

i. Total density of Buildings A, B and C not to exceed a maximum of 58 units;
ii. Building A maximum height not to exceed 72 feet; Building B maximum height not to exceed 60 feet; and Building C maximum height not to exceed 50 feet;
iii. The number of above grade visitor parking stalls to increase from 4 to 8.

In accordance with section 236.1(9) of the City of Winnipeg Charter, Council must not pass a proposed zoning by-law that has been referred to the Board unless it conforms to the recommendations that the Board has made.

RECOMMENDATIONS

1. That Recommendation 2.A of Council's decision dated May 26, 2022, in respect of Development Application No. DASZ No. 3/2022 be amended by:

    A. Deleting: That the maximum building height for building C as identified in Schedule C of this report shall be limited to 50 feet, as measured from grade to top of roof; and

    B. Adding the following new conditions:

        i. Total density of Buildings A, B and C not to exceed a maximum of 58 units;
        ii. Building A maximum height not to exceed 72 feet; Building B maximum height not to exceed 60 feet; and Building C maximum height not to exceed 50 feet; and
        iii. The number of above grade visitor parking stalls to increase from 4 to 8.

2. That Council give second and third reading to By-law 84/2022.

3. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

In accordance with recommendation 236.1(8) of the City of Winnipeg Charter, the Municipal Board is required to submit their report, with recommendations, to Council within 60 days after conducting their hearings.

The Board's recommendation is to approve subdivision and rezoning application DASZ 3/2022 with additional conditions with respect to Lot 1 of the Plan of Subdivision. In accordance with Section 236.1(9) of the City of Winnipeg Charter, Council must not pass a proposed zoning by-law that has been referred to The Municipal Board unless the proposed By-law conforms to the recommendations that the board has made in its report to Council in respect of the By-law.

This report has been prepared to inform Council of the decision at the Municipal Board and to provide information on the next steps to be taken by Council for decision making on the subdivision and rezoning matter.

IMPLICATIONS OF THE RECOMMENDATIONS

By-law 84/2022 will be given second and third reading and Development Application No. DASZ 3/2022 will be approved with additional conditions.

HISTORY / DISCUSSION

Decision Making History

April 27, 2022 – Assiniboia Community Committee

The subdivision and rezoning (DASZ 3/2022) and associated variance application (DAV 102389/2022D) were heard at the Assiniboia Community Committee.

The Urban Planning Division recommended support of the rezoning application with three conditions:

a) Plan approval by the Director of Planning, Property and Development as well as the Assiniboia Community Committee, which would cover site and building design details that require approval prior to the issuance of building permits.
b) Limiting the front building (building C) to a maximum of 50 feet and
c) That the top floors incorporate a step back ranging between 7-10 feet, which is consistent with the plans submitted.

The Assiniboia Community Committee approved the application as recommended by the Urban Planning Division, with the addition of a condition to the servicing agreement that requires the developer to plant trees within the boulevard fronting the Subject Property in accordance with City specifications and standards, and to maintain these trees for a period of two years.

The Urban Planning Division recommended support for the variances to allow Building A to have a maximum height of 72 feet instead of 60 feet and a north side yard setback of 16 feet instead of 18 feet. The Assiniboia Community Committee concurred with this recommendation.

The variance was appealed and on July 14, 2022, the Appeals Committee denied the appeal, but added a condition, which stated:

> *That the proposed development explore implementation of mitigation strategies that improve bird safety as outlined in City of Winnipeg Bird Friendly Resources.*

At the Assiniboia Community Committee hearing, 110 people registered in opposition to the application. 38 people (including the applicants) registered in support, and three people for information.

May 26, 2022 – Council Decision

Council concurred in the recommendations of the Executive Policy Committee, which was consistent with the Assiniboia Community Committee recommendation and the Standing Policy Committee recommendation.

April 4, 5, 6, 2023 – Municipal Board Hearing Dates

June 2, 2023 – Municipal Board Report date

Municipal Board Recommendation and Discussion

The Municipal Board decision concurred with the recommendation of the Public Service and recommended that the rezoning to "RMF-M" Residential Multifamily - Medium be permitted. The Board recommended the following conditions:

i. *Total density of Buildings A, B and C not to exceed a maximum of 58 units;*
ii. *Building A maximum height not to exceed 72 feet; Building B maximum height not to exceed 60 feet; and Building C maximum height not to exceed 50 feet;*
iii. *The number of above grade visitor parking stalls to increase from 4 to 8.*

Conditions i, and ii. are consistent with the development proposal. Condition iii. has been added to address concerns about overflow parking onto nearby street by visitors to the site.

The Board determined that while OurWinnipeg 2045 and Complete Communities 2.0 were in effect at the time of the Board hearing, the application should be evaluated against the OurWinnipeg and Complete Communities 1.0 documents that were in effect when the application was received, analyzed and decided on by Community Committee and Council.

The Board noted that while the land was zoned PR, they understood that there are instances where land is zoned PR while not functioning as a park, nor, intended to be a park in the future.

The Board noted that the subject site is located within the Areas of Stability - Recent Communities policy area under Complete Communities. The height and scale of the proposed development is considered to be a moderate change in a low-density neighbourhood and is complementary to the existing scale, character and built form of the neighborhood and surrounding land uses and buildings. The Board notes that the subject land, which is immediately adjacent, or in close proximity to, a university campus, police station, recreational amenities, and single-family dwellings, is appropriate for the moderate level of residential infill development being proposed. The Board is satisfied that the proposed rezoning to "RMF-M" aligns with the City's planning policies.

The Board agreed that the proposed rezoning further aligns with the City's policies and strategies in that the proposed development helps meet the need for accessible, diverse and high-quality housing stock that is efficient in terms of land use and building energy. The three-tiered multi-residential buildings will also have design and environmental building features in harmony with nearby high-end multi-residential housing and single-family dwellings in the Tuxedo neighbourhood.

The Board noted that the proposed rezoning will also allow for housing growth in an area that has the municipal service capacity to support intensification, while integrating land use through a network of transportation options. The multi-family complex will help expand housing options and create a more complete community that will allow area residents the option to downsize within their own community if they so choose.

The Board was of the view that the Land is appropriate for the level of infill development being proposed on Lot 1 and the shift from PR1 zoning to RMF-M zoning under the proposed By-law represents a moderate change that aligns with the applicable City policies, plans and strategies. Further, the Board takes no issue with the City's plans to rezone Lot 2 from PR1 zoning to PR2 zoning.

The Board noted that while area residents felt the process was flawed, the Board recognized that all current hearing processes were followed. However, the Board indicated that it is incumbent on the City to ensure that public consultation processes allow for meaningful, collaborative public engagement and input.

After deliberation, the Board recommended that the City approve the proposed rezoning. Although the developer has identified maximum building heights and density and has agreed to double the number of above-grade visitor parking stalls, the Board found it prudent to recommend that these three matters form part of a Zoning Agreement.

i. *Total density of Buildings A, B and C not to exceed a maximum of 58 units;*
ii. *Building A maximum height not to exceed 72 feet; Building B maximum height not to exceed 60 feet; and Building C maximum height not to exceed 50 feet;*
iii. *The number of above grade visitor parking stalls to increase from 4 to 8.*

FINANCIAL IMPACT

Financial Impact Statement Date: June 8, 2023

Project Name:

Recommendation regarding Council's 2nd and 3rd reading for By-law with respect to DASZ 3/2022

COMMENTS:

There are no direct financial implications associated with this report.

Mike McGinn June 8, 2023
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- City Clerk's
- Legal Services

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg 2045 Goal – City Building

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.

Objective 2*.* Integrate resilient land use, transportation and infrastructure planning, and investments**:**

Ensure that land use, transportation, and infrastructure planning are aligned to provide the conditions for compact, complete and connected communities, supported by sustainable transportation options and municipal infrastructure capacity.

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

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Winnipeg Climate Action Plan and it was determined that no specific policy applies to this report.

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 does not apply to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design Division
Prepared by: D. Clark, RPP, MCIP
Date: June 9, 2023

Attachment:
Schedule A – Municipal Board Report and Recommendations dated June 2, 2023