ADMINISTRATIVE REPORT

Title: DASZ 53/2022 – 166 Sadler Avenue

Issue: For consideration at the public hearing for a rezoning to "RMF-S" Residential Multi-Family Small to permit a 6-unit multi-family residential building.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council.

AUTHORIZATION

Author	Department Head	CFO	CAO
Simi Jerez, MCP	n/a	n/a	

RECOMMENDATIONS

1. That Development Application No. DASZ 53/2022 for the subdivision and rezoning of land located at 166 Sadler Avenue be **rejected**.
2. 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 is proposing to consolidate two (2) underlying lots into one (1) lot and rezone the subject property from "R1-M" Residential Single-Family Medium to "RMF-S" Residential Multi-family (Small) District to allow for the construction of a multi-family building with six (6) dwelling units. Variances are required to accommodate the proposal.
- 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.

HISTORY

N/A

CONSULTATION

In preparing this report there was consultation with Public Works to confirm that Bennett Avenue would not be developed as a street.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Simi Jerez, MCP
Date:	March 8, 2023
File No.	DASZ 53/2022

List of Schedules and Attachments

- Schedule A – Planning Discussion.
- Schedule B – Report of the Administrative Coordinating Group.
- Schedule C for File no. 53/2022.

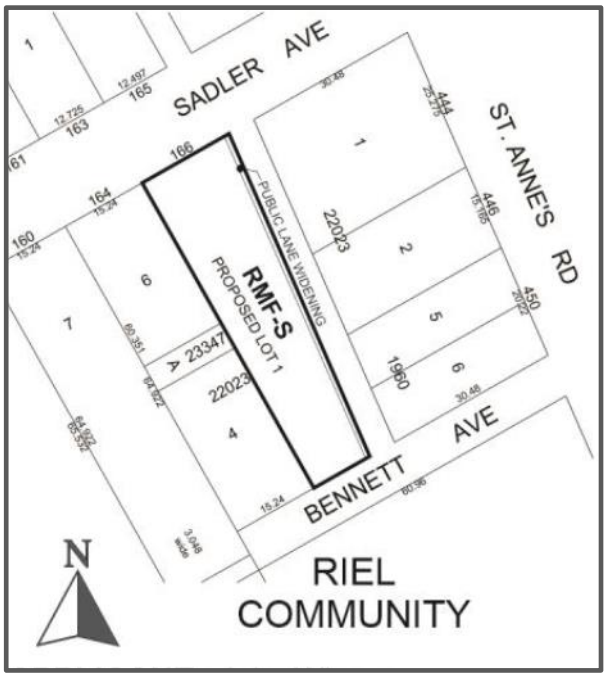
Schedule A

DATE: March 8, 2023
FILE: **DASZ 53/2022**
RELATED FILES: DAV 22-225430 \D
COMMUNITY: Riel Committee
NEIGHBOURHOOD #: 5.517 (Worthington)

SUBJECT: For Consolidation and Rezoning to “RMF-S” Residential Multi-Family (Small).

LOCATION: 166 Sadler Avenue

LEGAL DESCRIPTION: LOT 3,5 PLAN 22023 42/43 ST V PCL B PLAN 23347 42 ST V



APPLICANT: John Wintrup (J. Wintrup Consulting Ltd.)
139 Roslyn Rd Unit 301
Winnipeg, MB R3L 0G7

OWNER: 10060862 MANITOBA INC.
166 Sadler Ave
Winnipeg, MB R2M 1P1

SITE DESCRIPTION

- The subject property is located on the south side of Sadler Avenue between St. Anne's Road and St. George Road, in the Worthington neighbourhood of the St Vital ward.
- The site is 9,196 square foot in area and accommodates a 780 square foot dwelling built in 1955. Access to the site is from the St. Anne's public lane which runs parallel to the east side property line.
- The site is designated Established Neighbourhood – Mature Community under the *Complete Communities Direction Strategy 2.0,* and falls within Area 1 under the *Small Scale and Low-Rise Residential Development Guidelines for Mature Communities.* The property is zoned "R1-M" Residential Single-family (Medium).



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Sadler Avenue, then single family dwelling uses zoned "R1-M" Residential Single-family Medium and one zoned "RMF-S" (165 Sadler was rezoned under DAZ 208/2020 to accommodate a triplex).

South: Public lane, then single family dwelling uses zoned "R1-M" Residential Single-family Medium.

East: Public lane, then commercial uses zoned "C1" Commercial Neighbourhood and "C2" Commercial Community, then St. Anne's Road.

West: Single family dwelling uses zoned "R1-M" Residential Single-family Medium.



Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to construct a two-storey, six (6) unit multi-family building, 26 feet 9 inches in height to the mid-roof line.
- Plans show individual entrances facing north (Sadler Avenue), east (public lane), and south (the rear yard).
- The applicant is proposing to establish seven (7) parking stalls to be accessed directly from the public lane flanking the east side of the site. A bicycle rack is shown in the rear yard.
- The submitted plans show garbage and recycling bins lined against the fence shared 164 Sadler Avenue. An enclosure has not been provided.
- The landscape plan provided shows 2 Amur Maple trees in the front yard, and a total of 24 2-gallon Pygmy Caragana shrubs on site.
- A site plan with landscaping, floor plans, and elevations have been provided.
- Variances are required to accommodate the proposal, as well as a rezoning from “R1-M” to “RMF-S” to permit multi-family development on the property. The Administrative Report for the Variance application can be found under file DAV 22-225430\D.

COLLABORATION

- The applicant engaged the Urban Planning and Design Division a day prior to submitting their completed application package on July 21st, 2021.

- Prior to this, the Public Service had consistently indicated an openness to supporting a triplex at 166 Sadler per the *Small Scale and Low-Rise Residential Development Guidelines for Mature Communities*, provided the applicable Design Guidelines are met. This would require a subdivision and rezoning application (DASZ) to rezone the land to "RMF-S", consolidate underlying parcels, and to subdivide a 1.373 metre strip of land required for a lane widening.
- In follow up communication regarding establishing four or five residential units on site, feedback was that given the lot width of approximately 45 feet (not the same as frontage, as the lot narrows towards the rear/south boundary) and site geometry, it would be difficult to accommodate more units and it may not meet Preferred Location Criteria once the lot area is reduced to accommodate a lane widening along the east side of the site.
- Planning contacted the applicant to ask about maintaining the numerous mature trees on site (12 trees at minimum), in particular the large trees in the front yard, and requested an arborist report to assess the condition of the trees and which ones could be maintained. When pressed, the applicant stated that all trees had been removed from the subject site.
- Further communication reiterated the requirement to adhere to the *Small Scale and Low-Rise Residential Development Guidelines for Mature Communities*, specifically the location criteria limiting development to three (3) units. If there were no changes, the Public Service indicated they would recommend rejection of the proposal to establish six (6) units. The applicant was not amenable to adjusting the proposed development and decided to proceed with the application as proposed.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

The City of Winnipeg's development plan, *OurWinnipeg*, and its 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.

Goal 1: *Encourage compatible residential development within Established Neighbourhoods to build more* Complete Communities *and align with the City's residential intensification target.*

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.

1.5 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 the ability to make the required upgrades necessary to accommodate a proposed development.

1.9 Small-scale residential uses other than single-family residential may be accommodated on collector streets and local streets with a public lane and where compatible with adjacent land uses, and in consideration of the factors listed in policy section 1.6.

1.10 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 to ensure residential infill development achieves the following:

a. Provides a diversity of housing options for all residents, at all life stages, in all neighbourhoods;

b. Maintains a balanced mix of housing within each neighbourhood;

c. Distributes additional residential density amongst mature neighbourhoods;

d. Contributes to the physical renewal and revitalization of older neighbourhoods;

e. Supports transit and maximizes walkability;

f. Makes more efficient use of existing municipal infrastructure and community facilities;

g. Increases population levels to enhance neighbourhood schools, community centres, commercial areas and main streets (i.e. Urban Mixed Use Corridors);

h. Respects and enhances the character of existing neighbourhoods through compatible development; and

i. The small-scale and low-rise residential development guidelines may provide additional and more detailed locational criteria than that identified in this By-law, to respond to area specific planning considerations.

Goal 2: *Design new development in Established Neighbourhoods to a high standard of urban design and construction to ensure new development adds value to public and private urban spaces to create a sense of place and civic pride.*

2.4 Encourage the use of high-quality, energy efficient, and durable exterior building facade materials.

2.5 Encourage a variety of architectural styles.

2.6 Encourage building design to include a range of architectural features that create visual interest and positively contribute to the visual aesthetics of the street and neighbourhood.

2.12 New development should respect and complement the existing character of the built form of surrounding properties.

2.15 Encourage the use of architectural features to articulate building walls in order to mitigate the impact of new building mass.

Goal 3: *Ensure all communities provide a diversity of housing options and meet resident life-cycle housing needs.*

3.1 Encourage a variety of housing types and tenures within Established Neighbourhoods to meet life-cycle housing needs and affordability ranges.

3.2 Encourage a mix of types, tenures and unit sizes within residential developments. Make provisions for unit sizes that can accommodate varying family sizes and multi-generational households.

3.3 *Increase the supply of affordable housing within Established Neighbourhoods in proximity to commercial amenities, recreational opportunities and frequent transit service.*

- The plan of subdivision and rezoning application and the associated development proposal **do not** comply with the above policies for the following reasons:
  - The subject site, located in a Mature Community, can support further intensification, however this should be accomplished in a context-sensitive manner that respects the existing neighbourhood and contributes positively to the public realm.
  - While modest intensification is encouraged in the Mature Neighbourhoods policy area, compatibility and the transition to existing development is important to ensure that increased density positively contributes to neighbourhood character.
  - Is not aligned with the Council-endorsed *Low Rise Residential Development Guidelines for Mature Communities*, which provide Location Criteria for intensification. The Location Criteria permits up to three (3) units on the subject site due to its location and lot width.
  - ~~o~~ The proposal includes an accessory parking area in the east side yard, occupying significant portion of the site. Because the parking stalls area accessed directly from the east side flanking lane, the parking stalls face 164 Sadler Avenue, with the nearest stall 7 feet from the shared property line.

- The establishment of a well-designed triplex has potential to add moderate, contextually sensitive dwelling units to this neighbourhood. The subject site is in a transitional location abutting the lane that serves commercial uses along St. Anne's Road and is a suitable location for contextually sensitive residential densification. Provision of low density multi-family units would increase housing options in this area.
- It is the Urban Planning Division's opinion that the proposed density and site plan for the subject site are not compatible with the surrounding land uses and characteristics of the neighbourhood.

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 Preferred Location Criteria refer to the parameters and conditions which guide what kind of building type is appropriate for different locations within Mature Communities, identifying specific conditions that should be present to support a particular type of development. These criteria generally address requirements for minimum lot sizes, location on the block, and proximity to transit and other uses.
- The subject property is in Area 1 of the Infill Guidelines. The subject site does not meet the criteria for low-rise multi-unit residential buildings in Area 1, as follows:

  2.1.3.1. 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 proposed development does not fit the location criteria for a six-plex in Area 1 given the minimum required lot width of 50 feet versus the actual lot width of +/- 45 feet in width (further reduced to +/- 41 feet factoring in the required lane widening).
- Given the site dimensions, the only level of intensification the Preferred Location Criteria would support is a triplex.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

"R1-M" Residential Single-Family Medium District

- Currently, the lands are zoned "R1-M" – Residential Single-family Medium. The intent of the "R1" zoning category is to accommodate primarily single-family residential development in lower-density areas.
- The "R1-M" district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

"RMF-S" Residential Multi-Family Small Zoning District

- The dimensional standards for multi-family structures in the "RMF-S" zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum interior side yard of 4 feet, a minimum corner side yard of 5 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1250 square feet.

Subdivision & Rezoning

- The applicant is proposing to rezone the lands to 'RMF-S" from its existing "R1-M" and consolidate the underlying lots. In addition, a strip along the east side of the site will be taken for a lane widening.
- The "RMF-S" district is intended to accommodate the development of low-rise multi-family units in areas with medium to high residential densities. Specifically, this district accommodates a density up to 1250 square feet per dwelling unit.
- The subject property is approximately 200 feet long with an irregular shape. Given that the lot is approximately 45 feet deep at its smallest depth with access to a flanking lane rather than a rear lane, the proposed density and associated parking requirement results in a site plan with parking occupying a significant portion of the area behind the proposed building. Furthermore, the parking is sited in a manner that imposes an injurious effect upon the abutting neighbour at 164 Sadler, with the front end of stalls located between +/- 7 to 12 feet from the shared property line.
- Support for a rezoning would be dependent on high-quality, context sensitive plans that are consistent with the *Infill Guidelines*. The proposed subdivision/rezoning application is not considered compatible with the surrounding area given that it meets the Location Criteria for three (3) units rather than the proposed six (6) units.
- Variances to the proposed "RMF-S" District are also required to accommodate the proposed development pertaining to minimum lot area, the east side yard (reduced building setback and no setback to the proposed parking area), and insufficient buffering of the parking area. An application and an administrative report have been submitted for the variances under File Number 22-225430/D. The report recommends rejection of the variance application.

REASONS FOR RECOMMENDATIONS

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

- The proposal is not consistent with the policies guiding development within *Established Neighbourhoods* in the *Complete Communities Direction Strategy 2.0* which *"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."*
    - The subject application will have an adverse effect on the neighbourhood as it will result in a built form that is not complementary or sensitive to existing development.
- The proposal is not consistent with the Council-endorsed *Residential Infill Guidelines*, which guides intensification to help ensure compatible development (as stated in *Complete Communities Direction Strategy 2.0*).
    - In order for the proposal to be supported, the proposed development must demonstrate contextual sensitivity in alignment with *Complete Communities 2.0* policies and the *Infill Guidelines*. In this case, since the proposed density and plans do not meet the *Infill Guidelines* Location Criteria, the proposed plans are inconsistent with *CCDS 2.0* as per the policies above.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning and Design Division
Report Prepared by: Simi Jerez, MCP
DASZ File Number: 53/2022

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 166 SADLER AVENUE

It is recommended that approval of DASZ 53/2022, if granted, be subject to the applicant entering into a Servicing Agreement, if required, containing the following conditions:

Section I – General Comments

1) The Water and Waste Department has advised that there is adequate water servicing for the proposed development based on the provided development plans. Additional review will be required by their Department should the plans of development change during the design process.

Section II – Engineering Studies

1) The Water and Waste Department has advised that the Planned Area is located in a partially separated combined sewer district with a separated land drainage system. Clause 8 of the City's combined sewer license (Environment Act Licence No. 3042) applies to the wastewater from this site.

   The Developer shall demonstrate in a technical memorandum, to the satisfaction of the Director of Water and Waste, that there are existing land drainage flows going into the combined sewer system that can/will offset the additional wastewater generated, in accordance with requirements pursuant to Environment Act Licence No. 3042.

Section III – Plan Considerations

1) The Developer shall legally open, at no expense to the City, property required for a 1.373 m widening to the existing north-south public lane right-of-way along the full length of the Planned Area abutting the existing north-south public lane, to the satisfaction of the Director of Public Works.

Section IV - Servicing Conditions

1) Combined Sewer District

   The Developer shall, at no expense to the City, construct and install servicing upgrades required to service the proposed subdivision and adjacent lands, in accordance with the accepted technical memorandum, as applicable, to the satisfaction of the Director of Water and Waste.

2) Construction Traffic

   a) The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.

b) The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

3) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and will pay the full cost to convert any existing overhead services within the Planned Area to underground to the satisfaction of the Director of Public Works.

b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

4) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

5) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Winnipeg Land Titles Office.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

Section IV – Costs and Fees

1) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of this Agreement and the physical development of the Planned Area.

2) Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3) Administration Fees

The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 53/2022
January 20, 2023

"*Original Signed by D. Trenchard"*
D. Trenchard, 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 - FILE NO. DASZ 53/2022, RIEL COMMUNITY COMMITTEE, MARCH 8, 2023

By-Law No. _____

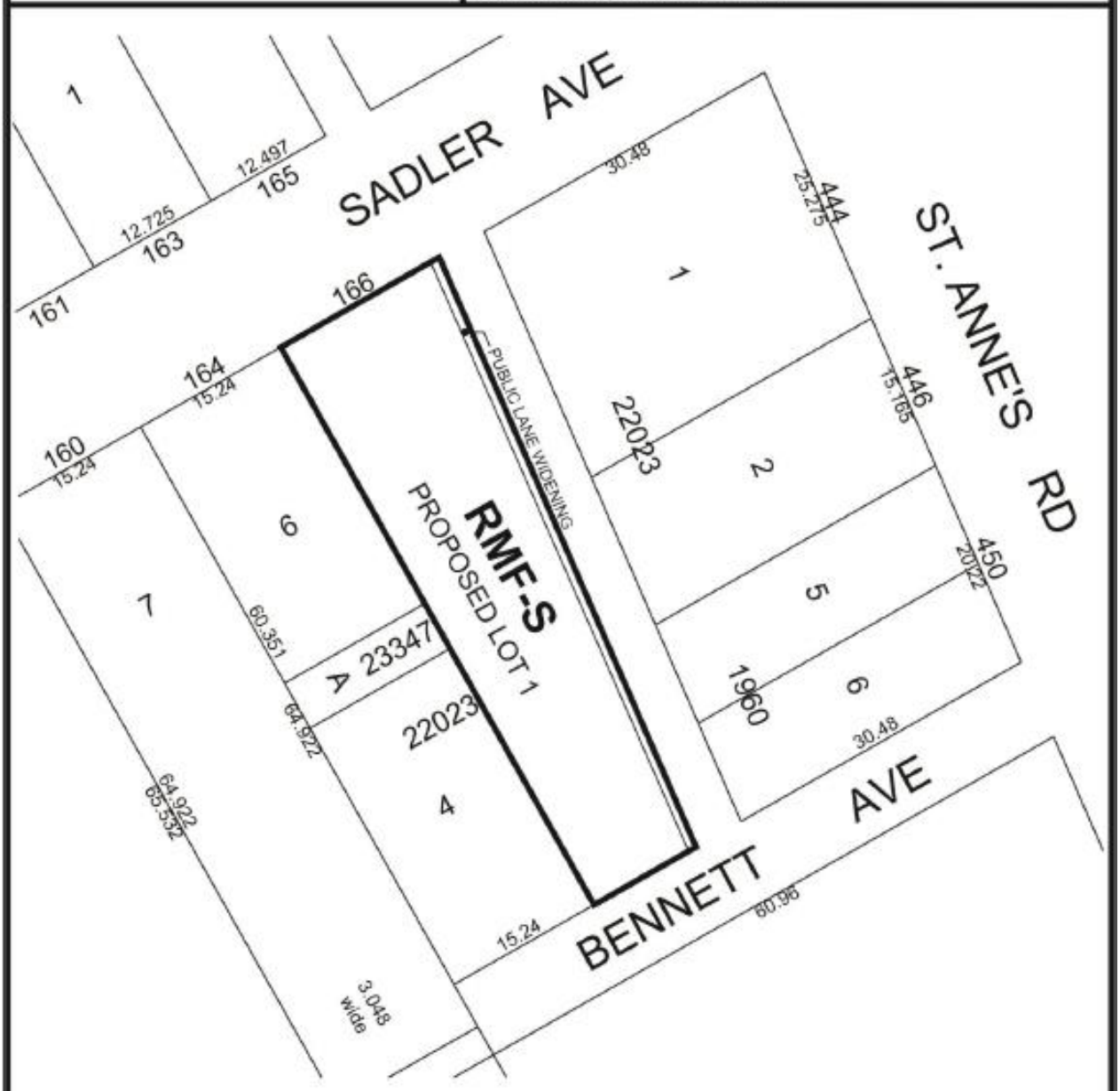
File No. **DASZ 53/2022**

Atlas Sheet No. **AF28**
RIEL COMMUNITY

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Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 166 Sadler Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to facilitate the consolidation of lands and the widening of the public lane, to allow the construction of a multi-family dwelling.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____