

**Agenda – Standing Policy Committee on Property and Development, Heritage and
Downtown Development – October 16, 2020**

PUBLIC HEARINGS

**Item No. 1 Appeal – Variance – 372 Graham Avenue and 236 Carlton Street
(Fort Rouge – East Fort Garry Ward)
File DAV 173002A/2020B**

An appeal was received against the decision of the Director of Planning, Property and Development to approve a Variance on “the land” for the establishment of loading spaces to permit 3 person & service loading spaces instead of 4 spaces, subject to the following conditions:

1. That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance shall terminate.

2. That the design shall be in accordance with the recommendations of Downtown Urban Design Review.

Agenda – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 16, 2020

File: DAV 173002A/2020B

Appellant: Architecture49 Inc. (Grant Van Iderstine)

Applicant: Architecture49 Inc. (Chelsea Tacchi)

Premises Affected: 372 Graham Avenue and 236 Carlton Street

Legal Description: LOT 593 BLOCK 3 PLAN 129 1 ST J, hereinafter called “the land”

Property Zoned: M (Manufacturing)

Nature of the Application: To vary the “Multiple Use” Sector regulations of the Downtown Zoning By-Law No. 100/2004 to permit as follows:

1. For the construction of a commercial building to permit a floor area ratio of 20.8 instead of 12.0;
2. For the establishment of loading spaces to permit 3 person & service loading spaces instead of 4 spaces.

Exhibit Filed:

1. Order DAV 173002/2020B dated August 19, 2020
2. Notice of Appeal filed by Grant Van Iderstine, Architecture49 Inc., received August 27, 2020
3. Notification of Public Hearing dated September 30, 2020
4. Manitoba Status of Titles 2872601/1, 2848549/1
5. Caveat 2227858
6. Letter of authorization dated April 6, 2020 from Jim Ludlow, TNS Graham Inc. to Architecture 49
7. Surveyor’s Building Location Certificate and sketch dated October 28, 2019
8. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
9. Plans, Sheets 1 to 8 inclusive, for File DAV 173002A/2020B dated August 10, 2020
10. Report from the Urban Planning Division dated October 2, 2020
11. Inspection Report

Agenda – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 16, 2020

The Winnipeg Public Service to advise that all statutory requirements with respect to this appeal have been complied with.

REPRESENTATIONS:

In Support of the Appeal:

In Opposition to the Appeal:

For Information on the Appeal:

For the City:

Moved by Councillor

That the report of the Winnipeg Public Service be taken as read.

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That in accordance with Subsection 247(3) of The City of Winnipeg Charter, the Variance,

- (a) is consistent is not consistent with Plan Winnipeg, and any applicable secondary plan;
- (b) does not create does create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
- (c) is is not the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
- (d) is is not compatible with the area in which the property to be affected is situated.

**Agenda – Standing Policy Committee on Property and Development, Heritage and
Downtown Development – October 16, 2020**

Supporting Comments:

Moved by Councillor

That the appeal be allowed / allowed in part / denied and Order DAV 20-173002/B be confirmed / cancelled.

Moved by Councillor

That the decision of the Director of Planning, Property and Development be / not be concurred in.

Moved by Councillor

That the public hearing with respect to this appeal be concluded.

ADMINISTRATIVE REPORT

Title: Appeal - DAV 20-173002/B, 372 Graham Ave and 236 Carlton St

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development

AUTHORIZATION

| Author | Department Head | CFO | CAO |
|------------|-----------------|-----|-----|
| D. Jopling | J. Kiernan | | |

EXECUTIVE SUMMARY

The proposed development involves the construction of a 23-storey office building at 372 Graham Avenue, across Carlton Street from True North Square.

The applicant is appealing the rejection of a variance for a proposed Floor Area Ratio (FAR) of 20.8. The allowable FAR on this property is 12. The Department is recommending that the decision be upheld and that plans be revised to comply with the Zoning By-law.

The FAR tool is in place to ensure that density is balanced with open space. Taller buildings must offset the impacts of density with either setbacks along the building face or open space at grade. Setbacks and open space contribute to the pedestrian experience, as they allow for fresh air, sky exposure, and light to reach street level.

RECOMMENDATIONS

1. The Winnipeg Public Service recommends that the decision of the Director of Planning, Property and Development Department, dated August 18, 2020, be upheld.

REASON FOR THE REPORT

The variance application for a FAR of 20.8 was rejected by the Director of Planning, Property and Development Department on August 18, 2020. The applicant has appealed this decision.

The Standing Policy Committee on Property and Development, Heritage and Downtown Development is the delegated hearing body for appeals of the Public Service’s decisions on variance and conditional use applications in Downtown Winnipeg.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Public Service are concurred in, proposed plans will need to be reconfigured to reflect parameters outlined in the Downtown Winnipeg Zoning By-law 100/2004, and to be more compatible with the surrounding neighbourhood.

If the recommendations of the Public Service are not concurred in, the project may proceed.

HISTORY/DISCUSSION

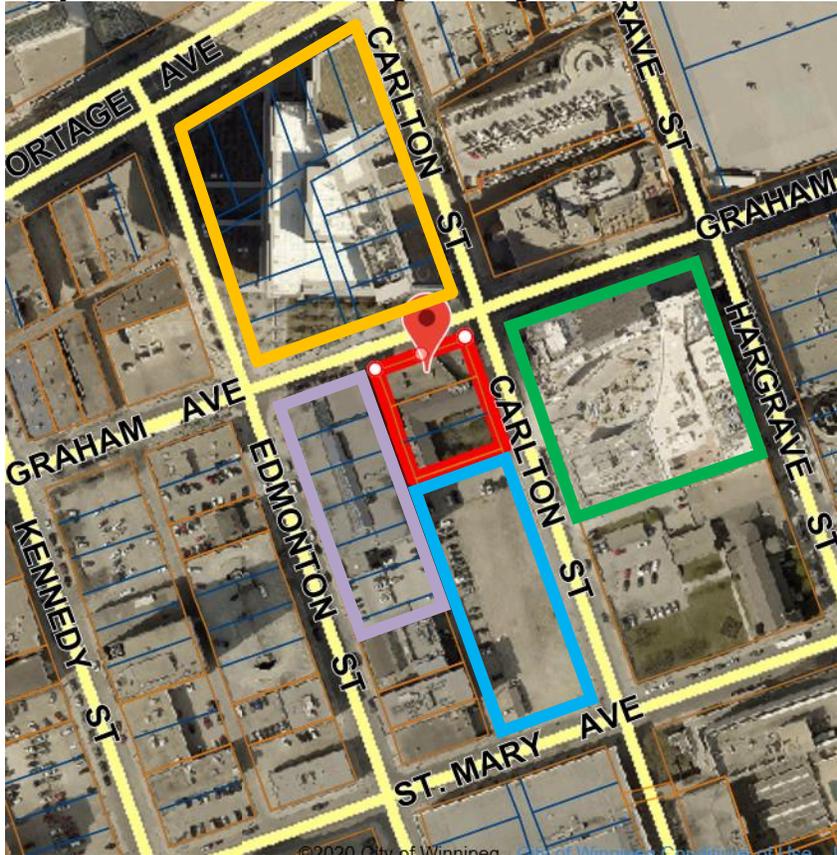
- The proposed development involves the construction of a 23-storey office building at 372 Graham Avenue, across Carlton Street from True North Square. The proposed development would increase density and contribute to economic activity downtown.
- Pursuant to Section 247(3) of the *City of Winnipeg Charter*, an application for a variance with respect to a property may be approved if the variance:
 - a) is consistent with *Plan Winnipeg* and any applicable secondary plan;
 - b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
 - c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
 - d) is compatible with the area in which the property to be affected is situated.
- The variance application dated August 18, 2020 was for increased FAR, as well as fewer loading spaces than required. The latter request portion was approved, as this request met the provincial approval criteria outlined in the *City of Winnipeg Charter*.
- The Urban Planning Division (UPD) based their review on the [Downtown Winnipeg Zoning by-law 100/2004](#), as well as policy from *OurWinnipeg* and *Complete Communities*.

Site Description

- The subject site is located on the southwest corner of Graham Avenue and Carlton Street, and is in the Multiple-Use Sector of the Downtown Zoning By-law 100/2004. It has an approximate area of 1,714.8 m² (18,455.26 ft², or .42 acres).
- Surrounding properties include:
 - True North Square to the east, which includes two towers (one of which is constructed on a podium and is set back from the street), and a plaza area that was enabled through the use of public funding support.
 - Manitoba Hydro Place to the north, which consists of one tower on a podium that is set back from the street, and a plaza area.

- The Sutton Hotel and residential tower to the south, which is currently under construction. The proposed two towers of this development are to be constructed on a podium and will both be set back from the street.
- A potential new development that includes new dormitories for the RWB is planned for the site to the west of the proposed development.

Subject site and surrounding buildings



| LEGEND | |
|---|---------------------------|
|  | Subject Site (372 Graham) |
|  | True North Square |
|  | Sutton Hotel site |
|  | MB Hydro site |
|  | Royal Winnipeg Ballet |

Variance Analysis:

- The FAR tool is in place to ensure that density is balanced with open space. Taller buildings must offset the impacts of density with either setbacks along the building face or open space at grade. Setbacks and open space contribute to the pedestrian experience, as they allow for fresh air, sky exposure, and light to reach street level.
- The applicant is proposing a Floor Area Ratio (FAR) of 20.8. Bulk provisions include a FAR maximum of 12 along Graham Avenue. Higher density development (with a maximum FAR of 15) is allowed along Portage Avenue, as Portage is suited for a higher density of development.
- FAR must be evaluated on a site-by-site basis, and not by district or property cluster. In their letter of intent, the applicant proposed “borrowing” FAR from other developments; this is only feasible if sites are on the same title and are evaluated as one development over the long term.

- The applicant's inability to meet the required FAR suggests the building is too large for the site. An overbuilt development in this area has potential erode the character of Graham Avenue, which is largely a human-scale, pedestrian-oriented street.
- The proposed FAR does not fit provincial criteria found within the *City of Winnipeg Charter* as follows:
 - **Criterion (a):** new office development on this site complies with many policies in *OurWinnipeg* and *Complete Communities*. However, the proposed building massing (and resulting FAR) does not honour the intent of the FAR tool, which is to balance open space and density and to create developments that reflect a human scale (particularly along a pedestrian-oriented street like Graham Avenue). In addition, it does not reflect the intention of the by-law to focus higher-density development along Portage Avenue.
 - **Criterion (b):** it would create a substantial adverse effect on the amenities, use, safety and convenience of the area, as the proposed massing would negatively affect access to light, air, and sky exposure in all of the surrounding plaza areas as well as on the public sidewalks and streets;
 - **Criterion (c):** it is not the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property, as the proposed FAR is 20.8 in an area where the allowable FAR is 12.0 (a 73% increase).
 - **Criterion (d):** it is not compatible with the area, as the surrounding buildings allow for ample open space, which should be emulated on every site throughout the district. Foregoing open space and/or the proper setbacks on this site would enable building massing that does not fit with the surrounding context.

Related notes

- The applicant was made aware of the concern related to FAR (as well as other City concerns including a proposed private approach off Graham Avenue) during the pre-application process.
- In addition to concerns about FAR, the Department (and all other City Departments consulted) are opposed to the proposed plans that would create Graham Avenue's first private approach. Related reports outlining the City's rationale for rejection include Urban Design Review file UDR 52/2020, and a forthcoming Public Works non-conforming private approach report.

Recommendation:

- The Winnipeg Public Service recommends that the decision of the Director of Planning, Property and Development Department, dated August 18, 2020, be upheld.
- Should the Committee choose to grant the appeal, the Public Service would recommend adding a condition requiring the applicant to submit a revised design showing the private approach relocated to the back lane for review/approval by the Director of Planning, Property and Development.

The proposed condition would maintain the existing pedestrian focus along Graham Avenue, help mitigate the negative street-level impacts created by the FAR variance,

and increase compatibility with the neighbourhood by continuing the precedent of having no approaches along Graham Avenue.

CONSULTATION

This report has been prepared in consultation with: N/A

OURWINNIPEG POLICY ALIGNMENT

- The subject site is located within the Downtown policy designation under *OurWinnipeg and the Complete Communities Direction Strategy*. High-density, pedestrian-friendly, mixed use development that complements the surrounding district(s) with exemplary urban design and identifiable, safe public spaces are encouraged Downtown.
- Although the proposed development will increase density downtown, the Department is recommending that plans be reconfigured to be more pedestrian friendly, and to have a FAR that is more complementary to surrounding districts.

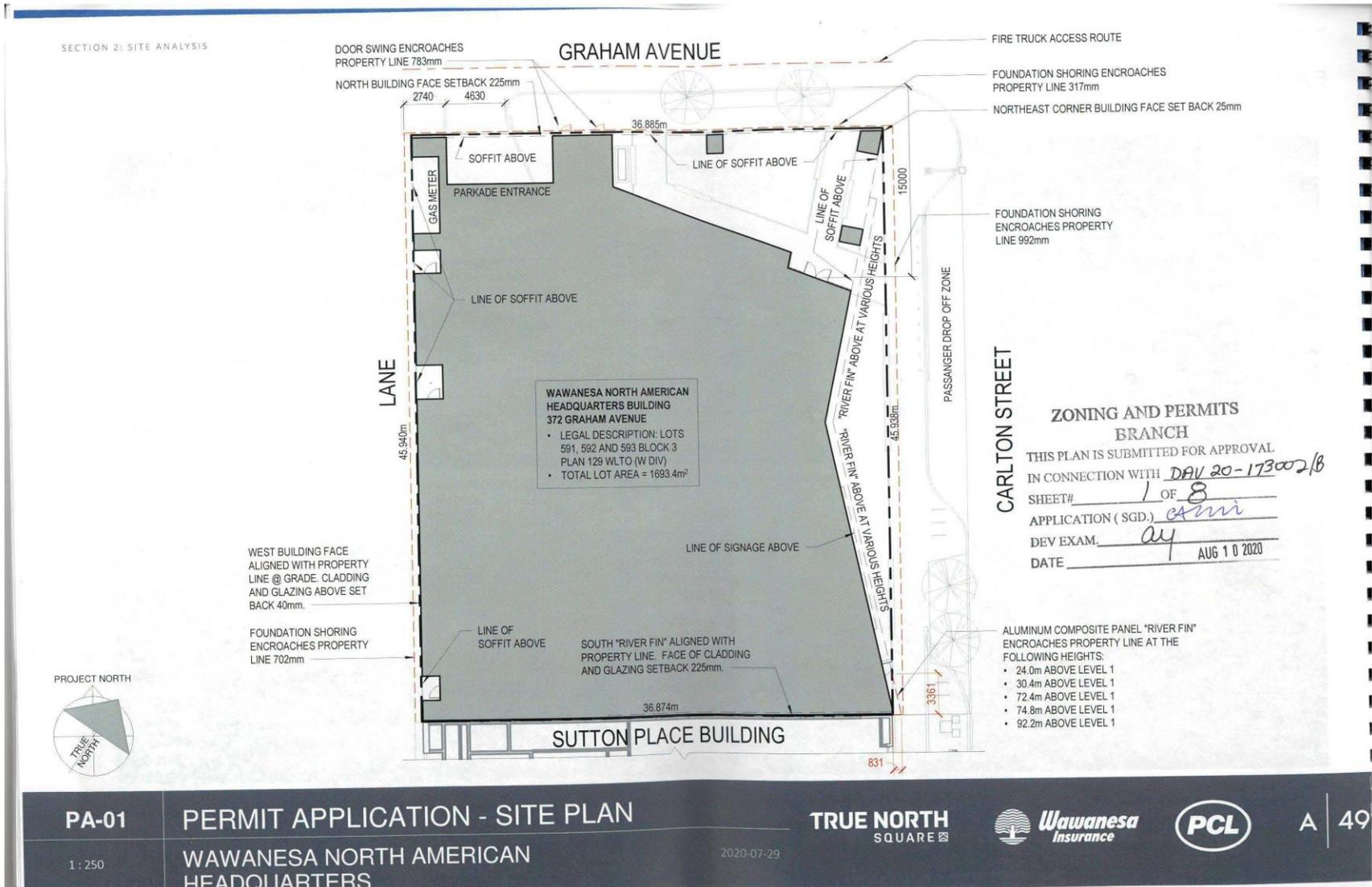
WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

- N/A

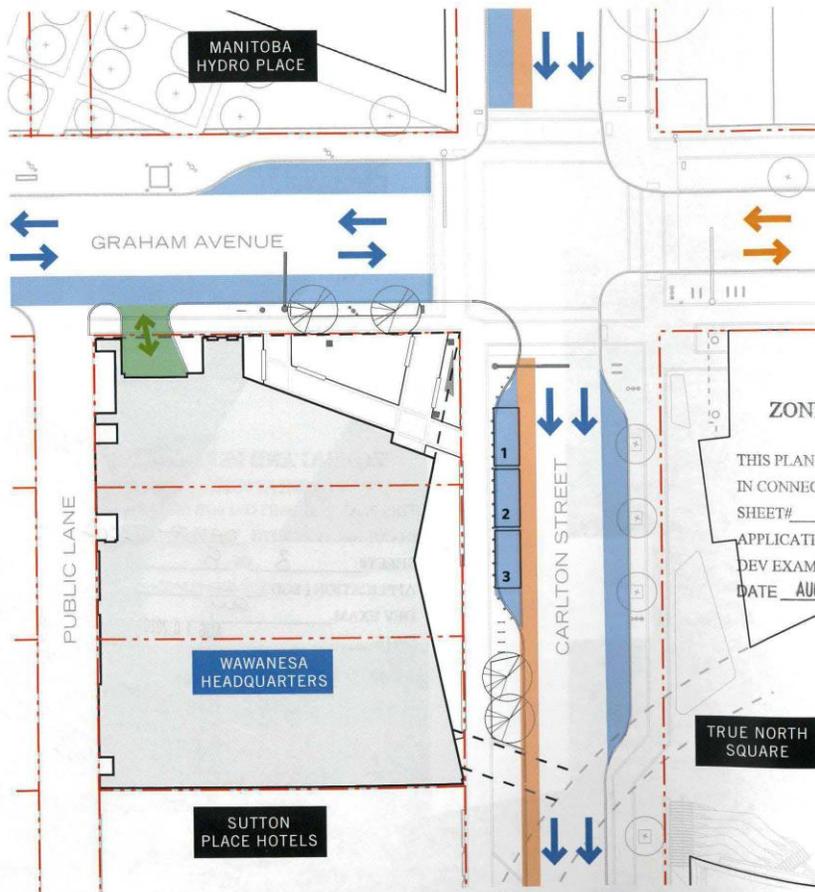
SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Karin Kliewer
Date: October 2, 2020
File No: DAV 20-173002/B

Exhibit "5" referred to in File DAV 173002A/2020B



CIRCULATION - 1:400



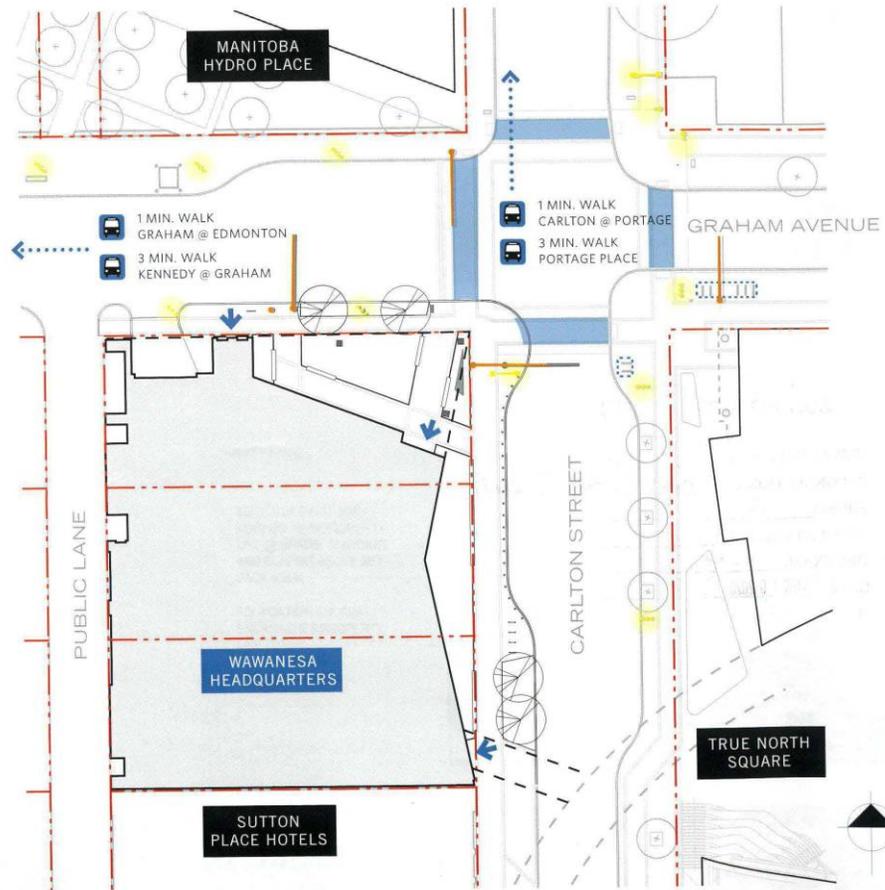
LEGEND:

- UNDERGROUND PARKING ENTRANCE
- BUS ONLY LANE DIRECTION
- SHARED CAR & BUS LANE DIRECTION
- STREET PARKING
- BUS & BICYCLE DIAMOND LANE
- UNDERGROUND PARKING
- PROPERTY LINE

**ZONING AND PERMITS
BRANCH**

THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DA V 20-173002/B
SHEET# 2 OF 8
APPLICATION (SGD.) Chris
DEV EXAM. ay
DATE AUG 10 2020

STREET FEATURES - 1:400



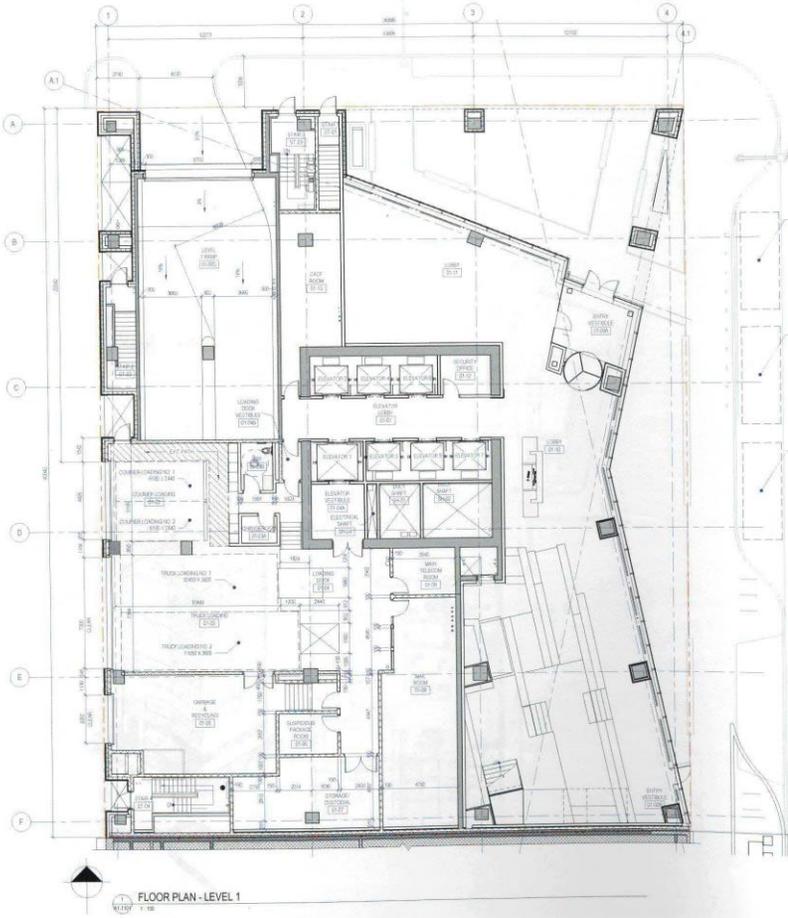
LEGEND:

- BUILDING ENTRANCE
- OUTDOOR PLAZA
- PEDESTRIAN CROSSWALK
- SIGNS & TRAFFIC LIGHTS
- BICYCLE RACKS
- LIGHT FIXTURE
- BUS STOP
- NEW PLANTING BED
- EXISTING TREE
- PROPOSED TREE
- PROPERTY LINE

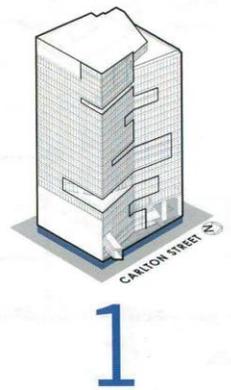
ZONING AND PERMITS
BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL
 IN CONNECTION WITH DAV 20-173002
 SHEET# 3 OF 8
 APPLICATION (SGD.) [Signature]
 DEV EXAM. [Signature]
 DATE AUG 10 2020

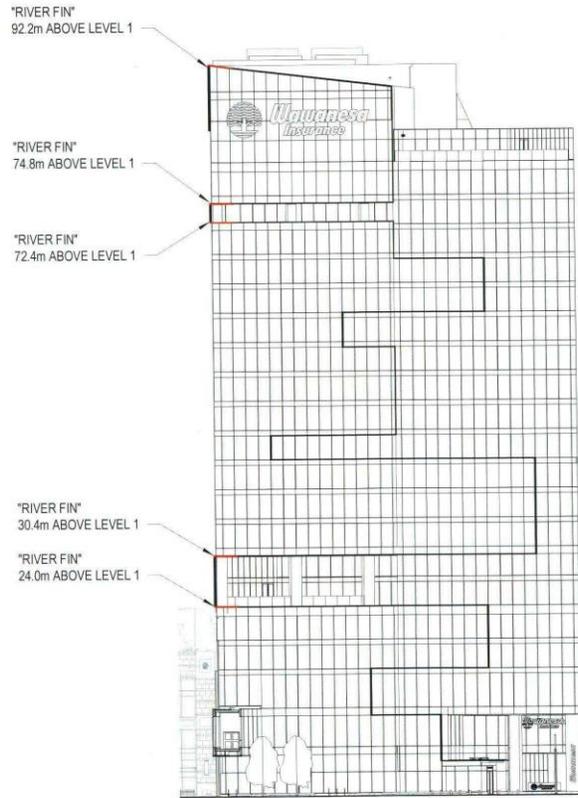
LEVEL 1 FLOOR PLAN: MAIN LOBBY, RECEPTION & LOADING DOCK - 1:250



ZONING AND PERMITS
 BRANCH
 THIS PLAN IS SUBMITTED FOR APPROVAL
 IN CONNECTION WITH DAV 20-173002
 SHEET# 4 OF 8
 APPLICATION (SGD.) Calvin
 DEV EXAM. am
 DATE AUG 10 2020



SECTION 2: SITE ANALYSIS



EAST ELEVATION

"RIVER FIN"
92.2m ABOVE LEVEL 1

SIGNAGE

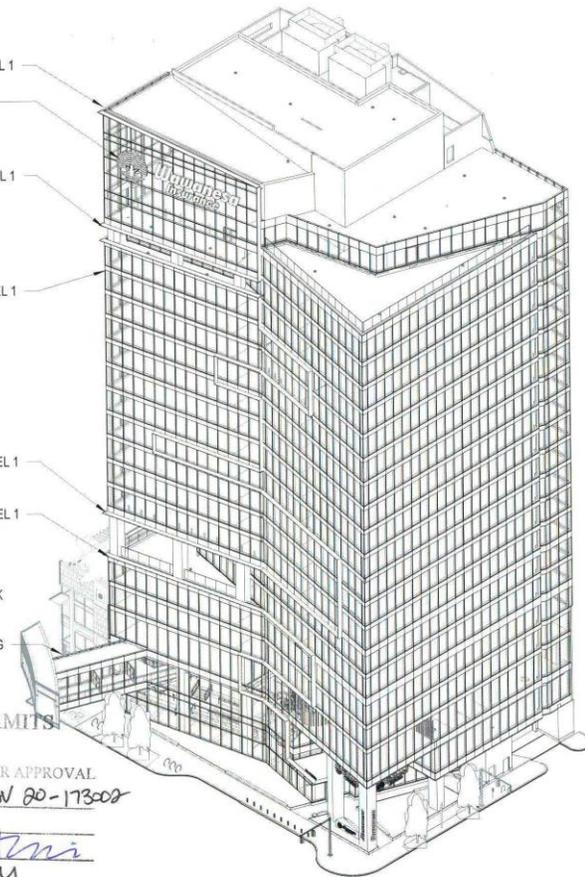
"RIVER FIN"
74.8m ABOVE LEVEL 1

"RIVER FIN"
72.4m ABOVE LEVEL 1

"RIVER FIN"
30.4m ABOVE LEVEL 1

"RIVER FIN"
24.0m ABOVE LEVEL 1

FUTURE SKYWALK
CONNECTING TO
TRUE NORTH
SQUARE BUILDING



3D VIEW FROM NORTHEAST CORNER

ZONING AND PERMITS
BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL

IN CONNECTION WITH DAV 20-173-02

SHEET# 5 OF 8

APPLICATION (SGD.) Ami

DEV EXAM. am

DATE AUG 10 2020

PA-02

PERMIT APPLICATION - ELEVATIONS

TRUE NORTH
SQUARE

Wawanesa
Insurance

PCL

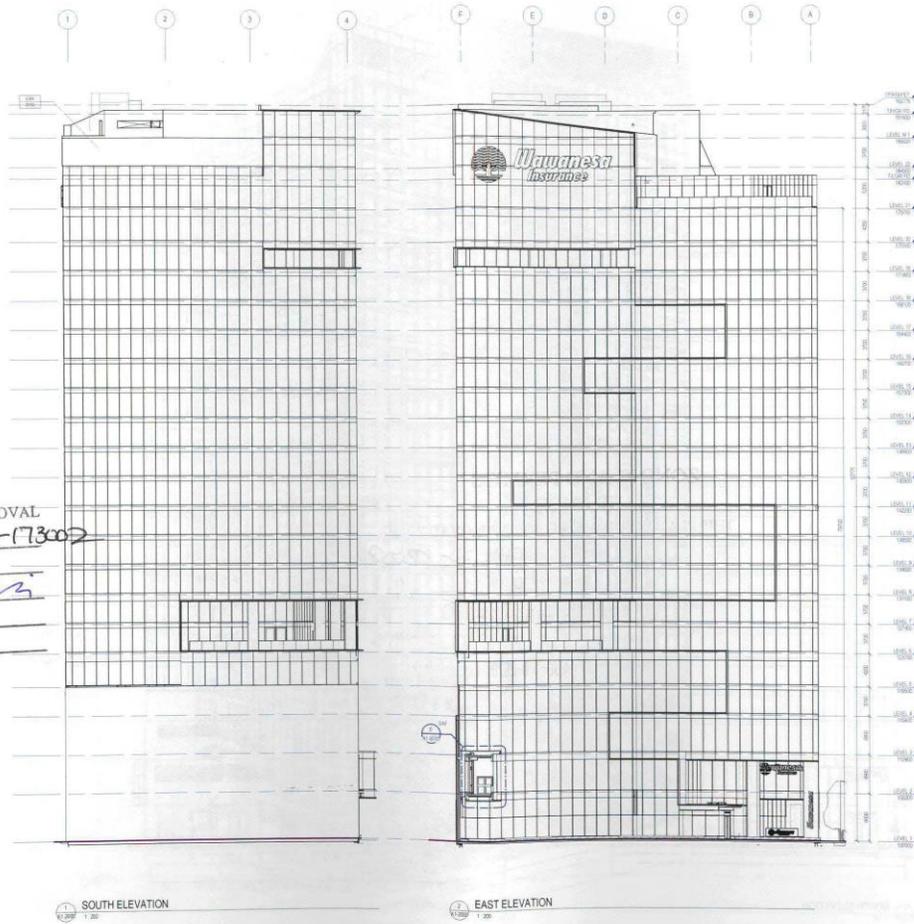
A | 49

1 : 500

WAWANESA NORTH AMERICAN
HEADQUARTERS

2020-07-29

SOUTH AND EAST ELEVATIONS - 1:500

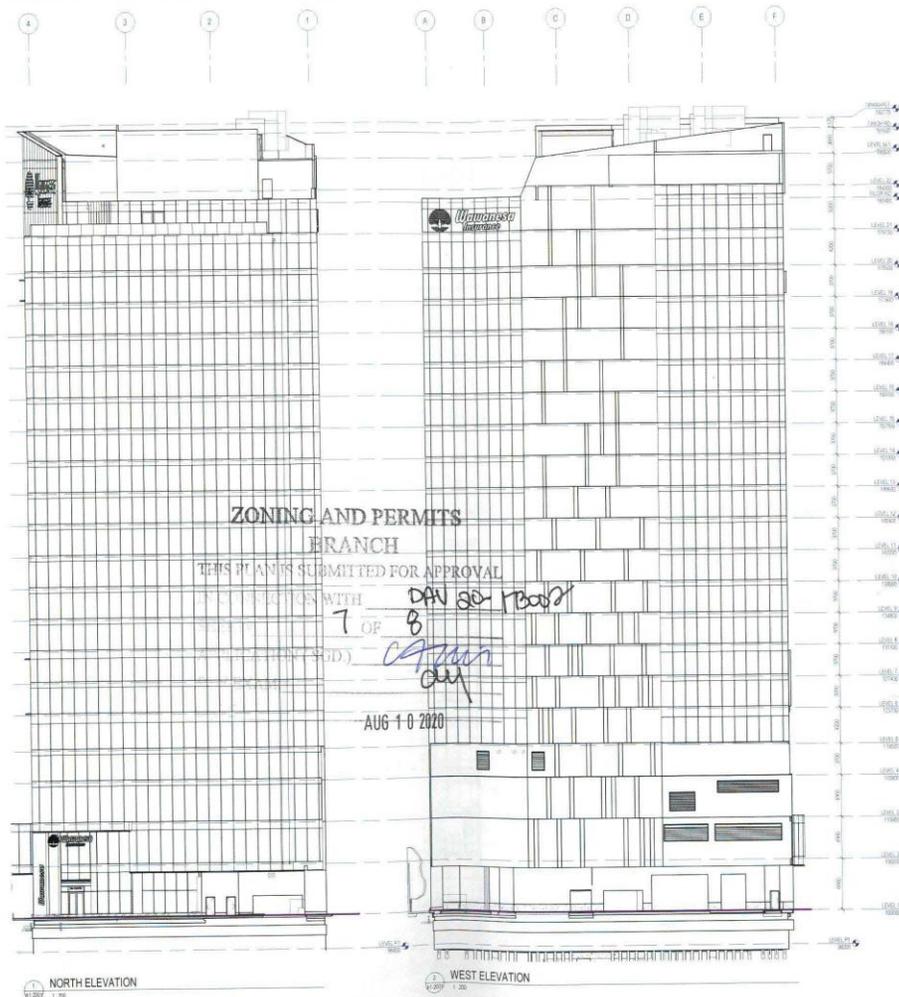


ZONING AND PERMITS
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 20-17300
SHEET# 6 OF 8
APPLICATION (SGD.) CAV
DEV EXAM. ay
DATE AUG 10 2020

1 SOUTH ELEVATION
1:500

2 EAST ELEVATION
1:500

NORTH AND WEST ELEVATIONS - 1:500



RENDER ELEVATION



ALUCOBOND THE CLASSIC COLLECTION

Alabaster
PVDF 2
Gloss 25-35

Brilliant Silver
Metallic PVDF 3
Gloss 25-35

Platinum Mica
PVDF 2
Gloss 15-25

**ZONING AND PERMITS
BRANCH**
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAU 20-173002
SHEET# 8 OF 8
APPLICATION (SGD) Copini
DEV EXAM. ay
DATE AUG 10 2020



Project No. 199-00190-00
August 27, 2020

City Clerk, City of Winnipeg
c/o Appeals Committee
Susan A. Thompson Bldg.
510 Main Street
Winnipeg, MB R3B 1B9
Via email: clk-appeals@winnipeg.ca

Architecture49 Inc.
1600 Buffalo Place Winnipeg MB R3T
6B8

T 1.204.477.1260
F 1.204.477.6346
architecture49.com

Variance Order DAV 20-173002/B
372 Graham Avenue and 236 Carlton Street

Appeal:

On behalf of the Applicant, Architecture49 (Chelsea Tacchi), and the Owner, we wish to appeal the decision not to vary Floor Area Ratio (FAR) to 20.8 from 12.0 for the above property. We are in support of the original application.

Argument in Support of the Variance:

1. This project is exemplary in striving to achieve the objectives of the City of Winnipeg’s vision for downtown.
2. It is geared towards urban life - public transit, walking to work, bicycle transportation, and connectivity to the skywalk system. It has only 20 parking stalls that will be reserved for executives only. That means everybody else arrives by a different mode of transportation
3. The density proposed will bring over 1600 people to work at this downtown site, and will create synergies for retail, entertainment, restaurants, and encourage downtown living to create a critical mass that the city has dreamed of for downtown for over 50 years. This is a rare opportunity to realize that dream using a private sector initiative.
4. The City’s objective of Floor Area Ratio limits is to provide adjacent development with access to light and air and create more generous open space at the ground floor.
5. Due to recent investments on surrounding properties, context is important in considering the impact of this development and how the context will look 40-50 years in the future - more importantly whether this is to the benefit of the citizens of Winnipeg.
6. The building is not excessively tall at 23 storeys. It is in the same height range as neighboring buildings such as Manitoba Hydro place to the north, and 225 Carlton across the street to the immediate east (see Site Section, Page 3)
7. It sits on a property that was comprehensively planned as part of the broader True North Square development a district that now includes Bell MTS Place and the RBC Convention Centre. The two tower Sutton Place hotel and condominiums development underway to the immediate south are under separate ownership but are a fundamental and comprehensive component of the True North Square district in creating this mixed use development.

Project No. 199-00190-00
August 27, 2020
City of Winnipeg, City Clerk
Page 2

8. Because of the generous public open space of each of those neighboring buildings, and considerably lower density than the FAR limit throughout the True North Square district, this site should not need to conform to the density that an FAR of 12.0 would imply. The City's partnership in investing in True North Square's public realm was intended to stimulate higher density development that would benefit all of downtown. This is where the city reaps the benefits of that investment.
9. The proposed FAR of 20.8 exceeds the FAR of 12 only because of a limited site area, and if in fact could be somewhat lower if the project did not devote as much space at the ground floor to the public realm, or acknowledge its context in a building form that does not build out to the property line on all sides.
10. The project devotes 16% of the site area to public open space and responds contextually to visual site lines from Manitoba Hydro place and True North Square.
11. The building form creates a gesture to True North Square to which it faces and that it acknowledges by stepping back in a "V" shape from the property line on the east face. This is a highly contextual building that integrates well with its surroundings in the True North Square district.
12. The impact on the public realm and downtown has been carefully studied. The city has been provided with sun path diagrams that demonstrate that compared to a 12 story building, which would be permitted under the FAR, the proposed height has negligible impact on surrounding properties in the public realm.
13. We have also done wind studies that show that this building will not create adverse pedestrian conditions at the street level.
14. The Downtown Zoning bylaw with limits of FAR of 12.0 tends to encourage megaprojects that consolidate large parcels of land if taller buildings are commercially warranted. We argue that the grain of downtown pedestrian space is improved by strategically allowing a smaller parcel of land such as this to have a higher FAR as a result of being located in the midst of these mega projects. The boost that this brings will create a more viable downtown; the density will improve personal security, and the result will be improved liveability in the downtown.

Yours truly,

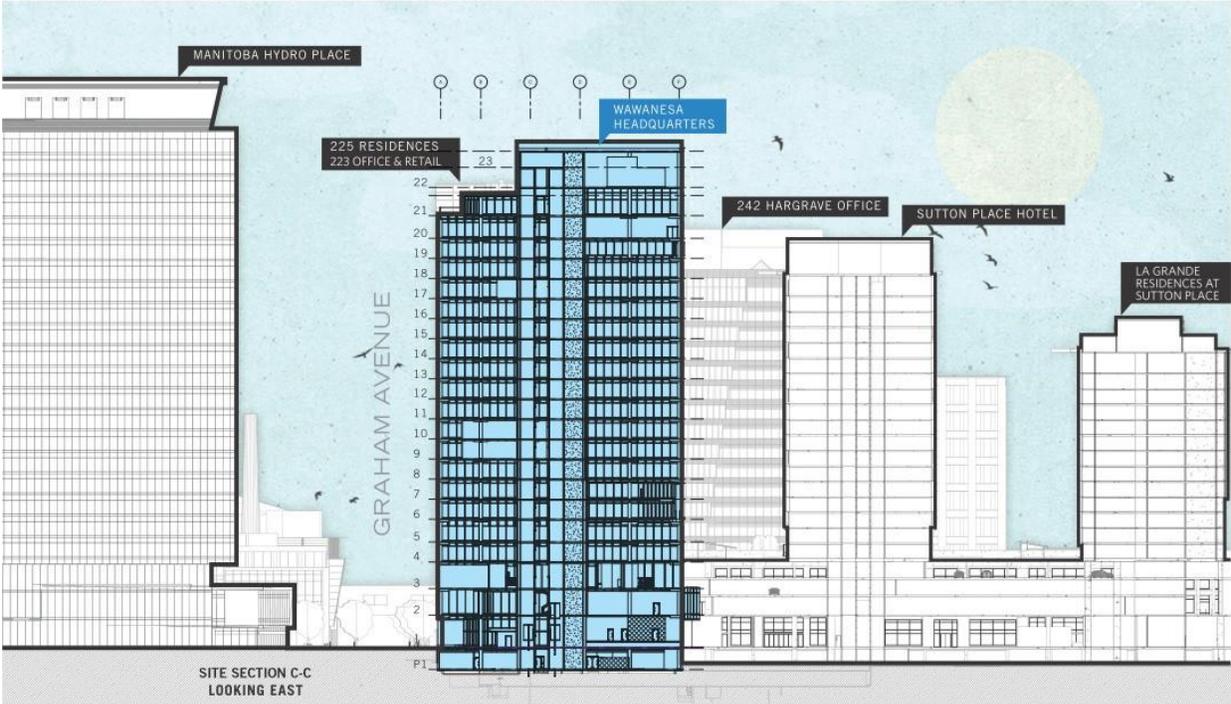


ARCHITECTURE | 49

Grant Van Iderstine, MAA, OAA, SAA, MRAIC Principa;l
Practice Leader, Architecture

Project No. 199-00190-00
August 27, 2020
City of Winnipeg, City Clerk
Page 3

SITE SECTION: LOOKING EAST





Planning, Property and Development Department

Service de l'urbanisme, des biens et de l'aménagement

Unit 31 – 30 Fort Street • 30, rue Fort, unité 31 • Winnipeg • Manitoba R3C 4X7

VARIANCE ORDER

DAV 20-173002/B

APPLICANT: Chelsea Tacchi Architecture49 Inc.
1600 BUFFALO PL
WINNIPEG MB R3T 6B8

PREMISES AFFECTED: 372 Graham AVE and 236 Carlton St.
LEGAL DESCRIPTION: LOT 593 BLOCK 3 PLAN 129 1 ST J
hereinafter called "the land".

PROPERTY ZONED: M
ZONING ATLAS SHEET: AA24
NATURE OF APPLICATION:

To vary the "Multiple Use" Sector regulations of Downtown Zoning By-Law No. 100/2004 to permit as follows:

1. for the construction of a commercial building to permit a floor area ratio of 20.8 instead of 12.0;
2. for the establishment of loading spaces to permit 3 person & service loading spaces instead of 4 spaces.

It is the opinion of the Director of Planning, Property and Development Department that subject to conditions listed below, if any, this order meets the statutory criteria of the City of Winnipeg Charter in that it:

- (a) In part, is consistent with Plan Winnipeg and any applicable secondary plan;
- (b) In part, does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
- (c) In part, is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
- (d) In part, is compatible with the area in which the property to be affected is situated.

C.W. Charter Subsection 247(3)

ORDER:

RE: 372 Graham AVE and 236 Carlton St.

The Director of Planning, Property and Development Department hereby orders that the provisions of the "M" dimensional standards of Zoning By-Law No. 200/2006 and amendments thereto are **VARIED TO PERMIT** on "the land" for the establishment of loading spaces to permit 3 person & service loading spaces instead of 4 spaces, subject to the following condition(s) which the Director of Planning, Property and Development Department considers necessary to ensure compliance with criteria (a) to (d) above, namely:

- 1) That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance shall terminate.
- 2) That the design shall be in accordance with the recommendations of Downtown Urban Design Review.

DATE OF ORDER: August 19, 2020

CERTIFIED BY:

for Director Planning, Property and Development Department

HOW TO APPEAL

You must appeal against either the whole of this order or part(s) of it by filing a letter of appeal. This appeal will be heard by the Appeals Committee. That letter must:

- (a) be addressed as set out below,
- (b) be received at that office not later than 4:30 p.m. on September 2, 2020,
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]
- (c) refer to Variance Order No. DAV 20-173002/B, give brief reasons and describe whether you appeal the whole order or only part(s) of it.

You can attend the appeal hearing and speak on issues raised in someone else's appeal; but the Appeals Committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address: City Clerk, City of Winnipeg
c/o Appeals Committee
Susan A. Thompson Bldg.
510 Main Street
Winnipeg, MB, R3B 1B9
Fax 947-3452
Email: clk-appeals@winnipeg.ca