#### **PUBLIC HEARINGS**

#### Item No. 4 Variance – 265 Osborne Street (Fort Rouge-East Fort Garry Ward) File DAV 188697/2022D

#### COMMUNITY COMMITTEE DECISION:

The City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" as follows:

- 1. For the construction of a commercial/residential mixed-use building to permit:
  - A. a density of 139.8 square feet (12.99 square metres) per dwelling unit
  - B. a north side yard of 1.7 feet (0.52 metres)
  - C. a rear yard of 16.7 feet (5.09 metres)
- 2. To remove Condition No. 1 of DAV 18-179121/D which states "That the development shall be built in substantial conformance with the plans hereto attached and identified as Sheets 3-4 & 14-27 of File No. DAV 18-179121D, dated September 9, 2019."
- 3. To remove Condition No. 1 of DCU 18-179116/D which states "That the development shall be built in substantial conformance with the plans hereto attached and identified as Sheets 3-4 & 14-27 of File No. DAV 18-179121D, dated September 9, 2019."

Subject to the following conditions:

 That the development shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheets 1 to 12 for File No. DAV- 22-188697\D, dated February 11, 2021 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

OR

That the Owner must submit plans showing the location and design of any and all proposed:

- A. buildings;
- B. accessory parking areas;
- C. garbage enclosures;
- D. fencing; and
- E. landscaping

#### COMMUNITY COMMITTEE DECISION (continued):

on the Owner's Land ("Works") to the Director of Planning, Property and Development 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.

#### DECISION MAKING HISTORY:

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

Moved by Councillor Rollins,

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

Carried

Moved by Councillor Rollins,

That the receipt of public representations be concluded.

Carried

Moved by Councillor Rollins,

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.

#### Supporting Comments:

1. This is a density increase where I like to see density in this neighbourhood, i.e. near the rapid transit.

### DECISION MAKING HISTORY (continued):

- 2. The variances are in line with that density and there is consideration that this has been vacant for a while and that this project seems to be in order now which is really compelling given where we're at on the street.
- 3. In terms of wanting to see TOD here, this Committee has approved it before and it looks like this project might get going and that's important because the vision on the street just simply must change. There's a lot there with a hole right now and it's a problem.

Carried

Moved by Councillor Rollins,

That the recommendation of the Winnipeg Public Service be concurred in and the Variance be approved.

Carried

Moved by Councillor Rollins,

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

Carried



# THE CITY OF WINNIPEG VARIANCE ORDER CITY CENTRE COMMUNITY COMMITTEE

#### DAV 188697/2022D

Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gilroy Councillor Rollins	
Hearing:	September 2, 2022 Council Building, 510 Main Street	
Applicant:	DIN Architecture Inc. (Neil Minuk)	
Premises Affected:	265 Osborne Street	
Legal Description:	LOT 9/11 BLOCK 15 PLAN 208 31/5 ST B, hereinafter called "the land"	
Property Zoned:	"C2 PDO-1 Corydon Osborne" Commercial Community, Planned Development Overlay – 1 (Corydon Osborne) Proposed "TOD PDO-1 Corydon-Osborne" Transit-Oriented Development, Planned Development Overlay – 1 Corydon Osborne	
Nature of Application:	To vary the proposed "TOD PDO-1 Corydon-Osborne (Transit- Oriented Development, Planned Development Overlay – 1 Corydon Osborne) dimensional standards of the Winnipeg Zonin By-Law No. 200/2006 as follows:	
	1. for the construction of a commercial/residential mixed-use building to permit:	

- A. a density of 139.8 square feet (12.99 square metres) per dwelling unit instead of 200 square feet (18.6 square metres);
- B. a north side yard of 1.7 feet (0.52 metres) instead of 30 ft (9.15 metres);
- C. a rear yard of 16.7 feet (5.09 metres) instead of 25 feet (7.62 metres);
- 2. to remove Condition No. 1 of DAV 18-179121/D which states "That the development shall be built in substantial conformance with the plans hereto attached and identified as Sheets 3-4 & 14-27 of File No. DAV 18-179121D, dated September 9, 2019.";
- 3. to remove Condition No. 1 of DCU 18-179116/D which states "That the development shall be built in substantial conformance with the plans hereto attached and identified as Sheets 3-4 & 14-27 of File No. DAV 18-179121D, dated September 9, 2019."

It is the opinion of the City Centre Community Committee that subject to the conditions listed below, if any, this Variance meets the statutory criteria as outlined in Subsection 247(3) of the City of Winnipeg Charter in that it:

(a)	$\checkmark$ is consistent is not consistent
	with Plan Winnipeg, and any applicable secondary plan;
(b)	✓ does not create does 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 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.

Supporting Comments:

1. This is a density increase where I like to see density in this neighbourhood, i.e. near the rapid transit.

- 2. The variances are in line with that density and there is consideration that this has been vacant for a while and that this project seems to be in order now which is really compelling given where we're at on the street.
- 3. In terms of wanting to see TOD here, this Committee has approved it before and it looks like this project might get going and that's important because the vision on the street just simply must change. There's a lot there with a hole right now and it's a problem.

### ORDER:

The City Centre Community Committee orders that the provisions of the proposed "TOD PDO-1 Corydon-Osborne (Transit-Oriented Development, Planned Development Overlay – 1 Corydon Osborne) dimensional standards of the Winnipeg Zoning By-Law No. 200/2006 are varied on "the land" as follows:

- 1. For the construction of a commercial/residential mixed-use building to permit:
  - A. a density of 139.8 square feet (12.99 square metres) per dwelling unit
  - B. a north side yard of 1.7 feet (0.52 metres)
  - C. a rear yard of 16.7 feet (5.09 metres)
- 2. To remove Condition No. 1 of DAV 18-179121/D which states "That the development shall be built in substantial conformance with the plans hereto attached and identified as Sheets 3-4 & 14-27 of File No. DAV 18-179121D, dated September 9, 2019."
- 3. To remove Condition No. 1 of DCU 18-179116/D which states "That the development shall be built in substantial conformance with the plans hereto attached and identified as Sheets 3-4 & 14-27 of File No. DAV 18-179121D, dated September 9, 2019."

subject to the following conditions, which the City Centre Community Committee considers necessary to ensure compliance with criteria (a) to (d) in Subsection 247(3) of the City of Winnipeg Charter, namely:

 That the development shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheets 1 to 12 for File No. DAV- 22-188697\D, dated February 11, 2021 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

OR

That the Owner must submit plans showing the location and design of any and all proposed:

- A. buildings;
- B. accessory parking areas;
- C. garbage enclosures;
- D. fencing; and
- E. landscaping

on the Owner's Land ("Works") to the Director of Planning, Property and Development 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.

# THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: September 6, 2022

CERTIFIED BY:

Kate McMillan Senior Committee Clerk

### HOW TO APPEAL

If you object to this Order, you are entitled to file a notice of appeal. Your notice of appeal must:

- (a) be in writing;
- (b) contain your name, mailing address, and phone number;
- (c) be addressed as set out below;
- (d) be received at that office not later than 4:30 p.m. on September 23, 2022;

### [IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD]

- (e) refer to Variance Use Order No. DAV 188697/2022D; and
- (f) provide the reason(s) for the appeal

The City Clerk may not schedule an appeal hearing until your notice of appeal meets the above requirements.

Address:	City Clerk, City of Winnipeg
	c/o Appeal Committee
	Susan A. Thompson Building
	Main Floor, 510 Main Street
	Winnipeg, Manitoba, R3B 1B9
Fax:	204-947-3452
Email:	CLK-Appeals@winnipeg.ca

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:

Neil Minuk

In Opposition:

Nil

For Information:

Nil

For the City:

A. Ross, Planner, Planning, Property and Development Department

### EXHIBITS FILED FOR DAV 188697/2022D

- 1. Application dated August 10, 2022
- 2. Notification of Public Hearing dated August 18, 2022
- 3. Manitoba Status of Title 3147024/1
- 4. Letter of authorization dated May 31, 2022 from 10093827 Manitoba Ltd. to DIN Architecture Inc.
- 5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
- 6. Plans, Sheets 1 to 12 inclusive, for File DAV 188697/2022D dated August 5, 2022
- 7. Report from the Urban Planning Division dated August 22, 2022
- 8. Inspection Report

Exhibit "7" referred to in File DAV 188697/2022D

# ADMINISTRATIVE REPORT

Title:	DAV 22-188697\D – 265 Osborne Street
Issue:	For consideration at the public hearing for a variance for the construction of a 17-storey commercial/residential mixed-use building.
Critical Path:	City Centre Committee as per the Development Procedures By-law and The City of Winnipeg Charter.

#### AUTHORIZATION

Author	Department Head	CFO	CAO
A. Ross, RPP, MCIP	n/a	n/a	

#### RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the proposed "TOD PDO-1 Corydon-Osborne" dimensional standards of Zoning By-Law No. 200/2006 as follows:

- 1. for the construction of a commercial/residential mixed-use building to permit:
  - a. a density of 139.8 square feet (12.99 square metres) per dwelling unit instead of 200 square feet (18.6 square metres);
  - b. a north side yard of 1.7 feet (0.52 metres) instead of 20 ft (6.10 metres);
  - c. a rear yard of 16.7 feet (5.09 metres) instead of 25 feet (7.62 metres);
- to remove Condition No. 1 of DAV 18-179121/D which states "That the development shall be built in substantial conformance with the plans hereto attached and identified as Sheets 3-4 & 14-27 of File No. DAV 18-179121D, dated September 9, 2019.";
- to remove Condition No. 1 of DCU 18-179116/D which states "That the development shall be built in substantial conformance with the plans hereto attached and identified as Sheets 3-4 & 14-27 of File No. DAV 18-179121D, dated September 9, 2019.".

Subject to the following condition(s):

 That the development shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheets 1 to 12 for File No. DAV- 22-188697\D, dated February 11, 2021 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

OR

That the Owner must submit plans showing the location and design of any and all proposed:

- i. buildings;
- ii. accessory parking areas;
- iii. garbage enclosures;
- iv. fencing; and
- v. landscaping

on the Owner's Land ("Works") to the Director of Planning, Property and Development 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.

#### **REASON FOR THE REPORT**

- Variance applications require a public hearing as per *The Development Procedures By-law* No. 104/2020 and *The City of Winnipeg Charter*, section 249.
- The report is being submitted for the City Centre Committee's consideration of the development application at the public hearing.

#### IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the variance for the construction of a commercial/residential mixed-use building may be approved.

#### **FILE/APPLICANT DETAILS**

FILE: RELATED FILES: COMMUNITY: NEIGHBOURHOOD #:	<b>DAV 22-188697\D</b> DAV 18-179121/D, DCU 18-179116/D, DASZ 3/2019 (in progress) City Centre Committee 1.106 – Earl Grey	
SUBJECT:	<ul> <li>To vary the proposed "TOD PDO-1 Corydon-Osborne" dimensional standards of Zoning By-Law No. 200/2006 as follows:</li> <li>1. for the construction of a commercial/residential mixed-use building to permit: <ul> <li>a. a density of 139.8 square feet (12.99 square metres) per dwelling unit instead of 200 square feet (18.6 square metres);</li> <li>b. a north side yard of 1.7 feet (0.52 metres) instead of 20 ft (6.10 metres);</li> <li>c. a rear yard of 16.7 feet (5.09 metres) instead of 25 feet (7.62 metres);</li> </ul> </li> </ul>	

	<ol> <li>to remove Condition No. 1 of DAV 18-179121/D which states "That the development shall be built in substantial conformance with the plans hereto attached and identified as Sheets 3-4 &amp; 14-27 of File No. DAV 18-179121D, dated September 9, 2019.";</li> <li>to remove Condition No. 1 of DCU 18-179116/D which states "That the development shall be built in substantial conformance with the plans hereto attached and identified as Sheets 3-4 &amp; 14-27 of File No. DAV 18-179121D, dated September 9, 2019.".</li> </ol>	
LOCATION: LEGAL DESCRIPTION:	265 Osborne ST LOT 9/11 BLOCK 15 PLAN 208 31/5 ST B	
APPLICANT:	Neil Minuk (DIN Architecture Inc) 154 Stafford St Winnipeg, MB R3M 2V8	
OWNER:	10093827 MANITOBA LTD. 666 Leila Ave (C/O) Winnipeg, MB R2V 3N7	

#### HISTORY

On June 19, 2020 City Centre Community Committee approved a variance to permit a 15-storey mixed use building.

After conducting a detailed costing exercise, the applicant indicates that for economic viability, the project requires 21 additional dwelling units. They have consequently submitted this variance application to support the change.

### DISCUSSION

#### **CRITERIA FOR APPROVAL**

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.

#### SITE DESCRIPTION

- The subject property is located on the west side of Osborne Street, adjacent to the Osborne Rapid Transit Station, in the Earl Grey neighbourhood of the Fort Rouge East Fort Garry ward.
- The site is located within a Mature Community under the *Complete Communities Direction Strategy 2.0.*
- The site is governed by policies of the "High Rise TOD Mixed Use Area" of the Corydon-Osborne Area Plan and by zoning regulations of the Corydon-Osborne Planned Development Overlay (PDO-1).
- The property is zoned "TOD" Transit Oriented Development, is 13,421 sq. ft. in size, and is currently vacant.



### Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2018)

### SURROUNDING LAND USE AND ZONING (See Figure 2)

**North:** Office uses (zoned "C2" – Commercial Community)

South: Jessie Avenue, then Manitoba Hydro utility uses (zoned "C2" – Commercial Community)

- East: Osborne Street, then Banquet/ Meeting Hall uses (zoned "M1" Light Manufacturing)
- West: Rear lane, then single family dwelling uses (zoned "C2" Commercial Community



Figure 2: Zoning of the site and surrounding area.

### DESCRIPTION OF THE PROPOSED DEVELOPMENT

#### <u>Overview</u>

- The proposed development is a mixed use building with 96 dwelling units. It contains:
  - o commercial uses on the ground floor
  - o a 136-stall parking garage, residential units and resident lounge on floors 2-5
  - o a gym and residential units on floor 6
  - Residential units on floors 7-17
- The project is the first ever to be developed in Winnipeg's "TOD" Transit Oriented Development zoning district.
- The TOD zoning district was adopted by City Council in 2016 in order to: "...facilitate mixed use development at a scale and density exceeding all other districts. These sites are intended to be adjacent to rapid transit stations with a Council endorsed local area plan in place to guide development. Site design should fulfill the objectives of the Transit Oriented Development Handbook."

- The development provides 136 vehicle parking stalls, which is 41 more than the zoning requirement. Three of the excess stalls are for the use of the north abutting building at 257 Osborne through a cross access agreement. The balance can potentially be used for public parking.
- The parking is robotic. Users drop their car in 1 of 3 ground level entrance bays. The entrance bays have sensors which match car sizes with stalls inside the garage. A machine delivers the car to an appropriate stall, and returns it to the driver at the bay entrance when required.
- The development contains 28 outdoor and 24 indoor bike parking stalls for a total of 52.
- The development includes trees and plaza space along Osborne St, and trees along Jessie Ave.

#### **REASON FOR APPLICATION**

#### Density

The maximum permitted density in the TOD zoning district is 200 sq. ft. of lot area per dwelling unit. The applicant seeks a density of 139.8 sq. ft. instead of 200 sq. ft., therefore a variance is required.

#### Yards

#### North side

The minimum required interior side yard in the TOD zoning district is 20 ft. The applicant seeks an interior side yard of 1.7 ft., therefore a variance is required.

#### <u>Rear</u>

The minimum rear yard in the TOD zoning district is 25 ft. The applicant seeks a rear yard of 16.7 ft. for a portion of the rear yard, therefore a variance is required.

#### Substantial conformance

Past Orders for DAV 18-179121/D and DCU 18-179116/D stated that the development must be built in substantial conformance with the plans submitted as part of those applications. Because the new plans submitted change the density and yard dimensions, those past conditions are required to be removed in order for the new proposal to proceed.

#### ANALYSIS AND ISSUES

#### COLLABORATIVE PLANNING

Due to no substantial changes in design from the previous approval other than the density, the Urban Planning Division did not request changes from what is proposed with application.

#### COMPLETE COMMUNITIES DIRECTION STRATEGY

C3. Rapid Transit Corridors, Goal 2: Promote transit-supportive land use and urban form at rapid transit stations and along Rapid Transit Corridors.

#### Transit Oriented Development Handbook

2.1 Apply the *City of Winnipeg's Transit Oriented Development (TOD) Handbook* to guide transit- supportive development, land use and urban form at rapid transit stations and along Rapid Transit Corridors.

#### <u>Urban design</u>

2.3 Support the establishment of high-quality, pedestrian-oriented public spaces along Rapid Transit Corridors, with particular attention paid to rapid transit stations.

#### Crime Prevention Through Environmental Design (CPTED)

2.4 Ensure Crime Prevention Through Environmental Design (CPTED) principles are integrated into development adjacent to rapid transit stations and along Rapid Transit Corridors, to maximize safety and perceptions of safety for all people.

#### Parking innovation

2.5 Consider reductions to motor vehicle parking requirements for development adjacent to Rapid Transit Corridors through provision of parking offsets including:

- a. High-quality, indoor bicycle parking;
- b. On-site car share vehicles; and

c. Innovative parking strategies such as district parking and shared parking agreements.

The proposal meets guidelines of the TOD Handbook (see below), it provides high quality pedestrian spaces through installation of station-adjacent plaza space, it meets the City's general CPTED guidelines, and provides high quality bicycle parking as well as shared and/or public car parking.

The proposal meets the above Rapid Transit Corridors policies of Complete Communities 2.0.

### CORYDON-OSBORNE AREA PLAN

The subject site falls within the "High Rise TOD Mixed Use" area of the *Corydon-Osborne Area Plan.* According to the Plan:

- The intent of this area is to accommodate mix use buildings ranging in height from 3-18 storeys. The proposed development meets this policy.
- Buildings should be located close to the street and all parking and loading should occur at the rear or inside buildings. The proposed development meets this policy.

Specific Design Guidelines from the Corydon-Osborne Area Plan that relate to the proposed development are found in "Appendix A" of this report.

#### TRANSIT ORIENTED DEVELOPMENT (TOD) HANDBOOK

The subject site aligns most closely with the Urban Neighborhood typology within the Councilendorsed *Winnipeg TOD Handbook*. The TOD Handbook is a policy and not a statutory document, and its policies are intended to serve as a general guide to selecting the most appropriate type of TOD development given the context. Developments within the Urban Neighbourhood typology have the following general characteristics:

- Regional Connectivity: Medium access to downtown, sub-regional hub
- Transit frequencies: 5-15 minutes.
- Land use mix: Residential, Retail, Commercial

- Density: 40-100 units per acre. The proposed density is higher than this however the Division is supportive given the following:
  - The TOD Handbook states that "the TOD principles and tools are applied in different ways depending on the function and form of the land uses and transportation network."
  - The High Rise TOD Mixed Use area of the statutory *Corydon-Osborne Area Plan* governs development based on height rather than density. The policy supports 3-18 storeys and does not cap density.
  - The site is directly linked to the Osborne Rapid Transit Station (less than 1minute walk).
  - The site exhibits strong transportation linkages to downtown and all directions via the adjacent confusion corner interchange.
  - The development includes more than its Winnipeg Zoning By-Law required complement of parking, which will minimize impact on nearby street parking capacities.

### BENEFITS OF TOD

New high density TOD can provide a number of positive spin-offs, for example:

- Locates a strong population base in direct proximity to Rapid Transit, thereby supporting increased ridership and uptake of the City's Rapid Transit system.
- Added eyes on the street.
- More people to patronize local community clubs, schools, parks, libraries, etc.

From a City of Winnipeg perspective, high density infill development is beneficial for a variety of additional reasons as well:

- Increases the tax base.
- Utilizes existing infrastructure.
- Slows suburban sprawl.

In addition, new development can help foster a positive environment for growth and investment in the community, which can contribute to neighbourhood revitalization.

#### WINNIPEG ZONING BY-LAW 200/06

#### Density

The Complete Communities Direction Strategy 2.0 states the following regarding TOD density:

"3.1.1 High multifamily residential densities may be encouraged Downtown and in proximity to existing rapid transit stations and Corridors. Support the highest densities in this range in closest proximity to transit stations."

The property is directly adjacent to the Osborne Rapid Transit Station and as such is ideally situated to accommodate high density as proposed. In light of the above, the Division is supportive of the proposed density and recommends that the variance be approved.

#### Yards

#### North side

The interior side yard of 1.7 ft. is between the proposed building and the adjacent building at 257 Osborne, which are connected. Access to the parking on the subject property takes place via the ground floor of 257 Osborne Street. As such, a tight special connection between the buildings is required. The Urban Planning Division therefore supports this variance and recommends that it be approved.

#### <u>Rear</u>

There is only a small portion of the rear yard that is 16.7 ft. instead of 25 ft - and it is provided in order to accommodate a secure indoor bike parking room. The remainder of the rear yard meets the 25 ft. There is also an intervening lane creating additional space between properties. Given these factors, the Urban Planning Division supports this variance and recommends that it be approved.

#### Substantial conformance

Past Orders for DAV 18-179121/D and DCU 18-179116/D stated that the development must be built in substantial conformance with the plans submitted as part of those applications. Because the new plans submitted change the density and yard dimensions, those past conditions are required to be removed in order for the new proposal to proceed.

#### APPROVAL CONDITIONS

#### Substantial conformance

The applicant is required to build in substantial conformance with the plans attached to this application. Should changes be required, plan approval will be required in order to provide opportunity for review.

#### **REASONS FOR RECOMMENDATIONS**

In the context of Section 247(3), the Urban Planning Division recommends **approval with conditions** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

*In that*, the development meets the intent of policies guiding development on Rapid Transit Corridors as identified in the Complete Communities Direction Strategy, the Corydon-Osborne Area Plan, and the TOD Handbook.

 (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;

*In that*, the variances are justifiable based on guiding policies for TOD and local contextual factors.

(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

*In that*, the variances are justifiable based on guiding policies for TOD and local contextual factors.

(d) is compatible with the area in which the property to be affected is situated.

*In that,* the property is directly adjacent to the Osborne Rapid Transit Station and confusion corner, and meets the intent of the High Rise TOD Mixed Use policies of the Corydon-Osborne Area Plan for development in this location.

#### CONSULTATION

In preparing this report there was internal consultation with: N/A

#### OURWINNIPEG POLICY ALIGNMENT

The proposal aligns with the Key Direction of *OurWinnipeg* that applies to the Mature Communities Policy Area, which states: "*Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*"

#### WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposal complies with the *Winnipeg Climate Action Plan* because the proposed development would increase the residential density at a Rapid Transit Station, fostering use of public transit.

#### WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

#### SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Andrew Ross, RPP, MCIP
Date:	Wednesday, August 22, 2022
File No.	DAV 22-188697\D

## Appendix "A" - Corydon Osborne Plan Urban Design Review Internal Evaluation Worksheet

Corydon Osborne High-Rise TOD Mixed Use	Comply (Yes or No)	Comments
<b></b>		
i) Buildings should be parallel to the street	Yes	
ii) Building setbacks should maximize public realm/pedestrian space	Yes	
iii) The maximum lot coverage should be 90% and the minimum lot coverage should be 80%	Yes	
iv) Buildings should be arranged to create courtyard spaces between buildings and integrated with surrounding park spaces	Yes	A patio/ seating area is provided along Osborne Street. Property is not adjacent to park.
v) Facades should be articulated to create private realm along the streetscape	Yes	A patio/ seating area is provided along Osborne Street.
vi) The façade should be composed to exhibit a clearly defined base	Yes	
vii) The base should be a minimum 60% transparent window coverage on streets or facades		Approximately; 50-60%
viii) After the third story, buildings should step back from the façade horizontally equal to the height of one store; additional step-backs should be provided at higher levels	No	Building has a north-facing step back after the 7 <sup>th</sup> floor but no step-back against streets. In place of this, applicant has provided canopy awnings at grade to address wind impact.
ix) Entrances should be accented and doors should be a minimum 75% transparent	Yes	
x) Buildings should protect access to sunlight at street level	Yes	
xi) Mechanical equipment should be screened so that it is not visible from adjacent public streets when viewed from the ground	Yes	Mechanical is focused in rear against lane and is screened using high quality screening materials.

xii) Façade lighting should be wall mounted luminaries, mounted no higher than the top of the second floor; all entrances should be illuminated; additional accent lighting may be provided; all light should be cast down	Yes	
xv) Awnings are encouraged, where architecturally appropriate, to delineate the ground floor, reinforce pedestrian scale, and create shade	Yes	
xvi) Low growth roof gardens could be allowed	N/A	



#### Exhibit "6" referred to in File DAV 188697/2022D













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	L15 T/O HOLLOWCORE 45,400
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DRAWING NO. A3







DRAWING NO.

A6



REVISION No. Date Revision Notes 1. KERN Issued for review

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Ő 265 OSBORNE DRAWN BY REVIEWED BY SCALE AS NOTED DRAWING NO. DATE

#### Wind at subject site

Wind data is callected at 10 meters above the ground at The Forks as reference to CFD simulation. The wind is highly dependent on local topography and other factors, and instantaneous wind speed and direction vary more widely than hourly averages. The three predominant wind directions for Winnipeg are from the NW, S, and W.

The average hourly wind speed at Winnipeg The Forks experiences mild seasonal variation over the course of the year.

The windier part of the year lasts for 8.6 months, from September 12 to June 1, with average wind speeds of more than 4.7m/s. The windiest day of the year is April 1, with an average hourly wind speed of 5m/s.

The calmer time of year lasts for 3.4 months, from June 1 to September 12. The calmest day of the year is July 27, with an average hourly wind speed of 4m/s.

The predominant average hourly wind direction at Winnipeg The Forks varies throughout the year.

The wind is most often from the south for 1.9 weeks, from June 13 to June 26; for 1.7 months, from July 25 to September 15; and for 4.1 weeks, from October 17 to November 15, with a peak percentage of 35% on August 19. The wind is most often from the north for 4.1 weeks, from June 26 to July 25; for 1.1 months, from September 15 to October 17; and for 6.9 months, from November 15 to June 13, with a peak percentage of 32% on October 6.9 months.

source: https://weatherspark.com

#### Lawson's LDDC criteria

1. Activity:sitting; Wind velocity: 0-4m/s; Description: light breezes desired for outdoor restaurant and seating areas where one can read a paper or sit for long periods.

2, Activity:standing: Wind velocity: 4-6m/s; Description: gentle breezes acceptable for main building entrance, pick-up/drop-off points and bus stops.

3, Activity strolling: Wind velocity: 6-8m/s; Description: breezes that would be appropriate for window shapping and strolling along a city/town center street, plaza or park.

4. Activity business walking: Wind velocity: 4-6m/s; Description: high speeds that can be tolerated if one's only objective is to walk, run or cycle without lingering.

5, Activity: uncomfortable; Wind velocity: >10m/s; Description: winds of this magnitude are considered a nuisance for most activities, and wind mitigation is required.

6. Activity unsafe: Wind velocity: >15m/s; Description: winds above this threshold will pose safety risks, particularly for more vulnerable pedestrians (elderly, cyclists, etc.).

#### CFD simulation

1, In this case three prevailing winds are tested as the basis of assessment. One is south wind in August and the others are northwest and west wind in April and July. The southwest wind is tested for roof space. Both of them take maximum average 5m/s wind velocity.

2, Wind speeds include horizontal planes at pedestrian level and vertical slices to understand flow conditions in critical areas.

3, Two main locations are tested. The first one is pedestrian walkway around the proposed 265 building. Another is occupiable balcony on the 6th floor of the 265 building.

4, The potential wind comfart and safety categories are assessed for areas of interest. If problematic wind conditions are predicted, design alternatives and wind mitigation measures will be proposed.

#### Conclusion

In summary, the pedestrian walkway area around the proposed 265 building is well protected by existing buildings from wind from the three most predominant directions of winds in Winnipeg. All winds do not exceed 5m/s. However, the southwest wind at the 6th floor balcony space exceeds 5m/s. Proposed 3.9m high wind screens around balcony help to decrease wind velocity to a comfortable level and roof space at level 7 deflects downward wind flow to the 6th floor balcony. The cantilever mass at the Osborne side, canopy at second floor level and trees deflect downward wind flow and reduce wind speed at pedestrian level.

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PROJECT 205 OSBORNE DRAWING WIND STUDY 1 ORAMIN BY WX WX NM DATE 25 MAY 2022 AO.4

#### Pedestrian walkway (south wind in August at 5m/s)





presentation of horizontal planes at pedestrian level

presentation of vertical slices

Pedestrian walkway (northwest wind in April at 5m/s)



presentation of horizontal planes at pedestrian level



presentation of vertical slices

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PROJECT 265 OSBORNE DRAWING WIND STUDY 2 DRAWN BY REVEWED BY WX NM SCALE NA DATE DRAWING NO. 25 MAY 2022 A Q.5

#### Pedestrian walkway (west wind in July at 5m/s)





presentation of horizontal planes at pedestrian level

presentation of vertical slices



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Occupiable roof (southwest wind in July at 5m/s)



presentation of horizontal planes at the 6th floor balcony level



presentation of vertical slices

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