Downtown Development Review and Approval Process
File EP-1 (Vol. 21)

14. The Executive Policy Committee has been advised that on July 5, 2001, the Standing Policy Committee on Property and Development recommended that the Planning, Property and Development Department review the Downtown Winnipeg Zoning By-law and the Development Procedures By-law, so as to streamline development regulations and approval processes in the Downtown.

On December 11, 2001, the Standing Policy Committee on Property and Development laid over, pending a Council Seminar, consideration of a report from the Planning, Property and Development Department which outlined the proposed direction for the establishment of a new Downtown Zoning By-law and for the streamlining of development review through the establishment of a new hearing body focused only on downtown.

On January 21, 2002, a Council seminar was held to discuss the approach for development of a new Downtown Zoning By-Law and options for streamlining development review.

On July 17, 2002, Council adopted a report titled "Toward an Integrated Planning Model" including the twenty-four recommendations contained therein. Recommendation 3.4 states that:

> "The number of decision-making bodies and processes involved in planning and development issues should be simplified, using the downtown as a pilot, by having a single political body assume responsibility for zoning approval, design review, approaches, encroachments, etc. with administrative reports coordinated and submitted by the Director of Planning, Property and Development."

In August, 2002, CentreVenture Development Corporation and the City completed a report titled "Getting Down to Business" which recommends, among other things, the establishment of a single decision making authority for all downtown development applications, either through the creation of an independent planning commission or a specially designated standing committee of Council.

The Province of Manitoba has enacted the new City of Winnipeg Charter Act. The proposed legislation provides the City with greater flexibility with respect to development review and approval processes and would enable the establishment of a Planning Commission that might include appointment of citizen representatives.

Recent initiatives and consultation processes have highlighted the need for improvements to the Downtown development review process. The goal is to ensure reasonable time lines, clear and easily understood processes, while still providing appropriate opportunities for public input, and

ensuring that development meets long range planning policy and objectives and community expectations. This report discusses two alternatives for concentrating development review and approval processes (before one decision-making body) to make the system simple, understandable, focused, accountable and timely.

In general, development review processes relate to the following issue areas: design, heritage designation and grants, zoning matters such as variances, conditional uses, rezonings, and text amendments, subdivisions, licenses, street and lane openings and closings, real estate matters, such as land sales, leases, encroachments and access issues such as private approaches. Appendix A details the estimated number of downtown applications.

In accordance with the Organizational By-law and the Development Procedures By-law, at the present time, a specific development proposal in Downtown Winnipeg may be subject to review by a number of civic departments and hearing bodies to deal with a variety of specific by-law requirements. Administrators or hearing bodies tend to focus on their area of specific expertise or on a specific aspect of a development. The multiplicity of administrative and political reviews tends to fragment development review, resulting in independent components of a proposal being reviewed in virtual isolation from other components of the proposed development. Recent experience indicates the current processes are isolated, cumbersome and difficult to navigate for applicants. There is logic to considering an entire proposal at one time before one decision making body, especially when development proposals are complex or innovative. To be credible, such a focused hearing body requires sufficient expertise, which may include roles for political, administrative and citizen representation within a new hearing body.

In exploring alternatives for new Downtown Winnipeg development review processes, there is a need to consider the legislative constraints, the political structure and the possibility of delegation to the administration, the intent of the review and its value. The City of Winnipeg Charter Act provides the overall legislative framework and the authority for specific by-laws. In some instances, The Act establishes limits on delegation of authority to the administration, to a Planning Commission or to a Committee of Council.

Currently, the following approvals are delegated to administration: variances, design review, (except new buildings, major additions, new streetscaping elements and major public works initiatives), complying private approaches and encroachment approvals. The newly established City of Winnipeg Charter Act will also allow conditional use approvals to be delegated to the Administration. In order to ensure that decisions are made in a timely manner, it is important that all minor applications, falling within established parameters, continue to be delegated to the Directors of relevant departments.

In general, the City has substantial latitude to determine its own development review process. The City of Winnipeg Charter Act is prescriptive in some areas, most notably in articulating appropriate processes to allow public notification and input and in ensuring accountability of Council.

A number of alternatives for achieving a more comprehensive integration of City decisions were explored. Establishing a new Committee of Council or a Commission focused on downtown would satisfy the stated objectives. The key issues to be determined are the scope of jurisdiction, the level of authority, and the committee composition (political, citizen and/or administration).

Two options discussed in this report are:

- Establishment of a Downtown Standing Committee of Council
- Establishment of a Downtown Planning Commission

OPTION 1: A NEW DOWNTOWN STANDING COMMITTEE

Committee Composition

A committee comprised of four elected City Councillors, (three Councillors and a Chair) with the Mayor as an ex officio member would be consistent with current Standing Policy Committee structures.

Mandate

It is envisioned that this Committee would be the single hearing body for the review of most downtown development applications, would function as the Downtown Design Board, and that downtown real estate, transportation planning, and policy matters would also be within the committee's mandate. Advisory Committees could be established to provide expertise on issues such as design or heritage. Appendix B provides more detail on the Committee mandate.

OPTION 2: A NEW DOWNTOWN PLANNING COMMISSION

Committee Composition

- Chair
- Three Councillors (possibly the Chairs of the Standing Policy Committees on Property and Development and Public Works, and One Downtown Ward Councillor), and the Mayor as an ex officio member,
- Four Citizen appointees chosen as representatives of design and planning professions or Downtown stakeholder organizations (such as CentreVenture).

Mandate

Typically a Planning Commission integrates political representation with administrative and community expertise. The scope of jurisdiction varies widely. In some cities, Planning Commissions act in an advisory capacity only, and in others, the Commission has substantial decision-making authority. The extent of involvement in policy development also varies widely. Some Planning Commissions are divorced from policy development and are involved only in interpretation and implementation of policy, while some Planning Commissions are appointed, and others are elected.

The City of Winnipeg Charter Act allows Council to establish a Commission comprised of political, administrative and community representatives as a decision-making body on certain designated development issues. It is envisioned that a Planning Commission would take a leadership role in Downtown Planning issues, and not just be focused on development applications. The Charter tends to focus the role of a Commission on development review, but also stipulates that certain development issues can only be dealt with by a Standing Committee of Council. The problem with the limited jurisdiction on development review could be handled by specifying that for these issues only the elected representatives (Councillors or the Mayor) sit in a voting capacity and that they do so as the Downtown Standing Committee. Future amendments to the Charter Act should be requested to expand the jurisdiction of Planning Commissions.

Advantages and Disadvantages of these options:

Both options provide for focused and comprehensive review of complex or significant proposals. Development proposals would be reviewed as a whole rather than a series of parts. Processes are simplified and more easily understood and there is potential for improved integration of policy and development decisions. The Downtown Planning Commission would provide the advantage of broader expertise within the committee and greater community input in decisions.

However, coordination of administrative input is more complex, and fewer opportunities exist for formal public input. Land use standards may be compromised to accomplish other objectives (such as economic development). Under the Planning Commission option, the decision-making process may not be as clear as under the Standing Committee option, and appointed representatives may not be viewed as accountable to citizens or Council. Also, there would be added costs involved for compensation of members.

Coordination of Administrative Support Services

In order for a new downtown committee to function effectively it is important that improvements be made in the coordination of administrative input on development issues. Under the Integrated Planning Model it is proposed that a new Downtown Branch be formed, thereby providing a single point of contact for Downtown planning issues.

In addition, the establishment of a Downtown Design Centre to function in an advisory capacity to the new Downtown Committee or Commission is being explored. This group would be comprised of City staff and appointed design professionals.

Initially, the role of the Downtown Design Centre would be focused on providing advice within the Downtown Design Review process. Additional roles for a design centre commonly include community advocacy and the ability to provide design services. Partnerships with the Manitoba Association of Architects, other design and planning associations, and the University of Manitoba will be explored to expand the capacity of the Design Centre.

Implementation

The City's Organizational By-law and the Development Procedures By-law would require amendment to reflect the proposed committee structure. It is assumed that any new committee will focus on the geographic area described as Downtown Winnipeg consistent with CentreVenture's mandated area and the boundaries of the proposed new Downtown Zoning By-law. This area is comprised of portions of the Fort Rouge, Daniel McIntyre and Point Douglas Wards and is split between two Community Committees, City Centre and Lord Selkirk - West Kildonan.

Other by-laws, such as the Downtown Winnipeg Zoning By-law and the private approaches by-law, and certain Council delegations will also require review and possible amendment.

Conclusion

The Downtown Standing Committee and the Downtown Planning Commission both provide for consolidated and coordinated consideration of development proposals in Downtown Winnipeg. Both development review and approval models will enhance more focused and timely decision-making. The Downtown Standing Committee model has the advantage of being more consistent with the City's organizational structure. As such, it can be implemented more readily and expeditiously, with amendments to the Development Procedures and Organizational by-laws. Because the Downtown Planning Commission is more of a departure from standard operating procedures, to implement this model at this time may compromise its full potential as a decision-making model for Downtown Winnipeg. In order to implement at this time, the Downtown

Planning Commission, as defined and described in this report, must initially take on a hybrid form until such time as the City of Winnipeg Charter Act can be amended. Though many amendments would be of a minor nature, more significant debate regarding the direct role of appointed citizens and administrators in financial decisions would be beneficial but - due to the more significant shift in procedures - may also require additional time to realize.

The Planning, Property and Development Department recommended that the Downtown Standing Committee model be endorsed at this time. Council will recognize this as the more cautious approach, but in endorsing the report's three recommendations will also be directing administration to further pursue the Downtown Planning Commission (in its fully realized form) as the optimum approach to downtown decision-making.

It is estimated that an additional appropriation of $12,000.00 for the Downtown Standing Committee option will be required since the Chairperson would be entitled to compensation ($12,000.00). Under the Planning Commission option, it is assumed that the Chairperson would be entitled to compensation and that the four citizen appointees to the Commission would be paid for their time. It is estimated this would require an additional appropriation of $24,000.00.

The Financial Impact Statement dated September 13, 2002, is outlined on Attachment "C".

The Executive Policy Committee recommends:

I. That Council endorse a Downtown Standing Policy Committee as the immediate option for improving Downtown Winnipeg development review and approval processes, with input from downtown stakeholders and partners.

II. That the Administration be directed to further investigate the viability of a Downtown Planning Commission as the preferred option for improving these processes, in consultation with the Province of Manitoba, regarding future amendments to the City of Winnipeg Charter Act and with input from downtown stakeholders and partners.

III. That the Administration be directed to do all things necessary to implement the recommended option.

Attachment “A” referred to in Clause 14 the Executive Policy Committee dated September 18, 2002

Appendix A

Estimated Numbers of Downtown Development Applications (Annually)	
Variance and Conditional Uses (Director of PP&D)	15-25
Appeals of Variances and Conditional Uses	2-5
Rezonings including by-law text amendment	1-5
Downtown Design Board – Minor (Director of PP&D)	100
Downtown Design Board – Major	15-20

Attachment "B" referred to in Clause 14 the Executive Policy Committee dated September 18, 2002

Appendix B

COMMITTEE MANDATES

Application or Issue	**OPTION 1** **Downtown Standing Committee**	**OPTION 2** **Downtown Planning Commission**	
		All members	**Elected Representatives**
Hearing on amendments to Plan Winnipeg (report to EPC)	✔	✔	
Hearing on secondary plan by-law (report to EPC)	✔	✔	
Hearings on a zoning by-law (report to EPC)	✔	✔	
Matters relating to an amendment to a development agreement (decision)	✔	✔	
Hearings on plan of subdivision (report to EPC)	✔	✔	
Design review as Downtown Design Board (decision)	✔	✔	
Downtown policy, planning or development matters (recommendation to Council)	✔	✔	
Hearings on street and lane closings and openings (report to EPC)	✔		✔
Private approaches (decision)	✔		✔
Transportation matters (report to EPC)	✔		✔
Appeals of variances, conditional uses and licenses (decision)	✔		✔
Real estate matters (decision or recommendations as per Council delegation)	✔		✔

Attachment "C" referred to in Clause 14 the Executive Policy Committee dated September 18, 2002

Financial Impact Statement

Date: September 13, 2002

Project Name:

Downtown Development Review and Approval Process

First Year of Program 2003

	2003	2004	2005	2006	2007
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 12,000	$ 12,000	$ 12,000	$ 12,000	$ 12,000
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 12,000	$ 12,000	$ 12,000	$ 12,000	$ 12,000
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ 12,000	$ 12,000	$ 12,000	$ 12,000	$ 12,000

Additional Comments:

The above costs are estimated to be associated with the recommended option - option 1. (a Downtown Standing Policy Committee), and the estimates include only compensation costs for the Committee Chairperson. Any costs associated with the use of space, materials and equipment or services from City Clerks are not included. Also not included are any savings that might result from an ability to eliminate or reduce the work of other review bodies.

Gord Courage, Manager
Support Services Division