Minute No. 161
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 8, 2018

Item No. 10 Disposition of City Owned Lots for Affordable Non-Profit Housing or Mixed Use Development that Includes Affordable Housing as a Pilot Project – William Whyte Neighbourhood

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development Committee and adopted the following:

1. That the Chief Administrative Officer (CAO) be authorized to approve the sale of City-owned lands within the William Whyte neighbourhood as identified on the map attached hereto as Appendix A, to Non-Profit Housing Providers (NPHP), on the following conditions:

    A. That the sale will facilitate affordable residential in-fill development, mixed-use development that includes affordable housing, and/or neighbourhood revitalization in alignment with City policies;

    B. That the sale has demonstrated community support as confirmed in writing by the North End Community Renewal Corporation (NECRC);

    C. That if the property is not built on or development is not completed within 2 years of the transfer of title, that the property will revert back to the City; and

    D. That the property be sold for not less than 50% of the assessed value.

2. That the Planning, Property & Development Department (Department) be directed to market the City-owned lands in the William Whyte neighbourhood as identified in Appendix A to NPHP's unless the following conditions are met, in which case, the CAO is authorized to approve the sale of an individual vacant lot directly to an NPHP:

    A. A proposal is submitted by the proponent for the acquisition and development of the vacant land;

    B. The sale results in the development of affordable housing as defined in the Winnipeg Housing Policy; and

    C. The proposed project otherwise meets the intent of this report.

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COUNCIL DECISION (continued):

3. That the CAO be authorized, for the purposes of this 2-year pilot project, to declare property located within the boundaries of Appendix A, surplus to the City's needs if it is not required for the purposes of the City.

4. That the City partner with NPHP's or education/vocational institutions for the purpose of rehabilitating existing vacant residential buildings on City-owned land located within the boundaries of Appendix A with the intent to increase the property value and then sell the property at market value in accordance with existing City policies.

5. That the City enter into, execute and deliver the required purchase and sale agreements or partnership agreements with NPHP's or educational/vocational institutions and such other agreements as determined necessary by the City Solicitor / Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

6. That authority be delegated to the CAO to negotiate and approve the terms and conditions of the purchase and sale agreements, partnership agreements or Ancillary Agreements, in accordance with this report and such other terms and conditions or other agreements deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

7. That the results of this 2-year project be reported to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

8. That the Department reserves the right to sell City-owned lands identified in Appendix A at market value to non-NPHP's during the 2-year project.

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

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 8, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Disposition of City Owned Lots for affordable non-profit housing or mixed use development that includes affordable housing as a pilot project – William Whyte Neighbourhood

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith M. Pittet	J. Kiernan	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

This report recommends, as a 2-year pilot project, the sale of City-owned lands for not less than 50% of the assessed value in the neighbourhood of William Whyte, where these sales can promote neighbourhood revitalization and development of affordable housing. In addition, this project would allow direct sale of surplus City-owned lands in the target neighbourhood to non-profit organizations without advertisement to the public. Expressions of Interest may be sought if desired for specific properties or groups of properties as deemed appropriate.

RECOMMENDATIONS

1. That the Chief Administrative Officer (CAO) be authorized to approve the sale of City-owned lands within the William Whyte neighbourhood as identified on the map attached hereto as Appendix A, to Non-Profit Housing Providers (NPHP), on the following conditions:
    a. That the sale will facilitate affordable residential in-fill development, mixed-use development that includes affordable housing, and/or neighbourhood revitalization in alignment with City policies;
    b. That the sale has demonstrated community support as confirmed in writing by the North End Community Renewal Corporation (NECRC);
    c. That if the property is not built on or development is not completed within 2 years of the transfer of title, that the property will revert back to the City; and
    d. That the property be sold for not less than 50% of the assessed value.
2. That the Planning, Property & Development Department (Department) be directed to market the City-owned lands in the William Whyte neighbourhood as identified in

Appendix A to NPHP's unless the following conditions are met, in which case, the CAO is authorized to approve the sale of an individual vacant lot directly to an NPHP:

a. A proposal is submitted by the proponent for the acquisition and development of the vacant land;

b. The sale results in the development of affordable housing as defined in the Winnipeg Housing Policy; and

c. The proposed project otherwise meets the intent of this report.

3. That the CAO be authorized, for the purposes of this 2-year pilot project, to declare property located within the boundaries of Appendix A, surplus to the City's needs if it is not required for the purposes of the City.

4. That the City partner with NPHP's or education/vocational institutions for the purpose of rehabilitating existing vacant residential buildings on City-owned land located within the boundaries of Appendix A with the intent to increase the property value and then sell the property at market value in accordance with existing City policies.

5. That the City enter into, execute and deliver the required purchase and sale agreements or partnership agreements with NPHP's or educational/vocational institutions and such other agreements as determined necessary by the City Solicitor / Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

6. That authority be delegated to the CAO to negotiate and approve the terms and conditions of the purchase and sale agreements, partnership agreements or Ancillary Agreements, in accordance with this report and such other terms and conditions or other agreements deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

7. That the results of this 2-year project be reported to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

8. That the Department reserves the right to sell City-owned lands identified in Appendix A at market value to non-NPHP's during the 2-year project.

9. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On November 9, 2016, the Executive Policy Committee concurred in the recommendation of the Winnipeg Housing Steering Committee, as amended, and directed that the Winnipeg Public Service explore ways in which City-owned lands can be disposed of strategically for non-profit affordable housing or mixed-use development that includes affordable housing within the William Whyte Neighbourhood as a pilot project, and report back to the Standing Policy Committee on Property and Development, Heritage and Downtown Development (SPC PDHDD) within 60 days.
At the January 17, 2017 meeting, an extension of time was granted. Further extensions were provided by the SPC PDHDD.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are concurred in, the CAO will be delegated the authority to dispose of City-owned lands within the William Whyte neighbourhood under the parameters established within the recommendations section of this report which consists of:

- Selling lands to non-profit housing providers for not less than 50% of the assessed value.
- Collaborating with trades vocations or other similar entities for the purpose of rehabilitating existing dwellings to sell on the open market.
- Selling properties where preference is given to developments that meet community derived criteria for a specific property or group of properties.
- Ensuring that development occurs within a two year time frame.

HISTORY/DISCUSSION

History

Sale of property for less than market value is not new in Winnipeg. On October 31, 1990, City Council passed the Policy on the Sale/Lease of City Lands to Non-Profit Organizations. The original policy required that properties revert back to the City at the conclusion of the economic life of the project; however, this condition was removed in an amendment passed by Council on July 17, 2002, wherein a property purchased by a non-profit organization participating in the Winnipeg Housing and Homeless Initiative was subsequently transferred to a third party.

On September 25, 2002, City Council approved a Memorandum of Understanding (MOU) between the City of Winnipeg and The Manitoba Housing and Renewal Corporation on Affordable Housing Programs. The agreement included contribution of land to a combined assessed value of $3.2 million to the program.

On July 7, 1999, The City of Winnipeg entered into an MOU with the Province of Manitoba and Government of Canada to establish the Winnipeg Housing and Homelessness Initiative (WHHI). The partnership lasted until March 2012, and the three levels of government co-funded numerous projects through the WHHI. The City's contributions included land as provided in the 2002 MOU with the Province. The City ultimately contributed 302 properties to non-profit organizations or to the Province of Manitoba for a nominal fee of $1.00 each. These properties were either rehabilitated (if an existing building on the site was deemed structurally sound) or developed as affordable infill housing. The value of these contributions equaled $4.2 million (cumulative assessed value plus acquisition and site preparation costs). Land contributions ceased as the WHHI partnership concluded and the maximum contribution value allowed by policy had been reached.

On December 6, 2006, City Council approved the Offers to Purchase City-Owned Property Policy. This policy identifies conditions that must be met for property to be sold as the result of an unsolicited offer. Condition 3 states that, "The Department may act on unsolicited offers for City-owned property and will sell these properties at or below market value when mandated by

Council approved policies or programs. The Municipal Aboriginal Pathways Strategy (MAPS), the Affordable Housing Initiative (AHI), the Winnipeg Housing and Homelessness Initiative (WHHI), and the Homegrown Economic Development Strategy are examples of these policies and programs."

Housing programs are currently administered through the Urban Planning and Design Division of the Department. These programs were previously administered by the Housing Development Division as part of the WHHI, which suggests that the recommendation in this report to sell property as the result of an unsolicited offer is consistent with the 2006 Policy.

Current policy supports strategic use of City-owned lands and lands that can be acquired for strategic development. OurWinnipeg supports "the assembly of strategically located, vacant land that can be redeveloped." (OurWinnipeg, p.55) This direction is different but related to strategic disposal of land, if properties adjacent to City-owned lands are acquired and consolidated. Complete Communities also supports "land assembly for infill developments" (p.85).

The Winnipeg Housing Policy more specifically addresses sale of City-owned lands. General Provision A.1.a states, "Incentives may include financial and non-financial programs, and may be achieved through a variety of tools, such as density bonuses, up-zoning, expedited approval processes, cost offset programs, tax-increment financing, grants, or sale of assets at or below market value." This point is reiterated in C.3 (Provisions to Support Revitalization) which states, "Where the City has surplus lands in areas identified or suitable for housing development in Reinvestment Areas with priority housing needs, it will seek proposals for development consistent with this policy. Property may be sold at or below market rates for this purpose."

Appendix A of this report provides a map of the William Whyte neighbourhood where City lots will be disposed of.

Discussion

Project Description

This pilot project is recommended for managing strategic sales of City-owned land within the boundaries of the William Whyte neighbourhood, which will serve both to increase development of affordable housing and to promote neighbourhood renewal. Lots may be sold in blocks at not less than 50% of the assessed value, and marketing will be issued to solicit development proposals from qualified non-profit housing providers. Individual lots may be sold directly to a qualified housing provider at the discretion of the CAO or his designate if the sale otherwise meets conditions of the project. The pilot will operate for two years with annual reports back to SPC PDHDD, and evaluation upon completion of the project.

Sales prices are negotiable based on submitted proposals; however, vacant lots would be sold for no less than 50 percent of assessed value.

The City currently owns 17 vacant lots in the William Whyte neighbourhood that are suitable for single-family detached housing development. The City also owns four improved lots (lots containing a structure) in addition to four larger lots (>5,000 square feet) on Selkirk Avenue that could be developed as multiple-family housing.

The 17 vacant lots suitable for single-family detached development have a combined assessed value of $559,000, averaging $32,882 per lot. If lots are sold for 50% of assessed value, this would represent an opportunity loss of $279,500 on sales. At current values, these lots would generate a total of $3,286 annual municipal property tax (excluding levies and fees) using the 2017 mill rate.

Twelve infill houses were built as affordable housing in the William Whyte neighbourhood by the Winnipeg Housing Rehabilitation Corporation in the past five years, and those houses have a current (2016) average assessed value of $193,500. If this value is used to estimate value of improved properties resulting from sales in this pilot project, improving the 17 vacant properties would result in a total improved property value of $3,289,500, generating a total of $19,337 in property taxes (excluding levies and fees) using the 2017 mill rate. This amount would represent a net increase in municipal property tax of $16,051 if the currently vacant lots were not tax-exempt. As these lots are currently tax-exempt, 100% of the $19,337 in municipal property taxes will be incremental, yielding a 6.92% return on investment (i.e. $19,337 / $279,500).

Sales of larger lots would feasibly result in multiple-family and/or mixed use development for which value would be dependent on proposed development. Above figures also do not account for potential rehabilitation and subsequent sale at market value of vacant City-owned properties, which could offset opportunity losses resulting from below-market sales of vacant lots.

The project as proposed does not require participation by the Province, but capital grants or subsidies may be necessary to justify development of housing as affordable (proposals will bear this out). This requirement could be addressed by provincial funding. The Province issues Requests for Proposals (RFPs) for development of affordable housing, but projects can be located anywhere within Manitoba and if in Winnipeg, anywhere in the city. If the City is able to offer buildable lots at a more affordable rate, this benefit could entice developers and/or the Province to prioritize development of those lots. The latest provincial RFP was released in August 2017, and future funding will depend on funding and priorities established by the Province. The Public Service will engage in discussions with Provincial staff to determine whether provincial support can be accessed to promote development intended by this project.

This project restricts eligibility for infill development to non-profit housing providers because it is within the mandate of these organizations to provide affordable housing. Provision of affordable housing will be limited not only by price, but also by household income of the resident, so that affordable housing will be provided to those who need it most. The City has limited capacity to monitor eligibility over time (especially regarding rental property), and it is recommended that eligibility for this pilot project be limited to organizations mandated to provide affordable housing to qualified households.

This project is being recommended as a pilot, and its evaluation will include consideration of this limitation and whether future programs should be opened to the broader development community.

Success of the project can be measured through consideration of multiple factors, including:

- Number of lots sold;
- Number and type of affordable housing units developed;
- Assessed value of resulting development;
- Financial analysis:
    - Reduced revenue resulting from below-market sales prices

  - Increased property taxes resulting from development;
  - Any capital or operating subsidy (e.g. provincial rent supplement) required to achieve break-even on associated costs;
- Comparison of development of eligible City-owned lots to development of other privately held lots in the neighbourhood; and
- Evaluation of interest, capacity and efficiency of limiting the project to non-profit housing providers.

The project is intended to increase the supply of affordable housing in Winnipeg in addition to contributing to neighbourhood renewal. Single family detached housing that is sold for affordable homeownership will benefit those households that are capable of homeownership but are unable to afford housing at current market prices. If the project results in development of affordable rental housing, potential benefits are broader in that the Province offers rent supplement for a portion of affordable units, so that some units might be offered at social or Rent Geared to Income (RGI) rates. RGI housing can be made available to households on social assistance, as well as to programs supporting housing for people who are homeless or at risk of homelessness.

If the pilot project is successful, recommendations will be made to expand the program over a broader geography. This area would not necessarily include all areas of the city, but would target areas in which the City owns land and where sales would promote strategic development of affordable housing.

Policy and Operational Considerations

City of Winnipeg policies, with respect to Planning (*Complete Communities*) and Housing (*City of Winnipeg Housing Policy)* provide more flexibility in the disposal of City owned lands than is currently being exercised.

Combined, the City's existing policies provide commitment from the City to support neighbourhood revitalization and infill development. While the allocation of City funds is currently limited to supporting neighbourhood revitalization (mostly administered through $1 million provided annually through the City's Operating Budget to the Housing Rehabilitation Investment Reserve, which is then allocated predominantly in five Housing Improvement Zones), the City's actions with respect to the strategic disposal of surplus City-owned lands in specific neighbourhoods can contribute positively to those communities and have an influencing effect on adjoining properties as well.

The Director of the Planning, Property and Development Department was delegated authority by Council on May 18, 2005 to declare all properties acquired by the City through the Tax Sale process as surplus to the City needs. This authority was further delegated by the Director to the Manager of Real Estate on May 19, 2005. This report recommends that this delegated authority be extended in the William Whyte neighbourhood only, for the duration of this project, to properties acquired by other means including the Taking Title Without Compensation process. This amendment will address the limitation of the Director's authority regarding how property was acquired, so long as the property is in fact surplus to the City's needs.

The current land disposal practice for surplus lands involves a marketing process where the lands are typically sold to the highest bidder. From a planning perspective, there are some noted downsides to this practice:

- A sale may be contingent on a successful rezoning application that does not always meet the City's broader policy objectives.
- Disagreements have occurred between the proponent and the Public Service at public hearings (e.g. Public Service recommends down zoning).
- Specific sales are not grounded in a strategy for sale of City-owned land in Reinvestment Areas/Housing Improvement Zones.
- The City does not retain much control over a specific development even though the City owns the land.
- Current practice may not integrate well with City policies as the process understates integration of policies of OurWinnipeg, Complete Communities or City of Winnipeg Housing Policy.
- Lands sold to a private entity could remain vacant indefinitely.

A more strategic focus on the disposition of lands within neighbourhoods designated as Housing Improvement Zones can provide a greater degree of control on the development of those lands, which translates into a more positive influence.

This project provides an opportunity for collaboration between the City and residents/stakeholders in the William Whyte neighbourhood to ensure the sale of surplus City-owned lands can be a benefit to all parties.

Target properties may be vacant lots or lots containing vacant housing in need of repair. Vacant lots would be sold at not less than 50% of the assessed value for affordable residential infill development or for mixed-use development, while vacant houses would be rehabilitated through partnership with organizations providing training in trades, and then sold for market value. These partnerships can consider other policy objectives such as social procurement/ social enterprise opportunities. Land sales would therefore generate revenue for the City with an added benefit of improving value of subject lots as well as adjacent properties.

Mixed-use development would be considered for appropriate locations where other non-residential development exists adjacently or nearby and where the property is or could be zoned for non-residential development (e.g. Selkirk Avenue).

The William Whyte neighbourhood is being proposed as a test case to allow for an exploration of the proposed collaboration. This will allow for the identification of opportunities and constraints, and lessons learned to assess whether the exercise can be expanded to other mature neighbourhoods that would benefit from the strategic disposal of City-owned land. The William Whyte neighbourhood is also being chosen because of existing organizational capacity within the neighbourhood, such as the North End Community Renewal Corporation (NECRC) and the William Whyte Neighbourhood Association that serve as important conduits to the residents, businesses and organizations in the neighbourhood.

The City currently interacts with community stakeholders through a Housing Stakeholders Group, which is hosted and chaired by the NECRC. This Stakeholder Group will be consulted to consider development proposals resulting from this pilot project. Members presently include: representatives of residents associations for neighbourhoods of William Whyte, North Point Douglas, Dufferin and St. John's; representatives from non-profit housing organizations working in the William Whyte neighbourhood (Winnipeg Housing Rehabilitation Corporation, Habitat for Humanity, North End Housing Project and Kinew Housing); representatives from programs

operated in partnership with NECRC (Neighbourhood Power Smart project, Tenant Landlord Cooperative and the Winnipeg Rental Network); and the three levels of government. Project proposals are brought forward to this group if government funding or support is requested, and the group decides whether to endorse the proposal. In some cases, endorsement is delayed to give opportunity for residents associations to hold discussions in their respective communities. Once endorsement is given, NECRC provides to the City a written confirmation of that endorsement. This endorsement does not circumvent or replace any hearing or appeals process that may result from variances or other considerations in the development application process.

It is hoped that the proposed initiative will provide mutual benefit to the community and City of Winnipeg and spur other creative initiatives related to the disposition of real property that meet objectives established within adopted Council policy.

Other Considerations:

The Real Estate and Land Development Division will advise the Urban Planning and Design Division/ Housing Policy Coordinator whenever the City acquires property in the William Whyte neighbourhood.

The Urban Planning and Design Division / Housing Policy Coordinator will be responsible to market and select proponents for each property. Selection criteria will be developed in consultation with key community stakeholders.

The Urban Planning and Design Division / Housing Policy Coordinator will report on this project annually to the Standing Policy on Property and Development, Heritage and Downtown Development and provide an evaluation upon completion of the project.

The Real Estate and Land Development Division together with the Legal Services Department will be responsible for preparation and execution of all documents relating to the disposition of properties.

Proceeds from the sales of property will go to the Land Operating Reserve.

FINANCIAL IMPACT

Financial Impact Statement

Date: August 30, 2017

Project Name:

Disposition of City Owned Lots for affordable non-profit housing or mixed use development that includes affordable housing as a pilot project– William Whyte Neighbourhood

First Year of Program 2018

	2018	2019	2020	2021	2022
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	$ 279,500	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	19,337	19,724	20,118	20,520	20,931
Net Cost/(Benefit)	$ 260,163	$ (19,724)	$ (20,118)	$ (20,520)	$ (20,931)
Less: Existing Budget Amounts	260,163	(19,724)	(20,118)	(20,520)	(20,931)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Direct costs represent the 50% "discount" on the sale of the 17 City-owned lots based on the assumption that the sales price would otherwise have been equal to assessed value. Incremental revenue represents incremental municipal property taxes based on the assumption that each of the 17 improved properties' assessed value equals the 2017 average assessed value of the 12 WHRC properties constructed in the past 5 years (i.e. $193,500), a 45% portioning rate, and a mill rate of 0.013063. For this analysis, it is assumed that the 17 properties are added to the tax roll effective January 1, 2018 and that the mill rate increases by 2%/annum from 2019 onward. **No budget adjustment would be required.**

"Original signed by"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services (as to legal issues)
- North End Community Renewal Corporation
- William Whyte Residents Association

OURWINNIPEG POLICY ALIGNMENT

The *Complete Communities Direction Strategy of OurWinnipeg* provides the following policy statements:

Areas of Stability > Mature Communities:

- *Encourage conservation and upgrading of existing housing in mature areas and expand housing opportunities through infill development (Direction 1)*
- *Facilitate land assembly for infill developments (Direction 1, sub bullet # 3)*

The City of Winnipeg Housing Policy provides the following:

Provisions to Support Revitalization:

> *Where the City has surplus lands in areas identified or suitable for housing development in Reinvestment Areas with priority housing needs, it will seek proposals for development consistent with this policy*
>
> a) *Property may be sold at or below market rates for this purpose (Section III, C, 3, a)*

General Provisions:

> *The City will target incentives and facilitate developments that support the objectives of this [housing] policy based on the degree to which the project addresses a priority need in the City...*
>
> b) *Incentives may include financial and non-financial programs, and may be achieved through a variety of tools, such as…sale of assets at or below market value (Section III, A, 1, a)*

Recommendations of this report regarding strategic sale of lands align with *Complete Communities*.

SUBMITTED BY

Department: Planning, Property & Development
Division: Urban Planning
Prepared by: Dave Dessens, Winnipeg Housing Policy Coordinator
Noah Yauk, District Planner, LSWK Community
Gord Chappell, Administrator, Real Estate and Land Development Division
Date: October 12, 2017
Path: O:\Reports Directive\Planning and Land Use\Urban Planning Reports\Housing Development\Strategic Land Sales in William Whyte Neighbourhood (AMENDED 17-10-10).docx

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Attachments:

1. Appendix A Map of William Whyte neighbourhood

APPENDIX 'A': Map of the William Whyte Neighbourhood

