Agenda – Council – January 31, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

Item No. 24 Request to Amend Development Agreement Conditions for Files DASZ 4/2010 (AG 4/10) and DASZ 8/2012 (AG 8/12) (Waverley West Ward) Files DASZ 4/2010 and DASZ 8/2012

STANDING COMMITTEE RECOMMENDATION:

On January 22, 2019, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the Developer's request to amend Development Agreement (AG 4/2010) by deleting Clause 24 (vi), Section I, Schedule "C" be approved.

2. That the Developer's request to amend Development Agreement (AG 8/2012) by deleting Clause 25 (vi), Section I, Schedule "C" be approved.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2019, 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 7, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee, with the following amendment:

- Delete the following wording after Recommendation 1.:

  "subject to the following condition:

  1. That the Office of Public Engagement conduct a consultation to gather residents' feedback on support and opposition for the installation of lighting."

and submitted the matter to the Executive Policy Committee and Council.

Further on January 7, 2019, Jaime Patrick, Manitoba Housing and Renewal Corporation, submitted a communication in support of the matter.

STANDING COMMITTEE DECISION:

On January 7, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and received the report of the Office of Public Engagement as information.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter and directed the Winnipeg Public Service to consult with residents and gather feedback on support and opposition for the installation of lighting, and report back in 60 days.

David Jopling, Manager, WSP, submitted a communication in support of the matter.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2018, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

- In recommendations 1 and 2, delete "denied", and replace with "approved".

- Add the following after recommendation 3:

  "subject to the following condition:

  1. That the Office of Public Engagement conduct a consultation to gather residents' feedback on support and opposition for the installation of lighting."

and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Further, on July 9, 2018, David Jopling submitted a communication with regards to the matter.

ADMINISTRATIVE REPORT

Title: **REQUEST TO AMEND DEVELOPMENT AGREEMENT CONDITIONS FOR FILES DASZ 4/2010 (AG 4/10) AND DASZ 8/2012 (AG 8/12)**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

The Developer is requesting to amend Development Agreements AG 4/10 and AG 8/12 by deleting Clauses 24(vi) and 25(vi) respectively in Section I of Schedule "C" which requires the installation of pedestrian scale lighting along the public walkways located in the rear right of way of the Visitable Housing yards. The Winnipeg Public Service does not concur with the Developer's request to delete the clauses in question.

RECOMMENDATIONS

1) That the Developer's request to amend Development Agreement (AG 4/2010) by deleting Clause 24 (vi), Section I, Schedule "C" be denied.

2) That the Developer's request to amend Development Agreement (AG 8/2012) by deleting Clause 25 (vi), Section I, Schedule "C" be denied.

3) That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Council authority is required to amend Council's instructions.

IMPLICATIONS OF THE RECOMMENDATIONS

Pedestrian style lighting will be reestablished along the walkways behind Visitable lots in compliance with Crime Prevention Through Environmental Design (CPTED) standards.

HISTORY/DISCUSSION

On July 21, 2010, Council approved the subdivision and rezoning of land located Northeast of Kenaston Boulevard/Bison Drive under file no. DASZ 4/2010 to allow for the Bridgwater neighborhood.

Subsequently on November 14, 2012, Council approved the subdivision and rezoning of land located southwest of the Bridgwater Development under file no. DASZ 8/2012 to allow for the Waverley West neighborhood.

Within both these neighborhoods, the Developer intended to provide up to 50% of the lots to be available for visitable housing which required certain design conditions. For example, to allow for at grade entrances to the proposed housing (i.e. no steps), the lots were designed to require a drainage element incorporated into the right of way at the rear of the lots. Also incorporated into the right of way was a public walkway. Design elements for the right of way proposed and agreed upon by the City and Developer are as follows:

Public Walkways in Rear Yards of Visitable Housing

In the event the 6.25-m-wide rear yard rights-of-way associated with visitable housing are to be developed as public walkways (the "walkways"), the Developer shall:

i) ensure that all walkways provide a minimum 3.0-m-wide hard surface clear path of travel;

ii) construct all walkways to a standard that supports heavy equipment;

iii) ensure that all walkways are unencumbered by any land drainage infrastructure (e.g. manholes, catch basins or drainage swales);

iv) provide for bench/sitting nodes along the length of the walkways, the design of which shall be in accordance with Universal Design standards except that spacing may be extended to approximately 300-400 m on-centre or as deemed appropriate by the City's Universal Design Coordinator;

v) provide sod and, if possible, trees, along the length of the walkways;

vi) install pedestrian-scale lighting spaced along the length of the walkways, which must provide a minimum of 5 Lux intensity along the path of travel, and must be incorporated into the hard surfacing (but outside of the path of travel) so as to simplify site maintenance, all to the satisfaction of the Director of Public Works;

vii) construct, within the rear yards of all single-family lots abutting the walkways, a uniform wrought iron or other approved open-style fence 1.5 metres in height,

complete with one gate per property, to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development, maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development, and permit the City to file a caveat against the title of each such lot requiring the owner(s) of those lots to fulfill those obligations.

viii) ensure that the owner of each property which backs onto the walkways is responsible for the maintenance of the turf in the portion of the walkways against which that property abuts, to the satisfaction of the Director of Public Works, as governed by this Agreement, or caveat, or City by-law; and

ix) ensure that CPTED (Crime Prevention Through Environmental Design) principles are applied to the walkways, particularly related to establishing clear sight lines between designated points of access/egress along the length of the walkways.

During the early stages of construction, the City agreed to delete the requirement for lighting. According to a report provided by the Developer's Consultant, Nadi Design in December 2013, the City requested that lights proposed in the pedestrian corridors be removed. Rational provided by the City was that the lighting would be difficult to maintain and was not consistent with the neighborhood. Amendments to the Development Agreement were not requested at the time.

From 2013 to 2017 the City received and approved plans that did not have lighting. As noted by the Developer, a number of the walkways were subsequently approved and turned over to the City.

In the spring of 2017, the Developer's consultant , McGowan Russel Group, submitted landscape drawings for the final phase of the Bridgwater project. At this point, the City rejected the drawings on the basis that lighting should be provided per the Development Agreement conditions. In addition, it was recommended by the City that all the walkways behind visitable lots should have lighting.

Citing excessive costs to retrofit existing walkways with lighting, among other factors as stated in Appendix "A", the Developer has requested that the requirements for lighting within the lots behind the visitable lots be deleted from the Development Agreement. Specifically, deleting clauses 24(vi) and 25(vi), Section I, Schedule C in Development Agreements AG 4/10 and AG 8/12 Respectively.

The request was reviewed by member of the Public Service, including Parks and Open Space, Urban Design, Public Works (Engineering and Lighting), Winnipeg Police Service Crime Prevention Through Environmental Design (CPTED) Specialist and the Universal Design Coordinator. All agreed that based on CPTED criteria, the requirement for lighting NOT be deleted from the Development Agreement conditions.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

This neighbourhood development falls within the areas of Stability Policy Area of OurWinnipeg and Complete Communities – Recent Communities policy area.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Real Estate and Land Development
Prepared by:	G.V. Jasper, Land Development Administrator
Date:	May 24, 2018
File No:	V:\DA Amendment Request\AG 8-12 Amendment Request – Path Lighting

Attachments: Appendix “A” – Letter requesting amendment to AG 4/10 and AG 8/12
Appendix “B” – follow-up email from MHRC dated March 29, 2018
Appendix “C” – Whyte Ridge Neighborhood Sidewalks and Pathways Plan
Appendix ”D” – Bridgwater Neighborhood Sidewalks and Pathways Plan

APPENDIX "A" – LETTER REQUESTING AMENDMENT TO AG 8/2012

manitobahousing

Land Development
200 – 352 Donald Street
Winnipeg MB • R3B 2H8
manitoba.ca/housing

Tel: (204) 945-5944
Fax: (204) 948-4733

March 14, 2018

City of Winnipeg
Planning, Property and Development Department
Main Floor – 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Attention: Greg Jasper, Land Development Administrator

Dear Sir:

The Manitoba Housing and Renewal Corporation (MHRC) is applying to amend the existing Development Agreements that affect the lands relating to DASZ 4/2010 and DASZ 8/2012, and is asking that the amendment request be made to the Riel Community Committee at their next meeting.
Specifically, we are requesting to amend Development Agreement AG 4/10 (Bridgwater Lakes) to delete Clause 24(vi) of Schedule C; and to amend Development Agreement AG 8/12 (Bridgwater Trails) to delete Clause 25(vi) of Schedule C. These clauses are identical in each agreement:

AG 4/10 – Schedule C

24. Public Walkways in Rear Yards of Visitable Housing

In the event the 6.25-m-wide rear yard rights-of-way associated with visitable housing are to be developed as public walkways (the "walkways"), the Developer shall:

vi) install pedestrian-scale lighting spaced along the length of the walkways, which must provide a minimum of 5 Lux intensity along the path of travel, and must be incorporated into the hard surfacing (but outside of the path of travel) so as to simplify site maintenance, all to the satisfaction of the Director of Public Works;

AG 8/12 - Schedule C

25. Public Walkways in Rear Yards of Visitable Housing

In the event the 6.25-m-wide rear yard rights-of-way associated with visitable housing are to be developed as public walkways (the "walkways"), the Developer shall:

vi) install pedestrian-scale lighting spaced along the length of the walkways, which must provide a minimum of 5 Lux intensity along the path of travel, and must be incorporated into the hard surfacing (but outside of the path of travel) so as to simplify site maintenance, all to the satisfaction of the Director of Public Works;

Background

Attachment A – Bridgwater Neighbourhoods Pathways Plan shows the location of the regular asphalt walkways (in green) and the Visitable asphalt walkways (in red) throughout the Bridgwater Neighbourhoods. As illustrated, the Visitable walkways represent only 11.25% of the total walkway network, with regular asphalt walkways accounting for 88.75%. The regular asphalt walkways are interconnected throughout the neighbourhoods. The Visitable walkways are located between two rear yards with fencing along each side.

Rationale

The rationale for amendment of the Development Agreements is presented under the following six headings:

1. **Without clear rationale, lighting along walkways behind Visitable lots was inserted as a requirement in Development Agreement AG 4/10 (Bridgwater Lakes) and Development Agreement AG 8/12 (Bridgwater Trails)**

    a. To discourage the use of walkways at night, MHRC did not support incorporating lighting along any of the walkways in Bridgwater.
    b. Without clear rationale, the City imposed the requirement for lighting along walkways behind Visitable lots only.
    c. Despite its' initial objection, and the absence of a definitive rationale for the requirement, MHRC (and its' consultants, Nadi Design) provided the City with conceptual drawings for these walkways that included lighting as required by the Development Agreement.
    d. It is important to note that the walkways behind Visitable lots represent only **11.25%** of Bridgwater's total walkway system **(see: Attachment A – Bridgwater Neighbourhoods Pathways Plan)**.

2. **Without pressure from MHRC, City Administration requested the removal of lighting along walkways behind Visitable lots from all Bridgwater landscape drawings**

    a. During a design review meeting with City Administration, Nadi Design called attention to the Development Agreement requirement for pedestrian lighting along walkways behind Visitable lots. MHRC and Nadi Design were asked by City Administration to remove lighting from the proposed landscape drawings for the lands relating to Development Agreement AG 4/10 (Bridgwater Lakes) **(see: Attachment B – Meeting Notes from December 20, 2013)**.
    b. MHRC and Nadi Design completed the request.
    c. The City approved revised landscape drawings (with no lighting along any walkways), as per the City's request.
    d. Development of these walkways commenced.

3. **City Administration continued, in subsequent Phases, to approve Bridgwater Visitable walkway drawings without lighting**

    a. MHRC developed the walkway system according to the City's wishes from 2013 until spring of 2017.
    b. The City accepted and approved all landscape drawings (with no lighting along any walkways) from 2013 until spring 2017 **(see: Attachment C – Bridgwater Landscape Drawings Submission Timeline)**.

4. **City Administration rejected the Visitable path design package for Bridgwater Trails phase 5, based on walkway drawings not having lighting**

    a. In spring 2017, MHRC and McGowan Russell submitted landscape drawings for the final phase of the Bridgwater Project (Bridgwater Trails phase 5). The City rejected the package, requiring lighting to **NOW** be included along walkways behind Visitable lots in this final phase, and retroactively installed in older phases of Bridgwater Lakes and Trails, along all walkways behind Visitable lots.

5. **The retroactive insertion of Visitable lighting behind less that 12% of the interconnected walkway system will create disruption to individuals and homeowners who have settled into their homes over the last six years**

    a. In the initial stages of the development of Bridgwater Lakes, it was usual and expected that heavy site construction would be underway. Typically land development is sequenced with the most disruption occurring initially (underground infrastructure and roadwork), and the least disruptive development occurring last (soft landscaping, sod and tree planting).
    b. Retroactively installing this Visitable lighting will involve destroying and re-building thousands of square metres of built and established landscaping, in close proximity to homeowners who have settled in and have been enjoying their environments for years.
    c. The longer-term issue with lighting the Visitable walkways may in fact be detrimental to the residents immediately adjacent to them.

6. **The financial burden of retroactively inserting this lighting is considerably more than the initial cost of constructing the lighting along with the pathway system in the beginning**

    a. Retrofitting the existing walkways to include lighting will result in significant cost and disruption to the existing landscaped walkways. It is highly unreasonable to request this change and associated additional costs at the end of the final phase of the entire Bridgwater project.
    b. MHRC, as the developer, should not be tasked with responding to reversed decisions on phases that have long since received design approval, and in some cases been handed over to the City.

Our request to remove the lighting requirement along walkways behind Visitable lots from Development Agreement AG 4/10 and Development Agreement AG 8/12 is a change in support of the City Administration's previous four-year-long position on the issue. We believe that this letter provides strong rationale as to why the clause pertaining to pedestrian-scale lighting along Visitable walkways should be removed from Development Agreement AG 4/10 and Development Agreement AG 8/12. However, should you have any further questions, please do not hesitate to contact the undersigned.

Yours sincerely,

Jaime Patrick
Director, Land Development
MHRC

LL/tc
Encl.
cc: David Jopling

APPENDIX "B" – FOLLOW-UP EMAIL FROM MHRC DATED MARCH 29, 2018

Email from J. Gallagher (MHRC)

To: G. Jasper (City of Wpg.)

I am attaching a sidewalk and pathway plan of Whyte Ridge because it represents the typical environment all across the City. I am also attaching a sidewalk and pathway plan of Bridgwater as a comparison. As you can see the difference is tremendous.

I think there are three areas of misunderstanding by the City Administration with respect to this issue as follows:

1. MHRC management required that Bridgwater Lakes, Bridgwater Centre and Bridgwater Trails have 50% visitable housing. The Public Works Department required either a concrete drainage channel or an asphalt path at the back of new visitable lots because split drainage was needed to make the homes visitable. MHRC opted for the asphalt paths. The paths created behind visitable lots were a POST PLANNING INSERT. The paths created WERE NOT PART OF THE VAST PATHWAY SYTEM ALREADY PLANNED. You can see the pathway system (shown in green) on the Bridgwater plan and also see that the paths behind visitable homes were not part of the original planned system.

2. The pathways in question show up on legal plans as public right-of-way. Parks are usually separate parcels owned by the City. In the end all property is owned by the City. The pathways in question will always be pathways owned by the City. ALL LOTS TOUCHING THESE PATHWAYS HAVE FRONT ACCESS HOMES WITH ATTACHED FRONT GARAGES. There isn't some kind of different environment here but only a difference in the legal descriptions of land all owned by the City.

3. **THE MOST IMPORTANT POINT**. Unlike **EVERY OTHER SUBURBAN PROJECT IN THE ENTIRE CITY** Bridgwater was built with sidewalks on **ALL SIDE STREETS** in the entire project (other than cul-de-sacs where the City wouldn't permit sidewalks). If you look at the Bridgwater plan versus the Whyte Ridge plan you can see the difference. Whyte Ridge has zero sidewalks on side streets which is the **CITY OF WINNIPEG STANDARD**. Contrast this with Bridgwater which has a **VAST SIDEWALK SYSTEM OF OVER 50km AND a VAST PATHWAY SYSTEM OF OVER 30 km**. The City clauses of requiring lighting on the pathways in question wants **TO HOLD BRIDGWATER TO A FAR HIGHER STANDARD THAN EVERYWHERE ELSE IN WINNIPEG**. Not only do all visitable lots along these paths also have **LIGHTED SIDEWALKS AT THE FRONT OF EACH LOT** but **THE CITY ALSO INSISTS ON LIGHTING THE PATHS AT THE REAR** even though the City policy is **NOT TO HAVE LIGHTING ALONG PATHWAY SYSTEMS**. So pedestrians in all other suburban areas do not have any sidewalks at all on side streets according to City standards but the City ALSO wants lighting in Bridgwater on the paths along the rear as well.

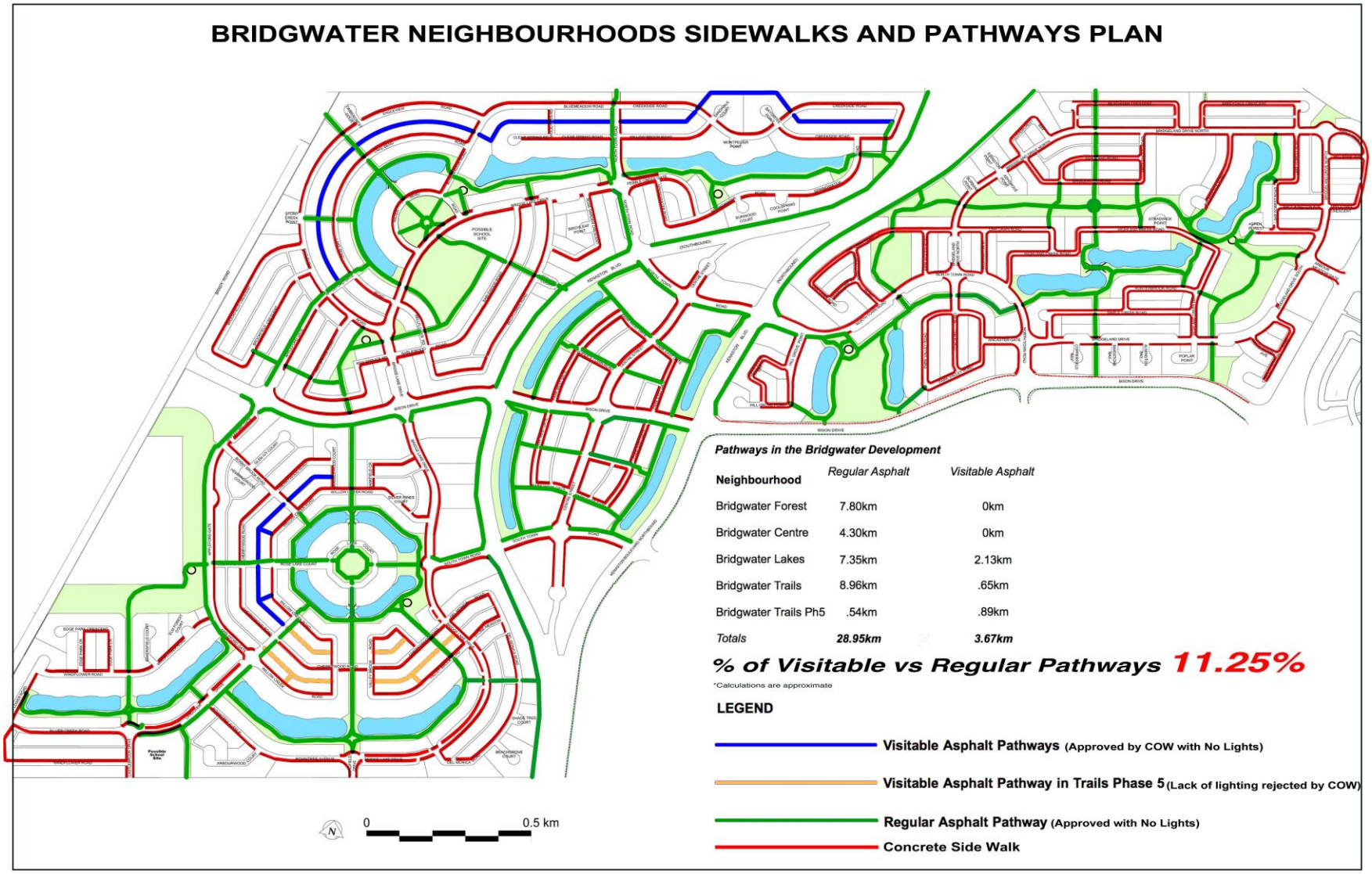
I ask that this message be circulated to appropriate City persons and be attached to the report by the City Administration to Community Committee along with the letter and attachments from Jaime Patrick. MHRC intends to speak to this issue at Community Committee. MHRC hopes the Administration will support the MHRC request. I have not revisited the key issues raised by the letter from Jaime Patrick which add to case made by MHRC.

Appendix “C” – Whyte Ridge Neighborhood Sidewalks and Pathways Plan

WHYTE RIDGE NEIGHBOURHOOD SIDEWALKS AND PATHWAYS PLAN



Appendix ”D” – Bridgwater Neighborhood Sidewalks and Pathways Plan



ADMINISTRATIVE REPORT

Title: Bridgwater Neighbourhood Pathway Lighting Public Engagement Report

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Vespa	F. Wiltshire	N/A	D. McNeil

EXECUTIVE SUMMARY

The Standing Policy Committee on Property and Development, Heritage and Downtown Development directed the Public Service to consult with residents and gather feedback on support and opposition for the installation of lighting along the visitable pathways in the Bridgwater neighbourhood that were subject to the development agreement (Files DASZ 4/2010 (AG 4/10) and DASZ 8/2012 (AG 8/12)).

The Public Service consulted with residents and gathered feedback on support and opposition for the installation of lighting along the visitable pathways by inviting residents to complete an online survey from October 29 to November 15, 2018. Over 200 surveys were completed. Of those who participated in the survey, 48 were from those who back directly onto the visitable pathways.

Survey results included:

- Overall, of the 204 respondents, 76% support lighting; 19% oppose lighting; 5% are neutral.
- Of those who back onto visitable pathways (48), 60% support lighting; 40% oppose lighting.
- Of those who use visitable pathways (185, including respondents who also back onto the pathway), 78% support lighting; 17% oppose lighting, 4% are neutral.

RECOMMENDATIONS

1. That this report be received as information.

REASON FOR THE REPORT

On September 4, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the Request to amend Development Agreement Conditions for Files DASZ 4/2010 (AG 4/10) and DASZ 8/2012 (AG 8/12) and directed the

Public Service to consult with residents and gather feedback on support and opposition for the installation of lighting, and report back in 60 days.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no implications of the recommendation as the report is to be received as information.

HISTORY/DISCUSSION

There are approximately 3.67 km of visitable pathways in the Bridgwater neighbourhood. Visitable pathways, defined as those pathways located in the drainage area behind accessible homes with no-step entries, make up over 11% of the pathways. Regular asphalt pathways make up the rest of the pathways. There are also concrete sidewalks in the neighbourhood.

In response to the request for amendment to the development agreement, the Public Service recommended denying the request in order to maintain the requirement for lighting on the pathways. The Riel Community Committee (July 9, 2018) did not concur with the Public Service recommendation and recommended consultation with residents on pathway lighting as a condition. The Standing Policy Committee on Property and Development, Heritage and Downtown Development (SPC-PD) (September 4, 2018) laid over the matter and directed the Public Service to consult the public on pathway lighting.

Bilingual postcards were mailed to 4,079 houses, condominiums and apartment units in the Bridgwater neighbourhood (Bridgwater Forest, Bridgwater Lakes, Bridgwater Trails and the residential section of Bridgwater Centre), inviting residents to provide input through an online survey. The postcard also provided a link to an English and French webpage with additional information.

A total of 204 survey responses were received between October 29 to November 15, 2018. Two responses were from outside Bridgwater, as one of the Canada Post mail routes overlapped with an adjacent neighbourhood. Participant addresses were collected to determine which survey respondents directly backed onto the visitable pathways. Of those who participated in the survey, 48 were from those who back directly onto the visitable pathways. In total, 276 homes in the area back onto the visitable pathways where the requirement for lighting will be decided.

Survey results included:

- Overall, of the 204 respondents, 76% support lighting; 19% oppose lighting; 5% are neutral.
- Of those who back onto visitable pathways (48), 60% support lighting; 40% oppose lighting.
- Of those who use visitable pathways (185, including respondents who also back onto the pathway), 78% support lighting; 17% oppose lighting, 4% are neutral.

A summary of the public engagement process and full results are in Appendix A.

Due to a Canada Post strike, postcards may have been delayed in arriving to residents. The strike was rotating so residents may have received postcards with other delayed mail. The survey period was long enough to allow for delays in postcard delivery.

Expressing the impacts of lighting is difficult with photos and text. Those with properties that back on to the visitable pathways may not fully understand how the lighting will impact them despite the images and explanation of potential for light spillage. In addition, the number of lights and the exact location of lighting were not provided as the design for the pathway lighting is not available.

FINANCIAL IMPACT

Financial Impact Statement Date: December 4, 2018

Project Name: Bridgwater Neighbourhood Pathway Lighting

COMMENTS:

This report is to be received as information and therefore has no financial implications.

(Original signed by T. Yanchishyn)
Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:
Public Works Department
Planning, Property and Development Department

OURWINNIPEG POLICY ALIGNMENT

Not applicable.

SUBMITTED BY

Department: Office of the Chief Administrative Officer
Division: Customer Service and Communications
Prepared by: Morgan Vespa
Date: December 5, 2018

Attachments:

Appendix A - Bridgwater Neighbourhood Pathway Lighting Public Engagement Summary