**Agenda – Council – May 6, 2020**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 20, 2020**

**Item No. 5** **Secondary Plan Amendment – 1485 Portage Avenue, 600 Empress Street, 875 St. James Street and Lot 2 Plan 54622 42 St. James (former stadium site) (St. James Ward) File SPA 1/2019 [c/r DAZ 210/2019]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 28, 2020, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That development application No. SPA 1/2019 be rejected;

2. That second and third reading not be given to By-law No. 48/2019 (the "By-law"), being a by-law to amend the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94 to re-designate from Area I to Area II the lands bounded by St. Matthews Avenue, Empress Street, Portage Avenue and St. James Street; and

3. That first reading of By-law No. 48/2019 be rescinded.

4. That the Proper Offices 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 – April 20, 2020**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 28, 2020, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 20, 2020, due to a tie vote, the Standing Policy Committee on Property and Development, Heritage and Downtown Development submitted the matter to the Executive Policy Committee and Council without recommendation.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 3, 2020, the Assiniboia 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:

1. That the secondary plan amendment under File SPA 1/2019, to amend the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94 to re-designate from Area I to Area II the lands bounded by St. Matthews Avenue, Empress Street, Portage Avenue and St. James Street, be approved.

2. That second and third reading be given to By-law No. 48/2019 (the "By-law").

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

## PUBLIC HEARING SUMMARY

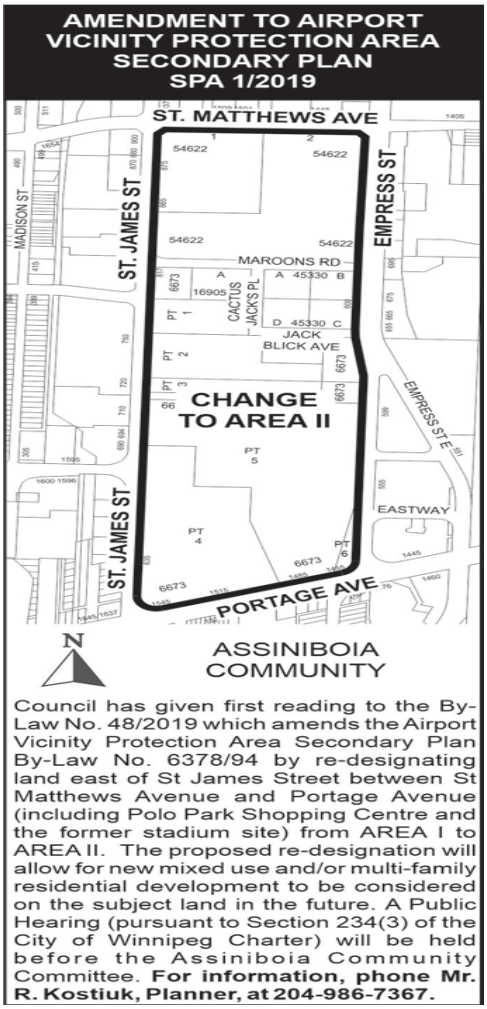
**File:** **SPA 1/2019**

**Before:** Assiniboia Community Committee
Councillor Klein, Chairperson
Councillor Gillingham
Councillor Lukes

**Public Hearing:** March 3, 2020
Council Building, 510 Main Street

**Applicant:** Richard + Wintrup Planning
(Michelle Richard and John Wintrup)

**Subject:**




Council has given first reading to the By-Law No. 48/2019 which amends the Airport Vicinity Protection Area Secondary Plan By-Law No. 6378/94 by re-designating land east of St James Street between St Matthews Avenue and Portage Avenue (including Polo Park Shopping Centre and the former stadium site) from AREA I to AREA II. The proposed re-designation will allow for new mixed use and/or multi-family residential development to be considered on the subject land in the future. A Public Hearing (pursuant to Section 234(3) of the City of Winnipeg Charter) will be held before the Assiniboia Community Committee. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**

**Premises Affected:** 1485 Portage Avenue, 600 Empress Street, 875 St. James Street and Lot 2 Plan 54622 42 St. James (former stadium site)

**For submission to:** The Standing Policy Committee on Property and Development, Heritage and Downtown Development

**Prepared by:** Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

**Report date:** March 10, 2020

**Community Committee Recommendation:**

On March 3, 2020, the Assiniboia 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:

1. That the secondary plan amendment under File SPA 1/2019, to amend the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94 to re-designate from Area I to Area II the lands bounded by St. Matthews Avenue, Empress Street, Portage Avenue and St. James Street, be approved.

2. That second and third reading be given to By-law No. 48/2019 (the "By-law").

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

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. First of all I think we heard both the proponent and even the airport, I agree in this sense that they're not opposed to development. I found the report, the ARUP Report compelling. I think ultimately one of the reasons I'm also, I've decided as I have is that the matter before committee today is specific to the application to amend the airport vicinity secondary plan, to re-designate the property in question from policy area one to policy area two and it is specifically the noise exposure, either projections or forecasts that inform the airport vicinity plan.

2. And so we're making decisions today that are going to have future implications but this committee is stuck with data from 25 years ago which makes it very, very difficult. And you know we heard today it would appear that it's quite likely that updated contours may well in fact support development on this site. We're not approving development on this site; let me be clear about that. This decision today is whether or not to approve an amendment to the airport vicinity plan. And so I'm supportive of having that amendment.

3. We do need to protect the 24-hour operations of the airport. The language within the administrative report is language that it may, there's a potential to, it's not definitive that an amendment would, it's not definitive, and certain that an amendment to the airport vicinity plan would automatically trigger and jeopardize the 24-hour operations. So I think we need to both protect the 24-hour operations, but I think there is an opportune time now to, in the right places, consider multi-family development in St. James and I think both can be true, both can be had.

Exhibits Filed:

1. Application dated April 15, 2019
2. Notification of Public Hearing dated December 19, 2019
3. Council Decision of November 21, 2019; contains report from the Director of Planning, Property and Development dated August 2, 2019
4. First Reading of By-law No. 48/2019 by Council on November 21, 2019
5. Manitoba Status of Titles 1356668/1, 1356671/1, 2051514/1, 2118603/1, 2171647/1, 2677317/1 and 2782982/1
6. Letter of authorization dated March 25, 2019 from Finley McEwen, Ontrea Inc. (CF Polo Park) to Michelle Richard and John Wintrup
7. Letter of authorization dated April 2, 2019 from Sandy Shindleman, 7113196 Manitoba Ltd. to Michelle Richard and John Wintrup
8. Letter of authorization dated April 2, 2019 from Sandy Shindleman, 8239959 Canada Inc. to Michelle Richard and John Wintrup
9. Caveats 174123, 174124, 1095604, 1095706, 2726232/1 4365381/1, 82-82026, 82-38565.5/1, and 86-35461
10. Statutory Easement Agreement between Ontrea Inc. and the City of Winnipeg
11. Cadillac Fairview Multi-Family Residential Development Acoustic Zoning Review dated October 2019
12. Polo Park Airport Vicinity Protection Area Study / Airport Noise and Adjacent Development Report dated January 31, 2020
13. Residential Development in Proximity to Airports – Polo Park Site Area Amendment – Supplemental Report dated January 31, 2020
14. Cadillac Fairview Polo Park Airport Vicinity Protection Area (AVPA) Study
15. Maps 1-3, 5, and 7-9 (Appendix A, B, C, D, E, F and G)
16. Report from the Urban Planning Division dated February 24, 2020
17. Communication dated March 2, 2020, from John Armstrong, in support of the application
18. Communication dated March 2, 2020, from Travis Paul, Bird Construction, in support of the application
19. Communication dated March 3, 2020, from Jim Bell, in opposition to the application
20. Presentation dated March 3, 2020, titled “Polo Park Redevelopment – A Presentation to Assiniboia Community Committee”, in support of the application, submitted by the Applicant at the public hearing

Exhibits Filed (continued):

21. Documentation titled “AVPA Plan Review”, in opposition to the application, submitted by Tyler MacAfee at the public hearing
22. Power Point Presentation dated March 3, 2020, titled “Proposed By-law No. 48/2019”, in support of the application, submitted by Ken Klassen at the public hearing
23. Recording of Representations

REPRESENTATIONS:

In Support:

Alexander Ahman
Dino Alevizos
John Armstrong
Annika Hui
Ken Klassen
Jared Kushner
Marni Larkin
Guiseppe Leuzi
Travis Paul
Michael Pieser
Michelle Richard
Matthew Robinson
Michael Stronger
Regine Westen
Justin Zarnowski

In Opposition:

Jim Bell
Tyler MacAfee
Barry Rempel
Eric Vogan
Solomon Wong

For Information:

Kate Moir
For the City:

D. Clark, Urban Planner, Planning, Property and Development Department
R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "16" referred to in File SPA 1/2019

# ADMINISTRATIVE REPORT

**Title:** SPA 1/2019 (By-law No. 48/2019) – Amendment to the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94 for the Polo Park/Former Stadium Site

**Critical Path:** Assiniboia 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 | | |

## EXECUTIVE SUMMARY

On April 16, 2019 the Urban Planning and Design Division received an application to amend the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94 (the "AVPA"), proposing to re-designate approximately 80 acres of land bordered by Portage Avenue, St. James Street, St. Matthews Avenue, and Empress Street, (commonly referred to as "Polo Park" and the "former Winnipeg Stadium site"), from policy Area I to Area II.

The purpose of the AVPA is to protect the 24-hour air operations of the Winnipeg James Armstrong Richardson International Airport (Winnipeg Airport) by limiting residential noise complaints. The AVPA severely limits new residential development, including prohibiting new multi-family uses from establishing in policy Area I, but allows for new residential development including multi-family uses in policy Area II. The proposal is to re-designate the subject lands from policy Area I to Area II to allow for new residential uses, notably mixed use or multi-family residential, to be considered in the future.

Because the AVPA is a secondary plan, a public hearing must be held in respect of the proposed amendments after Council gives first reading to the amending by-law.

On November 21, 2019, Council gave first reading to the subject By-law No. 48/2019. First reading was given after two, 30-day layovers were provided by the Executive Policy Committee to allow for further consultation between the applicant and stakeholders. Meetings were held between the applicant and Winnipeg Airports Authority (WAA) with City staff in attendance; however, these meetings ultimately did not result in any resolution between the applicant and stakeholder.

Since first reading, the applicant has submitted supplemental materials. The Public Service circulated these materials to the WAA and Transport Canada.

The WAA has identified concerns with the proposed amendment but have indicated that they would support a review of the AVPA in its entirety.
Although components of the development described in the proposal are consistent with the policies *of OurWinnipeg* and *Complete Communities,* the requested change in designation from Area I to Area II of the AVPA of an individual, substantially-sized parcel such as proposed, potentially poses a threat to the 24-hour operations of the Winnipeg Airport. Accordingly, the Public Service does not support the subject application.

Key policies of *OurWinnipeg* and *Complete Communities* include: supporting *the role of the James Armstrong Richardson International Airport as a major transportation hub for passengers and cargo* and *supporting the 24-hour status of airport operations and airport related activities by working with the Winnipeg Airports Authority and all stakeholders*.

In accordance with section 270 of the City of Winnipeg Charter (the "Charter"), an objection to the proposed amendment filed at the public hearing by a neighbouring municipality or another level of government would result in the proposed amendment being referred to the Municipal Board before second reading.

## RECOMMENDATIONS

1. That Council:
   A. reject development application No. SPA 1/2019;
   B. not give second or third reading to By-law No. 48/2019 (the "By-law"), being a by-law to amend the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94 to re-designate from Area I to Area II the lands bounded by St. Matthews Avenue, Empress Street, Portage Avenue and St. James Street; and
   C. rescind first reading of By-law No. 48/2019.
2. That the proper offices of the City be authorized to do all things necessary to implement the intent of the foregoing.

## REASON FOR THE REPORT

On November 21, 2019 Council gave first reading to Secondary Plan By-law No. 48/2019 and directed the Assiniboia Community Committee to conduct a public hearing and provide its recommendations to Council.

Only Council can enact a by-law. A public hearing with respect to the secondary plan by-law is required to be held between first and second reading.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the proposed secondary plan by-law amendment will not proceed.

**HISTORY/DISCUSSION**

- The Winnipeg Airport Vicinity Development Plan No. 6378/94 was adopted by Council on May 25, 1994.
- In December, 2002, the name of the Winnipeg Airport Vicinity Development Plan was changed to the Airport Vicinity Protection Area Secondary Plan By-law (the “AVPA”) by the Charter Implementation By-law No. 8162/2002.
- On April 16, 2019, the Urban Planning and Design Division received applications to amend the Airport Vicinity Protection Area Secondary Plan – By-law (SPA 1/2019) and the Airport Vicinity PDO-1 within the Zoning By-law (DAZ 210/19).
- The proposal is to re-designate the Polo Park Shopping Centre and former stadium site, currently designated AVPA policy ‘Area I’, to ‘Area II’.
- Amendments to the AVPA are administered through the secondary plan by-law amendment process as provided in *the Charter.*
- On November 21, 2019, Council gave first reading to By-law No. 48/2019. First reading was given after two, 30-day layovers were provided by the Executive Policy Committee. The layovers were granted to allow for further consultation between the applicant and stakeholders. Meetings were held between the applicant and WAA with City staff in attendance. However, these meetings ultimately did not result in any resolution between the applicant and stakeholder.
- A detailed summary of the application and relevant by-laws and policies is provided in Appendix ‘A’ – Planning Discussion.

**FINANCIAL IMPACT**

## Financial Impact Statement

**Date:** July 29, 2019

## Project Name:

**By-Law No. 48/2019 – Amendment to the Airport Vicinity Protection Area Secondary Plan By-Law No. 6378/94 for Polo Park/Former Stadium Site**

**COMMENTS:**

There are no financial implications associated with this report.

*"Original Signed By"*
Mike McGinn, CPA, CA
Manager of Finance

## CONSULTATION

This Report has been prepared in consultation with:

Internal

- Legal Services (as to legal issues)
- Planning, Property and Development
- Office of Sustainability

## OURWINNIPEG POLICY ALIGNMENT

***OurWinnipeg & the Complete Communities Direction Strategy***

**Airport Vicinity Policies**

- Airport Vicinity Protection Areas I and II are presented on the Urban Structure Map (figure 01a) of *OurWinnipeg* (see Figure 5 attached).
- Policies in *OurWinnipeg* regarding development in the Airport Vicinity Protection Area defer to the AVPA and related Planned Development Overlay (PDO):
    - *Support the role of the James Armstrong Richardson International Airport as a major transportation hub for passengers and cargo.*
    - *Adhere to the Airport Vicinity Development Plan (AVDP) and periodically review the plan in cooperation with relevant stakeholders.*
    - *In order to maintain compatible land use relationships, regulate land use and building regulations for all those neighbourhoods or portions thereof significantly affected by airport related noise through:*
        - *The Airport Vicinity Development Plan By-law 6378/94* (ie. the *Airport Vicinity Protection Area Secondary Plan)*.[1]
        - *Airport Vicinity Protection Area Planned Development Overlay*
- The *Complete Communities Direction Strategy* does not map the Airport Vicinity Protection Areas I or II. However, policies for the Airport Area designation also defer to the Airport Vicinity Development Plan By-law 6378/94 (ie. the AVPA) and PDO using most of the same wording as found (and noted above) in *OurWinnipeg*.
- The *Complete Communities Direction Strategy* also adds the following direction:

  *Direction 1*
    - *Support the 24-hour status of airport operations and airport related activities by working with the Winnipeg Airports Authority and all stakeholders.*

[1] The name of the *Winnipeg Airport Vicinity Development Plan* was changed to the *Airport Vicinity Protection Area Secondary Plan* By-law by Charter Implementation By-law No. 8162/2002.

**Regional Mixed Use Centre Policies**

- Under *OurWinnipeg* and the *Complete Communities Direction Strategy,* the subject site is located within a Regional Mixed Use Centre (Regional Mixed Use Centre F – Polo Park Area).
- Under *OurWinnipeg* and the *Complete Communities Direction Strategy*, the key direction guiding development in Regional Mixed Use Centres is:

  *KEY DIRECTION*

  *Focus a significant share of growth to Centres and Corridors in a manner that:*

  - *provides compact, mixed-use, high-quality urban development.*
  - *concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.*
  - *concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.*
  - *encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.*

- Supporting policies of the key direction for Regional Mixed Use Centres are:
  - *Promote and guide the transformation of existing Regional Mixed Use Centres through a proactive and collaborative process.*
  - *Support high-frequency transit service by encouraging higher density residential and higher intensity commercial and mixed uses within the centre of the development. These will be focused on major transit stops.*
  - *Create strong, multi-modal and transportation linkages from each Regional Mixed Use Centre to Downtown, other Centres, Corridors, Parks and major attractions.*
  - *Promote development within the Polo Park Regional Centre consistent with the Airport Vicinity Protection Area Planned Development Overlay.*
  - *Establish local goals and objectives for each Regional Mixed Use Centre while taking into account its relationship to: OurWinnipeg, Sustainable Transportation Direction Strategy, Downtown, Redevelopment Areas, Corridors and other Centres. This could include minimum and maximum density and employment targets.*
- The residential mixed-use style development described in the proposal (“Letter of Intent”) is consistent with the policies of *OurWinnipeg* and *Complete Communities*.
- *OurWinnipeg* and *Complete Communities* policies guiding development of Regional Mixed Use Centres promote intensification with a mix of uses and higher density residential development.
- It should be noted that a key direction of *Complete Communities* is to *promote development at the Polo Park Regional Centre consistent with the Airport Vicinity Protection Area Planned Development Overlay* (as provided in the Zoning By-law). The Airport Vicinity Protection Area Planned Development Overlay (PDO-1 Airport Vicinity) is not to be confused with the AVPA, which is the secondary plan by-law providing land use policy direction of the area. The PDO-1 Airport Vicinity is a regulatory device contained in the Winnipeg Zoning By-law which reflects and implements the policies of the AVPA.

- In this way, the *OurWinnipeg* and *Complete Communities* policies defer to the AVPA and related PDO to provide details on the type and intensity of development appropriate within the AVPA area, which includes the subject land.

**Conclusion**

- Some components of the proposal are consistent with several Key Directions and Enabling Strategies of *OurWinnipeg/Complete Communities*, in that the proposal has the potential to accommodate the following in a Regional Mixed Use Centre:
    - compact, mixed-use, high-quality urban development
    - a concentration of people and jobs in areas well-served by the primary transit service, located close to transit stops
    - a concentration of urban development in a built form that helps optimize existing investment, municipal infrastructure, and facilities.
- However, given the information available at this time, the Public Service views the potential risk of threatening the 24-hour air operations of the Winnipeg Airport and planned expansion of the airport as outweighing the potential benefits described above.
- Supporting *the role of the James Armstrong Richardson International Airport as a major transportation hub for passengers and cargo* and *supporting the 24-hour status of airport operations and airport related activities by working with the Winnipeg Airports Authority and all stakeholders* are key policies of *OurWinnipeg* and *Complete Communities*.

**WINNIPEG CLIMATE ACTION PLAN ALIGNMENT**

4.1 Increase Strategic Infill Development That Provides Access to and Capitalizes on Existing and Planned Corridors With Frequent Transit Service.

- While components of the application align with the above Winnipeg Climate Action Plan policy (potential infill development along a frequent transit corridor), the proposal may not be considered strategic in that it may threaten the 24-hour operations of the Winnipeg Airport.

**SUBMITTED BY**

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Robert Kostiuk, MCIP, RPP
Date: February 24, 2020
File No: SPA 1/2019

Attachments:

Appendix ‘A’ – Planning Discussion

Appendix ‘B’ – By-law No. 48/2019

Appendix ‘C’ – Proposal (“Letter of Intent”)

Appendix ‘D’ – Supplemental Materials:

Polo Park Airport Vicinity Protection Area Study - Airport Noise and Adjacent Development Report (ARUP Canada Inc., January 31, 2020)

Residential Development in Proximity to Airports - Polo Park Site Area Amendment - Supplemental Report (Richard + Wintrup Planning and Development, January 31, 2020)

Cadillac Fairview Multi-Family Residential Development Acoustic Zoning Review (Pico Architecture Inc., October 2019).

**APPENDIX 'A' – Planning Discussion**

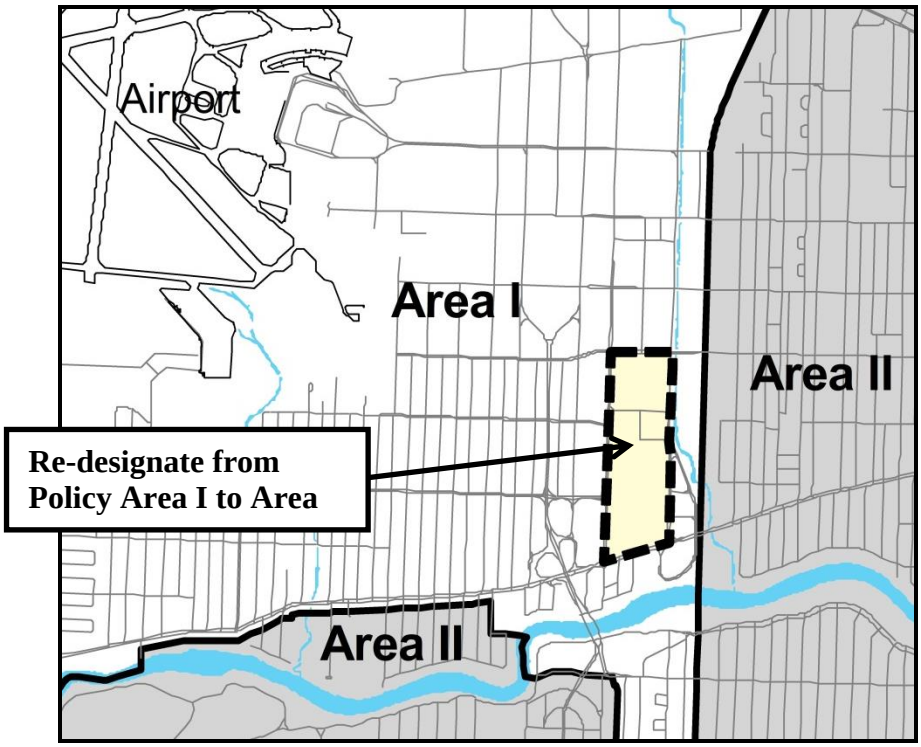
**DATE:** February 24, 2020

**FILE:** SPA 1/2019 (By-law 48/2019)
**RELATED FILES:** DAZ 210/2019

**COMMUNITY:** Assiniboia Community
**NEIGHBOURHOOD #:** 2.125 Polo Park

**SUBJECT:** Proposed amendment to the Airport Vicinity Protection Area Secondary Plan (Secondary Plan By-law No. 6378/94) for Polo Park and Former Winnipeg Stadium Site.

**LOCATION:** See map below




**APPLICANT:** Richard + Wintrup Planning
301-139 Roslyn Road
Winnipeg, MB
R3L 0G7

**OWNERS:** 7113196 Manitoba Ltd.
8239959 Canada Ltd.
Ontrea, Inc.

**RECOMMENDATION:** Rejection

## PURPOSE OF THE PROPOSED AMENDMENT

- The Airport Vicinity Protection Area Secondary Plan (AVPA) prohibits new multi-family residential uses from establishing in policy Area I, and allows for them in policy Area II. The proposal is to re-designate the subject lands from policy Area I to Area II to allow for new multi-family residential uses to be considered in the future.

## SUBJECT LAND

- The proposed amendment applies to ~80 acres of land located North of Portage Ave, South of St Matthews, East of St James St and West of Empress as indicated in Figure 1 – Site Map.

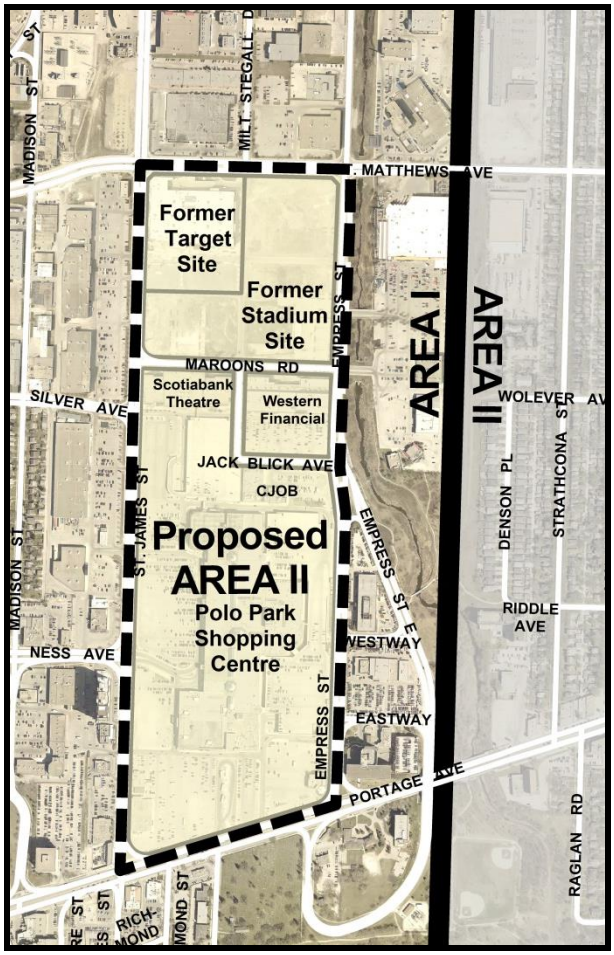



**Figure 1 – Site Map**

- The subject lands contain the Polo Park Shopping Centre, Scotia Bank Theater, CJOB and the former site of the Target store and the Winnipeg Stadium.

## PROPOSED DEVELOPMENT

- The proponent is applying for an amendment to re-designate the subject lands from policy Area I to Area II of the AVPA.

- The subject land is not adjacent to land designated as policy Area II in the AVPA. Redesignation of the subject land as proposed would result in a relatively small separated portion of land designated AVPA Area II surrounded by land designated AVPA Area I. For this reason the proposal can be characterized as a 'spot amendment'.
- The applicant has submitted a related zoning by-law amendment proposal (DAZ 210/2019) which seeks to change the PDO district applied to the subject lands from Area I to Area II. The PDO is further discussed in the *Airport Vicinity Protection Area Planned Development Overlay 1 (PDO-1 Airport Vicinity)* section.
- The proponent states that both amendment applications are required to "allow for mixed-use residential development on the Polo Park site," which is currently not permitted within Area I of the AVPA (and PDO-1 Airport Vicinity).
- The proponent further explains that this amendment is required to enable a future land use approval process (subdivision and rezoning – DASZ), that if successful, will introduce 'mixed-use residential uses' to the site. The proponent recognizes that through a future approval process, servicing and transportation requirements and improvements will be considered.
- The existing zoning on the site does not permit multi-family uses. A separate application to rezone any portion of the subject lands to a zoning district that allows multi-family development has not been submitted at this time.
- The proponent acknowledges that the proposed AVPA amendment does not approve any future residential development on the site and that a "post amendment planning exercise will determine exact development thresholds including residential densities, location of residential uses and their configuration."
- Key supporting reasons for the proposed amendment as expressed in the proponent's letter of intent, include:
    - Allowing residential development on the subject lands is in keeping with the vision of *OurWinnipeg*'s 'Live Work Play' philosophy.
    - The lands are currently underutilized with several areas of opportunity for densification, including the former CanadInns Stadium site.
    - Retail is close to saturation in the Polo Park corridor, and the inclusion of other uses, particularly residential, will help balance the mix of uses, and ultimately result in more employment and further growth potential.
    - There is market demand for multi-family development in the general area.
    - Further consideration for the amendment and allowing residential land-uses in the Polo Park area include:
        - The NEF Contours that form the basis of the policies and regulations are 20 years old.
        - Jet engines are increasingly quieter with advancements made in the last 20 years in aerodynamics computers and engineering.
        - Construction standards and building materials have improved over the last 20 years and can mitigate acoustic noises on habitants.

  - The Transport Canada TP 1247E Aviation - Land Use in the Vicinity of Aerodromes (Ninth Edition) establishes that noise exposure forecasts (NEF) below 30 decibels should not preclude residential development.

- The proponent's letter of intent is included in Appendix 'C'.

**LEGISLATION AND REGULATIONS**
***City of Winnipeg Charter Act (*'the Charter'*)***

Regulations re protection of airport vicinity

*269(1) The Lieutenant Governor in Council may make regulations*

*(a) requiring the establishment by council in Plan Winnipeg of an area of the city adjacent to Winnipeg International Airport as an airport vicinity protection area;*

*(b) establishing policies for use of real property, and for development, in the airport vicinity protection area to ensure that the use of real property and development in the area are compatible with the operation of Winnipeg International Airport, and requiring any Plan Winnipeg by-law to be consistent with those policies*

*(c) requiring a zoning by-law to be passed by council to control or prohibit any use of real property or development in the airport vicinity protection area, or in a part of it, to ensure that the use of real property and development are compatible with the policies established under clause (b).*

Compliance with regulations under subsection (1)

*269(3) Every Plan Winnipeg by-law must, in conformity with regulations, if any, made under subsection (1),*

*(a) establish an area in the city adjacent to Winnipeg International Airport as an airport vicinity protection area; and*

*(b) contain plans and policies for the use of real property and for development in the airport vicinity protection area to ensure that the use of real property and development in the area are compatible with the operations of the airport.*

Referral to Municipal Board

*270(1) Where*

*(a) a proposed secondary plan by-law deals with the airport vicinity protection area; and*

*(b) a municipality, or the board of a planning district established under The Planning Act, that is adjacent to the area, or the Government of Canada or the Government of Manitoba objects to the proposed by-law by filing a notice of objection with the city clerk before the day of the meeting at which council is to consider the report of a committee of council or planning commission respecting the proposed by-law;*

*(c) the city must, before council gives second reading to the proposed by-law, refer the proposed by-law to The Municipal Board.*

Restriction on adoption of by-law

*270(3) Council must not pass a proposed secondary plan by-law that has been referred to The Municipal Board unless the proposed by-law conforms to the recommendations that the board has made in its report to council in respect of the by-law.*

Zoning by-laws in airport vicinity protection area

*271 The city must ensure that all zoning by-laws that apply to real property in the airport vicinity protection area conform with regulations, if any, made under subsection 269(1).*

## *Airport Vicinity Protection Area Secondary Plan* (AVPA)

- *The Charter* requires that the City *establish policies for use of real property, and for development, in the airport vicinity protection area to ensure that the use of real property and development in the area are compatible with the operation of Winnipeg International Airport* (section 269). The AVPA fulfills this requirement.
- The *Winnipeg Airport Vicinity Development Plan* No. 6378/94 was adopted by Council on May 25, 1994.
- In December, 2002, the name of the *Winnipeg Airport Vicinity Development Plan* was changed to the *Airport Vicinity Protection Area Secondary Plan By-law* by *Charter Implementation By-law* No. 8162/2002.
- The purpose of the AVPA is to protect the 24-hour air operations of the Winnipeg Airport by limiting residential noise complaints, which are understood to be *a limiting factor at some major Airports which are currently forced to operate under regulatory curfews* (p 17). Such curfews can potentially eliminate night time operations and reduce total economic benefits by capping opportunities (p 17).
- According to the AVPA, *the principal concern for residents living in proximity to the Airport is the noise generated by the arrival and departure of aircraft.* Tolerance for aircraft noise is measured using the Noise Exposure Forecast (NEF) which is a complex and internationally-accepted noise metric adopted by Transport Canada in 1987.

- NEF contour maps are made available to local governments for use in conjunction with Transport Canada's recommended land uses as presented in Figure 2 – Community Response Prediction to NEF Levels.

**Community Response Prediction to Noise Exposure Forecast (NEF Levels)**

| RESPONSE AREA | | RESPONSE PREDICTION* |
|---|---|---|
| 1. | (over 40 NEF) | Repeated and vigorous individual complaints are likely. Concerted group and legal action might be expected. |
| 2. | (35-40 NEF) | Individual complaints may be vigorous. Possible group action and appeals to authorities. |
| 3. | (30-35 NEF) | Sporadic to repeated individual complaints. Group action is possible. |
| 4. | (below 30 NEF) | Sporadic complaints my occur. Noise may interfere occasionally with certain activities of the resident. |

* These community response predictions are generalizations based upon experience resulting from various noise exposure units used by other countries. For specific locations, the response may vary somewhat in accordance with existing ambient or background noise levels and prevailing social, economic and political conditions.

Source: Transport Canada Aviation Group, June 1989.

**Figure 2 – Community Response Prediction to NEF Levels**

- The AVPA facilitates the adoption of NEF contours into a functional map with defined restrictions that can be easily administered by the City, utilized by developers and understood by residents.

- The boundaries of policy Areas I and II provided in the AVPA are directly related to the NEF contours. The 25 NEF contour approximates the outer limit of the AVPA plan area (see Figure 3 – AVPA NEF Contours and Policy Areas).

- The AVPA indicates that the NEF contours reflect *the ultimate traffic volume at Winnipeg International Airport, and includes the potential for an additional runway to the northeast of the existing runway.* The general alignment of the future runway has been added to Figure 3.
- The AVPA also provides that *the Airport vicinity boundary will be reviewed and revised as necessary to reflect changes to the NEF contours.* Re-calculation of the NEF contours would result in consideration for altering the policy Area I and Area II boundaries.

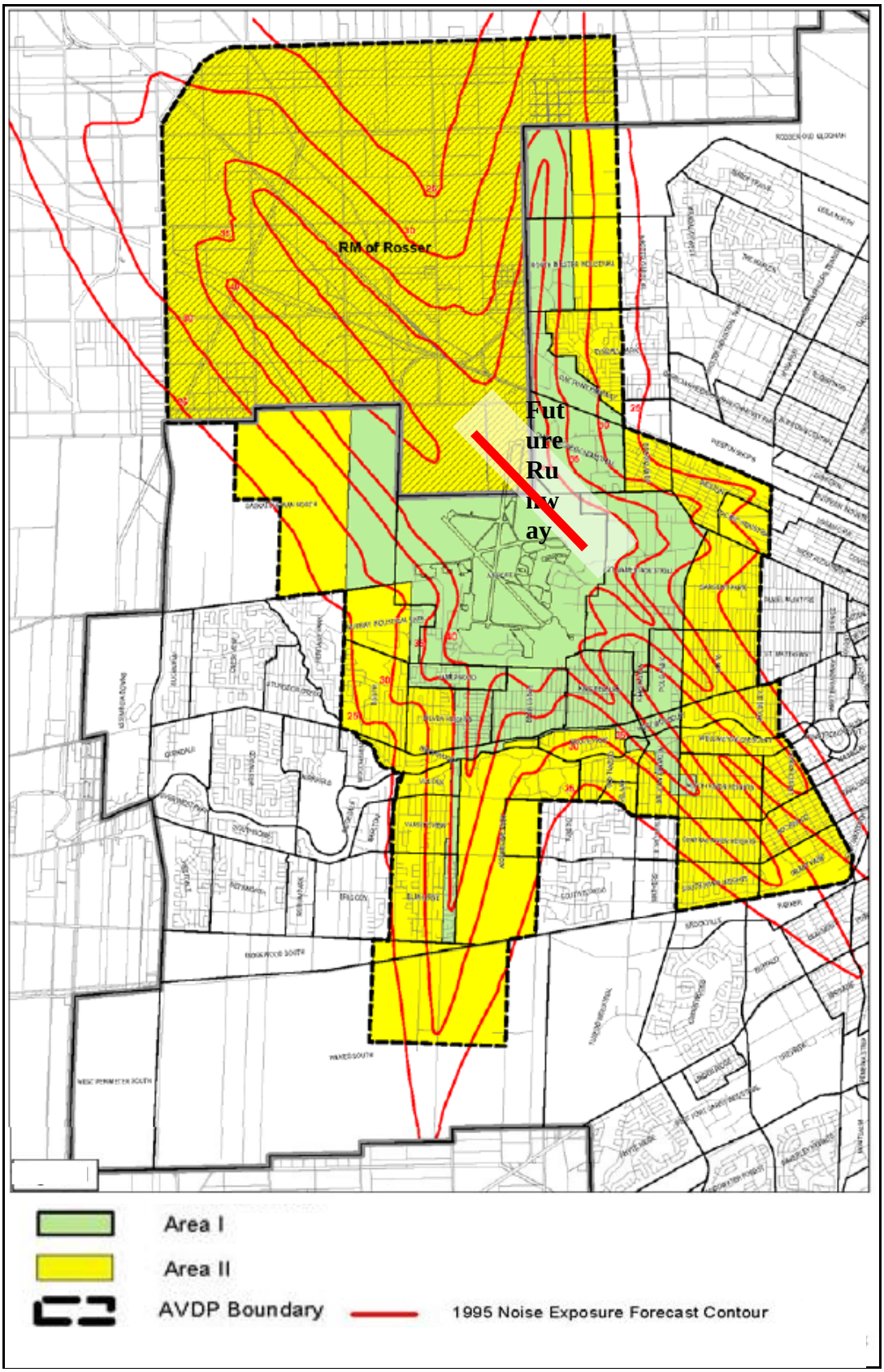



**Figure 3 - AVPA NEF Contours and Policy Areas (**future runway added*)**

- The AVPA states that that the City *shall regulate the use of land and buildings within the AVPA as follows:*
  - *i. within Area I no new residential development shall be permitted (subject to statutory nonconforming rights and any related variance); but, existing dwellings may be replaced if destroyed or demolished. Subject to any required rezoning or other change in land use controls. Exceptions for minor residential infilling in existing and established residential areas may be approved;*
  - *ii. subject to any required zoning or other change in land use controls, within Area II new single family dwellings may be approved and new multiple residential dwellings may be approved up to 85 units per hectare (35 units per acre) and approved above that density by conditional use approval.*
- The subject land is located in policy Area I of the AVPA (See Figure 4 – Subject Land and NEFs).

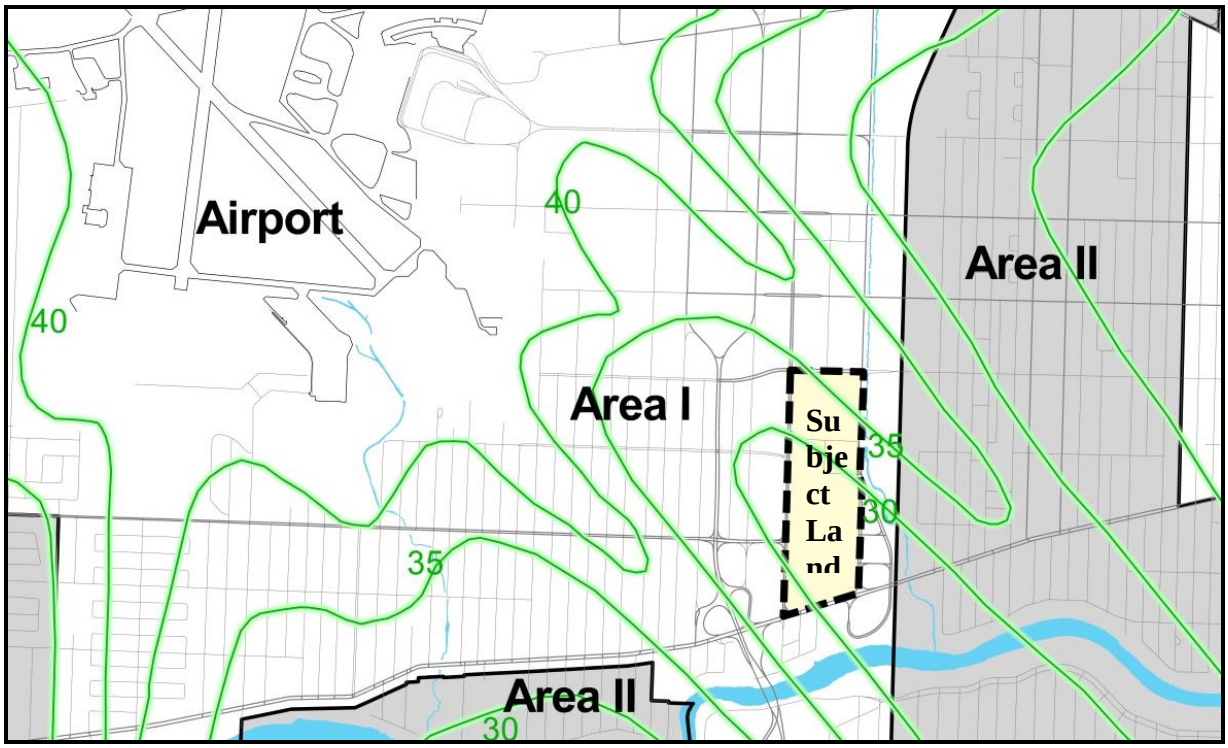



**Figure 4 – Subject Land and NEFs**

- Residential mixed-use development, as described in the Development Vision portion of the proponent's Letter of Intent, is currently not permitted in the AVPA Area I policy area. Re-designating the subject land from AVPA policy Area I to Area II would allow for such development to be considered in future development applications.
- Re-designation of the subject land to AVPA policy Area II does not represent an approval for residential development on the subject lands. However, discussions related to the residential development of the subject lands cannot occur unless the subject land is first re-designated to policy Area II.

***OurWinnipeg* & *the Complete Communities Direction Strategy***

**Airport Vicinity Policies**

- The Minister of Local Government required the following during the *OurWinnipeg* adoption process in 2011:

    1. *That OurWinnipeg be altered to incorporate policy and mapping to identify the Airport Vicinity Protection Area. Although the Complete Communities document makes reference to adhering to Winnipeg's existing Airport Vicinity Protection Area, language to this effect is needed in OurWinnipeg itself as Section 269(3) of the Charter requires that this information be included in Plan Winnipeg (i.e. OurWinnipeg)."*

- Airport Vicinity Protection Areas I and II are presented on the Urban Structure Map (figure 01a) of *OurWinnipeg* (presented as 'Area 1' and 'Area 2').
- Policies in *OurWinnipeg* regarding development in the Airport Vicinity Protection Area defer to the AVPA and related PDO:
    - *Support the role of the James Armstrong Richardson International Airport as a major transportation hub for passengers and cargo.*
    - *Adhere to the Airport Vicinity Development Plan (AVDP) and periodically review the plan in cooperation with relevant stakeholders.*
    - *In order to maintain compatible land use relationships, regulate land use and building regulations for all those neighbourhoods or portions thereof significantly affected by airport related noise through:*
        - *The Airport Vicinity Development Plan By-law 6378/94* (ie. the *Airport Vicinity Protection Area Secondary Plan)*.[2]
        - *Airport Vicinity Protection Area Planned Development Overlay*
- The *Complete Communities Direction Strategy* does not map the Airport Vicinity Protection Areas I or II. However, policies for the Airport Area designation also defer to the Airport Vicinity Development Plan By-law 6378/94 (ie. the AVPA) and PDO using most of the same wording as found (and noted above) in *OurWinnipeg*.
- The *Complete Communities Direction Strategy* also adds the following direction:

    *Direction 1*
    - *Support the 24-hour status of airport operations and airport related activities by working with the Winnipeg Airports Authority and all stakeholders.*

[2] The name of the *Winnipeg Airport Vicinity Development Plan* was changed to the *Airport Vicinity Protection Area Secondary Plan* By-law by Charter Implementation By-law No. 8162/2002.

### Regional Mixed Use Centre Policies

- Under *OurWinnipeg* and the *Complete Communities Direction Strategy,* the subject site is identified as a Regional Mixed Use Centre (See Figure 5 – *OurWinnipeg* Area Structure Map).

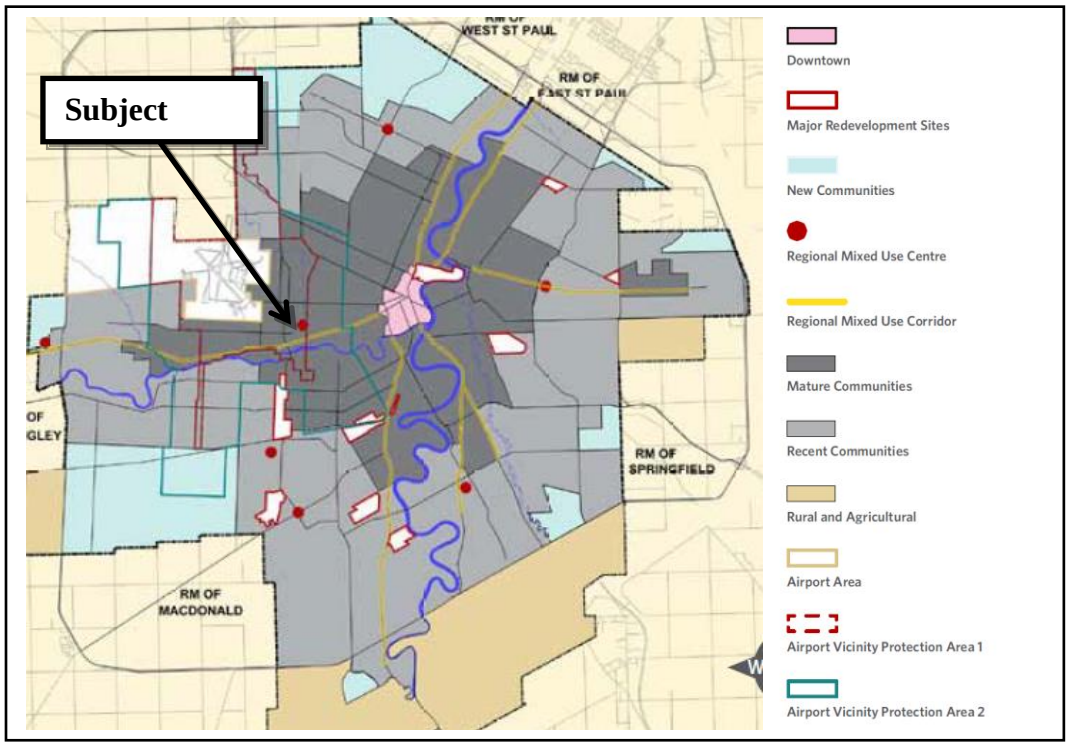



**Figure 5 – *OurWinnipeg* Area Structure Map**

- As described in the *Complete Communities Direction Strategy*, characteristics of Regional Mixed Use Centres include:
    - *Capable of major transformative change*
    - *Located strategically throughout the city to balance employment and population density*
    - *Able to efficiently support rapid transit and high-frequency transit service through a mix of high density development (residential, commercial and office)*
    - *Well connected by Regional or Community Corridors and located at major intersections*
    - *Have adequate land-base and infrastructure to support expansion, a mix of uses, and change through collaboratively planned intensification*
    - *City-wide or regional destinations*
    - *Large site areas typically 100 acres or more.*
- Under *OurWinnipeg* and the *Complete Communities Direction Strategy*, the key direction guiding development in Regional Mixed Use Centres is:

  *KEY DIRECTION*

  *Focus a significant share of growth to Centres and Corridors in a manner that:*
    - *provides compact, mixed-use, high-quality urban development.*

  - *concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.*
  - *concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.*
  - *encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.*
- Supporting policies of the key direction for Regional Mixed Use Centres are:
  - *Promote and guide the transformation of existing Regional Mixed Use Centres through a proactive and collaborative process.*
  - *Support high-frequency transit service by encouraging higher density residential and higher intensity commercial and mixed uses within the centre of the development. These will be focused on major transit stops.*
  - *Create strong, multi-modal and transportation linkages from each Regional Mixed Use Centre to Downtown, other Centres, Corridors, Parks and major attractions.*
  - *Promote development within the Polo Park Regional Centre consistent with the Airport Vicinity Protection Area Planned Development Overlay.*
  - *Establish local goals and objectives for each Regional Mixed Use Centre while taking into account its relationship to: OurWinnipeg, Sustainable Transportation Direction Strategy, Downtown, Redevelopment Areas, Corridors and other Centres. This could include minimum and maximum density and employment targets.*
- The residential mixed-use style development described in the proposal ("Letter of Intent") is consistent with the policies of *OurWinnipeg* and *Complete Communities*.
- *OurWinnipeg* and *Complete Communities* policies guiding development of Regional Mixed Use Centres promote intensification with a mix of uses and higher density residential development.
- It should be noted that a key direction of *Complete Communities* is to *promote development at the Polo Park Regional Centre consistent with the Airport Vicinity Protection Area Planned Development Overlay* (as provided in the Zoning By-law). The *Airport Vicinity Protection Area Planned Development Overlay* (PDO-1 Airport Vicinity) is not to be confused with the AVPA, which is the secondary plan by-law providing land use policy direction of the area. The PDO-1 Airport Vicinity is a regulatory device contained in the Winnipeg Zoning By-law which reflects and implements the policies of the AVPA.
- In this way, the *OurWinnipeg* and *Complete Communities* policies defer to the AVPA and related PDO to provide details on the type and intensity of development appropriate within the AVPA area, which includes the subject land.

*Conclusion*

- Some components of the proposal are consistent with several Key Directions and Enabling Strategies of *OurWinnipeg/Complete Communities*, in that the proposal has the potential to accommodate the following in a Regional Mixed Use Centre:
  - compact, mixed-use, high-quality urban development
  - a concentration of people and jobs in areas well-served by the primary transit service, located close to transit stops
  - a concentration of urban development in a built form that helps optimize existing investment, municipal infrastructure, and facilities.

- However, given the information available at this time, the Public Service views the potential risk of threatening the 24-hour air operations of the Winnipeg Airport and planned expansion of the airport as outweighing the potential benefits described above.
- Supporting *the role of the James Armstrong Richardson International Airport as a major transportation hub for passengers and cargo* and *supporting the 24-hour status of airport operations and airport related activities by working with the Winnipeg Airports Authority and all stakeholders* are key policies of *OurWinnipeg* and *Complete Communities*.

## CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The subject lands are currently zoned "C3" Commercial Corridor and "C4" Commercial Regional (see Figure 6 – Zoning).

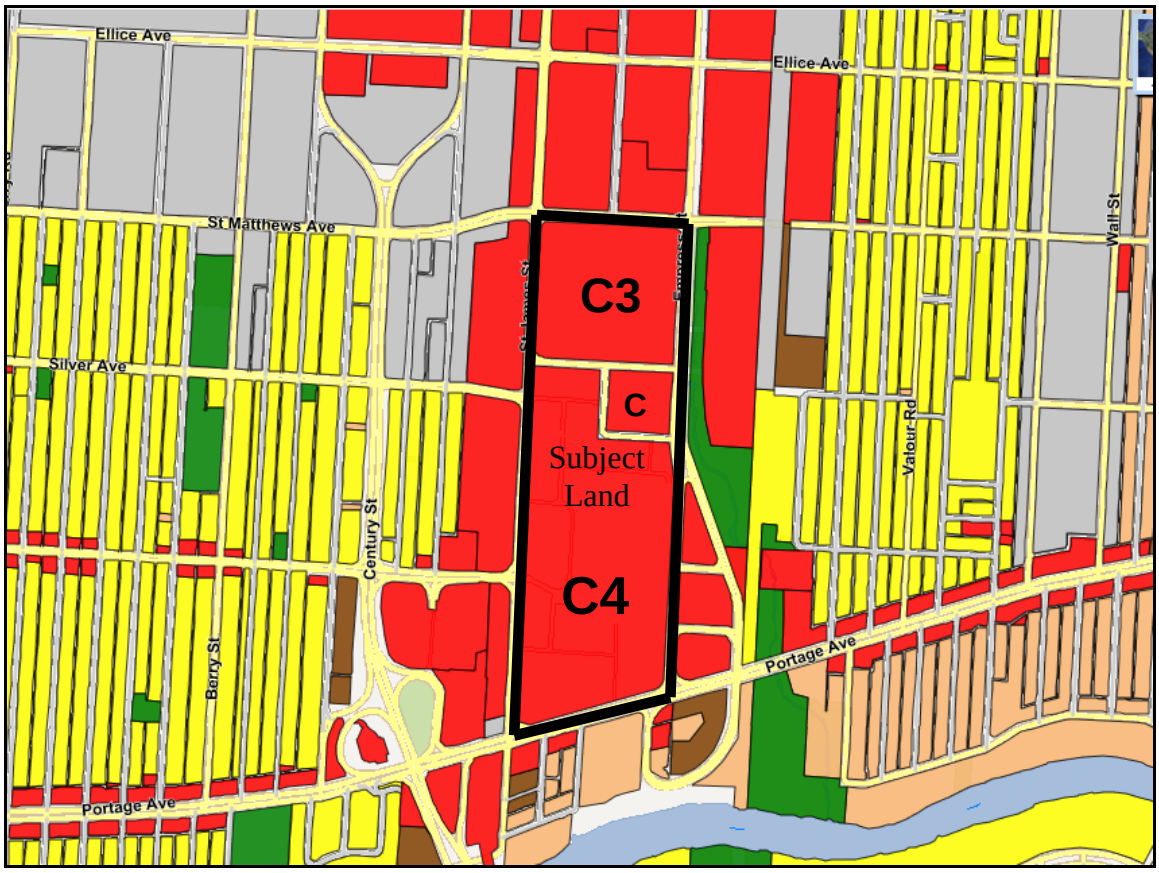



**Figure 6 - Zoning**

- The C3 and C4 zoning districts do not allow residential uses with the exception of 'Assisted Living Facilities', which are permitted within the C3 zoning district.
- Development of residential uses on the subject lands would require an amendment to the zoning by-law. Future development applications to rezone these lands to allow for residential uses may require the completion of engineering studies and could be subject to development or servicing agreements.
- A separate application to rezone any portion of the subject lands from C3 or C4 to a zoning district that allows multi-family development has not been submitted at this time.

- Currently, any development applications to rezone the subject land for residential uses would have to be refused (section 275(2) of the Charter) because such a proposal would not conform to the policies of the AVPA, the secondary plan by-law for the area.
- In addition, development of the subject lands are further regulated in the Zoning By-law by a Planned Development Overlay district, (PDO-1 Airport Vicinity)

### *Airport Vicinity Protection Area Planned Development Overlay 1 (PDO-1 Airport Vicinity)*

- A Planned Development Overlay (or "PDO"), identifies an area of land to which special rules or development standards are to be applied to the underlying zoning district(s). PDOs are commonly used in the City of Winnipeg Zoning By-law to achieve local planning objectives in specially designated areas, such as the Airport Vicinity Protection Area.
- The PDO-1 Airport Vicinity of the Zoning By-law establishes two areas, 'Area I' and 'Area II', which align spatially with the respective policy areas of the AVPA. Policies of the AVPA are reflected in the PDO-1 Airport Vicinity by applying the following rules to the underlying zoning districts (which in this case are C3 and C4 as shown in Figure 5):

  **Area I**

  - New residential development is not permitted; however replacement of existing residential dwellings, or minor infill of one additional residential lot in the R1 (single-family) zone may be considered as a conditional use. Multi-family development is not permitted, except that existing multi-family dwellings may be replaced if demolished or destroyed.

  **Area II**

  - Restricts new multi-family dwellings to a maximum density of 35 units/acre. Densities beyond 35 units/acre may be approved on lots that front onto Portage Avenue, or if not fronting onto Portage Avenue, through a conditional use application.
- The subject land is within Area I of PDO-1 Airport Vicinity.
- The applicant has submitted a related zoning by-law amendment proposal (DAZ 210/2019) which seeks to change the PDO Overlay district applied to the subject lands from Area I to Area II.
- As previously mentioned, future residential development of the subject lands will require rezoning the subject lands to a zoning district that allows for residential uses. However, any such applications will not be considered under the current PDO-I Airport Vicinity and AVPA designations.

## ANALYSIS

### *Relevance of NEF Contours*

- It has been suggested that the NEF contours provided in the AVPA may no longer be valid as jet engines have become increasingly quieter in the 20 years since the NEF contours were generated.
- NEF contours are the result of a complex set of calculations which consider a number of variables including runway geometry, flight paths, aircraft fleet mix, airplane engine type and time of day. The process by which the NEF contours of the AVPA were made included a technical review by Transport Canada to validate that the inputs and software were used appropriately.
- The WAA has indicated that the NEF contours provided in the AVPA represent a forecast of noise exposure 20 years into the future. Calculation of the NEF contours included consideration of a future runway, which has yet to be established.
- Discussion with WAA suggest that the NEF contours provided in the AVPA still appear to accurately model existing and future noise resulting from aircraft associated with the Winnipeg Airport.
- The WAA also suggested that while airplane technology has improved over the past 20 years, new airplanes which incorporate such technology do not fly predominantly out of Winnipeg.

### *Winnipeg Airports Authority (WAA)*

- In 1997, control of the Winnipeg Airport was transferred from the federal government to the WAA.
- The WAA is a community-based, non-share capital corporation that operates, manages, maintains and invests in the Winnipeg Airport. The WAA Board includes Directors nominated by the City of Winnipeg, Province of Manitoba, and the Government of Canada.
- Revenue generated by the Winnipeg Airport is re-invested into the airport.
- The WAA estimates that the Winnipeg Airport generates 17,000 jobs and has a local economic impact of $3.4 billion.
- A majority of the growth opportunity for the Winnipeg Airport is related to cargo. According to the WAA, the Winnipeg Airport is the number 1 dedicated freighter airport in Canada by number of flights and received Canada's third-highest daily air cargo tonnage. Part of the reason for this success is that Winnipeg Airport does not have the same restrictions placed upon it as other airports.
- A significant amount of cargo arrivals to and cargo departures from Winnipeg Airport occur between 11:00pm and 7:00am and are over 45,000kg.
- Being free of such restrictions, and being able to accommodate large cargo flights throughout the night, has allowed the Winnipeg Airport to operate as an air cargo hub. Building on this success, the WAA has plans to invest into a new multi-tenant air cargo logistics facility.
- With respect to passenger service, Winnipeg Airport provides early morning flights (5:00 am) to hub airports, such as Toronto.

- The Winnipeg Airport's ability to generate economic benefits to the community at large depends on its ability to remain competitive with other airports and operate as 24-hours.

### *Supplemental Materials*

- Supplemental materials consisting of the following were provided by the Proponent in digital format on January 31, 2020:
    - *Polo Park Airport Vicinity Protection Area Study - Airport Noise and Adjacent Development Report* (ARUP Canada Inc., January 31, 2020)
    - *Residential Development in Proximity to Airports - Polo Park Site Area Amendment - Supplemental Report* (Richard + Wintrup Planning and Development, January 31, 2020)
    - *Cadillac Fairview Multi-Family Residential Development Acoustic Zoning Review (Pico Architecture Inc., October 2019).*
- These materials are included in Appendix 'D' and were circulated to the WAA and Transport Canada. A brief review of the key points from these materials is summarized below.

#### *AVPA and NEFs Require a Review*

- Multiple references are made to the fact that neither the AVPA, nor the NEFs have been updated for a number of years.

#### *Transport Canada – Land Use in the Vicinity of Aerodromes*

- The supplemental materials include multiple references to *Transport Canada TP 1247E Aviation - Land Use in the Vicinity of Aerodromes (Ninth Edition – hereinafter referred to as the "Transport Canada Guidelines")*.
- The Transport Canada Guidelines indicate that residential land uses may be acceptable where NEF values are less than 30 and when subject to specified limitations. The specified limitations are:

    *Annoyance caused by aircraft noise may begin as low as NEF 25. It is recommended that developers be made aware of this fact and that they undertake to so inform all prospective tenants or purchasers of residential units. In addition, it is suggested that development should not proceed until the responsible authority is satisfied that acoustic insulation features, if required, have been considered in the building design.*[3]

- The supplemental materials reference note (b) of the Transport Canada Guidelines:

    *(b) This Note applies to NEF 30 to 35 only. New residential construction or development should not be undertaken. If the responsible authority chooses to proceed contrary to Transport Canada's recommendation, residential construction or development between NEF 30 and 35 should not be permitted to proceed until the responsible authority is satisfied that:*

[3] Transport Canada (2013/2014) Aviation - Land Use in the Vicinity of Aerodromes (TP 1247E, Ninth Edition). Page 28. Retrieved from https://www.tc.gc.ca/media/documents/ca-publications/tp1247e.pdf

> *(1) appropriate acoustic insulation features have been considered in the building and*
>
> *(2) a noise impact assessment study has been completed and shows that this construction or development is not incompatible with aircraft noise.*
>
> *Notwithstanding point 2, the developer should still be required to inform all prospective tenants or purchasers of residential units that speech interference and annoyance caused by aircraft noise are, on average, established and growing at NEF 30 and are very significant by NEF 35.*[4]

- For context, the preamble to the notes in italics above includes:

  *The location of the lines between noise zones cannot be fixed exactly. It will therefore be necessary for the responsible public authority to make an appropriate interpretation of what regulations are to apply at a specific location.*

- Also noteworthy is that the Transport Canada Guidelines recommend that when planning new aerodromes, no new noise sensitive land uses be permitted above 25 NEF.[5]

### *Differing Noise Exposure Forecasts*

- The supplemental materials (namely the Arup report), reference three different sets of NEF contours: 1995, 2000, and 2005.
- The AVPA includes NEF contours that have not been updated since the AVPA was adopted by Council on May 25, 1994. These NEF contours are consistent with those referenced as being from 1995.
- The 1995 NEF contours show that most of the portion of the Polo Park site south of Maroons Road lies at or below the 30 NEF contour.
- The 2000 NEF contours are stated to be sourced from the City of Winnipeg. Although the City of Winnipeg is in possession of these NEF contours and produced a map with the contours over the existing AVPA Area I and II boundaries, this does not represent a change to Figure 1 of the AVPA. Furthermore, this set of contours does not appear to contemplate a third runway as does Figure 1 of the AVPA.
- The Arup report references 2005 NEF contours that appear in the WAA's *Winnipeg Airport Development Plan Summary (December 2000)*. However, the Arup report notes that the 2005 NEF contours were not considered in its analysis due to the inability to obtain a higher resolution map. The 2005 contours also do not appear to contemplate a third runway.
- Both the *Winnipeg Richardson International Airport Master Plan 2033* and the AVPA consider planning for a third runway.

[4] Transport Canada (2013/2014) Aviation - Land Use in the Vicinity of Aerodromes (TP 1247E, Ninth Edition). Page 28. Retrieved from https://www.tc.gc.ca/media/documents/ca-publications/tp1247e.pdf
[5] Transport Canada (2013/2014) Aviation - Land Use in the Vicinity of Aerodromes (TP 1247E, Ninth Edition). Page 22. Retrieved from https://www.tc.gc.ca/media/documents/ca-publications/tp1247e.pdf

*Noise Mitigation & Acoustic Review*

- All new residential one-family, two-family and multi-family dwellings to be constructed in the AVPA are subject to the acoustic insulation requirements of the Airport Vicinity Acoustic Insulation By-law No. 6419/94.
- In addition to following the Airport Vicinity Acoustic Insulation By-law, the Arup report recommends informing prospective tenants or purchasers of residential units of potential annoyance caused by aircraft noise (per the recommendations of the Transport Canada Guidelines), and including appropriate cautionary language in the registration of land titles for new residential units (see page 25 of Arup Report). The City of Winnipeg has confirmed with Teranet Manitoba that notification caveats such as those recommended in the Arup report (and the Transport Canada Guidelines) can not be registered in Manitoba.
- The Acoustic Zoning (Pico Architecture) suggests approaches to achieving the requirements of the Airport Vicinity Acoustic Insulation By-law.

## *Land Use Planning in Other Jurisdictions*

- The supplemental material shows that there are other jurisdictions that allow residential development in areas with a NEF greater than or equal to 30.
- However, an important consideration when reviewing land use planning regulations in other jurisdictions is the airport operating restrictions and the objectives of the individual airports. As previously discussed, Winnipeg Airport retains a competitive advantage as a 24-hour unrestricted airport. The 24-hour status allows the Winnipeg Airport to grow its cargo operations as a significant amount of the cargo arrivals and cargo departures occur between 11:00pm and 7:00am and consist of planes over 45,000kg.
- Furthermore, retaining the 24-hour unrestricted status at the Winnipeg Airport is both regionally and Provincially-significant. Continued success of the airport, notably in terms of its cargo capabilities, may not only attract investment in Winnipeg, but also in Centreport Canada, which is a key Provincial initiative with international significance.
- The supplemental materials indicate that from 2004 to 2014, WAA received an average of 181 complaints per year equating to an average of 1.4 complaints per 1,000 aircraft movements, which was significantly lower than other North American airports.[6] This may be viewed as a success of the AVPA to date, as some other airports in Canada have been subject to intense opposition. For example, late flights at Montreal–Pierre Elliott Trudeau International Airport were recently challenged in court as a citizens' group sought stricter operating regulations.[7]

[6] Richard + Wintrup Planning and Development. (Jan 31, 2020). Residential Development in Proximity to Airports – Polo Park Site Area Amendment – Supplemental Report (page 14).

[7] Feith, J. (2019, August 14). Late-night flights and Trudeau airport expansion challenged in court. The Montreal Gazette, retrieved from https://montrealgazette.com/news/late-night-flights-and-trudeau-airport-expansion-challenged-in-court

## CONCLUSIONS

- The original Letter of Intent submitted by the applicant indicated an intention to establish residential mixed-use development on the subject lands in the Polo Park neighbourhood. The letter indicates that:
    - Multi-family residential uses are not currently permitted in the Area I designation of the AVPA.
    - An amendment to the AVPA is required to re-designate the subject lands from policy Area I to Area II.
    - Re-designation of the subject land to policy Area II does not represent an approval for residential development on the subject lands. However, discussions related to the residential development of the subject lands cannot occur unless the subject land is re-designated to policy Area II.
    - Future multi-family residential development on the subject lands will require approval of a development application which includes rezoning the subject lands to a zoning district that allows for residential uses. Such approvals would determine the appropriate level of residential/mixed use development appropriate for the site, as well as any servicing requirements.
- Supplemental material submitted by the Proponent to the Public Service provides additional supporting rationale for the proposed amendment. Key general points raised in the supplemental material include:
    - The AVPA and NEFs included in the AVPA require a review
    - The AVPA may not be consistent with the most current Transport Canada Guidelines
    - Land use planning regulations in other jurisdictions allow for residential development in areas with higher value NEFs (ex. higher than 30 NEF)
    - There are noise mitigation approaches that may help improve living standards for future residents of dwellings in the vicinity of the Winnipeg Airport.
- Some components of the proposal are consistent with several Key Directions and Enabling Strategies of *OurWinnipeg/Complete Communities*, in that the proposal has the potential to accommodate the following in a Regional Mixed Use Centre:
    - compact, mixed-use, high-quality urban development
    - a concentration of people and jobs in areas well-served by the primary transit service, located close to transit stops
    - a concentration of urban development in a built form that helps optimize existing investment, municipal infrastructure, and facilities.
- However, given the information available at this time, the Public Service views the potential risk of threatening the 24-hour air operations of the Winnipeg Airport and planned expansion of the airport as outweighing the potential benefits described above.
- While all of the points above warrant consideration at a public hearing, these points may be best considered through a comprehensive review of the AVPA through a planning process that is supported by current information, a consistent methodology, and collaboration with stakeholders.

- The future viability of the Winnipeg Airport is of Provincial importance. Accordingly, the creation of the AVPA involved multiple interested stakeholders that included the WAA, Transport Canada, the Province of Manitoba, and the RM of Rosser. Today, the same stakeholders should be considered as well as CentrePort Canada Inc., which relies on the continued 24-hour unrestricted air operations at Winnipeg Airport.
- The WAA has expressed concerns with the proposed amendment. However, the WAA has indicated that they would support a review of the AVPA.
- A comprehensive review of the AVPA generally aligns with the January 17, 2017 recommendations of the Standing Policy Committee on Property and Development, Heritage and Downtown Development, where a review of the AVPA was requested as part of the *OurWinnipeg* process.
- Supporting *the role of the James Armstrong Richardson International Airport as a major transportation hub for passengers and cargo* and *supporting the 24-hour status of airport operations and airport related activities by working with the Winnipeg Airports Authority and all stakeholders* are key policies of *OurWinnipeg* and *Complete Communities*.
- Furthermore, *Complete Communities* provides the following policy direction regarding the periodic review of the AVPA:
    - *Adhere to the Airport Vicinity Development Plan (AVDP) and periodically review the plan in cooperation with relevant stakeholders.*

## RECOMMENDATION

It is recommended that the proposed amendment be not supported for the following reasons:

- Approval from Area I to Area II of the AVPA of an individual, substantially-sized parcel such as proposed potentially poses a threat to the 24-hour air operations of the Winnipeg Airport.
- Supporting *the role of the James Armstrong Richardson International Airport as a major transportation hub for passengers and cargo* and *supporting the 24-hour status of airport operations and airport related activities by working with the Winnipeg Airports Authority and all stakeholders* are key policies of *OurWinnipeg* and *Complete Communities*.
- The future viability of the Winnipeg Airport is of Provincial importance. As discussed through the application process, many view the AVPA as dated and in need of a review. Through such a review, changes to the AVPA may be considered with relevant stakeholders. This approach is consistent with *OurWinnipeg* and *Complete Communities*:
    - *Adhere to the Airport Vicinity Development Plan (AVDP) and periodically review the plan in cooperation with relevant stakeholders.*

**Appendix ‘B’ – By-law No. 48/2019**

**Appendix ‘C’ – Proposal (“Letter of Intent”)**

**Appendix ‘D’ – Supplemental Materials: Polo Park Airport Vicinity Protection Area Study – Airport Noise and Adjacent Development Report (ARUP Canada Inc., January 31, 2020)**

**Appendix ‘D’ – Supplemental Materials: Residential Development in Proximity to Airports – Polo Park Site Area Amendment – Supplemental Report (Richard + Wintrup Planning and Development, January 31, 2020)**

**Appendix ‘D’ – Supplemental Materials: Cadillac Fairview Multi-Family Residential Development Acoustic Zoning Review (Pico Architecture Inc., October 2019).**