Minutes – Executive Policy Committee – May 22, 2020

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 21, 2020

Item No. 15 Parker Lands Major Redevelopment Site Secondary Plan
File SP 1/2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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, after considering Development Application No. SP 1/2018 pursuant to a non-statutory (policy) approach, the proposed secondary plan not be approved for the reasons outlined in this report.

2. That the Applicant be permitted to amend the Plan to address the issues and concerns outlined in this report, and any additional issues or concerns raised by the Public Service, without being required to submit a new application.

3. That the Public Service report back to Council if and when the Applicant has amended the Plan in accordance with Recommendation 2.

4. 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 – May 21, 2020

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

Councillor Mayes asked to be recorded as having voted against the above motion, in accordance with Rule 47(7) of The Procedure By-law No. 50/2007.

STANDING COMMITTEE RECOMMENDATION:

On May 21, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On January 7, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter indefinitely.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2018, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Andrew Marquess, submitted documentation in support of the matter.

James Platt, Planning, Property and Development Department, submitted a presentation titled SP1/2018 Parker Lands Secondary Plan dated November 13, 2018 with respect to the matter.

ADMINISTRATIVE REPORT

Title: SP 1/2018 – Parker Lands Major Redevelopment Site Secondary Plan

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan	N/A	D. McNeil

EXECUTIVE SUMMARY

The purpose of a secondary plan is to provide detailed policies to direct development within a specific area of the city. Through a collaborative planning process, these plans should adapt and implement the objectives and policies of *OurWinnipeg* and the *Complete Communities Direction Strategy* ("*Complete Communities*") to the local context and provide certainty regarding future development aspirations for the area.

Major Redevelopment Site 'G' (the "Parker Lands") is identified in *Complete Communities* as one of 11 Major Redevelopment Sites. These areas are generally described as:

- Large, functionally obsolete or under-utilized lands, such as former industrial areas;
- Located within the existing urban framework, often along rail lines, major corridors or rapid transit;
- Often serviced by some level of existing infrastructure;
- Present opportunities for transformative and strategic mixed use infill and intensification;
- May present challenges to redevelopment, such as inadequate infrastructure capacity and contamination; and
- Site area typically 15 acres or more.

Complete Communities provides further direction that Major Redevelopment Sites should: *capitalize on the proximity of major redevelopment sites to rapid transit and high frequency transit*; and *provide for Complete Communities with significant levels of mixed use, high density development, with strong urban design and attractive parks, places, and open spaces.*

Complete Communities also indicates that the development of Major Redevelopment Sites be promoted with a proactive and collaborative planning process.

The proponent submitted a development application on January 12, 2018 for approval of the proposed Parker Lands Secondary Plan (the “Plan”). The Plan is inadequate as a secondary plan for the following key reasons:

(1) The Plan Area does not meet the land use mix criteria or locational attributes to warrant development consistent with the ‘Urban Neighbourhood’ TOD Type (as described in the Winnipeg TOD Handbook);

(2) The Plan does not provide sufficient detail as a secondary plan to allow for the public service to effectively evaluate future development proposals in the Plan Area;

(3) The Plan facilitates the potential for future land use conflict by permitting both industrial and high density residential uses to be established in the Neighbourhood Policy Area;

(4) The Plan requires significant 'clean up' and re-organization in order to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.

(5) The Plan is missing important content and policies necessary to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.

In addition to the concerns identified above, The Plan contains approximately 200 other issues that have been identified by the Public Service, some of which are minor in nature, while others are more substantive.

RECOMMENDATIONS

1. That, after considering Development Application No. SP 1/2018 pursuant to a non-statutory (policy) approach, the proposed secondary plan not be approved for the reasons outlined in this report.

2. That the Applicant be permitted to amend the Plan to address the issues and concerns outlined in this report, and any additional issues or concerns raised by the Public Service, without being required to submit a new application.

3. That the Public Service report back to Council if and when the Applicant has amended the Plan in accordance with recommendation 2.

4. 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

Direction 1 of the *Complete Communities* section regarding Major Redevelopment Sites indicates that development will be promoted through a proactive and collaborative planning process. A planning process spanning several years involving the proponent, the City and the public was undertaken.

A development application was submitted by the proponent on January 12, 2018. The proposed secondary plan was forwarded to Council through the appropriate critical path, along with a planning report. At the Council meeting on September 20, 2018, Council decided to concur with the planning report recommendations and *laid the matter over indefinitely*. Following a number of legal challenges, Justice Grammond of the Court of Queen's Bench of Manitoba has ordered that the proposed secondary plan be forwarded to the Standing Policy Committee to be considered as a non-statutory (policy) plan without delay.

The purpose of this report is to provide Council with an updated planning report that considers the proposed Parker Lands Secondary Plan as a non-statutory (policy) plan.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of this report are concurred in, Development Application No. SP 1/2018 will not proceed. However, the Applicant will be permitted to amend and resubmit the proposed secondary plan without requiring that a new development application be submitted.

If the recommendations of this report are not concurred in, the *Parker Lands Secondary Plan* will be endorsed by Council as proposed. As the Plan will not be passed by Council as a Secondary Plan By-law the procedure for amending the Plan needs to be articulated and endorsed by Council. The document entitled *Operationalizing the Parker Lands Secondary Plan* (Attachment 'F') provides the rules and process for amending the Plan. Council endorsement of this document is required to establish the rules and process future amendments to the Plan will follow.

HISTORY/DISCUSSION

Some key dates associated with the proposed Plan include:

- On **July 13, 2009**, City Council approved a land exchange with Gem Equities (the "Applicant") for the Parker Lands, which includes the subject site. The Council motion included the following condition:

  3) "*That upon the approval of recommendations 1 and 2, the City of Winnipeg Public Service be directed to prepare a developer led secondary plan for the Fort Rouge lands and the Parker Lands, which secondary planning process shall incorporate appropriate public consultations."*

- In **2013**, GEM Equities began the development of a proposed secondary plan with supporting engineering studies for the Parker Lands in consultation with the Public Service.

- A number of draft versions of the Plan were produced by GEM Equities between **2013 and 2017**, with ongoing feedback from the Public Service.
- The arrangement of land uses and residential densities presented in each version of the Plan evolved as new information and ideas became evident. Refinements made to the Plan over time included clarification as to which portion of the remaining high quality forest was be protected. The subject forest has since been removed.
- In **February 2016 and August 2016**, GEM Equities hosted Public Open House events.
- In **December 2017**, GEM Equities informed the Public Service of their intention to alter the Plan to allow for higher residential densities than described in previous versions of the Plan that had been submitted to the Public Service for comment and to forgo the preservation of a portion of the forest that had been included in previous versions of the Plan and presented at the Open House events.
- On **January 12, 2018**, GEM Equities submitted Development Application No. SP 1/2018 ("SP 1/2018") to have the Parker Lands Secondary Plan adopted by Council as a secondary plan by-law.
- On **January 19, 2018**, GEM Equities informs the Public Service of their intention to conduct an online public engagement exercise.
- In **February 2018**, GEM Equities initiated Development Application No. DASZ 12/2018 for the subdivision and rezoning of ~47 acres of land in the Parker Lands ("DASZ 12/2018"). The last piece of documentation required to complete this application was not received by the City until six months later on **August 24, 2018.**
- On **June 8, 2018**, the Applicant filed an Application with the Court of Queen's Bench for a writ of mandamus to compel the City to hear the Applicant's development applications.
- On **September 4, 2018**, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service to lay over consideration of the Plan indefinitely and submitted the matter to the Executive Policy Committee and Council.
- On **September 12, 2018**, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.
- On **September 19, 2018**, Justice Grammond issued a decision granting the Applicant's writ of mandamus.
- On **September 20, 2018**, Council concurred in the recommendation of Executive Policy Committee and *laid over the matter indefinitely.*
- In **October 2018**, the proponent cleared the remainder of the forest on their property precluding dedication of the forest to the City under future development applications.
- On **October 15, 2018**, Justice Grammond issued an Order (the "Mandamus Order") which ordered the following:
    - that the City Centre Community Committee ("CC") hold a public meeting in respect of SP 1/2018 and a public hearing in respect of DASZ 12/2018; and
    - that the Public Service do all things necessary to have the required materials in relation to the applications available to CC for its consideration.

- In **November 2018**, City Centre Community Committee held a public meeting in respect of SP 1/2018 and a public hearing in respect of DASZ 12/2018 (the "November Meeting").The City Centre Community Committee made the following recommendation:

    1. *That any land use plan related to the Parker Lands (as identified in Complete Communities as Major Redevelopment Site 'G'), resulting from a planning process conducted in accordance with Complete Communities section 03-3 direction 1, be adopted as a secondary plan by-law in accordance with The City of Winnipeg Charter.*
    2. *That Council not give first reading to the proposed secondary plan by-law (draft bylaw attached to this report as Schedules "A" and "B") for the reasons outlined in this report.*
    3. *That the Applicant be permitted to amend the Plan to address the issues and concerns outlined in this report, and any additional issues or concerns raised by the Winnipeg Public Service, without being required to submit a new application.*
    4. *That the Winnipeg Public Service report back to Council if and when the Applicant has amended the Plan in accordance with Recommendation 3.*

- On **December 14, 2018**, the Applicant filed a motion with the Court of Queen's Bench requesting that the City be held in contempt of the Mandamus Order, alleging that the City failed to adhere to the Mandamus Order in that SP 1/2018 was considered using a by-law approach as opposed to a non-statutory approach.

- In **August 2019**, Justice Grammond found the City in contempt for failing to process the applicants' secondary plan application as a non-statutory (policy) plan, but declined to find the City in contempt on the other two grounds raised by the Applicant (the "Contempt Decision"). As a result of her finding, Justice Grammond set aside the recommendations of the Community Committee on both the secondary plan and the DASZ applications and directed the City to purge its contempt by holding a new meeting on a non-statutory (policy) plan followed by the DASZ application, at Community Committee.

- In response, the City file a motion with the Court of Queen's Bench to have the finding of contempt reconsidered (the "Reconsideration Motion"), which motion was heard by Justice Grammond during the penalty phase of the contempt proceedings.

- On **March 30, 2020**, Justice Grammond delivered her decision on the Reconsideration Motion and the penalty phase of the contempt proceedings. In the March Decision, Justice Grammond declined to reconsider her finding of contempt, but, importantly, declined to impose any penalty whatsoever on the City for the alleged contempt. Justice Grammond ordered that SP 1/2018 and DASZ 12/2018 be referred directly to SPC for consideration, and that SP 1/2018 be considered as policy only and not as a by-law.

- As of **April 30, 2020**, no court order in respect of Justice Grammond's March 30, 2020 Decision has been signed. It is important to note that the City has not exhausted all avenues of appeal, and should the City elect to appeal the Contempt Decision, such an appeal will need to be filed with the Courts within 30 days following the signing of an order in respect of the March Decision.

It is extremely important to note that, although Justice Grammond has ordered that SP 1/2018 be considered by way of non-statutory, policy approach, but ***has not*** ordered that either SP 1/2018 or DASZ 12/2018 be approved. In the Contempt Decision, Justice Grammond writes "I was not asked to direct the public service to provide particular recommendations with respect to the Applications, and I did not do so", and in her decision of March 30, 2020, she writes "I agree

that generally, deference is owed to municipal decision-making… I was not asked to make, and did not make, any decision relative to the substantive outcome of the Secondary Plan Application".

It is important that SPC, EPC and Council understand that the decision to approve or reject SP 1/2018 and DASZ 12/2018 remains exclusively within Council's discretion and the Court has expressly declined to order approval or rejection of either application.

The Public Service maintains the position that by virtue of subsection 54(2) of the City of Winnipeg Charter, a secondary plan must proceed by way of by-law; however, SP 1/2018 must be considered by SPC merely as a non-statutory policy in spite of the Public Service's position. This is ***solely*** due to the Order of the Court and for no other reason whatsoever. In future, the Public Service will make absolutely clear to any applicant that their secondary plan application must be considered by way of by-law.

The Public Service also recognizes that consideration of SP 1/2018 and DASZ 12/2018 are no longer following standard City process or procedures. Again, this is ***solely*** because of the Order of the Court and for no other reason whatsoever. The Public Service does not intend for this novel process to set any form of precedent in the future.

Council and its Committees have been ordered by the Court to step outside the City's standard process and to consider SP 1/2018 as a non-statutory policy, despite the requirements of the Charter and despite the requirements of the City's Development Procedure By-law. The Public Service would like to emphasize that there is no intent for this to set any type of precedent in respect of future development applications.

Operationalizing the Plan

- The Development Procedures By-law (160/2011) provides details regarding the process by which Secondary Plan By-laws are adopted and/or amended. As the Plan will not be passed by Council as a Secondary Plan By-law, the procedure for amending the Plan needs to be articulated and endorsed by Council. The document entitled *Operationalizing Parker Lands Secondary Plan* provides the rules and process for amending the Plan (see Attachment 'F'). Council endorsement of this document is required to establish the rules and process future amendments to the Plan will follow.

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services (as to legal issues)
- Winnipeg Transit
- Public Works
- Water and Waste
- Planning, Property and Development- Urban Design Branch (Parks)

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg

- The subject land is identified as a Major Redevelopment Site in figure 01a of *OurWinnipeg.*
- The Key Direction for Major Redevelopment Sites (Section 01-1c) is that they will *provide transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric.*
- *OurWinnipeg* refers to section 03-3 of *Complete Communities* for additional detail.

Complete Communities Direction Strategy

- The subject land is identified as Major Redevelopment Site 'G' (Parker Lands) in figure 03f of *Complete Communities.*
- Section 03-3 Major Redevelopment Sites – states: *major redevelopment sites will provide transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric.*
- Key Directions for 'Major Redevelopment Sites' (Section 03-3) include:
    - Direction 1 - *Promote development of Major Redevelopment Sites with proactive and collaborative planning process.*
    - Direction 2 - *Capitalize on the proximity of Major Redevelopment Sites to rapid transit and high frequency transit and high frequency transit.*
        - *Promote Development in accordance with Transit Oriented Development principles.*
    - Direction 4 – *Major redevelopment sites will provide for complete communities with significant levels of mixed use, high density development, with strong urban design and attractive parks, places and open spaces.*

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: James Platt, Senior Planner, MCIP, RPP
Date: November 5, 2018 (Revised May 5, 2020)
File No: SP 1-2018

Attachments:

1. Attachment ‘A’ – Parker Lands Secondary Plan
2. Attachment ‘B’ – Background Materials
3. Attachment ‘C’ – Environmental Assessment (Parcel B)
4. Attachment ‘D’ – Environmental Assessment (NE Hurst Way)
5. Attachment ‘E’ – Planning Discussion
6. Attachment ‘F’ – Operationalizing the Parker Lands Secondary Plan

Attachment 'A' - *'Parker Lands Secondary Plan'*

Attachment 'B' – *Background Material*

Attachment 'C' – *Environmental Assessment (Parcel B)*

Attachment 'D' - *Environmental Assessment (NE Hurst Way)*

ATTACHMENT E: *PLANNING DISCUSSION*

DATE:	November 5, 2018 (Revised May 1, 2020)
FILE NUMBER:	SP 1/2018
RELATED FILES:	DASZ 12/2018
COMMUNITY:	Parker (City Centre Ward)
SUBJECT:	Proposed Parker Lands Secondary Plan
LOCATION:	Major Redevelopment Site 'G' of *Complete Communities*
APPLICANT/OWNER:	6165347 Manitoba Inc.

Summary

- The applicant has submitted a proposal for Council to approve a secondary plan for Major Redevelopment Site 'G' (the "Parker Lands") as identified in the *Complete Communities Direction Strategy ("Complete Communities")*.

- The proposed Parker Lands Secondary Plan ("the Plan") recognizes the opportunity to establish a portion of the Plan Area as 'Transit-Oriented Development'.

- The Public Service has identified the following major issues with the Plan as proposed:
  1. The Plan Area does not meet the land use mix criteria or locational attributes to warrant development consistent with the 'Urban Neighbourhood' TOD Type (as described in the Winnipeg TOD Handbook).
  2. The Plan does not provide sufficient detail as a secondary plan to allow for the public service to effectively evaluate future development proposals in the Plan Area.
  3. The Plan facilitates the potential for future land use conflict by permitting both industrial and high density residential uses to be established in the Neighbourhood Policy Area.
  4. The Plan requires significant 'clean up' and re-organization in order clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.
  5. The Plan is missing important content and policies necessary to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.

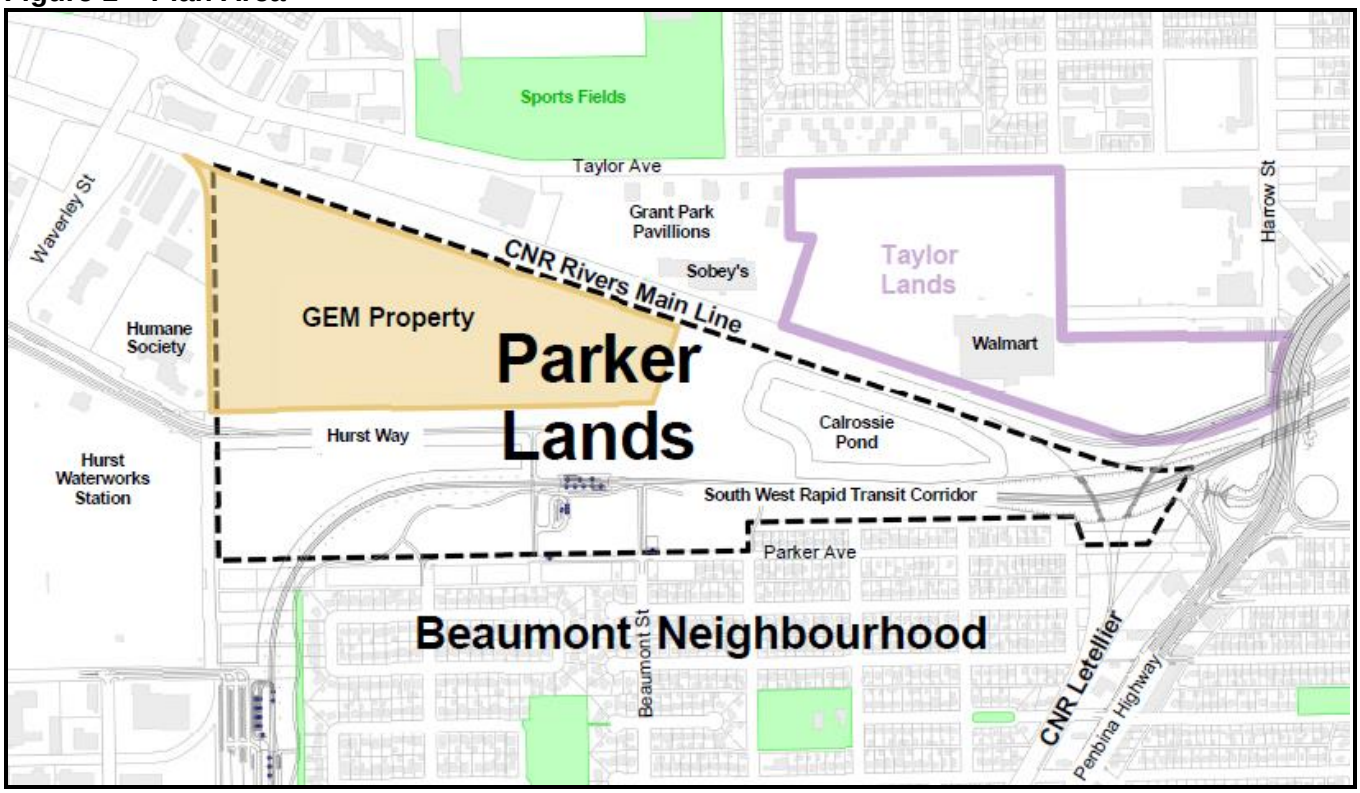
Site Description

Plan Area

- The Plan Area, being the Parker Lands, covers an area of 133 acres (see Figure 1 – Plan Area).

- The CNR Rivers Main Line runs along the northern boundary of the Plan Area, while Parker Avenue generally defines the southern boundary. The western edge of the Plan Area shares a boundary with the Humane Society and the Hurst Waterworks property. The northern and southern boundaries of the Plan Area almost meet at the eastern edge of the Plan Area which includes the intersection of the CNR Rivers Main Line and CNR Letellier Rail Line.

Figure 1 – Plan Area



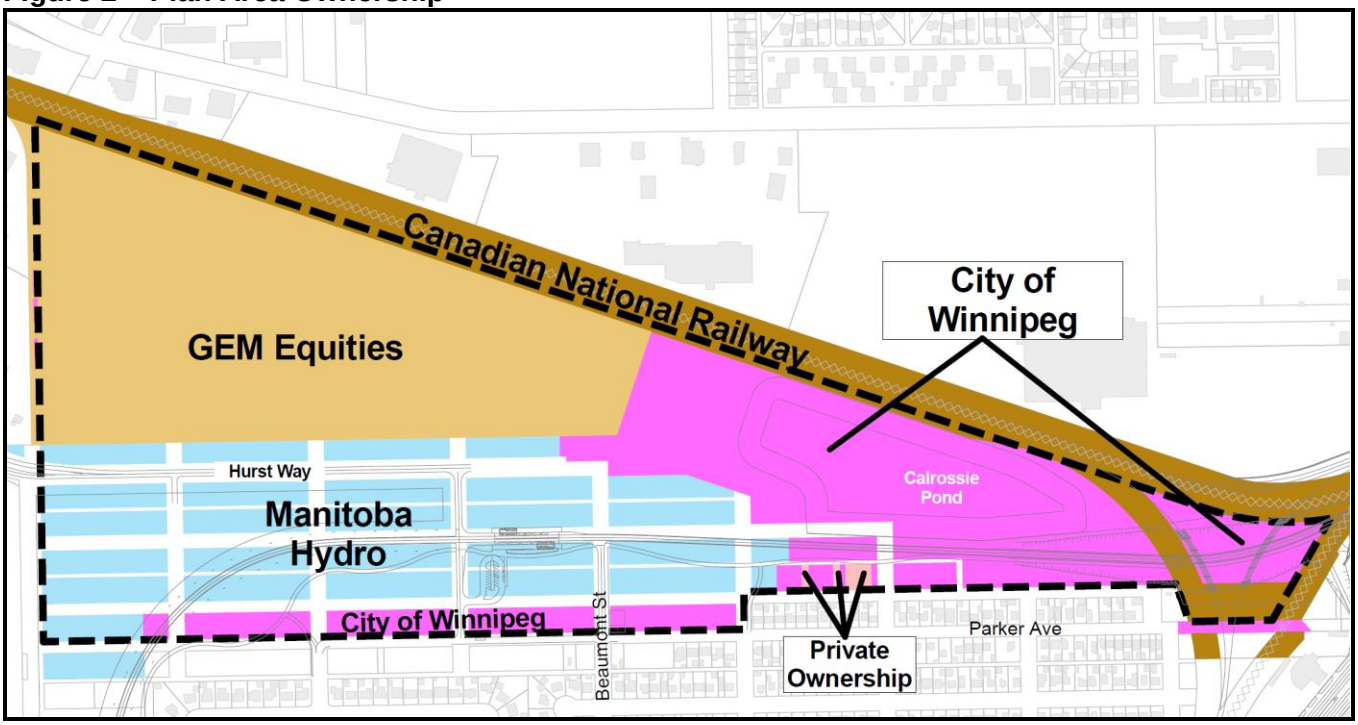
- The Southwest Bus Rapid Transit Corridor ("SWBRT") extends east-west through the Plan Area. A Transit Station is to be located along this corridor just west of Beaumont Street. A major drainage pond, known as 'the Calrossie Pond', is located in the eastern portion of the Plan Area, north of the SWBRT.

- Hurst Way extends from Waverley Street into the western portion of the Plan Area where it becomes a two-lane road with a rural cross section (i.e. open ditches on either side). This road continues west for ~500m before turning south east of the Transit station and connecting with Parker Avenue.

- Major overhead electrical infrastructure crosses the middle of the Plan Area on towers and poles on a north/south tangent. A line of poles at the centre and south of the Plan Area extend in a westward direction turning south before reaching Hurst Way down a hydro corridor. It is generally understood that the tower infrastructure is transmission, while lines on poles are local distribution.

- The proponent owns 47 acres of contiguous property in the northwest portion of the Plan Area, as identified as 'GEM Equities' on Figure 2 – Plan Area Ownership. A majority of the remainder of the Plan Area is owned by Canadian National Railway, Manitoba Hydro and The City of Winnipeg. A few small parcels of land in the south east portion of the Plan Area are under individual private ownership.

Figure 2 – Plan Area Ownership



- In late summer and early fall of 2017, a significant forest area was removed from the area identified as 'GEM Equities' on Figure 2 – Plan Area Ownership. A portion of the original forest area remained until October 2018 when the remaining forest was cleared.

Surrounding Areas

- An existing neighbourhood, known as the 'Beaumont Neighbourhood' is located immediately south of the Plan Area. This residential neighbourhood contains ~950 dwellings, over 90% of which are single-family detached. The neighbourhood also includes General Byng School, Fort Garry Community Centre Victoria site, several parks and play areas, a large industrial facility (CG Powers Systems Canada) and a funeral home with accessory cemetery.

- The CNR Main Line extends across the northern portion of the Plan Area providing a significant barrier to the north of the Plan Area. Major infrastructure projects are currently underway to develop and/or improve separated rail crossings at Waverley Street as well as Pembina Highway.

- North of the CNR Main Line exists a substantial amount of commercial/office development. This includes the 'Taylor Festival Site' which currently includes a Walmart, and the 'Grant Park Pavilions' site which includes a Sobey's grocery store. Apartment buildings, recreation facilities (ie. Pan Am Pool, Charles A. Barbour 'Grant Park' Arena), and schools (ie. Grant Park High School and Harrow School) are located north of the commercial developments. As discussed elsewhere in this document, the CNR Main Line represents a barrier that prevents these amenities from being accessed directly from the Plan Area.

- A multi-tenant strip mall, a storage locker facility and the Winnipeg Humane Society exist immediately west of the Plan Area and east of Waverley Street.

Regulatory Framework

Complete Communities Direction Strategy (Bylaw 68/2010)

- The subject land is identified as Major Redevelopment Site 'G' (Parker Lands) in figure 03f of *Complete Communities.*
- The eleven (11) Major Redevelopment Sites identified in *Complete Communities* are meant to provide *transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric.*
- These sites provide *transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric. Complete Communities* also recognizes that inadequate infrastructure and contamination at many of these sites *may present challenges to redevelopment*.
- Major Redevelopment Sites are characterized as large, functionally obsolete or under-utilized lands and are often located along rail lines, major corridors or rapid transit. Accordingly, section 03-3 (Major Redevelopment Sites) of *Complete Communities* provides direction to c*apitalize on the proximity of Major Redevelopment Sites to rapid transit and high frequency transit.* This section also states that i*n order to maximize the development potential of both Major Redevelopment Sites and the viability of the transit system, these lands should be developed in accordance with the principals of Transit Oriented Development.*
- Not all TOD developments will contain the same land use mix and/or intensity of development. Direction provided in *Complete Communities* is not meant to imply TOD sites are to contain residential densities higher than the capacity of infrastructure will allow, or that development at each TOD location be established without consideration for the local context. *Complete Communities* indicates that planning of TOD sites will *promote development in accordance with Transit Oriented Development principles. The Winnipeg Transit-Oriented Development Handbook* (the "TOD Handbook"), provides direction on the land use mix and development intensity appropriate for a given TOD site, based on a variety of context-related conditions.

Winnipeg TOD Handbook

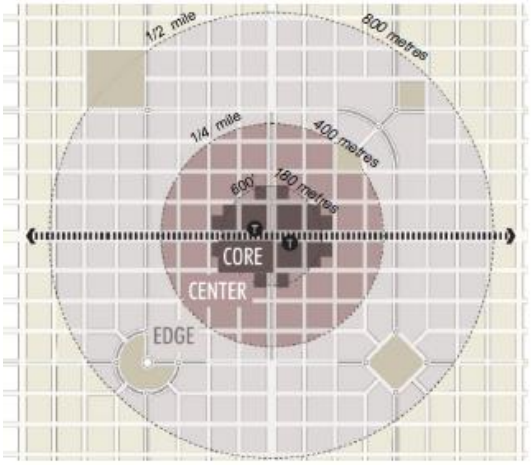
- *The Winnipeg Transit-Oriented Development Handbook* (the "TOD Handbook") was endorsed as Council Policy (TR-006) on February 22, 2012. Section 2A of the TOD Handbook provides the following definition of TOD:

  Moderate to higher density compact mixed-use development, located within an easy five to ten minute (approximately 400m to 800m) walk of a major transit stop. TOD involves high quality urban development with a mix of residential, employment and shopping opportunities, designed in a pedestrian oriented manner without excluding the automobile. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate the use of convenient and sustainable modes of transportation, including public transit and Active Transportation.

- Section 2B of the TOD Handbook provides that *the immediate area around the station (core area) should generally contain the greatest intensity and mix of uses.* This directs the highest

density of development to be located in proximity to the bus rapid transit station as demonstrated in the graphic below reproduced from section 2B of the TOD Handbook (See Figure 3 – TOD Density).

Figure 3 – TOD Density



- Section 3, Principle 1 of the TOD Handbook states that a TOD site should contain *medium to High Density Development Greater than the Community Average,* and suggests the *minimum density should be a high percentage of the density maximum (e.g. minimum density is 80% of maximum density).* (p17)

- Not every TOD site is the same. For instance, the *TOD Handbook* provides that *the size of the TOD is dependent on the general scale or intensity of development appropriate for that station based on the function of the station and the* ***accessibility of the TOD from the adjacent neighbourhoods.*** (TOD Handbook Section 2.B). This message is also reflected in section 03-3 of *Complete Communities,* which states that each Major Redevelopment Site *is unique, differing in the character of adjacent areas, existing physical and social contexts and market opportunities.*

- Section 2B of the TOD Handbook characterizes six (6) TOD Types as reproduced in Figure 4 – TOD Types (*TOD Handbook*).

Figure 4 – TOD Types (*TOD Handbook*)

TOD Zones:

TOD TYPE	Urban Centre	Urban Neighbourhood	Town Centre	Neighbourhood Medium Density	Neighbourhood Low Density	High Frequency Transit Corridor
Land Use Mix	Office Centre Urban Entertainment Multiple Family Retail	Residential Retail Class B Commercial	Office Centre Urban Entertainment Multiple Family Retail	Residential Neighourhood Retail Local Office	Residential Neighourhood Retail	Office Centre Urban Entertainment Multiple Family Retail
Net Housing Density*	124-371 units per hectare (50-150 units per acre)	99-247 units per hectare (40-100 units per acre)	86-247 units per hectare (35-100 units per acre)	49-124 units per hectare (20-50 units per acre)	25-49 units per hectare (10-20 units per acre)	62-148 units per hectare (25-60 units per acre)
Regional Connectivity	High, Hub of regional system	Medium access to downtown, Sub regional hub	High access to downtown, Sub regional hub	Medium access to suburban centre, Access to downtown	Low	High access to downtown, Sub regional hub
Frequencies	5 - 15 minutes	5 - 15 minutes	5 - 15 minutes	15 - 30 minutes	20 - 30 minutes	5 - 15 minutes

- The six (6) TOD Types described by the *TOD Handbook* range from 'Urban Centre', with the highest density and greatest mix of uses, to 'Low Density' TOD Types, which are predominantly residential with some local commercial uses. Section 4.E. of the TOD Handbook provides further detail on the characteristics of each TOD Type relevant to this discussion as follows:

  'Urban Centre'
  - 4-30 storey buildings
  - Horizontal and vertical mix of uses that include office or residential above retail spaces with continuous facades that align to the build-to-line.
  - Office centre, retail, commercial, urban entertainment, and civic/cultural uses. Regional oriented, destination-retail opportunity; need for local-serving and community serving retail.
  - 5 - 7 metres (14 -18 feet) wide sidewalks, convenient connections, and other amenities.

  'Urban Neighbourhood'
  - *The next ring of development, Urban Neighbourhoods have the same land uses as the urban centre, but at a slightly lower density*.
  - 3 to 12 storey buildings
  - Predominantly residential district with diversity of housing types. Good access to other regional and sub-regional centres.
  - Mid-rise residential, condos, ground-related units, and mixed-use structures, with ground floor retail or office use required.
  - Minimum ground floor height of 4.8 metres (16').
  - Office centre, retail, commercial, and urban entertainment. Primarily local serving retail; need for some community-serving retail.

‘Town Centre’

- *High Density Town Centres serve as a transition between the higher density urban centres and neighbourhoods and the lower density, primarily residential uses.*
- *Generally aligned with the Regional and Community Mixed Use Centres, and Major Redevelopment Sites identified in the Complete Communities Direction Strategy.*
- 2 to 20 storey buildings
- Regional-serving destination retail opportunity; need for local-serving and community serving retail.
- Mid-rise to low density residential. Mixed-use structures with a minimum ground floor height of 4.8 metres (16’). Multi-family in some areas; with the majority being single family, duplexes, accessory dwelling units, and ground-related units

‘Neighbourhood – Medium Density’

- *Primarily residential, with some neighbourhood serving retail and local office uses, medium density suburban development scales down the density in a TOD to begin the transition to the adjacent, non-TOD land uses.*
- 2 to 5 storey buildings
- Residential district organized around transit station. Convenience retail (e.g. coffee shops, dry cleaners, etc.) located on ground floor.
- Mid-rise to low density residential. Mixed-use structures with a minimum ground floor height of 3.7 metres (12’). Limited multifamily, with the majority of residential being single family, duplexes, accessory dwelling

‘Neighbourhood – Low Density’

- *Primarily residential, with some neighbourhood serving retail and local office uses, medium density suburban development scales down the density in a TOD to begin the transition to the adjacent, non-TOD land uses.*
- 1 to 3 storey buildings
- The low density neighbourhood land use type provides a transition to the adjacent non-TOD land uses. The residential and neighbourhood retail land uses are likely the same as those located outside the TOD.

Analysis

- The Public Service’s review of the Plan identified over 200 issues (not including issues raised with the background and engineering studies), ranging from ‘typos’ to fundamental disagreements on policy. Due to the large number of issues identified with the Plan as submitted, this report has attempted to focus on the most pertinent policy-related issues.

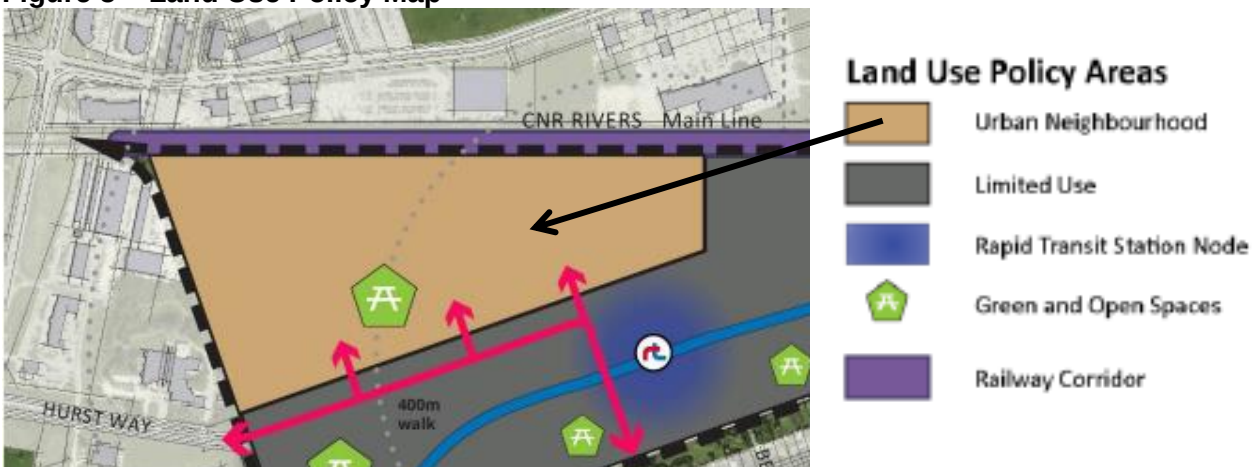
- A discussion of each of the most pertinent issues identified by the Public Service can be found in the remainder of this section.

Issue 1: *The Plan Area does not meet the land use mix criteria or locational attributes to warrant development consistent with the 'Urban Neighbourhood' TOD Type (as described in the Winnipeg TOD Handbook).*

PROPOSED PLAN

- The Plan designates 47 acres of land as 'Urban Neighbourhood Policy Area' as indicated on the Land-Use Policy Map (See Figure 5 – Land Use Policy Map).

Figure 5 – Land Use Policy Map



- The stated objective of the Urban Neighbourhood Policy Area within the Plan is to *transform and repurpose the Parker Lands into a TOD neighbourhood with medium access to downtown, a diversity of housing choices and significant densities to support a commercial zone which meet the principles of sustainability, placemaking and connectivity.*

- Policy 3.3.2.1 of the Plan states: *Urban Neighbourhood Area shall be the TOD Zone, which is within the first 800 meters (1/2 mile) of the SWBRT Parker Station.*

- Policy 3.3.2.2 of the Plan provides that *net housing densities for the Urban Neighbourhood Area TOD Zone shall be 99-247 units per net hectare (40-100 units per net acre) as per the TOD Handbook.*

- Policy 3.5.2.1 of the Plan identifies the scale of commercial uses which could be considered in the Plan Area: *Community and neighbourhood-scale commercial, institutional and educational uses; and residential dwellings shall be allowed within the first 400 metres (1/4 mile) of the Rapid Transit Station.*

DISCUSSION

- The TOD Handbook indicates that *the size of the TOD is dependent on the general scale or intensity of development appropriate for that station based on the function of the station and the* ***accessibility of the TOD from the adjacent neighbourhoods.*** (TOD Handbook Section 2.B).

- The characteristics of the six (6) TOD Types described in the *TOD Handbook* provide guidance when determining the most appropriate TOD Type to be applied to a potential TOD site.

- The Plan (section 3.3.1) indicates that the rationale for applying the 'Urban Neighbourhood' TOD Type to the proposed 'Urban Neighbourhood Policy Area' is based on the following characteristics as provided in the *TOD Handbook*:
    - Regional Connectivity: Medium access to downtown
    - Bus Frequency: Every 5-15 minutes

- The TOD Handbook further provides that an 'Urban Neighbourhood' TOD Type is also characterized by the following characteristics:
    - Land Use Mix:
      The same land uses as the urban centre, but at a slightly lower density, and includes office centre, retail, commercial, and urban entertainment uses.
      Class B Commercial.
    - Regional Connectivity:
      Good access to other regional and sub-regional centres.

Land Use Mix and Accessibility: Scale of Proposed Commercial Uses

- Policy 3.5.2.1 of the Plan provides that *community and neighbourhood-scale commercial, institutional and educational uses* may be established within the first 400m from the transit station.

- The Zoning By-law provides a description of both 'community' and 'neighbourhood' commercial uses as follows:

    - The *Commercial Neighbourhood (C1) district is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business. C1 districts are generally located in Neighbourhood or Community mixed use centres or along Neighbourhood or Community mixed use corridors.*

    - *The Community Commercial (C2) district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.*

- Uses permitted in the Commercial Community (C2) zone, but not the Commercial Neighbourhood (C1) zone, include drinking establishments, supermarkets and private vehicle related uses (ie gas stations, car washes, auto sales and repair).

- As written, the Plan allows for the entire list of community commercial (C2) uses to be established in areas of the 'Urban Neighbourhood Policy Area' within 400m of the station. The Zoning By-law suggests that such uses should be directed to *community or regional mixed use centres or along Community or regional mixed use corridors. Complete Communities* identifies

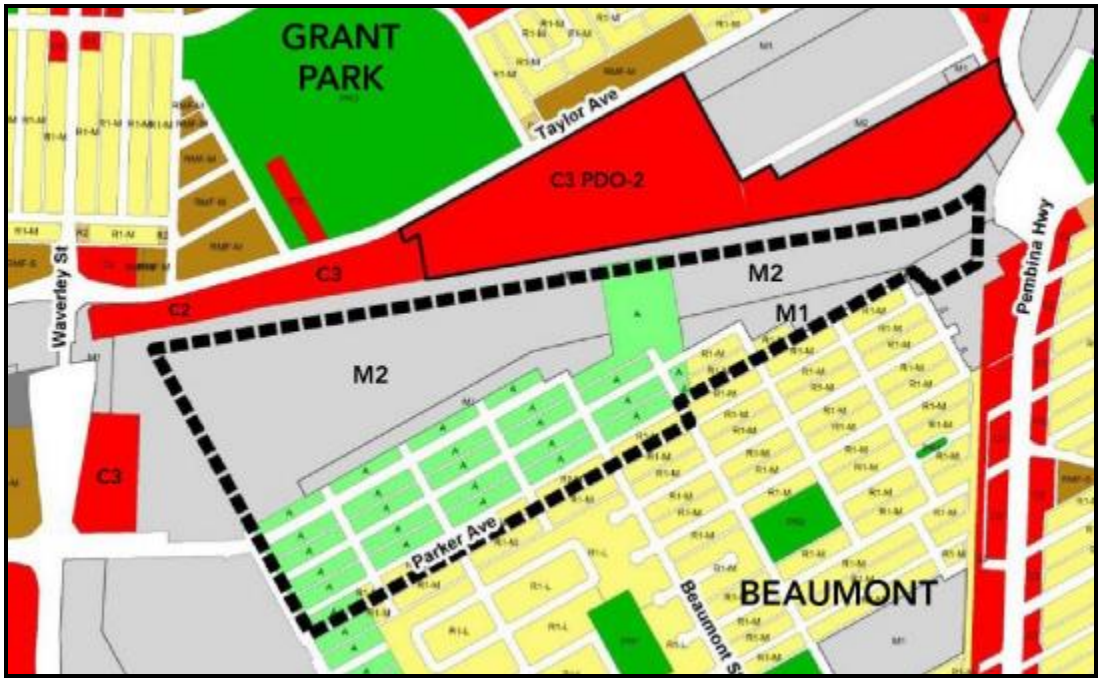
the Parker Lands as a ‘Major Redevelopment Site’, and not a ‘Regional Mixed Use Centre’ or ‘Regional Mixed Use Corridor’.

- While the appropriateness of permitting the full list community commercial uses within 400m of the station is questionable, it may be reasonable to allow for the limited number of commercial community (C2) uses which contribute to the attractiveness of the area as an 18 hour space. The Plan needs to be altered to provide direction as to which community commercial uses will be permitted and where.

Land Use Mix and Accessibility: Amenities

- Commercial developments north of the Plan Area are zoned ‘C3’ (Commercial Corridor), would be considered ‘sub-regional’ and ‘Class B Commercial’ (see Figure 6 – Zoning).

Figure 6 – Zoning



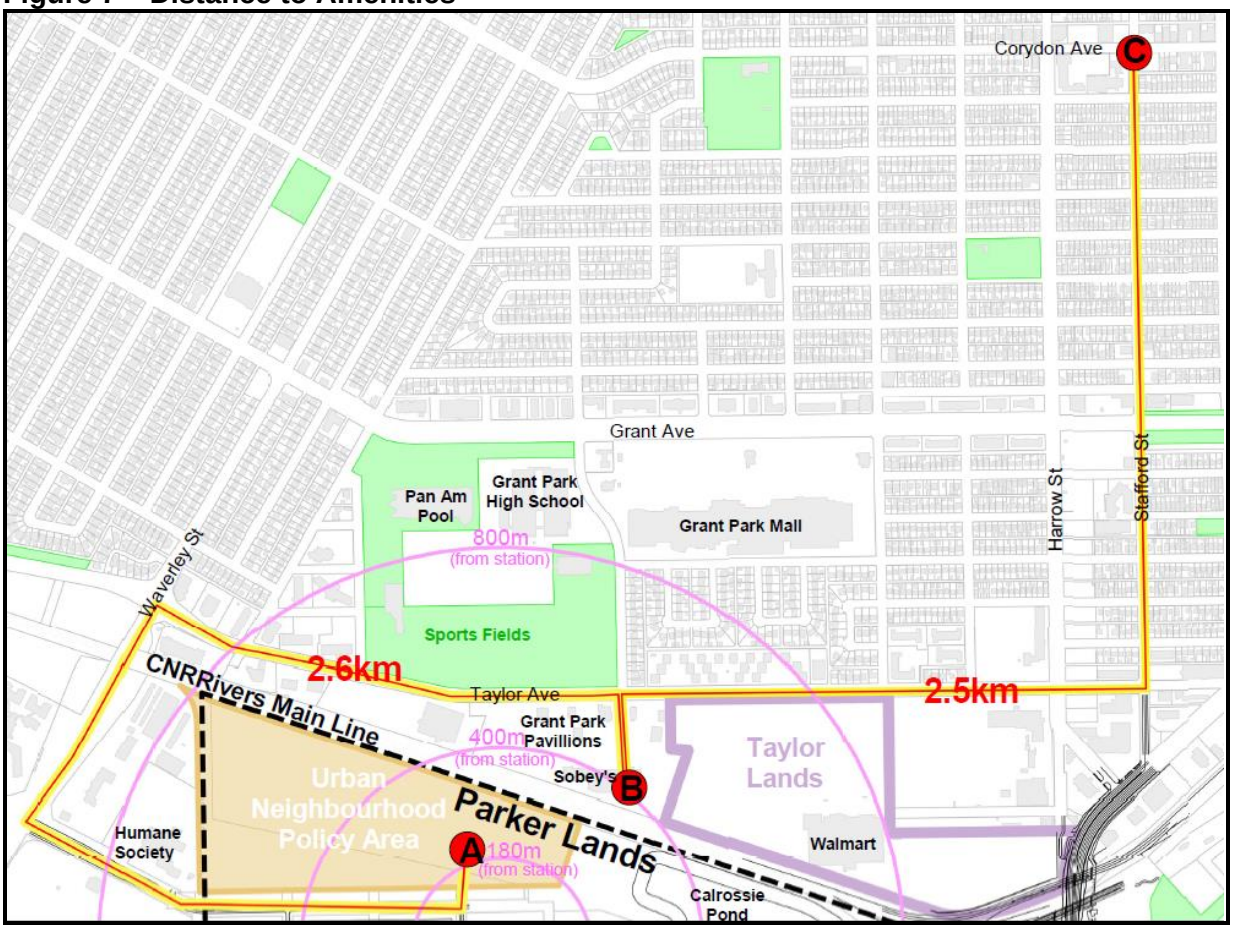
- The Plan (section 1.2.5) indicates that *there are substantial commercial, office, recreation & leisure facilities and schools in proximity to the site,* [including] *land recently rezoned for commercial and residential uses (Grant Park Pavilions)which has a Walmart, as well as the Taylor Festival with a Sobeys grocery store. Further beyond this to the north is the Grant Park Neighbourhood (1.604) with the Pan Am Pool, Grant Park High School, Grant Park Shopping Centre, Charles A. Barbour (Grant Park) Arena, Harrow School, as well as many single-family and multi-family residential dwellings.* Many of these locations would qualify as a regional amenity (ie Pan Am Pool) or sub-regional centre (ie. Taylor Festival, Grant Park Pavilions).

- These amenities may be in geographic proximity to the subject land; however, they are not accessible from the Parker Lands and do not provide the Parker Lands TOD land use mix with Class B Commercial uses as the introduction sections of the Plan appear to imply.

- The CNR Rivers Main line represents a major barrier for accessing amenities north of the Plan Area. For instance while the distance to these regional amenities/centres may be within the first

400m to 800m from the SWBRT station, the 'walking' distance from the highest residential density of the Plan Area to the Sobey's is 2.6 kilometres (see line 'A-B' on Figure 7 – Distance to Amenities). To put this into perspective, the 'walking' distance from the same Sobey's location to the Corydon Ave / Stafford St intersection is 2.5 kilometers (see line 'B-C').

Figure 7 – Distance to Amenities



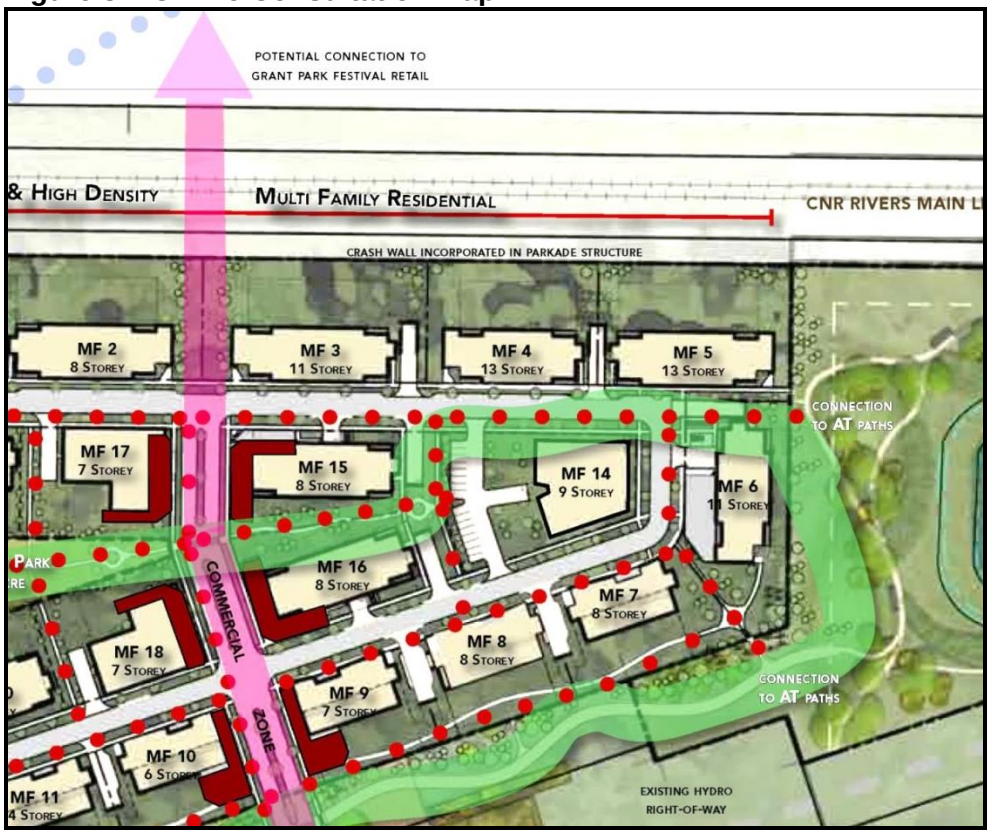
- The CNR Rivers Main Line provides a significant barrier to accessing the regional and sub-regional amenities that exist north of the proposed Urban Neighbourhood TOD site in the Plan. Therefore, the commercial uses and amenities north of the rail line do not qualify as being the Class 'B' Commercial component of the land use mix of the proposed Urban Neighbourhood TOD site. In addition, it would not be appropriate to consider the Urban Neighbourhood TOD site as having 'good access' to the sub-regional centre north of the tracks as there is no direct pedestrian access to it for future residents or BRT riders.

- It is worth noting that the applicant has an on-going online engagement process which began a week after the submission of the secondary plan application. This process solicits online feedback from a website (www.fultongrove.ca) advertised through the following :
    - Mail-outs distributed to around 1100 homes in the Beaumont region on before January 24th, 2018
    - Flyers distributed at a TOD Event held by the applicant at the University of Manitoba on January 23rd, 2018

- Newspaper ads on January 24th, 2018 with additional ads every 2 to 3 weeks to keep driving traffic to the website.
- Twitter account updates

- The materials presented on the website included a version of the Plan that includes a pedestrian crossing over the tracks to the regional amenities north of the CNR Main Line (See Figure 8 – Online Consultation Map). The Public Service questions whether such a crossing is feasible or even possible. Regardless, the rail crossing provided in the applicant's on-going online consultation exercise is not mentioned or otherwise reflected in the Plan in any way.

Figure 8 – Online Consultation Map



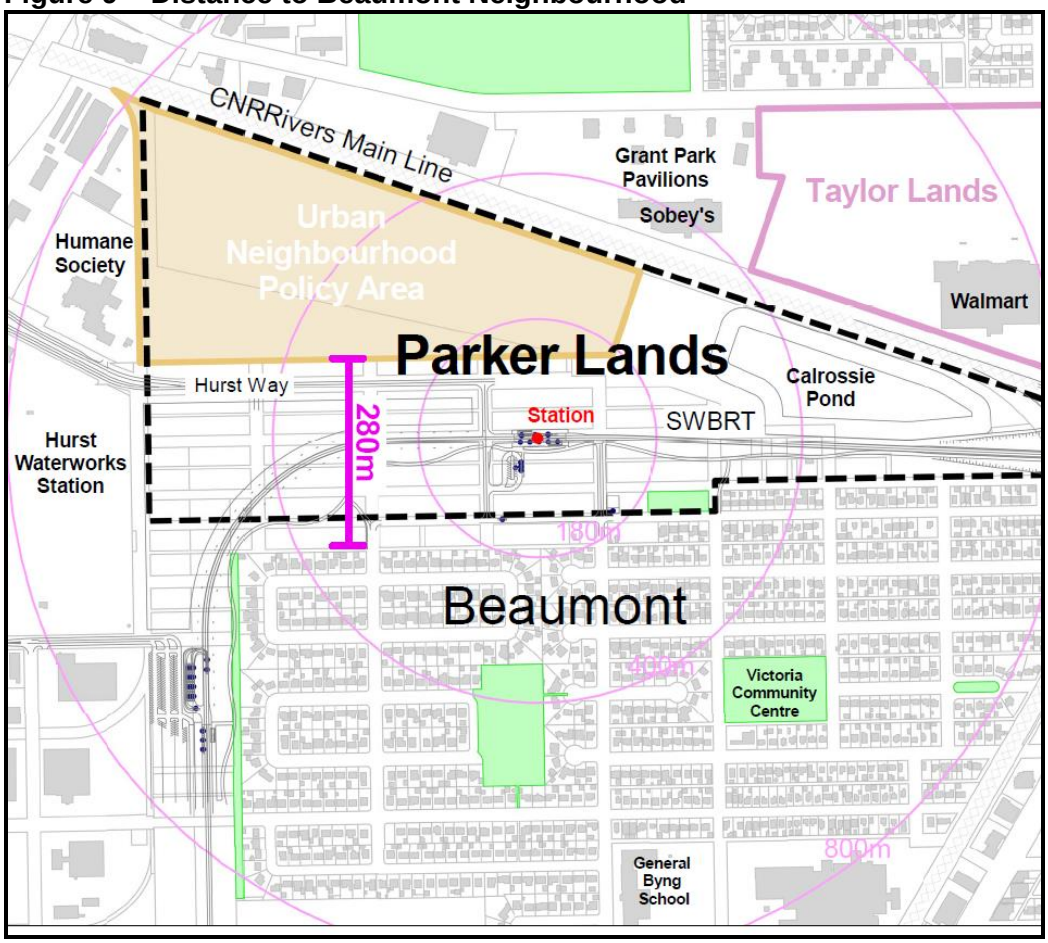
- Due to the physical constraints of the Parker Lands, the proposed Urban Neighbourhood TOD Type is not supported. Without Class B Commercial integrated into the land use mix or *good access to other regional and sub-regional centres,* it would be inappropriate to designate the TOD portion of the Plan for development consistent with the 'Urban Neighbourhood TOD Type', which is characterized as having the same land uses as the Urban Centre TOD Type with *good access to other regional and sub-regional centres.*

Land Use Mix and Accessibility: Adjacent Neighbourhoods

- The Plan (section 1.2.5) indicates that *outside of the Parker Lands, to the south of the Hydro Corridor, is a large area of single-family dwellings in the Beaumont Neighbourhood. This area includes amenities such as General Byng School, Fort Garry Community Centre Victoria site, several parks and play areas…*

- Neighbourhood development south of the proposed 'Urban Neighbourhood Policy Area' is limited by a significant hydro-electric transmission corridor. In addition, the alignment of Hurst Way and the SWBRT just south of the 'Urban Neighbourhood Policy Area' are barriers to direct pedestrian access to the Beaumont Neighbourhood (see Figure 9 – Distance to Beaumont Neighbourhood).

Figure 9 – Distance to Beaumont Neighbourhood



- While, pedestrian crossings of Hurst Way appear to be viable, it is assumed that pedestrian crossings of the SWBRT will be restricted. This assumption is evidenced by policy 4.1.2.9 which states:

  At-grade direct pedestrian or cycling access to the Southwest Bus Rapid-Transit Corridor (Stage 2) shall not be permitted except at controlled crossings.

- The Beaumont Neighbourhood is adjacent to the southern edge of the Plan Area. However, the proposed 'Urban Neighbourhood Policy Area' of the Plan is separated from development within the Beaumont Neighbourhood by 280 metres (see Figure 9 – Distance to Beaumont Neighbourhood) in addition to the aforementioned barriers, including the SWBRT. Therefore, justifying the application of the 'Urban Neighbourhood' TOD Type cannot rely on 'accessibility of the TOD from adjacent neighbourhoods' (*TOD Handbook* section 2.B).

Context

- *The TOD Handbook* characterizes the 'Urban Neighbourhood' TOD Type as *the next ring of development* from downtown (Urban Centre TOD) and having *the same land uses as the urban centre, but at a slightly lower density* (section 4.E)*.* Neighbourhoods surrounding the downtown, such as Osborne Village, are considered as being located in *the next ring of development* from downtown. In addition, the densities, amenities and connections of Osborne Village would be consistent with the characterization of an 'Urban Neighbourhood' TOD.

- The *Bishop Grandin Crossing Area Master Plan*, endorsed by Council in 2014, guides development of ~130 acres of land adjacent to a BRT station along the SWBRT line. The *Bishop Grandin Crossing Area Master Plan* contains regional scale commercial and employment uses within the 800m walkshed of the station. The development has vehicle access from Bishop Grandin Boulevard with secondary access through the adjacent industrial area. Given the size, scale and mix of uses contemplated for the site, the Area Master Plan applies the 'Town Centre' TOD Type from the *TOD Handbook.*

- The Parker Lands is no closer than 4km from downtown and is not located in *the next ring of development* from downtown.

- Without a walkable connection to existing amenities north of the rail line, and/or other residential neighbourhoods, such as the Beaumont Neighbourhood*,* the Urban Neighbourhood TOD portion of the Parker Lands is isolated. This isolation from existing amenities and neighbourhoods makes it unlikely for the proposed TOD area to develop land uses that would qualify as being the same as the 'Urban Centre' TOD Type, but at a slightly lower density.

- It is unrealistic to apply the 'Urban Neighbourhood TOD' to the first 800m of the station in the Parker Lands considering:
    - 'Urban Neighbourhood TOD' is characteristic of Osborne Village;
    - 'Town Centre TOD' is applied in the *Bishop Grandin Crossing Area Master Plan*, which has accessible regional scale commercial and employment uses within 800m of the station*;*
    - The *TOD Handbook* places 'Urban Neighbourhood TOD' at a higher rank than 'Town Centre TOD.
    - The Parker Lands TOD Area does not have access to regional and sub-regional centres or adjacent neighbourhoods as do Osborne Village and Bishop Grandin Crossing.

- There is no need to apply the densities of the 'Urban Neighbourhood' TOD type (40 to 100 units per acre) as far as 800m from the SWBRT station as the Plan suggests. High residential density alone does not result in a strong and viable TOD area. Without a variety of uses, a TOD site is simply a densely populated residential node adjacent to a transit station.

- ‘Neighbourhood – Medium Density’ TOD is characterized by 2 to 5 storey buildings and net density of 20 to 50 units per acre. The Public Service recognizes that residential buildings closest to the SWBRT station should exceed 5 storeys and have a net density higher than 50 units per acre. Such development could be accommodated while still applying a ‘Neighbourhood – Medium Density’ TOD type throughout the wider area.

CONCLUSION

- The Plan Area does not meet the criteria for ‘Urban Neighbourhood’ TOD Type development due to limited potential land use mix resulting from the isolation of the Parker lands from amenities and adjacent neighbourhoods.

- Development throughout the Parker Lands is more consistent with the ‘Neighbourhood – Medium Density’ TOD as characterized in the *TOD Handbook.*

Issue 2: *The Plan does not provide sufficient detail as a secondary plan to allow for the public service to effectively evaluate future development proposals in the Plan Area.*

BACKGROUND

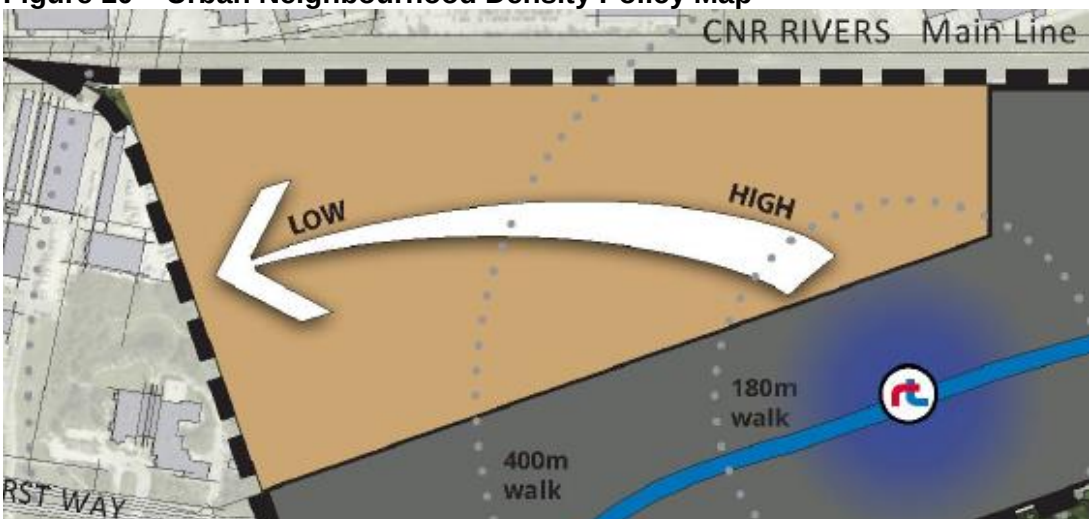
- Subdivision and/or rezoning proposals are evaluated against the policies of a secondary plan to ensure that development within a plan area is orderly, compatible with surrounding uses, and can be serviced efficiently and effectively. It is important for a secondary plan to provide sufficient vision, objectives and policies to evaluate development applications. Typically, a secondary plan will identify a variety of land use policy areas on a map which are supported by vision statements, objectives and policies. In this way a secondary plan provides decision-makers with a policy framework containing clear direction in determining where a given type of development within a plan area may be acceptable or not acceptable, and at what intensity. Therefore, it is important to ensure that the policies of a secondary plan contain sufficient detail to evaluate development proposals in the Plan Area

Proposed Policies

- The Plan includes a neighbourhood policy area along with policies which provide the following direction:
    - Commercial, institutional and educational uses are allowed in the first 400m from the transit station (Policy 3.5.2.1)
    - All types of residential uses are allowed within the first 800m of the Rapid Transit Station (Policy 3.5.2.2).
    - Residential net density shall be between 40 to 100 units per acre (Policy 3.3.2.2)
    - Residential density shall radiate out from the Transit Station (Policy 3.3.2.6)
    - Residential density shall be concentrated in the first 400m from the Transit Station (Policy 3.3.2.7)

- The Plan also includes an illustration to demonstrate how residential net densities in the Urban Neighbourhood Policy Area are to 'radiate out from the Rapid Transit Station' (see Figure 10 – Urban Neighbourhood Density Policy Map).

Figure 10 – Urban Neighbourhood Density Policy Map



DISCUSSION

- The Plan reflects the general principle of directing the greatest intensity and mix of uses closer to the SWBRT station as articulated in the TOD Handbook. For instance, the Plan:
    - requires residential densities to radiate out from the Rapid Transit Station (Policy 3.3.2.6);
    - suggests that residential densities should be concentrated within the first 400 meters of the Rapid Transit Station (Policy 3.3.2.7); and
    - states that commercial, institutional and educational uses are allowed within the first 400 metres of the Rapid Transit Station (Policy 3.5.2.1).

- While the policies of the Plan imply conformance to the principles of the *TOD Handbook*, they do not restrict development which does not conform. Consider the following proposed policies more closely:
    - *All types of residential dwellings and public open spaces shall be allowed within the first 800 metres (1/2 mile) of the Rapid Transit Station.* (Policy 3.5.2.2)
    - *Community and neighbourhood-scale commercial, institutional and educational uses; and residential dwellings shall be allowed within the first 400 metres (1/4 mile) of the Rapid Transit Station* (Policy 3.5.2.1)

  Policy 3.5.2.2 permits all residential building types to be established anywhere within the 'Urban Neighbourhood Policy Area'. This policy does not provide sufficient clarity that would prohibit single family dwellings from being considered in the first 180 metres of the Rapid Transit Station or high rise multi-family apartments being considered 800 metres from the Rapid Transit Station.

  Policy 3.5.2.1 specifically allows for commercial, institutional and educational uses within the first 400 metres of the Rapid Transit Station. However, it does not restrict these uses from being considered outside of the first 400 metres.

- It could be argued that other policies of the Plan prevent all types of development from occurring anywhere in the 'Urban Neighbourhood Policy Area' by requiring the highest density to be located closer to the SWBRT station. For instance:
    - Residential net density shall be between 40 to 100 units per acre (Policy 3.3.2.2)
    - Residential density shall radiate out from the Transit Station (Policy 3.3.2.6)

  However, the above mentioned policies are difficult to enforce. For instance, the residential net density of between 40 to 100 units an acre as prescribed in policy 3.3.2.2 applies everywhere within the Urban Neighbourhood Policy Area. This presents a challenge when evaluating the proposals in the early phases of development which may be far less than 40 units per acre.

- It could also be argued that policy 3.3.2.6 (residential density shall radiate out from the Transit Station) would only allow for low density residential uses to be developed farther away from the station, and high density residential uses to be development closer to the station. However, unless the first development in the area is the tallest building closest to the SWBRT station, enforcing this policy would require evaluating the density of an individual development proposal against the density of development which has yet to be proposed or does not yet exist.

-
- It is worth noting that the subdivision / rezoning proposal (DASZ 12/2018) recently submitted by the applicant in relation to the Plan includes a graphic which places highest density residential development (11 to 13 storey buildings) along the railway tracks to the north and away from the SWBRT station (See Figure 11 – DASZ 12/2018 with Proposed Density Policy). The buildings closest to the SWBRT station are identified as 6 storeys.

Figure 11 – DASZ 12/2018 with Proposed Density Policy

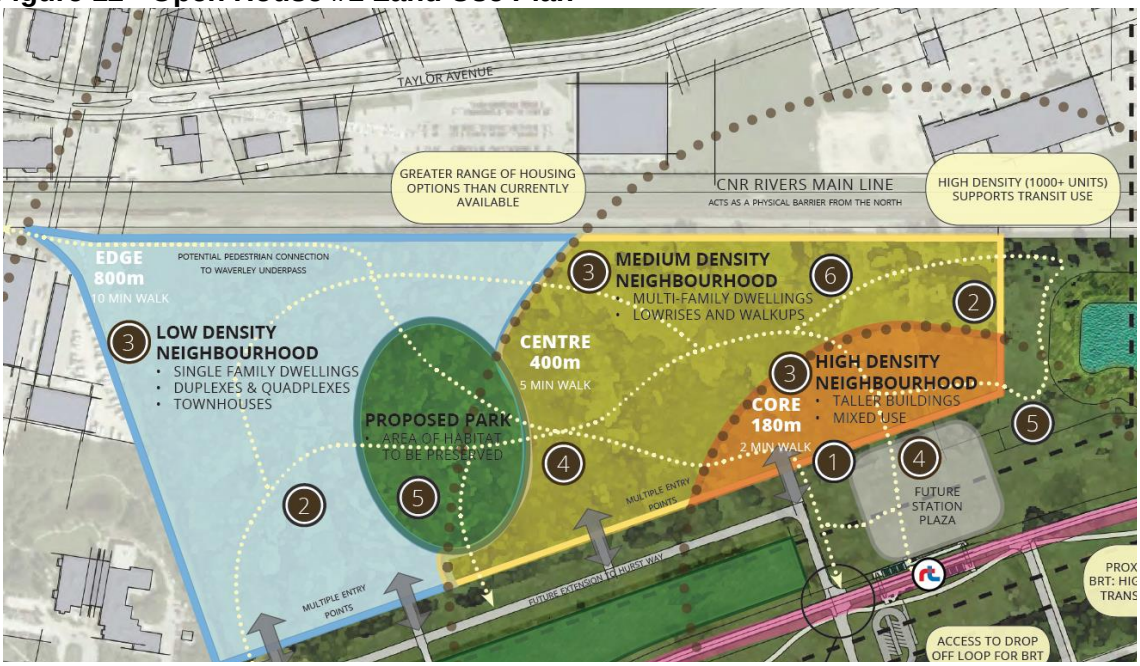


- The DASZ submitted in coordination with the Plan provides evidence of issues related to the density policies as written. It also puts into question whether policy 3.3.2.6, which requires that *residential densities shall radiate out from the Rapid Transit Station…,* should be worded to allow for some flexibility in how density is to be provided throughout the Plan Area.

- In order for the Plan to provide clear policy direction on this matter, the Plan should divide the proposed 'Urban Neighbourhood Policy Area' into at least three (3) policy areas: One each for high, medium and low neighbourhood development. Unique policies would be included each of the three (3) policy areas to better articulate and define the types and intensities of development what would be permitted and not permitted for each.

- This was the approach used in previous draft versions of the Plan submitted by the proponent for review and comment, as well as presented at the two (2) Open House events (see Figure 12 – Open House #1 Land Use Plan).

Figure 12 - Open House #1 Land Use Plan



CONCLUSION

- The Plan does not provide sufficient detail to properly evaluate development proposals within the Plan Area.

- It is recommended that the proposed ‘Urban Neighbourhood Policy Area’ be divided into at least three (3) distinct policy areas to better characterize and articulate the types and intensities of development appropriate throughout the Plan Area. The Plan will need to be altered accordingly.

Issue 3: *The Plan facilitates the potential for future land use conflict by permitting both industrial and high density residential uses to be established in the Neighbourhood Policy Area.*

BACKGROUND

- The 'Urban Neighbourhood Policy Area' of the Plan is currently zoned 'M2' (Manufacturing General), which allows *for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.*

Plan Policies

- Section 1.1.1.1 of the Plan states that the *Winnipeg Employment Lands Strategy* (2008):
    - *Identified the Parker Lands as unsuitable for industrial development for the following reasons:*
        - *Transected by major utility corridors makes it difficult to develop for industrial purposes;*
        - *Major transportation access issues;*
        - *Requires major infrastructure improvements including sewer separation that could best be accommodated through redevelopment to another use; and*
        - *Adjacency to existing neighbourhoods.*
    - *recommended that the Parker Lands be removed from the industrial inventory and be designated for 'neighbourhood development'.*

- In addition, section 1.1.1.1 of the Plan mentions that the *Winnipeg Residential Land and Infill Strategy* (2009) *reviewed and assessed industrial lands identified for removal in Employment Lands Strategy, including the Parker Lands*. This section provides that *the strategy concluded that the Parker lands site along with other identified redevelopment sites were critical inputs into the land supply needed to meet the City of Winnipeg's growth forecast to 2031.*

- Section 1.3.3 (Policies, Applications and Interpretations) states:
  The policies, land-use and transportation concepts contained within the Plan recognize and maintain the existing use of land or buildings as they are currently zoned and developed in accordance with the Zoning Bylaw prior to the adoption of this Plan.

  Nothing in this Plan precludes current uses in the Planned Area from continuing as they may exist today, and for as long as the land owner wishes, until such time as the Zoning By-law is amended to affect the land-use rights. The intentions of the Plan polices are when a land owner wishes to change (i.e. intensify) their lands, via a rezoning, a subdivision, or a conditional use, then this intensification shall be consistent with the policies which serve to direct the changes towards the vision outlined for the Planned Area

- 5.4 (Implementation) Development Applications states:
  Until such time as the Zoning By-law regulations are changed in a Development Application, nothing in this Plan shall preclude current uses in the Planned Area from continuing as they existed prior to the Plan, with all the zoning land-use rights inherent in the lands, and for as long as the land owner wishes.

- 5.5.2 (Urban Design Guidelines: Site Plan Approval) Policies states:

4) *The Parker Lands Urban Design Guidelines shall not apply or affect the ability of land owners exercising their existing land-use rights for developing lands currently zoned for Industrial land-uses.*

DISCUSSION

- Based on the background information provided in section 1.1.1.1 of the Plan, it is no surprise that *Complete Communities Direction Strategy (2011)* identifies the Parker Lands as a 'Major Redevelopment Site'; and not 'General Manufacturing'. *Complete Communities* identifies 'Major Redevelopment Sites' as areas to accommodate the future residential needs of the City.

- The land designated by the Plan as 'Urban Neighbourhood Policy Area' is currently zoned 'M2' (industrial). No industrial uses have been established in the Urban Neighbourhood Policy Area of the Plan. Until recently, a majority of this land was covered by a forest.

- It is not uncommon for a secondary plan to contain policy language that allows for existing uses to continue to exist and/or operate until the properties are rezoned or subdivided for development. Wording to this effect can be found in section 1.3.3 of the Plan which states:

  > *Nothing in this Plan precludes current uses in the Planned Area from continuing as they may exist today, and for as long as the land owner wishes, until such time as the Zoning By-law is amended to affect the land-use rights*

- A secondary plan may also contain policy wording which restricts new permanent development from establishing on existing parcels, except when in conformity with the future uses as described by the secondary plan policies. This is appropriate when the uses permitted by the current zoning are not permitted as, or are likely to be in conflict with, future land uses as per the policies of a secondary plan.

- Proposed policy 5.5.2.4 facilitates future land use conflict by permitting new industrial uses to establish on lands currently zoned 'industrial' and designated in the Plan as 'Urban Neighbourhood Policy Area':

  > *The Parker Lands Urban Design Guidelines shall not apply or affect the ability of land owners exercising their existing land-use rights for developing lands currently zoned for Industrial land-uses.*

CONCLUSION

- The wording of policy 5.5.2.4 allows for industrial uses to be established on lands designated by the Plan for residential development.

- Permitting the establishment of new industrial uses in the Urban Neighbourhood Policy Area of the Plan would run counter to the intentions of *Complete Communities*, which directs development of this land to be used for residential development.

Issue 4: *The Plan requires significant 'clean up' and re-organization in order clearly communicate the vision, objectives and policies against which future development proposals will be evaluated*

BACKGROUND

- As a land use plan policy document, the Plan will reflect Council's expectations for the development within the Plan Area. A Plan containing errors and/or in need of re-organization reflects poorly on Council.

- It is not uncommon for a proposed secondary plan to be submitted with a number of typographical or grammatical oversight errors. The Public Service will often identify these errors and recommend that they be corrected by Council during the approval process. In some instances, such corrections may involve moving a sentence or paragraph to a more appropriate section of the document or removing it altogether.

- Alterations made to a plan can only be done through a Council Motion which clearly and explicitly identifies each change that is to be made.

- In addition to a number of typographical and grammatical oversite errors, the Plan requires a significant amount of 'clean up' and reorganization before it is suitable function as a land use plan document.

DISCUSSION

- The Public Service review of the Plan identified ~250 separate issues that require some form of alteration or addition be made to the Plan. Some are minor text rewordings, while others are more substantial and will require significant effort to resolve. It is unfeasible for this report to specifically mention all ~250 issues identified by the Public Service. The discussion that follows provides examples reflecting the nature of both minor and major issues identified throughout the Plan.

- The Plan contains content more in-line with a secondary plan by-law than a non-statutory plan endorsed by Council as policy. For instance, section 1.5 (Amendments to the Plan) contains text that would suggest that the proposed Plan was adopted as a Secondary Plan By-law:

  > *As a (secondary plan) by-law, application to amend the Plan must be submitted to the Planning, Property and Development for review and approval by Council or it's designate.*

  All references within the Plan that suggest the Plan is a Secondary Plan By-law would need to be corrected accordingly for the proposed Plan to be considered as a policy document, as opposed to a Secondary Plan By-law.

- The description of the Plan Area boundary (section 1.2.3) should occur in the document prior to the discussion on 'Planning Area and Context' (section 1.2.1).

- Numerous statements throughout the Plan describe the context of the Plan Area. These items should be consolidated into section 1.2.4 (Surrounding the Plan Area) closer to the beginning of the Plan rather than spread throughout the document. For instance, much of the discussion in

section 1.2.5 (Existing Land Use in and Around the Plan Area) and 1.2.7 (Existing Features) should be integrated with the discussion in Section 1.2.4 (Surrounding the Plan Area). It would also be appropriate to rename section 1.2.4 (Surrounding the Plan Area) to 'Plan Area Context'.

- Section 3 (Land Use Concept) – 12 minor text changes.

- Figures 12 & 21 – Graphics need to be updated to reflect the related engineering report(s).

- In October, 2018, the remaining portions of the original forest in the Urban Neighbourhood Policy Area were cleared. References to the forest found throughout the Plan need to be altered accordingly. This includes content found in section 1.2.7.1 (Existing Forest), 3.8 (Natural Lands Policy Area) and 2.2.3 (Sustainability: Environmental, Social and Economic) which contain statements such as:

  Retaining existing wooded areas and adding new green spaces will provide habitats for animals, insects and vegetation while providing open spaces for people to connect with nature.

- The overall objectives of the Plan are found in section 2.2 (Objectives), which is sparse and does not reflect the objectives found elsewhere in the Plan. Objectives listed in Part 1 section 1.2.10.1 (Opportunities) and at the beginning of at least 11 sections under Part 3 (Land-Use Concept) and should be either included or reflected in the overall objectives of the Plan provided in section 2.2 (Objectives).

- Policy 3.5.2.3 states: *Nothing in the policies of this plan shall preclude 'home occupations'; secondary suites or live-work land uses from being allowed in single-family or multiple family type dwellings.* The zoning by-law does not currently allow for multi-family dwellings to contain secondary suites. This policy needs to be rewritten accordingly.

- The Plan contains numerous redundant policies. For instance, policies 3.7.2 (2), (5) and (9) all relate to accommodating seasonal uses and special events in the Rapid Transit Station Node Policy Area:

  3.7.2 (2) *Flexible Public Space designed for a diversity of temporary/seasonal uses and events shall be encouraged.*

  3.7.2 (5) *Public spaces of appropriate size and design may be created to accommodate seasonal uses and special events.*

  3.7.2 (9) D*esign should allow for temporary uses such as a farmers' market, fundraising/special event and seasonal sales should also be allowed in this policy area.*

  There is no need to include all three of these policies as they essentially provide for the establishment of the same uses. These policies should be rewritten as a single policy.

- A number of policies are grammatically confusing and require rewriting. Examples include, but are not limited to:

  4.1.2 (2) *Efficiently and effectively the Planned Areas' transportation network shall connect pedestrian, cycling, public transit and vehicular modes of travel by…*

  4.2.2(1)(d) *Should the required regional land drainage facilities to adequately service the Planned Area is not yet get constructed, interim, land drainage flows from the site shall be accommodated through on-site storage based upon utility servicing studies and analysis, all to the satisfaction The City of Winnipeg.*

- Section 5 (Implementation) includes a subsection entitled ‘Actions’. However, the statements that follow are written as policies. Much of the content of this section is redundant as the statements simply describe existing City tools and processes. For instance: Policy 5.1.1 (3) *The purpose of a PDO zoning tool shall be to provide a means to alter or specify allowed uses and/or order to achieve local planning objectives in specially designated areas [that may consist of the policy area of a master plan]” (Zoning By-law 200/2006).*

- Some statements in this section are written as to bind Council to decide a specified way when considering future development applications. For example Action 5.1.1 (2) states:

  > *The City shall support the rezoning of some, or all of, the Parker Lands by the creation of a Planned Development Overlay (PDO) District should a proponent put forward and application for such a zoning tool.*
  > (Grammatical error as submitted)

  The decision to support an individual rezoning application will always remain at discretion of Council. Statements such as the one found in section 5.1.1 (2) need to be altered to reflect this.

- Many of the policy sections introduce the policies as *design and location considerations.* This wording downgrades important policy language to that of a ‘consideration’ rather than a ‘policy requirement’. The preamble portion of each policy area in Part 3 (Land-Use Concept) needs to be reworked accordingly.

CONCLUSION

- It is not unreasonable to expect the Public Service to recommend a few alterations to a plan during the approvals process. As such, the Public Service is prepared to recommend a manageable amount of minor alterations to ‘clean up’ and/or reorganize a proposed plan for the purpose of readability and clarity. However, it is unpractical for the Public Service to recommend that Council consider a motion listing the large number of alterations required to clean up and/or re-organize the proposed Plan.

Issue 5: *The Plan is missing important content and policies necessary to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated*.

BACKGROUND

- The Public Service has identified a significant number of instances in the Plan where additional content and/or policies are required. In some cases, the Plan identifies an issue or objective but then fails to include a supporting policy. In other instances, policies required to address an important issue are simply not included at all. It is not practical for this report to attempt to itemize and address each instance where the Plan is missing content and/or policies.

DISCUSSION

- The following discussion provides examples which are indicative of issues identified in the Plan by the Public Service.

- Altering the policy language of the Plan to apply the 'Neighbourhood – Medium Density' TOD type as opposed to the 'Urban Neighbourhood' TOD type will require adjustments throughout the Plan. This is likely to require the dividing the neighbourhood policy area into at least three (3) policy areas to characterize and contain policies for the different types and intensities of development.

- While the 'vision' for the Plan, provided in section 2.1 includes reference to TOD, this is not reflected in the overall objectives of the Plan provided in section 2.2.

- The Constraints section (1.2.10.2) of the Plan suggests the only limitation to development of the Plan Area is a lack of vehicular transportation connections. This section includes a list of recent transportation infrastructure projects which may improve transportation connections to the Plan Area, however it does not mention any of the more obvious constraints to development of the Plan Area. These include:
    - Impact of CN Mail Line on residential development
    - Impact of CN Mail line on access to amenities on the opposite side of the rail line.
    - Relative isolation of the site from existing development.
    - Impact of Hydro Corridors on development and connections.
    - Challenges related to land drainage and wastewater flow.
    - Potential for contaminated sites (As suggested in section 1.2.8).
    - Potential geotechnical considerations related to construction on fill.

- The overall objectives for the Plan Area are found in Part 2: 'Planning Vision and Objectives'. The Objectives section is weak and limited to little more than the following:
    - *Creating a sense of place through urban design is important to establish a strong identity for the area for the new residents and existing visitors.*
    - *This site will become a model for the three (3) pillars of sustainability: environmental, social and economic.*
    - *Retaining existing wooded areas and adding new green spaces will provide habitats for animals, insects and vegetation while providing open spaces for people to connect with nature.*
    - *A dense urban environment will grow in the Parker Lands that will financially support nearby employment and commercial centres with employees and customers; and maximize public investment in regional transportation infrastructure.*

Additional content is required in this section including the TOD-related objectives.

- Many of the objectives included throughout the Plan are not supported by the policies. For instance, the Plan does not contain adequate policies to achieve the following objectives of section 2.2 (Objectives):
    - *This site will become a model for the three (3) pillars of sustainability: environmental, social and economic.*
    - *Retaining existing wooded areas and adding new green spaces will provide habitats for animals, insects and vegetation while providing open spaces for people to connect with nature.*

- Polices are also required to support the many objectives found throughout the various sections of Part 3 (Land-Use Concept). As an example, the objective found under section 4.2.2 (Water, Waste Water and Land Drainage) provides the objective of the Plan to only allow development when it is supported by a full-range of municipal services:

    To ensure new land-uses within the Planning Area are serviced with the full range of municipal services, meaning with paved streets with curbs, piped municipal water, piped waste water and piped land drainage facilities with sufficient capacities that are provided in an environmentally sound and economically fashioned manner, meeting the sustainability principles of this plan.

    However, the Plan does not contain policies which support of this objective. The following policies need to be included in the Plan in support of the objectives found under section 4.2.2:
    - *All development in the Plan Area will be serviced with a full range of municipal services as defined by OurWinnipeg.*
    - *All development will be serviced by piped water*
    - *All development will be serviced by piped sanitary sewer*
    - *All development will be serviced by piped drainage*

- The Plan requires policies related to the phasing of development within the Plan Area. The Staging and Phasing section (section 5.2) is limited to the following text:

    Staging and phasing of the redevelopment in the Planned Area will be largely driven by market conditions and the construction of municipal services. Phasing shall occur in a logical and contiguous fashion with a full range of municipal services as determined through development applications. It is possible that once the designs of development, transportation, and services is undertaken, the phases ***may be adjusted to reflect the engineering and market realities.***

    The Plan does not provide a clear description of the phases that ***may be adjusted to reflect the engineering and market realities****.* Ideally, a land use plan will provide the extent and intensity of each phase of development in the Plan Area. The Plan should also include policies that require the completion of one or more engineering studies prior to each phase of development. These policies may even require that certain infrastructure be in place in advance of proceeding to the next phase. Such policies are missing from the Plan.

- It should be recognized that additional content and policies would also need to be developed to address the issues discussed throughout this document.

CONCLUSION

- The Plan is missing a significant amount of important content and policies.

- It is common for the Public Service to work with a proponent in developing content and policies of a secondary plan. Once an application for a secondary plan has been submitted the focus of the Public Service shifts from working with the proponent on policy development to providing Council with recommendations as to which policies should be altered or added prior to Council adoption. Council then makes the changes through a motion which specifically lists each individual change to be made.

- The Public Service is not prepared to undertake the large amount of work required to develop the content and policies missing from the Plan at this stage in the process. And it would be impractical for the Public Service to recommend that Council consider the amount of new content culminating from such work.

Recommendation

The Public Service recommends that the proposed Parker Lands Secondary Plan not be approved as a land use plan for the following reasons:

1. The Plan Area does not meet the land use mix criteria or locational attributes to warrant development consistent with the 'Urban Neighbourhood' TOD Type (as described in the Winnipeg TOD Handbook).

2. The Plan does not provide sufficient detail as a secondary plan to allow for the public service to effectively evaluate future development proposals in the Plan Area.

3. The Plan facilitates the potential for future land use conflict by permitting both industrial and high density residential uses to be established in the Neighbourhood Policy Area.

4. The Plan requires significant 'clean up' and re-organization in order clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.

5. The Plan is missing important content and policies necessary to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.

Operationalizing the Parker Lands Secondary Plan

1. Plans

Adoption

1(1) *The Parker Lands Secondary Plan* will be endorsed as Council policy.

1(2) The critical path for endorsement is Assiniboia Community Committee → Standing Policy Committee on Property and Development, Heritage, and Downtown Development → Executive Policy Committee → Council

Amendment

1(3) Application can be made by:
   a. The owner.
   b. An agent of the owner authorized in writing by the owner.

1(4) Application for the amendment is made to the Director of Planning Property and Development.

1(5) Amendments proposing significant change to any one of the following must be endorsed by council and follow the critical path identified in provision 1(2) above:
   i. Maps
   ii. Text

Notification

1(6) Notification for the adoption of *Parker Lands Secondary Plan* or amendment to *Parker Lands Secondary Plan* must follow provisions 2(1) through 2(6).

2. Notification

2(1) Notification of the adoption or an amendment must be sent to all property owners, or condominium corporations where established, within the *Parker Lands Secondary Plan* Boundaries by registered mail.

2(2) Letters must include a description of the intent of the plan or amendment and a copy of the proposed amendment.

2(3) If the Plan or amendment is proceeding to the Assiniboia Community Committee, letters must identify the time, date, and location of the meeting and where and when a copy of the administrative report for the proposed amendment will be available.

2(4) All letters will indicate that the recipient has 17 days from the date the letter was sent to express their comments, in writing, concerning the amendment to the Director of Planning Property and Development. For those plans or amendments being scheduled for a public meeting the commenting period must expire at least 14 days prior to the public meeting.

2(5) All letters must include the mailing address for submission of comments and contact information for further inquiries.

2(6) Prior to acceptance of a plan or amendment application proof of notification, in accordance with provisions 2(1) through 2(5), must be provided to the Director of Planning Property and Development.