Minutes – Executive Policy Committee – November 18, 2020

Report 'B' – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 16, 2020

Item No. 1 Parker Lands Major Redevelopment Site Secondary Plan (River Heights - Fort Garry Ward) File SP 1/2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and recommended 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 'B' – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 16, 2020

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

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 Gilroy,

That the recommendation of the Winnipeg Public Service be concurred in and forwarded to Council.

Yea:	Bowman, Allard, Gilroy, Rollins	4
Nay:	Browaty, Gillingham, Mayes	3

Carried

On November 16, 2020, due to a tie vote, the Standing Policy Committee on Property and Development, Heritage and Downtown Development submitted the matter to Executive Policy Committee and Council without recommendation.

J, Platt, Planner, Planning, Property and Development Department submitted a presentation titled "SP 1/2018 Parker Lands Secondary Plan" dated November 16, 2020, with respect to the matter.

The following persons submitted communications in support of the application:

- Andrew Marquess submitted communications dated October 11, 2020 and October 27, 2020, respectively
- Emeka Nnadi submitted a presentation titled "Fulton Grove SP Presentation 1"
- Geoff Zywina submitted communication titled "The 15-Minute City – No Cars Required – Is Urban Planning's New Utopia" and a presentation titled "Parker Lands Major Redevelopment Site Master Plan"
- Dave Stusek submitted a presentation titled "Fulton Grove: A Transit Oriented Development for the Parker Lands Major Redevelopment Site – Servicing Study"

ADMINISTRATIVE REPORT

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

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

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Jopling	J. Kiernan	N/A	M. Ruta

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") which contains land use policies for the entire area of the Parker Lands (133 acres). The Plan contains an 'Urban Neighbourhood Policy Area' which is the subject land of the related subdivision and rezoning application (DASZ 12/2018). The proposed Plan and DASZ (considering all of the information provided by the applicants to the respondents on October 29, 2018) allow for up to 1,918 residential dwelling units to be established on the approximately 47 acre site owned by the Applicant.

The Public Service has identified issues with the Plan, some of which are minor in nature, while others are more substantive. It is acknowledged that issues raised by the Public Works Department and Water and Waste Department with the respective engineering studies as they relate to the Plan have been addressed by the applicant's engineers. In addition, information provided by the applicant on October 29, 2018 related to DASZ 12/2018 (see Attachment 'H') and through recent communications have provided clarification on a number of issues (see Attachment 'I'). The remaining issues with the Plan can be summarized as follows:

(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 to allow for the Public Service to effectively evaluate future development proposals in the 'Urban Neighbourhood Policy Area' portion of the Plan Area; and

(3) The Plan requires editing and re-organization, including the addition of important content and policies, in order to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.

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, including all of the new information submitted by the Applicant.

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 non-statutory Plan. Council endorsement of this document is required to establish the rules and processes 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.

- On **May 21, 2020,** SPC held a public meeting in respect of SP 1/2018 and concurred with the recommendation of the Public Service that the Plan not be endorsed by Council pursuant to a non-statutory (policy) approach until issues and concerns related to the Plan had been addressed. SPC also concurred with the Public Service in respect to DASZ 12/2018 and recommended that DASZ 12/2018 be rejected.
- On **May 22, 2020,** Executive Policy Committee concurred in the recommendations of SPC. Following the meeting of the Executive Policy Committee, counsel for the applicant objected to the process followed.
- In **September, 2020**, counsel for the City and counsel for the applicant appeared in Court seeking direction as to how SP 1/2018 and DASZ 12/2018 ought to proceed.

- On **October 5, 2020**, Justice Grammond delivered a decision which required the following:
    - that SPC hold a fresh public hearing in respect of DASZ 12/2018;
    - that SPC consider anew SP 1/2018 as a non-statutory policy;
    - that the public hearing in respect of DASZ 12/2018 and the new public meeting in respect of SP 1/2018 be held November 16, 2020;
    - that the Public Service amend the administration reports in respect of DASZ 12/2018 and SP 1/2018 to consider and include:
        - a letter from the applicant to the City dated September 19, 2018; (see Attachment 'G')
        - the additional information provided to the City by the applicant on October 29, 2018 (See Attachment 'H'); and
        - e-mails exchanged between the City and the applicant in respect of land drainage between December 2019 and March 2020 (See Attachment 'J;');
    - that the draft administration reports be provided to the applicant for review ahead of the SPC agenda being published and that the applicant be provided with at least 7 days to provide their comments to the City;
    - that the Public Service ensure that the applicant's comments are provided to SPC for consideration; and
    - that no fine be levied against the City.
- On **October 16, 2020**, an e-mail communication was sent to the Applicant's Consultant indicating that the Public Service was prepared to undertake *revising the Plan to address format/organization issues, without altering the intent of the Plan.* The communication invited the consultant to provide feedback on:
    - Dividing the 'Urban Neighbourhood Policy Area' into three sub-areas (or new policy areas altogether). The intention is for each of these three policy areas to contain policies which would clearly support development as depicted in the graphic submitted along with the DASZ proposal.
    - Considering density greater than the 'Neighbourhood Medium Density TOD' contingent on access to the amenities north of the railway tracks being established as per the 'Potential Connection to Grant Park Festival Retail' included in the Graphic attached to the DASZ proposal.
- On **October 28, 2020**, the Applicant's Consulted responded with materials attached to this report as Attachment 'I'.

It is extremely important to note that, 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. Moreover, the new Development Procedures By-law, to be enacted by Council on October 29, 2020, formalizes this and makes it a legal requirement that any secondary plan be enacted as a 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. 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 for this application only. 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 provides details regarding the process by which secondary plans are adopted or amended. As the Plan will not be passed by Council as a 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 non-statutory Plan (see Attachment 'F'). Council endorsement of this document is required to establish the rules and processes by which future amendments to the Plan must 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.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed amendment is in accordance with the following Key Directions from page 44 of *the Winnipeg Climate Action Plan:*

4.1 Increase Strategic Infill Development that Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service (Primary Responsibility: Planning, Property and Development Department)
4.2 Ensure New Areas of Growth are Designed According to the Principles of Complete Communities (Primary Responsibility: Planning, Property and Development Department)
4.3 Pursue Transit-Oriented Development (Primary Responsibility: Planning, Property and Development Department)
4.4 Support Redevelopment of Former Commercial and Industrial Lands into Active Use (Primary Responsibility: Planning, Property and Development Department)

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: James Platt, Senior Planner, MCIP, RPP
Date: October 29, 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
7. Attachment ‘G’ –Report provided by the applicants to the respondents on September 19, 2018, constituting the applicants’ review of the July 31, 2018 City Administrative Report and Public Service Response.
8. Attachment ‘H’ - Information provided by the Applicants on October 29, 2018
9. Attachment ‘I’ – Documents provided by the Applicant in response to communication sent October 16, 2020
10. Attachment ‘J’ - Increased flow allowance rate, Emails August 6, 2019-June 12, 2020

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

Attachment 'B' – ***Background Material***

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

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

Attachment 'G' –*. GEM Report (Sept 19, 2018) and Public Service Response*

Attachment 'H' - ***Information provided by the Applicant on October 29, 2018***

Attachment 'I' - ***Documents provided by the Applicant in response to communication sent October 16, 2020.***

Attachment 'J' - ***Increased flow allowance rate, Emails August 6, 2019-June 12, 2020***

ATTACHMENT E: *PLANNING DISCUSSION*

DATE:	October 28, 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 for neighbourhood development as described by the City of Winnipeg *TOD Handbook.*

- The proponent submitted a development application on January 12, 2018 for approval of the proposed Parker Lands Secondary Plan (the "Plan") which contains land use policies for the entire area of the Parker Lands (133 acres). The Plan contains an 'Urban Neighbourhood Policy Area' which is the subject land of the related subdivision and rezoning application (DASZ 12/2018). The proposed Plan and DASZ (considering all of the information provided by the applicants to the respondents on October 29, 2018) allow for up to 1,918 residential dwelling units to be established on the 47 acre site owned by the Applicant.

- Evaluation of the Plan considers the following additional information:
    - Letter from the applicant to the City dated September 19, 2018; (see Attachment 'G')
    - Additional information provided to the City by the applicant on October 29, 2018 (See Attachment 'H')
    - Documents provided by the Applicant in response to communication sent October 16, 2020 (Attachment 'I')
    - E-mails exchanged between the City and the applicant in respect of land drainage between December 2019 and March 2020 (Attachment 'J')

- Many of the issues previously identified by the PWD and WWD with the respective engineering studies as they relate to the Plan have been addressed by the applicant's engineers. Resolution of these issues and in turn, resolved issues identified with the Plan. In addition, additional information provided by the applicant related to DASZ 12/2018 (see Attachment 'H') and through recent communications have provided clarification on a number of issues (see Attachment 'I'). The remaining issues with the Plan can be summarized as follows:
    - 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).

- The Plan does not provide sufficient detail to allow for the public service to effectively evaluate future development proposals in the 'Urban Neighbournood Policy Area' portion of the Plan Area.
- The Plan requires editing and re-organization, including the addition of important content and policies, in order to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.

Engagement

- The Applicant has undertaken a significant amount of public engagement. Documentation of the Public Open House Events is included as Appendix 'A' of the Plan itself.

Public Open House #1

- A public open house was held on February 10, 2016. Approximately 80-100 people were in attendance, with another 10-15 from various media outlets. A total of 69 people filled in questionnaires to voice their opinions.

Public Open House #2

- A second public open house was held on August 22, 2016. Approximately 70 people were in attendance. A total of 29 people responded to the questionnaire.

Online engagement

- This process was intended to solicit online feedback from the applicant's 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.
  - Twitter account updates.

- More recently, the applicant the applicant held a series of live, on-line web events via Zoom Software, with presentation and a 'Q & A' on October 28 & 29; and November 1, 2020. Registration was planned via the Fulton Grove website with notification going out to the public via neighbourhood flyer drops, and ads in the two largest newspapers plus the *Sou-Wester*, and social media. The website was planned to be updated as well.

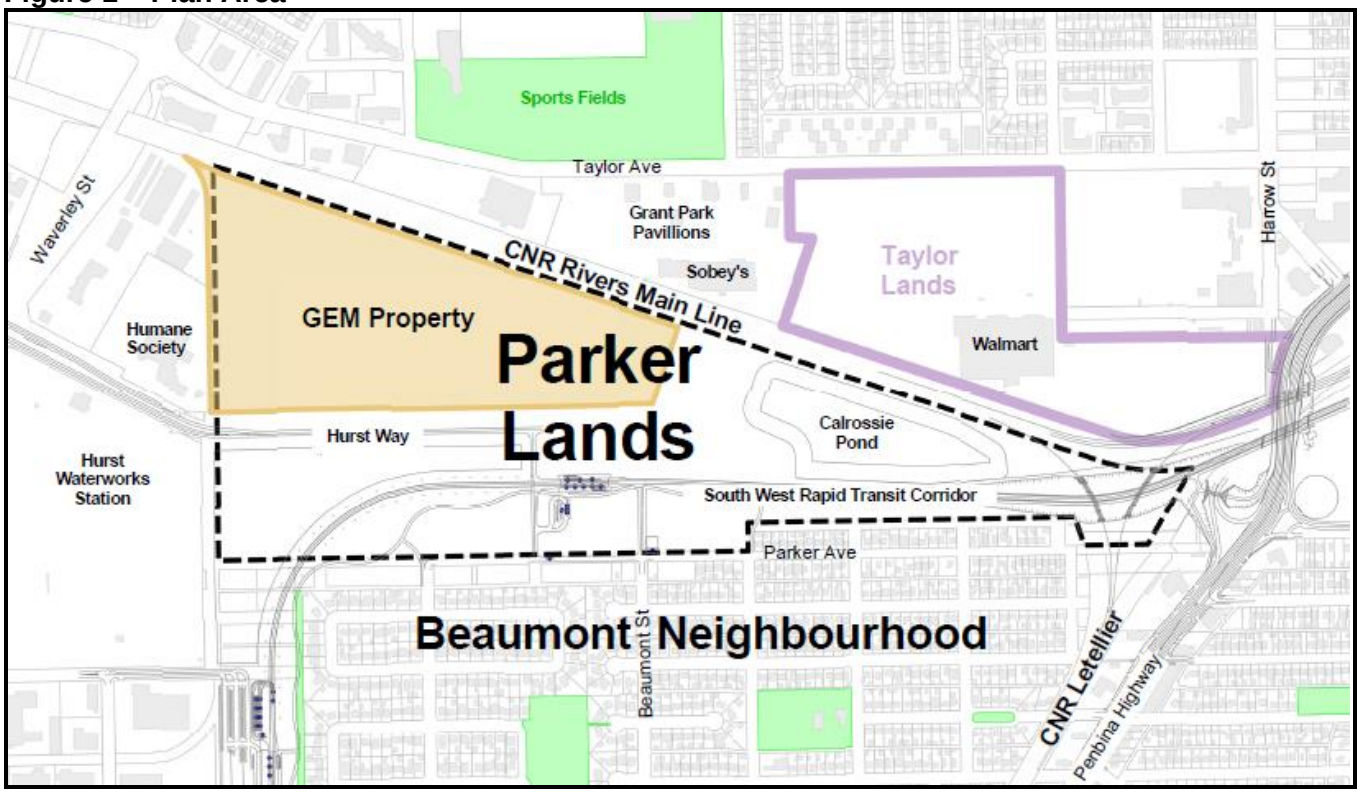
Site Description

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



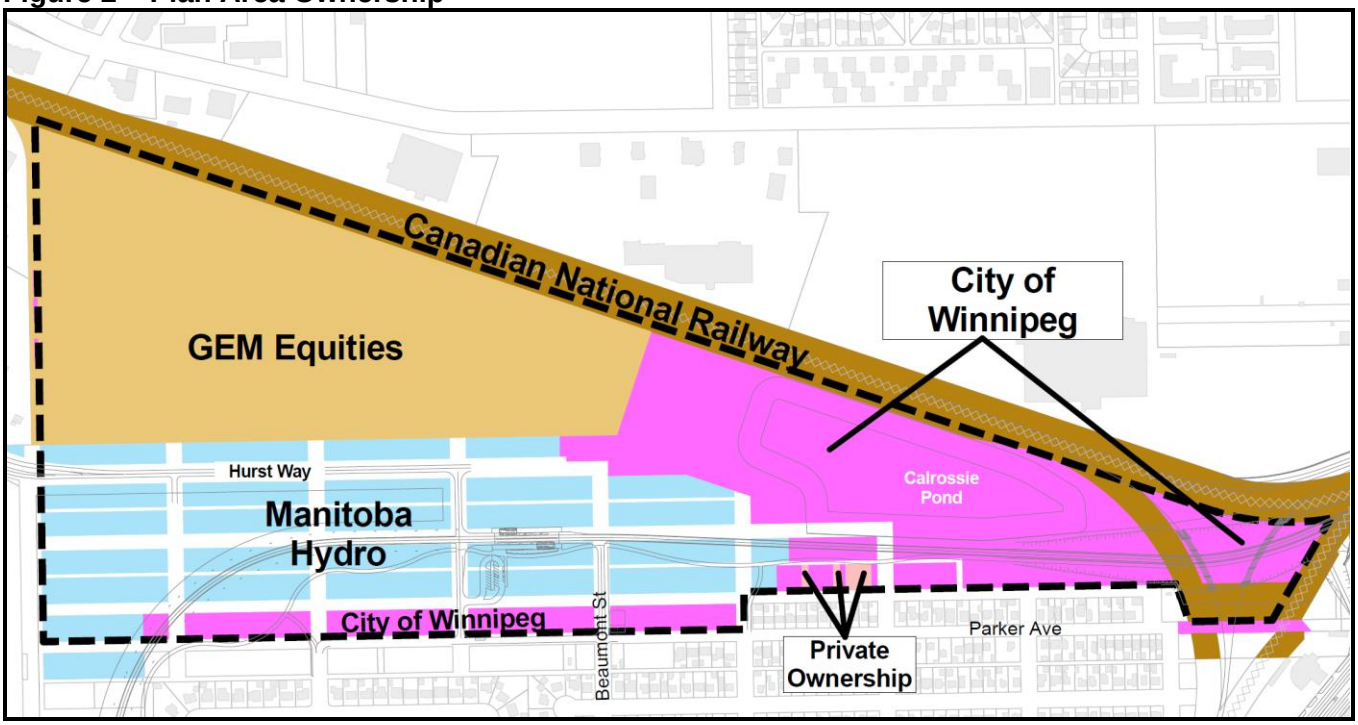
- The Southwest Bus Rapid Transit Corridor ("SWBRT") extends east-west through the Plan Area. A Transit Station is to be located along this corridor just west of Beaumont Street. A major drainage pond, known as 'the Calrossie Pond', is located in the eastern portion of the Plan Area, north of the SWBRT.

- Hurst Way extends westerly 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 approximately 47 acres of contiguous property in the northwest portion of the Plan Area, as identified as 'GEM Property' 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.

<u>Surrounding Areas</u>

- 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 concentration of commercial/office development. This includes the 'Taylor Festival Site' which currently includes a Walmart, and a Scotia Bank, as well as the 'Grant Park Pavilions' site which includes a Sobey's grocery store, restaurants and various personal services uses. 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 significant 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 the *Complete Communities Direction Strategy.*
- 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.

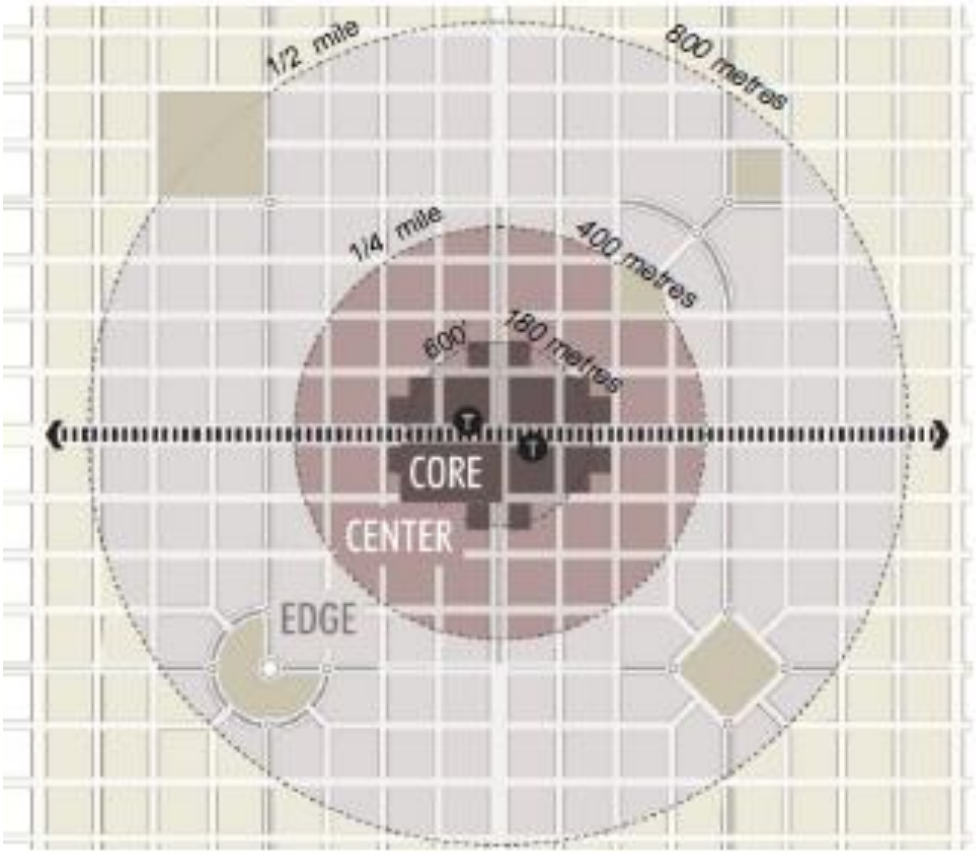
Winnipeg TOD Handbook

- *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 'Neighbourhood 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:

  <u>'Urban Centre'</u>
  - 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.

  <u>'Urban Neighbourhood'</u>
  - *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

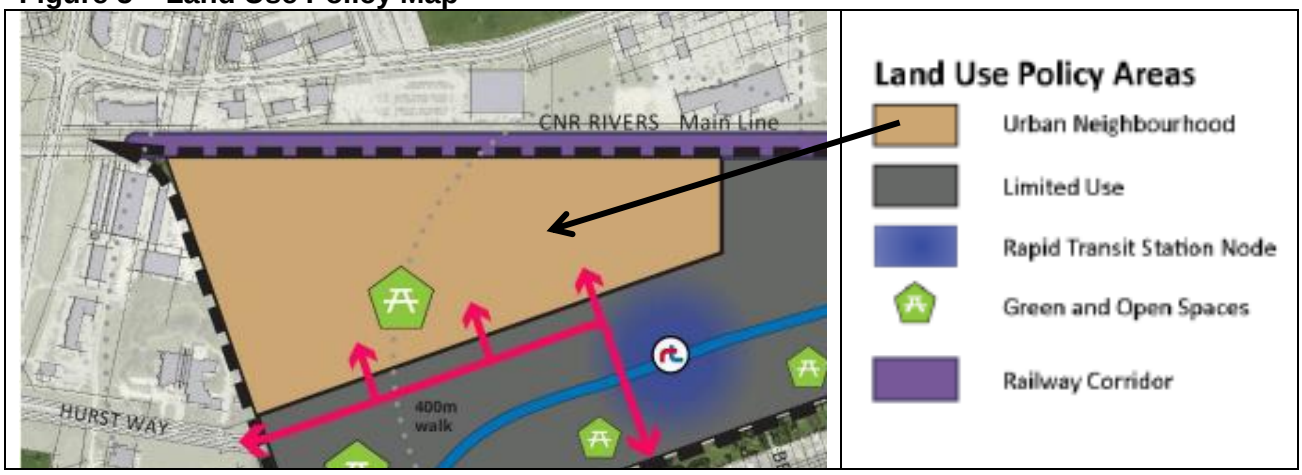
- The Public Service has identified issues with the Plan, some of which are minor in nature, while others are more substantive. It is acknowledged that issues raised by the Public Works Department and Water and Waste Department with the respective engineering studies as they relate to the Plan have been resolved by the applicant’s engineers. In addition, information provided by the applicant on October 29, 2018 related to DASZ 12/2018 (see Attachment ‘H’) and through recent communications have provided clarification on a number of issues (see Attachment ‘I’). The remaining issues with the Plan 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.*

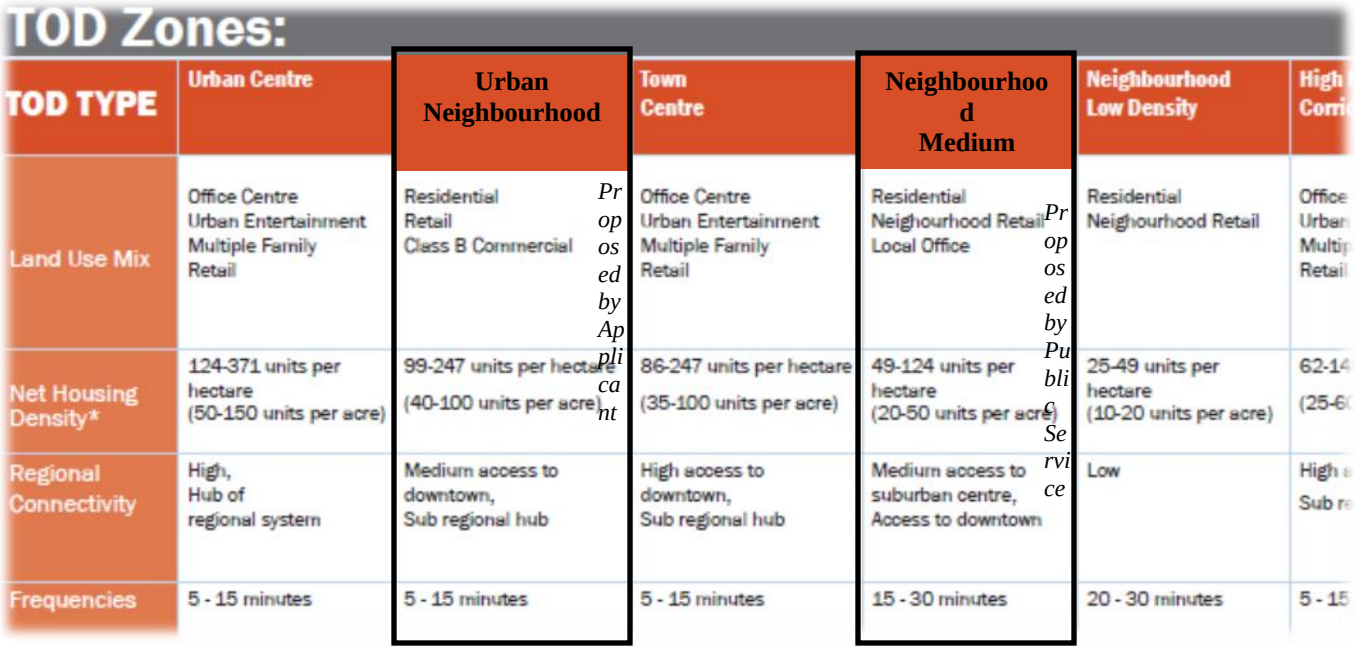
- Policy 3.5.2.1 of the Plan identifies the scale of commercial uses which could be considered in the Plan Area: *Community and neighbourhood-scale commercial, institutional and educational uses; and residential dwellings shall be allowed within the first 400 metres (1/4 mile) of the Rapid Transit Station.*

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 (See Figure 6 – Proposed TOD Types).

Figure 6 – Proposed TOD Types (*TOD Handbook*)



TOD Zones:

TOD TYPE	Urban Centre	Urban Neighbourhood	Town Centre	Neighbourhood Medium	Neighbourhood Low Density	High Corri
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 Urban Multi 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)	62-14 (25-6
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 Sub r
Frequencies	5 - 15 minutes	5 - 15 minutes	5 - 15 minutes	15 - 30 minutes	20 - 30 minutes	5 - 15

Proposed by Applicant

Proposed by Public Service

- 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:

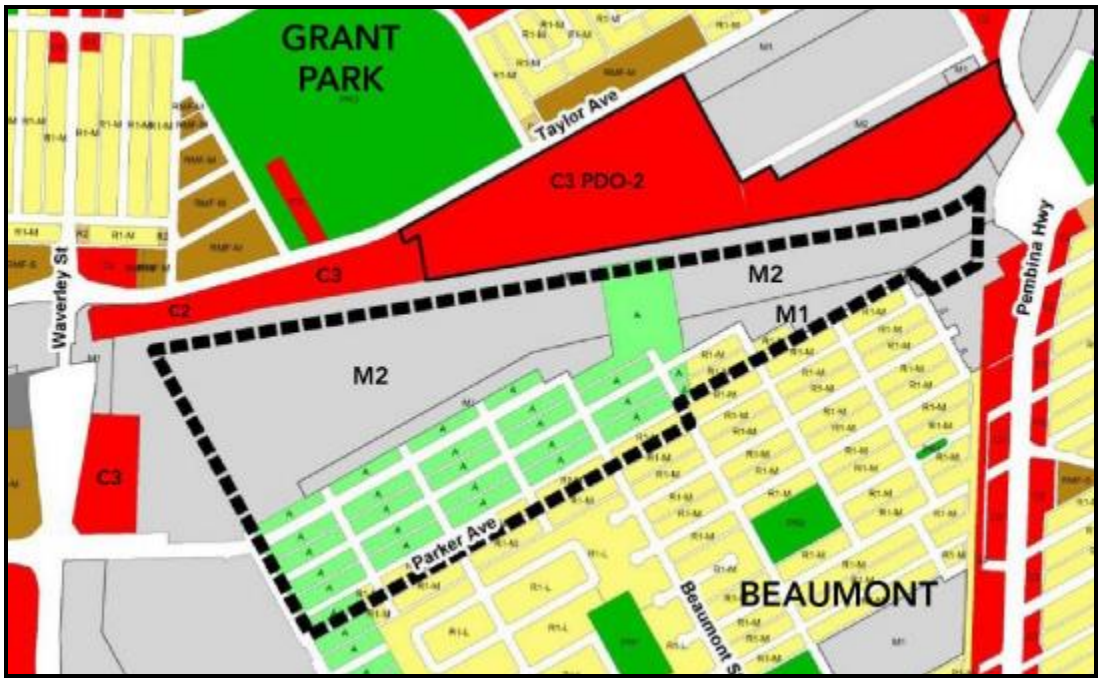
      The same land uses as the urban centre, but at a slightly lower density, and includes office centre, retail, commercial, and urban entertainment uses.
      Class B Commercial.
    - Regional Connectivity:

      Good access to other regional and sub-regional centres.

Land Use Mix and Accessibility: Amenities

- Commercial developments north of the Plan Area are zoned 'C3' (Commercial Corridor), would be considered 'sub-regional' and 'Class B Commercial' (see Figure 7 – Zoning).

Figure 7 – Zoning



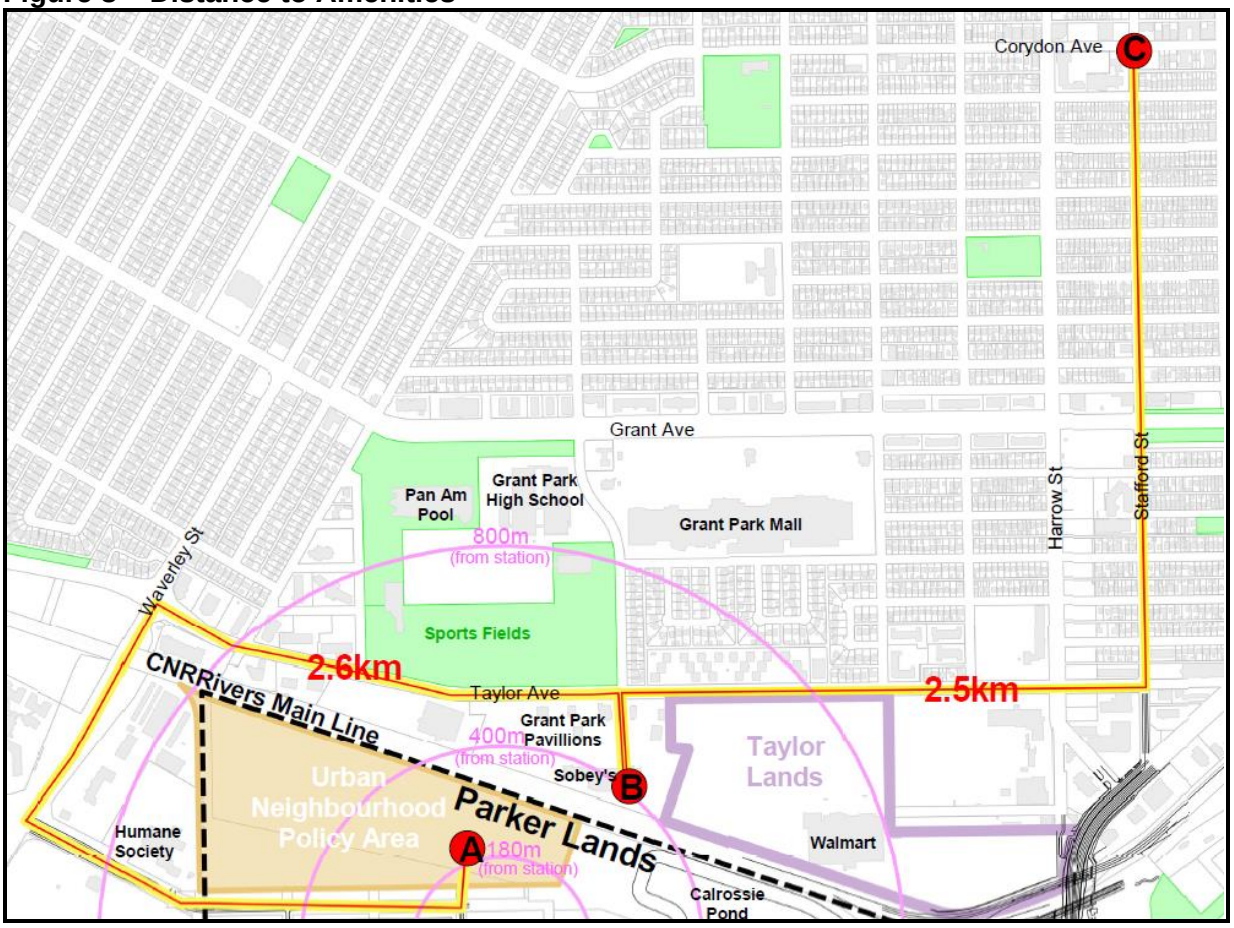
- The Plan (section 1.2.5) indicates that *there are substantial commercial, office, recreation & leisure facilities and schools in proximity to the site,* [including] *land recently rezoned for commercial and residential uses (Grant Park Pavilions)which has a Walmart, as well as the Taylor Festival 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 easily accessible to pedestrians 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. It is recognized that the applicant is of the opinion that this overlooks the most critical factor influencing accessibility of the site; that being the Southwest Rapid Transit Corridor (As stated on page 9 of 'Attachment 'G' (GEM Report (Sept 19, 2019)). However, the *TOD Handbook* suggests that the amenities described above be included as 'part of the land use mix', and not merely accessible at another location along the Transit Corridor.

- 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 8 – 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').

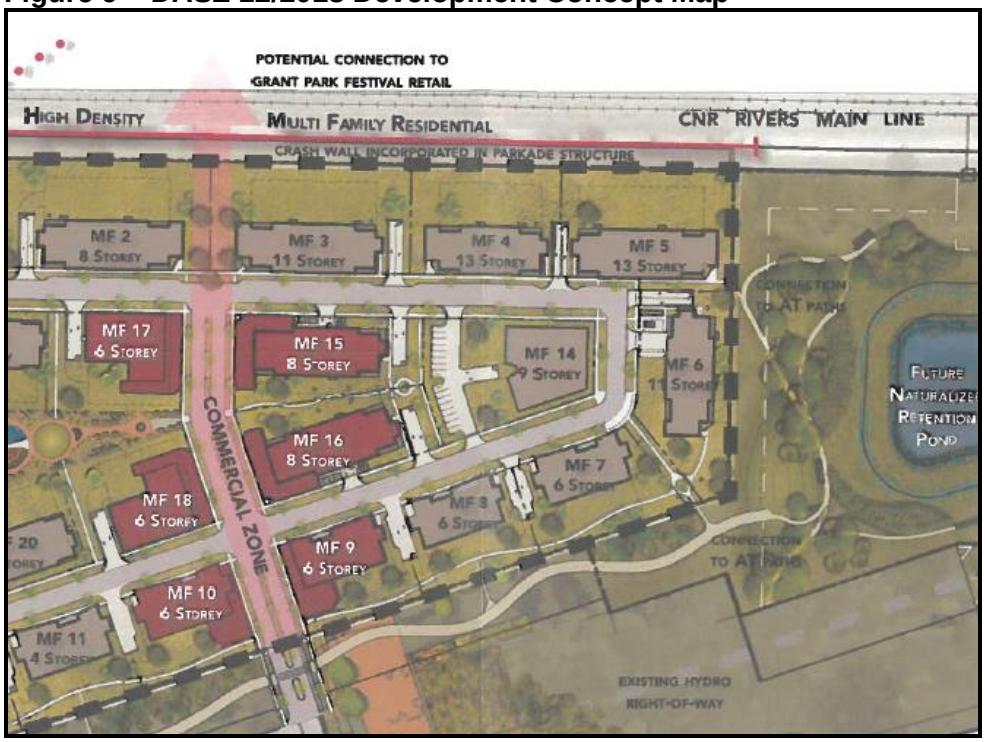
Figure 8 – Distance to Amenities



- 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.

- The Development Concept Map included with DASZ 12/2018 depicts a 'Potential Connection to Grant Park Festival Retail' over the CNR Rivers Main line (See Figure 9)

Figure 9 – DASZ 12/2018 Development Concept Map



- In contrast to the Applicant's depiction of a 'Potential Connection to the Grant Park Festival Retail' on the DASZ 12/2018 Development Concept map, the Plan does not currently consider accommodating a potential pedestrian connection across the CNR Mainline as presented in the graphic included as part of the DASZ 12/2018 Submission, nor the impact that such a connection would have on the type or intensity of development considered acceptable within the Plan Area. The existence of such a connection would greatly increase the accessibility of the amenities that exist north of the CNR Mainline.

- The matter of a separated pedestrian connection across the CNR Mainline was discussed with the Applicant in the past and it was determined that the City of Winnipeg would have to engage with the Rail Company in order for such a connection to be considered. The Public Service has reached out to the Rail company, however discussions between the City and the Rail Company on the matter have not yet occurred. Assuming that such a connection could be established, the 'Urban Neighbourhood TOD' Type would be considered appropriate for the subject land. The Public Service is amenable to integrating the potential pedestrian connection in the policies of the Plan in order to justify applying a different TOD Type.

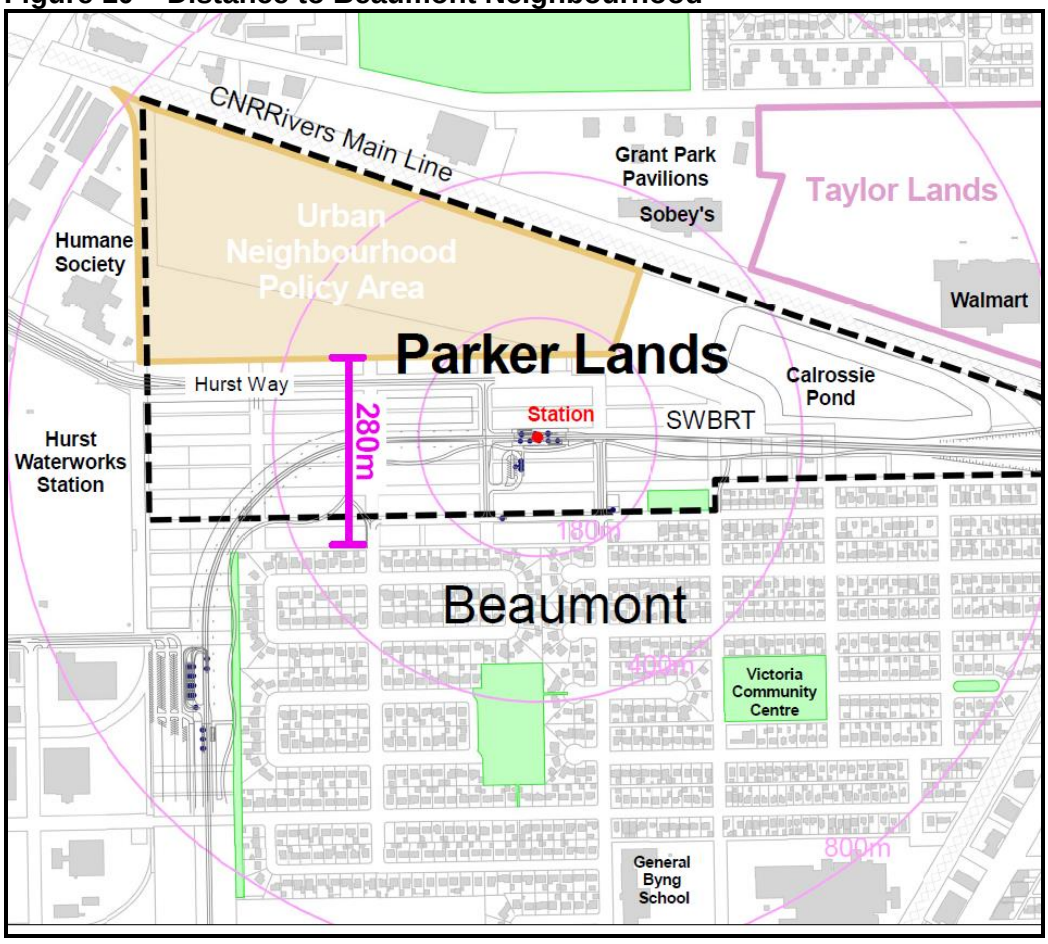
- Due to the physical constraints of the Parker Lands, the proposed Urban Neighbourhood TOD Type is not supported. Without Class B Commercial integrated into the land use mix or *good access to other regional and sub-regional centres,* it would be inappropriate to designate the TOD portion of the Plan 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 10 – Distance to Beaumont Neighbourhood).

Figure 10 – Distance to Beaumont Neighbourhood



- While, pedestrian crossings of Hurst Way appear to be viable, pedestrian crossings of the SWBRT are restricted. This is recognized 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 plan area also has pedestrian access to existing development and amenities along Pembina Highway, which is identified as a 'Regional Mixed-Use Corridor' in *Complete Communities*. 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 are no closer than 4km from downtown and are not located in *the next ring of development* from downtown.

- Without a walkable connection to the 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.

- It is also worth noting that the *Southwest Rapid Transit Corridor Stage 2 Alignment Study (Final Report)* provides an analysis of development opportunities for various locations along the routes proposed as the time. The study includes the following statement:

> *Concept 1A and 1B include the Parker Lands and could additionally accommodate a new Neighbourhood Medium Density TOD Zone of up to 50 units per acre.*

- '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 it may be appropriate for residential buildings closest to the SWBRT station have a net density greater than 50 units per acre. Such development could be accommodated while still applying a 'Neighbourhood – Medium Density' TOD type throughout the wider area.

- It should be noted that the information provided by the applicants on October 29, 2018 related to DASZ 12/2018 indicate that the lands designated 'Urban Neighbourhood Policy Area' in the Plan would contain ~1,918 dwelling units. This number of dwelling units is consistent with the most recent traffic and servicing reports reviewed by the Public Works and, Water and Waste Departments. The overall gross density of the 'Urban Neighbourhood Policy Area' is therefore calculated to be~40 units per acre, with net density ~61 units per acre (which is above the 20-50 units/acre net density characteristic of the 'Neighbourhood Medium Density' TOD Type).

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.

- Based on the limited access to amenities and adjacent neighbourhoods, development of the Parker Lands should be consistent with the 'Neighbourhood – Medium Density' TOD as characterized in the *TOD Handbook.*

Issue 2: *The Plan does not provide sufficient detail to allow for the Public Service to effectively evaluate future development proposals in the 'Urban Neighbourhood Policy Area' portion of the Plan Area.*

BACKGROUND

- If enacted as Provincial Legislation in its current form, Bill 48 will require that Councillors provide a written rationale for their decisions based on established policy. Subdivision and/or rezoning proposals are often evaluated against the policies of a secondary plan where applicable 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 a clearly articulated vision, objectives and policies to evaluate and provide a clear rationale for decisions made on development applications. This means that the policies provided in a secondary plan need to clearly communicate where a given type of development may be acceptable or not acceptable, within the plan area, and at what intensity.

- The Public Service recommends that the proposed 'Urban Neighbourhood Policy Area' within the Applicant's submitted Plan be divided into three (3) sub-areas to more clearly articulate the types and intensities of development appropriate at which locations of the Plan Area.

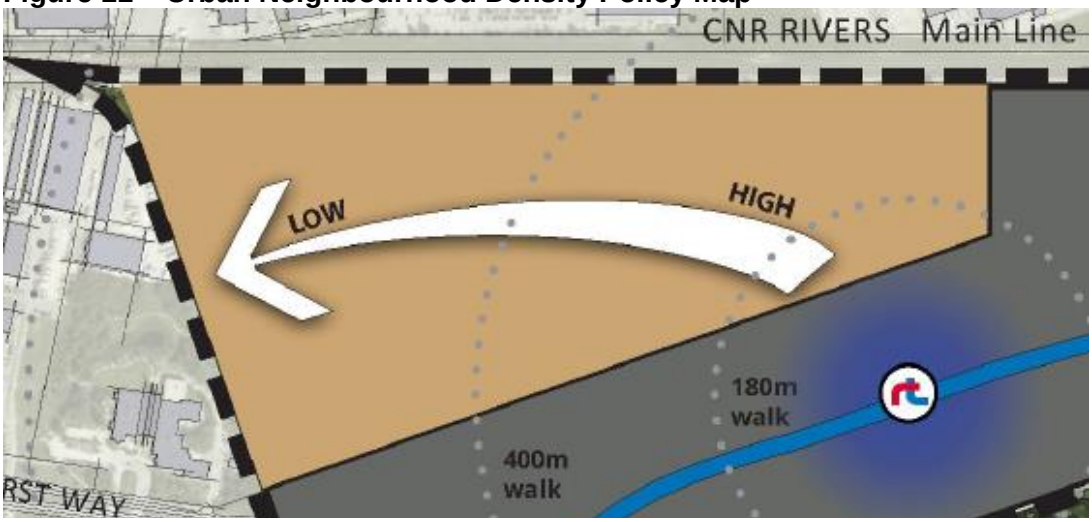
- The applicant has suggested that the Plan will not be used to evaluate 'future' development applications in the 'Urban Neighbourhood Policy Area' because the entire ~47 acre area is currently the subject of DASZ 12/2018 (See page 8 of *Applicants Review of October 2020 [December 2019] City Administration 'Way Forward* in Attachment 'I'). Further to this, it could be argued that the Plan does not need to divide the 'Urban Neighbourhood Policy Area' into 3 separate policy areas each with clear policies as to which uses may be permitted at what intensity because DASZ 12/2018 fully lays out the arrangement of uses for the subject land. These are fair points; however, approval of DASZ 12/2018 does not preclude future subdivision and rezoning applications being submitted for the subject land. Therefore, it is important that the Plan provides clear policies by which to evaluate future development applications.

Proposed Policies

- The Plan includes an 'Urban 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 11 – Urban Neighbourhood Density Policy Map).

Figure 11 – 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 contains policies stating that:
    - commercial, institutional and educational uses are allowed within the first 400 metres of the Rapid Transit Station (Policy 3.5.2.1);
    - residential densities should be concentrated within the first 400 meters of the Rapid Transit Station (Policy 3.3.2.7); and
    - residential densities shall radiate out from the Rapid Transit Station (Policy 3.3.2.6).

- While the policies of the Plan imply conformance to the principles of the *TOD Handbook*, they do not restrict development that does not conform, which essentially makes these uses permissible throughout the Plan Area. Two examples include:
    - *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)

    - *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)

- Policy 3.5.2.1 specifically allows for commercial, institutional and educational uses within the first 400 metres of the SWBRT station. However, it remains silent on whether these uses may be considered beyond the first 400 metres. Without clear policy wording, it is not possible to provide a clear policy-based decision to limit the establishment of these uses beyond the first 400 metres of the SWBRT station in the 'Urban Neighbourhood Policy Area'. While it is acknowledged that DASZ 12/2018 provides clarity that limits commercial uses to rights-of-ways with widths of 70 feet or greater, the Public Service would like to see this reflected in the Plan for clarity for evaluating development proposals (ex. amendment to the PDO) which may be received in the future.

- Policy 3.5.2.2 permits all residential building types to be established anywhere within 800 m of the SWBRT station, which includes the entire area of the 'Urban Neighbourhood Policy Area'. This policy does not provide sufficient clarity that would restrict single family dwellings from being considered adjacent to the SWBRT station or high-rise multi-family apartments being considered anywhere within the 'Urban Neighbourhood Policy Area'. Without clear policy wording, it is not possible to provide a clear policy-based decision that would limit the establishment of any proposed residential use anywhere within the 'Urban Neighbourhood Policy Area', regardless of intensity.

- It could be argued that other policies of the Plan prevent all types of residential 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, Policy 3.3.2.6 states:

  > *Residential densities shall radiate out from the Rapid Transit Station with 'density' being in an inverse relationship to 'distance'; as the distance from the Rapid Transit Station increases, the density shall decrease.*

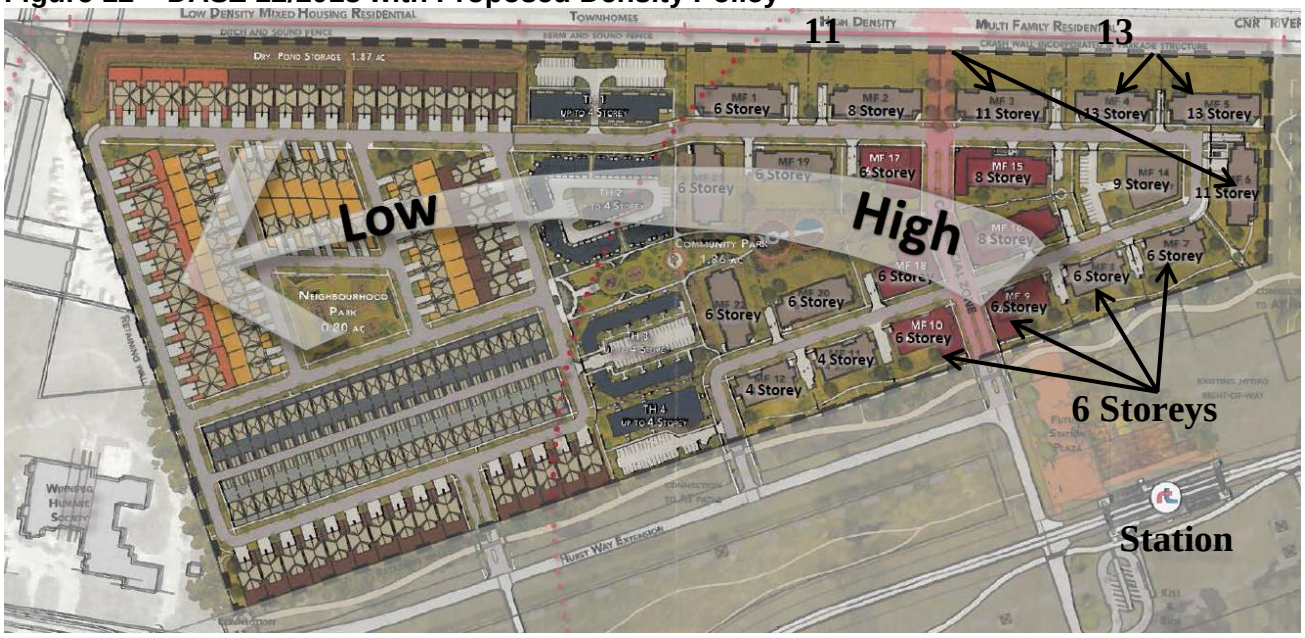
- The Public Service agrees with the applicant's comments to item 2C as provided in *Applicants' Review of October 2020 [December 2019] City Administration 'Way Forward* (See Attachment 'I') which make the case that tallest buildings and greatest density are not necessarily most appropriate adjacent to the Rapid Transit Station. However, the wording of policy 3.3.2.6 requires that *Residential densities shall radiate out from the Rapid Transit Station*. The Public Service would be amendable to altering the wording of policy 3.3.2.6 to allow for some flexibility as to how residential density is arranged in the eastern portion of the 'Urban Neighbourhood Policy Area'.

- While the concept of this policy easy to understand, especially when supported by the 'Urban Neighbourhood Density Policy Map', evaluating future development proposals against this policy would prove challenging. It must be recognized that built form does not dictate density. For instance, it could be argued that single family detached dwellings could be established closer to the SWBRT station, or 13-storey buildings could be established throughout the Plan Area, as long as density remains greatest nearer to the SWBRT station.

- Depending on the location of a proposed development, applying policy 3.3.2.6 may require evaluating proposals based on the density of a development that has yet to occur closer to the SWBRT station. This puts into question whether policy 3.3.2.6 should be worded to allow for some flexibility in how density is to be provided throughout the Plan Area.

- The challenge to interpreting policy 3.3.2.6 can be demonstrated using the graphic included with the applicant's subdivision / rezoning proposal (DASZ 12/2018), which places the tallest multi-family buildings (11 to 13-storeys) along the railway tracks to the north and away from the SWBRT station (See Figure 12 – DASZ 12/2018 with Proposed Density Policy).

Figure 12 – DASZ 12/2018 with Proposed Density Policy



- Implementation of the policy as written would require no other development in the 'Urban Neighbourhood Policy Area' to be of a greater density than the cluster of 6-storey buildings closest to the SWBRT station. In the graphic provided as part of DASZ 12/2018, the buildings closest to the SWBRT station are identified as 6-storeys; two of which are multi-family mixed use (ie. not entirely residential). In order to conform with policy 3.3.2.6, the density of the 6-storey buildings presented in the graphic must exceed that of the cluster of 11 to 13-storey buildings along the railway tracks. However, it questionable that the residential density of the 6-story buildings is higher than that of the 13-storey buildings which leads to the conclusion that the development depicted in the graphic may not be in line with policy 3.3.2.6.

- Evidence of this can be found in the Traffic Impact Analysis (October 18, 2018) which includes the densities of each building depicted in the graphic submitted with DASZ 12/2018 (and included as the underlying graphic in Figure 11). The density of the proposed 13 storey buildings have densities of 187 and 188 units/acre and the adjacent 11 storey buildings have densities of 145 and 159 units/per acre. The four 6 storey buildings identified in Figure 11 have densities of between 89 and 103 units/acre.

- It must be noted that the Public Service is willing to consider residential development which places the highest residential densities along the railway tracks and within 400 metres of the SWBRT station (as depicted in the graphic included with DASZ 12/2018). However, the conflicting policies of the Plan need to be altered in order for the Public Service to support such development.

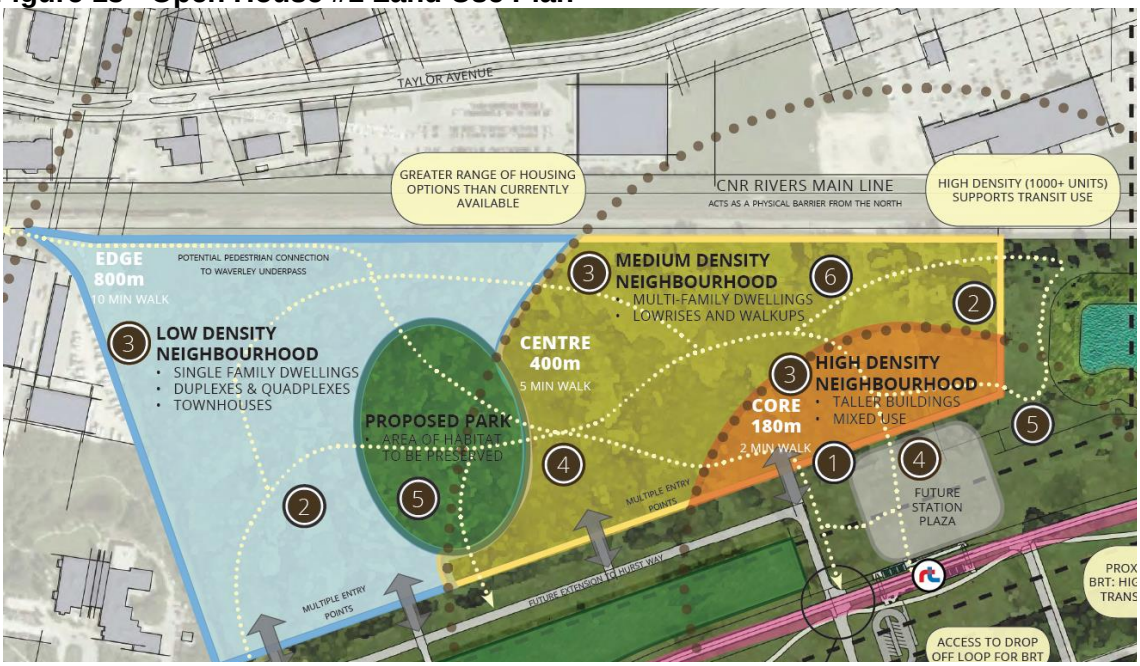
- The Public Service is of the opinion that it is essential for the policies of the Plan to provide a clear means by which to evaluate development proposals. This will be of particular importance

following the adoption of the Province's recent Bill 48 which will require Councillors to provide written rationale for their decisions.

- In order for the Plan to provide clear policy direction, the Plan should divide the proposed 'Urban Neighbourhood Policy Area' into at least three (3) policy areas: One each for high, medium and low density neighbourhood development. Policies exclusive to each of the three policy areas would clearly communicate the type of development that may be acceptable or not acceptable, and at what intensity.

- 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 13 – Open House #1 Land Use Plan). This is not meant to imply that the conceptual material presented during the public engagement sessions obligates that the Plan employ the strategy of dividing the 'Urban Policy Area' into three separate policy areas (as suggested by the Applicant in their 'Applicants Review of October 2020 City Administration 'Way Forward' – See Appendix 'I'). However, it provides evidence that such an approach is suitable for instances where clear communications of where various land uses and intensities of those land uses, will be permitted, as well as not allowed.

Figure 13 - Open House #1 Land Use Plan



CONCLUSION

- The Plan does not provide clear policies to properly evaluate development proposals, or adequately support the written rationale for decisions made on the future development proposals (ie. PDO Amendments) within the Plan Area.

- It is recommended that the proposed ‘Urban Neighbourhood Policy Area’ be divided into at least three (3) sub-areas to more clearly articulate the types and intensities of development appropriate at which locations of the Plan Area. The Plan will need to be altered accordingly.

Issue 3: *The Plan requires editing and re-organization, including the addition of important content and policies, in order to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.*

BACKGROUND

- The Public Service acknowledges that *there is no industry standard or guide book similar to the Canadian Press Stylebook, Caps and Spelling* that is mandated in the Planning profession for spelling, grammar, style, etc as indicated by the applicant on Page 22 of *Applicants Review of October 2020 City Administration 'Way Forward* (See Attachment 'I'). It is also acknowledged that *there is no industry standard for planning document for their format or organization.* Many of the issues identified by the public service are minor in nature and correction of such issues may only serve to improve the readability or clarity of the document.

- As a land use plan policy document, the Plan will reflect Council's expectations for the development within the Plan Area. Accordingly, the Public Service is of the opinion that the document should be organized to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated. Such clarity assists the evaluation of future development applications.

- 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.

DISCUSSION

- The following provides a list of items that the Public Service would like to have addressed before the Plan is considered for endorsement by Council.

- The Plan contains references that suggest the Plan would be adopted by by-law, rather 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' need to be corrected accordingly for the proposed Plan to be considered as a policy document, as opposed to a Secondary Plan By-law.

- Numerous statements throughout the Plan describe the context of the Plan Area. These items should be consolidated into a single section 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 currently found 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'. Renumbering of sections may be required as a result of the above mentioned edits.

- While the 'vision' for the Plan, provided in section 2.1 includes reference to TOD, the Public Service feels that it is appropriate that TOD also be 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 ignores other relevant 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.
    - Impact of Hydro Corridors on development and connections.
    - Potential for contaminated sites on City-owned land in the eastern portion of the Plan Area (As suggested in section 1.2.8)
    - Potential geotechnical considerations related to construction on compacted fill.

- The content of the 'Objectives' section (2.2 Objectives) contains three overall vision statements. These items should be moved to section 2.1 (Vision) accordingly. The objectives currently included in at least 11 sections under Part 3 (Land-Use Concept) should be reflected in the overall objectives of the Plan provided in section 2.2 (Objectives) to provide an overall summary of objectives.

- 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 this forest found throughout the Plan need to be updated accordingly. This includes content found in sections:
    - 1.2.7.1 (Existing Forest)
    - 3.8 (Natural Lands Policy Area); and
    - 2.2.3 (Sustainability: Environmental, Social and Economic)

  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. While it is acknowledged that DASZ 12/2018 provides clarity that limits commercial uses to rights-of-ways with widths of 70 feet or greater, the Public Service would like to see this reflected in the Plan for clarity to allow for clarity for evaluating development proposals (ex. amendments to the PDO) which may be received in the future.

- 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.

- Policy 3.6.2.1 prohibits residential land uses in the Limited Use Policy Area. However, there are a couple of existing lots zoned residential at the southern portion of the Plan area fronting onto Parker Avenue and Heatherdale Avenue that should be permitted to develop as residential uses.

- Policy 3.6.2.6 encourages non-accessory motor vehicle parking to be developed with gravel surfacing. Gravel surfacing may be allowed in certain circumstances; however, it should not be encouraged.

- The Rapid Transit Station Node Policy Area is a node, not an area. All references to the 'Rapid Transit Station Node Policy Area' should be changed to 'Rapid Transit Policy Node'. Similarly, references to 'Green and Open Spaces' should be changed to 'Green and Open Space Nodes' and 'Natural Lands Policy Area' should be changed to 'Natural Lands' the term is used to describe a type of ground cover/environment to which policies apply, as opposed to a defined 'policy area' on the map.

- The Plan contains 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) *Design 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 edits. It is understood that these are minor issues; however, the Public Service would like them addressed in order to potentially support future development applications. 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.*

- A policy is needed to ensure that all streets are designed to be wide enough and have appropriate turning radius to accommodate Winnipeg School Division buses for transportation of students.

- Polices are required to support objectives found throughout the various sections of Part 3 (Land-Use Concept). As an example, section 4.2.2 (Water, Waste Water and Land Drainage) provides an objective 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*

- Policies that bind decisions of Council need to be removed. 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.*

  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.

- Proposed policies 5.5.2.4 (Urban Design Guidelines) and 5.4 (Implementation - Development Applications) facilitate future land use conflict by permitting new industrial development to establish on lands currently zoned 'industrial' and designated in the Plan as 'Urban Neighbourhood Policy Area':

  > 5.5.2.4 (Urban Design Guidelines)
  > *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.*
  >
  > 5.4 (Implementation: Development Applications)
  > *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.*

  The Applicant has provided feedback on this matter that would suggest that it was not their intention for the policies that would permit new industrial uses to be established on lands designated by the Plan for residential development (See page 34 and 35 of Applicants Review of October 2020 City Administration 'Way Forward' contained in Attachment 'I'). Policies 5.5.2.4

and 5.4 should be reworded to provide clarity necessary for evaluating any potential future development applications.

- Most of the policy sections in Part 3 introduce the policies as *design and location considerations* rather than policies. 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.

- Many of the definitions provided in section 6 – Definitions, include definitions for words that are either not used in the document (ex. 'Expressway'), or are already defined in the Zoning By-law (ex. 'Residential Use'). The Public Service recommends removing the 'Definitions' section and including clarification of term meanings in the text as appropriate.

CONCLUSION

- The Public Service remains committed to working with the proponent to resolve the issues as mentioned above.

Recommendation

The Public Service recommends that the proposed Parker Lands Secondary Plan not be approved as a land use plan until the following issues identified by the Public Service have been addressed:

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 to allow for the public service to effectively evaluate future development proposals in the ‘Urban Neighbourhood Policy Area’ portion of the Plan Area.

3. The Plan requires editing and re-organization, including the addition of important content and policies, in order 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 of *the Parker Lands Secondary Plan* is Standing Policy Committee on Property and Development, Heritage, and Downtown Development → Executive Policy Committee → Council

1(3) The critical path for endorsement of an amendment to *the Parker Lands Secondary Plan* 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(3) above:
   i. Maps
   ii. Text

Notification

1(6) Notification for the adoption of *the Parker Lands Secondary Plan* or amendment to *the 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.