

Submission to City Council November 23, 2023: Item 16 – Housing Accelerator Fund

Introduction

My name is Judith Blair, I am a homeowner and resident of the Crescentwood/ Fort Rouge district, and I am a retired family lawyer. I have lived in Winnipeg for the last sixty years.

I strongly oppose the approval by City Council of EPC's recommendation to accede to Minister Fraser's desire for us to "Bolster" our July 2023 application, by enacting a city-wide abrogation of existing protective zoning by-laws, to permit four-plex construction *as a matter of right city-wide*, and four-storey construction *as a matter of right* within 800 meters "of transit".

I hope my submission will add the much-needed context, for a sound and alternate decision by City Council, to that recommended by EPC, and that the City will instead submit a fitting "made in Winnipeg" HAF application, coherent with the thoughtful objectives and plans so carefully crafted by the City in "Our Winnipeg 2045 Strategic Action Plan", passed on May 26, 2022. I urge that our HAF Application address head on, *our* real and pressing housing needs, which the City has already identified, instead of acceding to an off-the -rack, unsuitable and irrevocably damaging ask of the new Housing Minister to accommodate his "view" of what we need.

In preparation for this submission, I have read the CMHC Rental Market Report for Canada, January 2023 (RMR)– overview and Winnipeg section, The City of Winnipeg Comprehensive Housing Needs Assessment Report, July 16, 2020 (CHNAR), Our Winnipeg 2045 Strategic Priorities Action Plan (SPAP), and The City of Winnipeg Charter excerpts (CWC). I will refer to certain portions, with citations in the written brief.

The Process so far

- a. The Federal Minister of Housing announced a \$4 billion Housing Accelerator fund, for which municipalities could directly apply, to encourage the swift building of housing, due to a "National housing shortage".
- b. On July 13, 2023 this Council adopted a seven- point plan to submit, seeking \$192 million. Which housing initiatives would be undertaken by the City were not identified in the July Application other than to "be referred to the 2024-2027 budget".
- c. On October 24, 2023, Minister Fraser (who took on the post in July 2023) wrote to Mayor Gillingham:

"However, before I make a decision on your application, I want to give you an opportunity to bolster it by including the following elements:

- *Legalizing four units as-of-right city-wide;*
- *Legalizing up to four storeys as-of-right within 800 meters of transit; and*
- *Ensuring that new mid-rise housing zoning reforms targeted for mall sites and commercial corridors - as proposed in City Council's Strategic Priorities Action Plan – allow for as-of -right development to facilitate quick approvals and construction of new rental housing.*

*...I know that you are solution-oriented with an aim to improving the quality of life for all who call Winnipeg home. **In my view a central part of this mission involves putting an end to exclusionary zoning practices** and incentivizing development in ways that will produce complete communities.*

...By implementing the reforms outlined above, you can assure a positive outcome. ...” (emphasis mine)

(d) On November 14, EPC voted to amend our HAF Application according to Minister Fraser’s letter, and referred the matter to this body and this hearing.

Democracy and The Rule of Law

We are a Rules-based society. Rules, whether Federal or Provincial laws, Municipal by-laws, or rules of a hockey game, tell us what is acceptable behaviour and what is not, because oft times the wishes of one will conflict with the wishes of another. We must assiduously safeguard *our principled governance*, whatever the level of that governance.

Our zoning by-laws are laws which profoundly and intimately affect us. For most of us, our homes are by far our greatest investment of money and debt obligation, as well as emotional investment. They are our places of sanctuary, respite and peace, in a world swirling with unspeakable horror and chaos. Our neighbourhoods likewise are places of belonging and peace. When we buy our homes and pick our neighbourhoods, we literally “buy in” and rely upon the zoning by-laws, which protect our investment, and confirm what we are entitled to expect in future about our neighbourhood. Zoning by-laws are necessarily “exclusionary” of building types and uses, for the orderly and thoughtful development of a City. But anyone can buy in, and by buying in, you accept the rules.

The Provincial City of Winnipeg Charter has enacted protection of rights of neighbours. After mandating that the City establish zoning by-laws, s. 247(3) states that in considering whether there may be any variance of zoning, the variance must be compatible with the development plan and any applicable secondary plan, and it ...”**(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area including an area separated from the property by a street or waterway, (c) is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant’s property, and (d) is compatible with the area in which the property to be affected is situated.”**

The wholesale city-wide zoning changes recommended by the new Minister Fraser fly in the face of SPSP’s thoughtful objectives, to “differentiate between areas of the City based on their periods of growth and characteristics”, to “recognize the uniqueness of different neighbourhoods”, and to “prioritize growth and change in places where it has positive environmental, economic, health, social and city building outcomes”. (SPSP p.6.)

If adopted, the changes would mean that in all parts of the City, a home owner, including one living in an established, mature and thriving neighbourhood, zoned from the beginning for single family dwellings, could find a four-plex next door. In most of the City, that four-plex could be four storeys high. It takes little imagination to realize the implications:

1. the mature trees on the lot would be torn down to make room for the build, and for ease of construction, destroying the canopy so beneficial to the neighbourhood’s appearance, carbon recapture, urban cooling, and mental health of citizens, contrary to SPAP objectives, p. 14 & 15.
2. the new building would tower over the neighbouring home, making it look like a dwarf, and eliminating all privacy. (SPAP p. 6) Foundation issues may be created for the neighbour.

3. The new building would block out the sun completely from that direction, putting the neighbour's home in gloom, depriving neighbours of the joy of summer basking in the sun, barbecues, etc., and in winter, contributing to SAD, seasonal affective disorder, contrary to SPAP's objective of promoting quality of life and mental well-being (p. 16)
4. having a viable garden would be impossible. (SPAP p. 27) Even grass would be difficult to maintain.
5. The character of the neighbourhood would be destroyed - a hodge podge of sizes and shapes. To make the maximum use of space and profitability, the new builds would logically be unsightly rectangular blocks. (SPAP pp. 6, 17, 31 & 33)
6. It would pack four times more people, pets, vehicles, recreational vehicles, noise, garbage and recycling bins than the property and neighbourhood were designed to handle, and generate four times the waste of all types for the infrastructure to handle. It is hard to imagine how this would not create the potential for strife between neighbours, resulting mental health issues (p. 16) and possibly safety issues (CWCs. 247(3), and strain on the infrastructure systems.
7. It would, as it *is intended*, artificially financially motivate developers, including foreign developers, to tear down viable single- family homes in thriving neighbourhoods, and create enormous amounts of unnecessary debris going to the landfill, contrary to the goals of SPAP pp. 14, 15, 17, and 21.
8. Encouraging the tearing down of single- family homes to build four-plexes, would obviously decrease the supply of single -family homes, which I would argue, is what most Winnipeggers aspire to, and why many live here. Furthermore, the law of supply and demand would dictate that it would make single family homes *less affordable*, and more out of reach for ordinary Winnipeggers.
9. It would arbitrarily make *certain* very unlucky homeowners into big losers, of their major financial and emotional investments, by the loss of important life amenities, and the simple peaceable enjoyment of their property, and in property values, **after relying upon the existing zoning requirements when making their investment in the first place, laws which have protected homeowners for more than a hundred years.**

We should absolutely be entitled to rely upon our zoning by-laws for our continued protection, particularly absent compelling evidence, supporting a compelling reason that they be changed.

Winnipeg's Unique Position

Winnipeg is not like Toronto, Vancouver, Victoria, etc. We don't have mountains, the ocean, or the most bustling metropolis to attract people. What we do have are comparably cheap and available homes, particularly single- family homes, available to ordinary Winnipeggers, in attractive, often well-treed neighbourhoods, lots of sunshine, and wonderful summers to enjoy on decks and backyards.

While other Canadians view Winnipeg as "fly over country", we Winnipeggers know that *living here*, in our thriving, peaceful neighbourhoods, is a unique treasure. The "bolstering" proposed by rookie Minister Fraser, risks ruining those neighbourhoods, and for no valid reason.

The Evidence

1. There is no shortage of developable tracts of vacant land in the City, at present or in the foreseeable future, even having regard for the projected increases in population (CHNAR p. 116)
2. Even within existing communities, (identified as Redevelopment lands), there are large swaths of land available for development (CHNAR pp, 115 – 117). Some are already under development and some in the initial phases for future development. (CHNAR p.117) They include the Southwood Golf Course by the U of M, owned by the U of M. Their plan, on the Real Estate News Exchange web-site, is for high density multi-family housing for 20,000 residents, including students.
3. Nearby bedroom communities that are developing are providing options/ taking off any pressure for housing. (CHNAR p. 117)
4. Although Canada-wide growth in *rental demand* has exceeded the growth in *supply*, **Winnipeg is the exception**. We have had significant growth in construction of apartments and other multi-family rental units, exceeding the growth in demand. And continued growth in supply is expected due to construction already in progress (RMR p. 50). Our vacancy rate, 2.7%, is higher than the national average, 1.9%, and is close to historical Canadian averages of 3.2% (RMR pp. 5, 7 & 48)
5. Market influences have already created housing density in new developments in the City (which is the stated goal of the HAF). Developers in Winnipeg have on their own calculated that it is more profitable/feasible to build new high density multi-family housing within City limits, largely due to the cheaper land in bedroom communities outside the City limits.(CHNAR p. 117)
6. An increased percentage of single- family homes in new construction are attached or semi-attached (CHNAR p. 118)
7. The reported National surge in rental demand is primarily driven by results in Toronto, Vancouver and Montreal (RMR pp. 6&7)
8. Some Developers in the City have development guidelines for larger, more expensive homes, leaving a shortage of modestly priced single -family homes in the new house market (CHNR p. 116)
9. **Winnipeg remains one of the most affordable housing markets in the country (CHNAR p. 127)**

In summary, the facts as reported by CMHC and the City simply do not support any need for changes to the zoning currently in force in Winnipeg, in favor of city-wide as-of-right four-plexes and/or four storey buildings within 800 meters “of transit”.

The City-wide changes in zoning touted by Minister Fraser, would unnecessarily ruin what is great about Winnipeg, AND do nothing to address our actual urgent needs, which have been identified by the City (CHNAR), as well as several of the Delegations to the Executive Policy Committee hearing November 14, 2023:

1. The revitalization of our Downtown (SPAP p. 33;
2. Improving challenged neighbourhoods surrounding Downtown, such as Centennial, Midlands and Lord Selkirk;
3. Housing the unhoused (CHNAR p. 126);
4. Providing subsidized housing for the income-challenged. (CHNAR pp. 126, 127 & 145)

These needs are what should be expressed in our Application for HAF.

Conclusion

In neighbourhoods that are not thriving but challenged, as identified in CHNAR, the Fraser zoning changes suggested could be considered, to provide new affordable and subsidized housing, *and* improve the neighbourhoods, because the negatives associated with the changes are outweighed by deep needs to be addressed.

The Minister has not *mandated* the city- wide zoning abrogation as conditions of any HAF Application approval.

In my view, if the City's Application were amended to flesh out a plan to address the above -stated urgent needs, Minister Fraser and his government would be hard pressed to refuse. The headlines would be truly horrific and damning for a government that has struggled in the polls recently. And we should consider engaging our local MPs to support our made-in Winnipeg" Plan/ Application

The City, in Our Winnipeg 2045 SPAP, has thoughtfully mandated careful planning and good governance going forward, not their abandonment.

The quick path for the City Council would be to fall in line with Minister Fraser's ask.

It is the wrong path, not supported by principle or the facts.

The right path is to put specifics in our Application for HAF, proposing real steps advancing what the City urgently needs.

Time is of the essence, but the requisite time must be spent.

A Developer's presentation on November 14 urged the EPC to agree to Minister Fraser's zoning abrogation without delay – so as not to "miss the bus".

The correct analogy is that the City should take a necessary pause to reflect and prepare a revised Application, fleshing out a proposal to address our urgent, identified needs, and not rush headlong to make an unnecessary, sweeping, radical and likely irrevocable change in zoning, and jump on a "runaway train", from which there is no going back or getting off.

Judith M. Blair

Winnipeg, MB