Minutes – Executive Policy Committee – September 17, 2024

Report – Standing Policy Committee on Property and Development – September 13, 2024

Item No. 5 Development Procedures By-Law Amendments

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended, and submitted the following to Council:

1. That a by-law be enacted to amend the Development Procedures By-Law No. 104/2020 (draft amending by-law is attached as Appendix A to this report) as follows:

   A. to designate Council as the hearing body for certain zoning by-law amendments arising from the Housing Accelerator Fund (HAF) application as more particularly detailed in the November 23, 2023, decision of Council and for any related amendment to a secondary plan;

   B. to require that applications that are the same or substantially similar to a development application that was rejected in the previous year be subject to a public hearing at Community Committee;

   C. to delete the Pre-Application process for development applications;

   D. to clarify that City-initiated development applications can be made for various matters such as text amendments to the zoning By-Laws; and

   E. to authorize the Director to set submission requirements for City-initiated development applications that are different from the submission requirements for development applications submitted by non-City developers.

2. That where Council is designated as the hearing body in respect of a public hearing or a combined hearing, that Council shall follow all established practices and procedures followed by every other hearing body, including Community Committees, Standing Policy Committees and the Executive Policy Committee."

3. That where Council is designated as the hearing body in respect of a public hearing or a combined hearing, the speaking time for representations be limited to five minutes."

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

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DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in, with the following amendments:

- Delete Recommendations 1.F. and 1.G.

- Add the following new Recommendation 2:

  "2. That where Council is designated as the hearing body in respect of a public hearing or a combined hearing, that Council shall follow all established practices and procedures followed by every other hearing body, including Community Committees, Standing Policy Committees and the Executive Policy Committee."

- Add the following new Recommendation 3:

  "3. That where Council is designated as the hearing body in respect of a public hearing or a combined hearing, the speaking time for representations be limited to five minutes."

- Renumber the recommendations accordingly

and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 13, 2024, the Standing Policy Committee on Property and Development passed the following motion:

Report – Standing Policy Committee on Property and Development – September 13, 2024

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

WHEREAS the Public Service is seeking amendments to the Development Procedures By-law No. 104/2020 to designate Council as the hearing body for certain zoning by-law amendments arising from the Housing Accelerator Fund (HAF) Application;

AND WHEREAS with Council being the designated hearing body, it's important to ensure that all practices and procedures for public hearings followed by every other hearing body is also followed by Council.

THEREFORE BE IT RESOLVED that the recommendation of the Winnipeg Public Service be concurred in, with the following amendments:

- Add the following new Recommendations 1.F. and 1.G.:

  "F. to clarify that where Council is designated as the hearing body in respect of a public hearing or a combined hearing, that Council shall follow all established practices and procedures followed by every other hearing body, including Community Committees, Standing Policy Committees and the Executive Policy Committee.

  G. to clarify that where Council is designated as the hearing body in respect of a public hearing or a combined hearing, the speaking time for representations be limited to five minutes."

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

COUNCIL DECISION:

On May 30, 2024, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Public Service be directed to prepare and report back within 90 days with amendments to the Development Procedure By-law in respect of a new development application submitted to the City that is the same or substantially similar to a development application that was rejected within the previous year as follows:

Report – Standing Policy Committee on Property and Development – September 13, 2024

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

A. Where the approving authority for the previously-rejected development application was the Director:

i. A public hearing must be held in respect of the new development application;

ii. The hearing body and approving authority for the new development application is the relevant Community Committee;

B. Every administrative report in respect of a development application must include a discussion of any previously-rejected development application.

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

ADMINISTRATIVE REPORT

Title: Development Procedures By-Law Amendments

Critical Path: Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	H. Borys	T. Graham	S. Armbruster, Interim CAO

EXECUTIVE SUMMARY

Amendments to the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 are required to implement the Housing Accelerator Fund (HAF) approval conditions. On November 23, 2023, Council directed that amendments be made to the Development Procedures By-Law to designate Council as the hearing body for the zoning by-law amendments set out in that same November 23, 2023, decision of Council.

This report also recommends other non-HAF related amendments to the Development Procedures By-law to require a public hearing at Community Committee for repeat development applications, to delete the Pre-Application process, to recognize the ability of the City to be the applicant for City-initiated development applications and to allow the Director to set different submission requirements for development applications initiated by the City.

RECOMMENDATIONS

1. That Council enact a by-law to amend the Development Procedures By-Law No. 104/2020 (draft amending by-law is attached as Appendix A to this report) as follows:

    A. to designate Council as the hearing body for certain zoning by-law amendments arising from the Housing Accelerator Fund (HAF) application as more particularly detailed in the November 23, 2023, decision of Council and for any related amendment to a secondary plan;

    B. to require that applications that are the same or substantially similar to a development application that was rejected in the previous year be subject to a public hearing at Community Committee;

    C. to delete the Pre-Application process for development applications;

D. to clarify that City-initiated development applications can be made for various matters such as text amendments to the zoning By-Laws; and

E. to authorize the Director to set submission requirements for City-initiated development applications that are different from the submission requirements for development applications submitted by non-City developers.

2. 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

On November 23, 2023, Council affirmed its support for the Housing Accelerator Fund (HAF) application and directed that the Development Procedures By-Law be amended to designate Council as the hearing body for required zoning by-law amendments arising from the HAF application approval and contained in that same Council decision.

On May 30, 2024, Council directed the Public Service to prepare amendments to the Development Procedures By-Law with respect to a new development application submitted to the City that is the same or substantially similar to a development application that was rejected within the previous year as follows:

Where the approving authority for the previously-rejected development application was the Director:

i. A public hearing must be held in respect of the new development application;
ii. The hearing body and approving authority for the new development application is the relevant Community Committee;

iii. Every administrative report in respect of a development application must include a discussion of any previously-rejected development application.

On July 18, 2024, Council directed the Public Service to end the formal Pre-Application Process for development applications and phase-out any voluntary uses of the process by no later than December 31, 2024. This will require amendments to the Development Procedures By-Law.

An additional housekeeping amendment is required to clarify that City-initiated development applications can also be made for various matters such as amendments to the zoning by-laws.

IMPLICATIONS OF THE RECOMMENDATIONS

Should the recommendations be approved, the Development Procedures By-Law No. 104/2020 will be amended to implement Council direction respecting Implementation of the HAF application. The formal Pre-Application process for development applications will no longer be an available option.

HISTORY/DISCUSSION

HAF Amendment

The City of Winnipeg entered into an agreement with the Government of Canada in 2023 through the Canada Mortgage and Housing Corporation (CMHC) to access funding from the Housing Accelerator Fund to facilitate the creation of additional dwelling units including the provision of affordable housing.

A four-stage series of Zoning By-law amendments was identified as needed to improve processing and accelerate housing in areas subject to the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 in order to implement the HAF application conditions.

On November 23, 2023, Council directed specific amendments to the City's zoning by-laws and directed that the Development Procedures By-law be amended to designate Council as the hearing body to consider these amendments. In addition to Council's specific direction, the Public Service is also recommending that Council be designated as the hearing body to consider any amendments to a secondary plan that relates to or may be required to facilitate the specific zoning by-law amendments referred to in Council's November 23, 2023, decision. This will enable the two amendments to proceed by way of combined hearing.

Application Rejected in the Previous Year

The City of Winnipeg Charter previously gave the City the authority to refuse to accept a development application if Council had rejected the same application or a substantially similar development application within the previous year. In September 2023, the Province enacted Bill 34 which, among other things, amended the City of Winnipeg Charter and removed the City's authority to refuse a previously rejected development application.

Many development applications are approved administratively but may be rejected at the Appeal Committee. With the Bill 34 Charter amendments, applicants can re-submit the same development application multiple times causing residents to be continually vigilant in order to file an appeal. This proposed amendment to the Development Procedures By-Law would send a development application to the relevant Community Committee for a hearing and decision if it is the same or substantially similar to a development application that had been rejected within the previous year.

Pre-application Process

Other non-HAF related amendments to the Development Procedures By-Law are also required to implement Council direction with respect to eliminating the formal pre-application process.

Other Amendments

An additional housekeeping amendment has also been included for efficiency that confirms the City's ability to initiate development applications. Currently, the Development Procedures By-law indicates that a development application can be submitted by the owner, or anyone on the owner's behalf with the owner's permission. This fails to account for City-initiated applications and an amendment is required to recognize that the City may initiate development applications

as an applicant. The Public Service is also recommending that authority be delegated to the Director to determine different submission requirements for City-initiated development applications versus development applications submitted by others. This acknowledges and accounts for significant documentation and information in respect of City-owned land that is already in the City's possession.

FINANCIAL IMPACT

Financial Impact Statement Date: July 25, 2024

Project Name:

Development Procedures By-Law Amendments

COMMENTS:

There are no material financial implications associated with this report.

Mike McGinn July 25, 2024
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services
- Office of the Chief Administrative Officer, Housing Accelerator Fund Team

OURWINNIPEG POLICY ALIGNMENT

Leadership and Good Governance

Objective: Establish and implement priority actions through evidence-informed decision-making processes

> Policy 1.4 Integrated Knowledge and Resources: Coordinate inter-departmental systems, projects and resources, making the best use of internal and external expertise to better understand service needs, find the most appropriate solutions, optimize resources, and maximize community outcomes.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to any of the Strategic Opportunities and Key Directions in the Climate Action Plan and it was determined that the Plan is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy (PRS), as well as the corresponding 2021-2023 Implementation Plan, and it was determined that the Strategy is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Martin Grady
Date: July 25, 2024

Attachments: Appendix A – Draft Amending By-law