Minutes - Executive Policy Committee - March 17, 2004

REPORTS

Minute No. 228 New Standing Policy Committee on Downtown Development
File CR-2

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the administrative recommendation, as amended, and recommends to Council:

1. That a Standing Policy Committee on Downtown Development be established as outlined in Attachment A, with the exception of the proposed amendment to The Procedure By-law No. 5400/90.

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

Further, the Executive Policy Committee referred the proposed amendment to The Procedure By-law No. 5400/90 to the Secretariat Committee for review.

DECISION MAKING HISTORY:

Moved by Councillor Gerbasi,

1. That the administrative recommendation be concurred in, with the exception of the proposed amendment to The Procedure By-law No. 5400/90, and forwarded to Council.

2. The proposed amendment to The Procedure By-law No. 5400/90 be referred to the Secretariat Committee for review.

Carried

Re: New Standing Policy Committee on Downtown Development

For submission to: Executive Policy Committee

Original report signed by: Director of Planning, Property and Development

Report date: February 27, 2004

Recommendation(s):

1. That By-law No. xxxx/2004 (see Attachment A), a by-law to establish the Standing Policy Committee on Downtown Development, be forwarded to City Council for adoption.
2. That this report be referred to the Secretariat Committee to review proposed amendments to Procedure By-law No. 5400/90 pursuant to section 4 of that By-law.

REPORT SUMMARY

Key Issues:

- The draft by-law would constitute the Standing Policy Committee on Downtown Development as a four-member committee with the Mayor or a member of Council appointed by the Mayor, as Chairperson.
- This committee would have jurisdiction for matters related to asset management, development control, land acquisition, land development and planning and land use matters in the area defined as Downtown.
- This committee would be the public hearing body for Downtown secondary plans, rezoning and subdivision applications, and street and lane closings and openings and would function as the Appeals Committee for Downtown variance and conditional use applications.

Implications of the Recommendation(s):

General implications:

	None
X	**For the organization overall and/or for other departments**
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- The establishment of a new Standing Policy Committee on Downtown Development will simplify and focus development review and approval.

Policy implications:

	No
X	**Yes**

Comment(s):

- The recommended changes will impact the roles of the City Centre and Lord Selkirk-West Kildonan Community Committees, and the current Standing Policy Committees with respect to Downtown issues.

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

- Support for this Committee will be provided with existing administrative resources.

REASON FOR THE REPORT:
Executive Policy Committee has the mandate to provide recommendations as to the organization and duties of Committees of Council, and has taken the lead with respect to policies affecting Downtown issues.

HISTORY:
On July 5, 2001, Standing Policy Committee on Property and Development recommended that the Planning, Property and Development Department review the Downtown Winnipeg Zoning By-law and the Development Procedures By-law, so as to streamline development regulations and approval processes in the Downtown.

On December 11, 2001, Standing Policy Committee on Property and Development laid over, pending a Council Seminar, consideration of a report from Planning, Property and Development Department which outlined the proposed direction for the establishment of a new Downtown Zoning By-law and for the streamlining of development review through the establishment of a new hearing body focused only on downtown.

On January 21, 2002, a Council seminar was held to discuss the approach for development of a new Downtown Zoning By-law and options for streamlining development review.

In August 2002, CentreVenture Development Corporation and the City completed a report entitled "*Getting Down to Business*" which recommends, among other things, the establishment of a single decision-making authority for all downtown development applications, either through the creation of an independent planning commission or a specially designated standing committee of Council.

Council, on July 17, 2002, adopted the report entitled "*Toward an Integrated Planning Model"* including the twenty-four recommendations contained therein. Recommendation 3.4 states that: "The number of decision-making bodies and processes involved in planning and development issues should be simplified, using the downtown as a pilot, by having a single political body assume responsibility for zoning approval, design review, approaches, encroachments, etc., with administrative reports coordinated and submitted by the Director of PP&D".

The new City of Winnipeg Charter Act, which came into effect January 1, 2003, provides the City with greater flexibility with respect to development review and approval processes.

On September 25, 2002, Council endorsed a Downtown Standing Policy Committee as the immediate option for improving Downtown Winnipeg development review and approval processes and requested the administration to do all things necessary to implement the recommended option.

On January 26, 2004, administration described the roles and responsibilities of the proposed Standing Policy Committee on Downtown Development at a Council seminar, together with other initiatives to improve downtown decision making.

DISCUSSION:
Recent initiatives and consultation processes have highlighted the need for improvements to the Downtown development review process. The goal is to ensure reasonable time lines, clear and

easily understood processes, while still providing appropriate opportunities for public input, and ensuring that development meets long range planning policy and objectives and community expectations. The establishment of a new Standing Policy Committee on Downtown Development would concentrate development review and approval processes before one hearing/decision-making body to make the system simple, understandable, focused, accountable and timely.

At present, a specific development proposal in Downtown Winnipeg may be subject to review by a number of civic departments and hearing bodies to deal with a variety of specific by-law requirements. Administrators or hearing bodies tend to focus on their area of specific expertise or on a specific aspect of a development. The multiplicity of administrative and political reviews tends to fragment development review, resulting in independent components of a proposal being reviewed in virtual isolation from other components of the proposed development. Recent experience indicates the current processes are isolated, cumbersome and difficult to navigate for applicants. There is logic to considering an entire proposal at one time before one decision-making body, especially when development proposals are complex or innovative. The establishment of a Standing Policy Committee on Downtown Development would facilitate this, and would provide for a stronger integration of Downtown policy and initiatives.

In order to establish the proposed new Standing Policy Committee, the City Organization By-law must be amended to establish the committee's composition and jurisdiction. The committee's role is generally defined as providing policy advice to Council on matters within the following areas of jurisdiction, where matters relate to real property in the area covered by The Downtown Winnipeg Zoning By-law:

- Asset Management
- Development Control
- Land Acquisition
- Land Development
- Planning and Land Use

The by-law (see Attachment A) also proposes minor amendments to the Development Procedures By-law, the Procedure By-law, Downtown Winnipeg Zoning By-law, the Private Approaches By-law and the Encroachment By-law. These amendments are needed to consolidate issues related to development review and approval before the new committee. (See Attachment B for a summary of the committee's mandate.)

At its September 10, 2002 meeting the Standing Policy Committee on Property and Development considered a report concerning the draft Downtown Zoning By-law and, among other things, asked:

> *"That Council designate Standing Policy Committee on Property and Development as the public hearing body for the final draft Downtown Winnipeg Zoning By-law, pursuant to Sections 4(1) and 4(2) of the Development Procedures By-Law No. 5893/92."*

It is understood that, with the establishment of this Standing Policy Committee on Downtown Development, this new Committee will hold the required hearing for the proposed Downtown Winnipeg Zoning By-law.

Financial Impact Statement

Date: February 27, 2004

Project Name:

New Standing Policy Committee on Downtown Development

First Year of Program 2004

	2004	2005	2006	2007	2008
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
Less: Existing Budget Amounts	5,000	5,000	5,000	5,000	5,000
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

The only additional out-of-pocket cost that has been identified related to the operation of the proposed Committee is the above-noted amount likely to be paid to the Committee Chair as per City policy. The City Clerks Department has advised that this cost can be absorbed within existing budgets. All other known costs relate to administrative time within PP&D and City Clerks Departments which can be accommodated by existing staff.

"Original signed by"
Gord Courage, Manager
Support Services Division

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

City Clerk's Department
Legal Services

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Planning and Land Use
Prepared by: Chris Knoll and John McNairnay
PPD File #:

Document name: O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2003 Reports\Standing Policy Committee on Downtown Development.doc

Attachment A

THE CITY OF WINNIPEG

BY-LAW NO. _____/2004

A By-law of the City of Winnipeg to establish the Standing Policy Committee on Downtown Development.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The City Organization By-law No. 7100/97 is amended

(a) by repealing section 5 and substituting:

"5. There are hereby established five Standing Committees of Council as follows:

(1) the Standing Committee on Fiscal Issues;
(2) the Standing Policy Committee on Public Works;
(3) the Standing Policy Committee on Protection and Community Services;
(4) the Standing Policy Committee on Property and Development; and
(5) the Standing Policy Committee on Downtown Development."

(b) by adding the following after section 7:

"7.1 The Standing Policy Committee on Downtown Development shall be composed of four members as follows:

(1) the Chairperson, who shall be the Mayor or a member appointed by the Mayor;
(2) the Chairperson of the Standing Policy Committee on Public Works;
(3) the Chairperson of the Standing Policy Committee on Property and Development;
(4) one member elected by Council, from the Council members any portion of whose wards lie within the area of jurisdiction of The Downtown Winnipeg Zoning By-law (namely, the Point Douglas, Daniel McIntyre and Fort Rouge - East Fort Garry wards). In the event all these Council members are already members of this Committee by virtue of subsections (1), (2) and (3), this member shall be elected by Council from all other Council members."

(c) in sections 9.2, 10, 11 and 13 and subsection 13.1.(1), by striking out the first "The" and substituting:

"Subject to section 13.2, the".

(d) in clause 11(g), by striking out "system" and substituting "systems".

(e) by repealing clauses 11(n), (q) and (r).

(f) by adding the following after section 13.1:

"**STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT**

13.2 The Standing Policy Committee on Downtown Development shall provide policy advice to Council on matters within the following areas of jurisdiction, where the matters relate to real property located entirely or primarily in the area covered by The Downtown Winnipeg Zoning By-law:

- Asset Management
- Development Control
- Land Acquisition
- Land Development
- Planning and Land Use,

and in addition shall exercise the following powers and duties, where the matters relate to real property located entirely or primarily in the area covered by The Downtown Winnipeg Zoning By-law:

(a) To consider and report to Council through the Executive Policy Committee on all matters respecting;

- Acquisition of Buildings
- Planning and Development
- Transportation Planning,

and to exercise such authority as may be delegated to it by Council concerning matters arising out of these provisions.

(b) Approving the terms and conditions of the leasing, selling or purchasing of or dealing with land, including the use of air space agreements by the City, and providing instructions regarding the acquisition of properties through the tax sale process, within existing guidelines established by Council or as may be established from time to time.

(c) The preparation of conceptual planning in areas of urban development and transportation systems.

(d) The preparation of plans for public housing and urban renewal projects.

(e) Hearing and deciding on appeals where an owner is aggrieved by the decision of the city official delegated to administer The Downtown Winnipeg Zoning By-law.

(f) Approval for the erection of advertising signs pursuant to The Downtown Winnipeg Zoning By-law.

(g) Approvals pursuant to The Downtown Winnipeg Zoning By-law in its capacity as the Downtown Design Board.

(h) The authority to dedicate City-owned land for street and other public purposes.

(i) Approval of matters relating to encroachments on City property.

(j) Matters under the Private Approaches By-law.

(k) Notwithstanding subsection 4(20) and clause 11(w) of this by-law and the general powers and duties delegated to the Standing Policy Committee on Public Works with respect to streets, the Committee shall have the exclusive power to deal with street, lane and walkway closings and openings.

(l) To consider matters referred to it by Council, the Executive Policy Committee, or brought before it by the Chief Administrative Officer.

(m) To hear and decide applications for approvals of variances and conditional uses, where a proposed development requires public hearings on two or more of an amendment to a secondary plan, an amendment to a zoning by-law, approval or amendment of a plan of subdivision, or an approval of a variance or a conditional use or both.

(n) To hear and decide appeals from conditional use orders or variance orders made by the Director of Planning, Property and Development. In this regard the Committee shall be the Appeal Committee for purposes of subsection 13.1(1) of this By-law and sections 18, 22.2, 23, 24, 25, 27 and 28 of the Development Procedures By-law.

13.3 With the exception of clause 13.2(n) of this By-law, the Standing Policy Committee on Downtown Development shall not hear and decide appeals from orders or decisions described in subsection 13.1(1) of this By-law."

(f) by repealing Appendix "A" and substituting the attached *(revised chart of executive and functional organization showing new Standing Policy Committee)*.

2. The Development Procedures By-law No. 5893/92 is amended

(a) by adding the following after subsection 4(2.1):

"(2.2) (a) Notwithstanding subsections 4(1), (2) and (2.1), where the matter relates to real property located entirely or primarily in the area covered by The Downtown Winnipeg Zoning By-law, a proposed zoning by-law or application for subdivision approval by by-law shall be referred under Part 6 of *The City of Winnipeg Charter* to the Standing Policy Committee on Downtown Development, which shall conduct the public hearing required by that Part 6.

(b) The Standing Policy Committee on Downtown Development shall forward its report and recommendations to the Executive Policy Committee for its consideration and forwarding of the combined report and all recommendations to Council, but nothing in this by-law precludes Council from considering additional reports and recommendations from any committee making them."

(b) by adding the following after subsection 5(2):

"(3) Notwithstanding subsections 5(1) and (2), where the matter relates to real property located entirely or primarily in the area covered by The Downtown Winnipeg Zoning By-law, a proposed secondary plan by-law shall, after first reading and before second reading, be referred for conduct of a public hearing in accordance with *The City of Winnipeg Charter*, to the Standing Policy Committee on Downtown Development.

(4) The Standing Policy Committee on Downtown Development shall forward its report and recommendations to the Executive Policy Committee for its consideration and forwarding of the combined report and all recommendations to Council, but nothing in this by-law precludes Council from considering additional reports and recommendations from any committee making them."

(c) by striking out clauses 6(3)(a) and (b) and substituting:

(a) where the matter relates to real property located entirely or primarily in the area covered by the Downtown Winnipeg Zoning By-law, the Standing Policy Committee on Downtown Development shall be the hearing committee, and shall make the order(s) in accordance with this By-law and *The City of Winnipeg Charter*, and any appeal(s) against the order(s) shall be heard and decided by the committee designated under subsection 13.1(1) of the Organization By-law, in accordance with *The City of Winnipeg Charter*; and

(b) in any other case, the Standing Policy Committee on Property and Development, which must hear any appeal, shall not be the hearing committee, and the hearing committee shall make the order(s) in accordance with this By-law and *The City of Winnipeg Charter*, and any appeal(s) against the order(s) shall be heard and decided by the Standing Policy Committee on Property and Development, in accordance with *The City of Winnipeg Charter*.

(d) in section 7, by adding the following after "sections":

", except where the matter relates to real property located entirely or primarily in the area covered by The Downtown Winnipeg Zoning By-law, in which case the application shall be referred to the Standing Policy Committee on Downtown Development as the authorized committee under those sections"

(e) in clause 4(2.1)(b) and subsection 5(2), by striking out "shall preclude" and substituting "precludes".

3. The Downtown Winnipeg Zoning By-law No. 4800/88 is amended

(a) in subsections 120(6) and 701(1), by striking out "Property and" and substituting "Downtown".

4. The Procedure By-law No. 5400/90 is amended

(a) by adding the following after section 56.2.1:

"56.2.2 No member of the Standing Policy Committee on Downtown Development shall be in or remain in the room in which an appeal from a decision of that Committee on an application for approval of a variance, a conditional use or both, is being held by another Standing Committee."

5. The Private Approaches By-law No. 6546/95 is amended

(a) by repealing the definition of "Committee" and substituting:

""Committee" means the Standing Policy Committee on Public Works, except where the matters relate to real property located entirely or primarily in the area covered by The Downtown Winnipeg Zoning By-law, in which case it means the Standing Policy Committee on Downtown Development."

6. The Encroachment By-law No. 692/74 is amended

(a) by adding the following definition to section 2:

""Standing Policy Committee" means the Standing Policy Committee on Property and Development, except where the matters relate to real property located entirely or primarily in the area covered by The Downtown Winnipeg Zoning By-law, in which case it means the Standing Policy Committee on Downtown Development."

(b) in section 4(2), by striking out "Standing Policy Committee on Property and Development of The City of Winnipeg" and substituting "the Standing Policy Committee".

DONE AND PASSED, in Council assembled, this day of , 2004.

_____
Mayor

_____
City Clerk

Certified as to form:

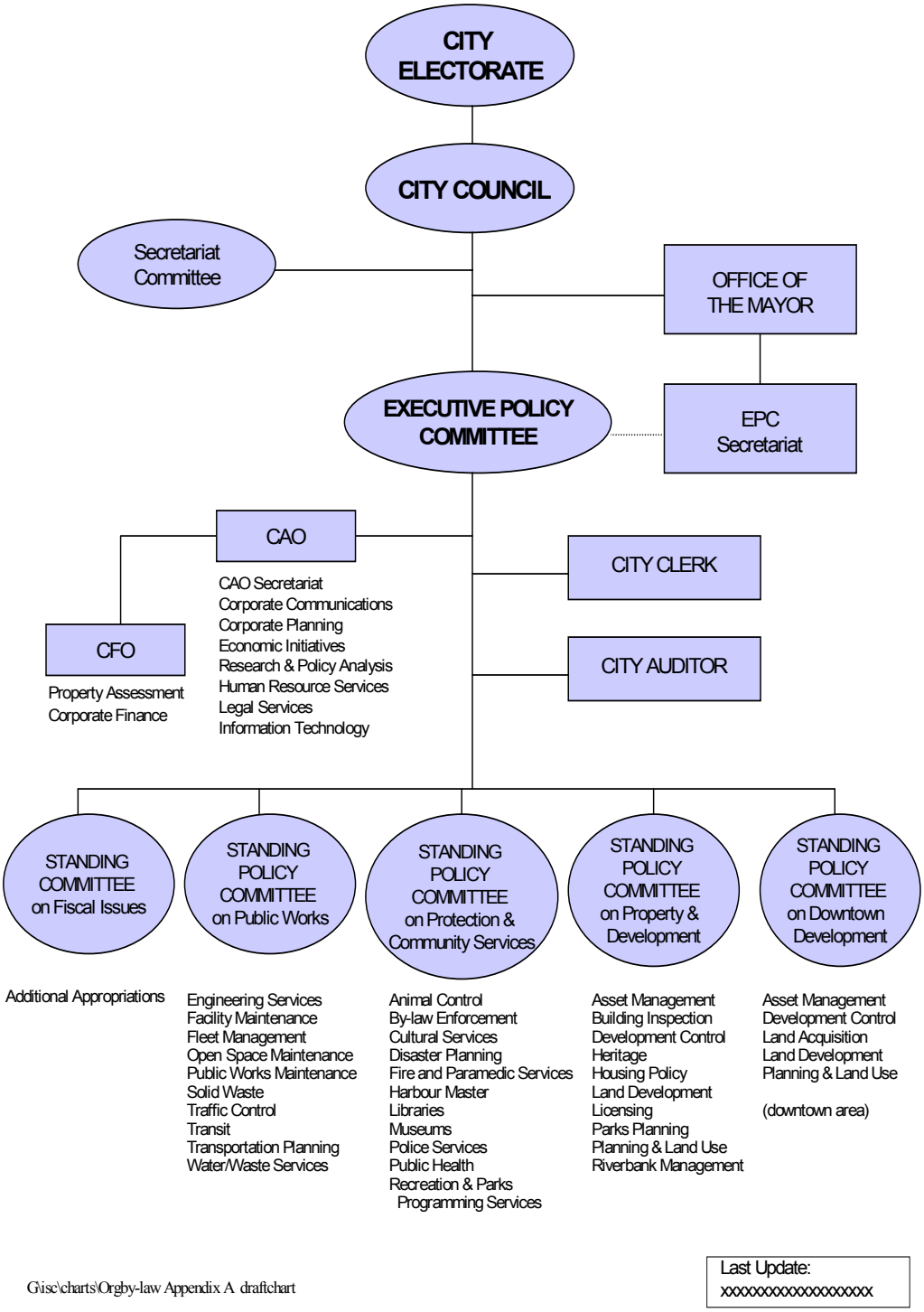
_____
for City Solicitor/Manager of
Legal Services

File No. P.13/2004(1) JC

CITY OF WINNIPEG
EXECUTIVE AND FUNCTIONAL ORGANIZATION

(amended by 7170/98; 7435/98; 7516/99; 7702/2000; 8162/2002)

APPENDIX "A" to By-law No. 7100/97



G:\isc\charts\Orgby-law Appendix A draftchart

Last Update:
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Attachment B

STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT

SUMMARY OF RESPONSIBILITIES

Proposed Responsibilities for SPC on Downtown Development	Current Responsibilities
Downtown policy, planning or development matters (recommend to Council)	SPC on Property & Development EPC
Hearing on secondary plan by-law (recommend to Council)	City Centre or Lord Selkirk-West Kildonan Community Committee
Hearings on a zoning by-law (recommend to Council)	City Centre or Lord Selkirk-West Kildonan Community Committee
Matters relating to an amendment to a development agreement (recommend to Council)	City Centre or Lord Selkirk-West Kildonan Community Committee SPC on Property & Development
Hearings on plan of subdivision (recommend to Council)	City Centre or Lord Selkirk-West Kildonan Community Committee
Design review as Downtown Design Board under Downtown Zoning By-law 4800/88 (decide)	SPC on Property & Development
Hearings on street and lane closings and openings (recommend to Council)	City Centre or Lord Selkirk-West Kildonan Community Committee
Private approaches (decide or recommend as per Council delegation)	SPC on Public Works
Transportation matters (recommend to Council)	SPC on Public Works
Appeals of variances, conditional uses (decide)	Appeal Committee
Real estate matters (decide or recommend as per Council delegation)	SPC on Property & Development