Agenda - Council - July 27, 2005

Report - Standing Policy Committee on Property and Development - July 18, 2005

Item No. 18 Construction-Use of Temporary Structures on The Forks Rail Bridge - Charter Requirement for By-Law
File SB

STANDING COMMITTEE RECOMMENDATION:

On July 18, 2005, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submits the following to Council:

1. That By-Law No. 140/2005, referenced in the report from the Director of Planning, Property and Development dated July 8, 2005, authorizing the construction of temporary buildings on a pedestrian bridge spanning the Assiniboine River at The Forks, be approved and forwarded to Council for three readings.

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

Report - Standing Policy Committee on Property and Development - July 18, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 18, 2005, the Standing Policy Committee on Property and Development concurred in administrative recommendation No. 1 and submitted the following to the Executive Policy Committee and Council:

1. That By-law No. 140/2005, referenced in the report from the Director of Planning, Property and Development dated July 8, 2005, authorizing the construction of temporary buildings on a pedestrian bridge spanning the Assiniboine River at The Forks, be approved and forwarded to Council for three readings.

Further, on July 18, 2005, the Standing Policy Committee on Property and Development concurred in administrative recommendation No. 2 and referred the report from the Director of Planning, Property and Development dated July 8, 2005, to the Riverbank Management Committee for information.

Re: **Construction and Use of Temporary Structures on The Forks Rail Bridge – Charter Requirement for By-Law**

For submission to: **Standing Policy Committee on Property & Development**

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

Report date: July 8, 2005

Recommendation(s):

1. **That the attached by-law, authorizing the construction of temporary buildings on a pedestrian bridge spanning the Assiniboine River at The Forks, be approved;**
2. **That this report also be referred to the Riverbank Management Committee for information.**

REPORT SUMMARY

Key Issues:

- The Forks North Portage Partnership has requested authorization for the construction and utilization of temporary buildings on the former CNR rail bridge that connects the majority of The Forks site to the South Point;
- Prior to permitting construction in a waterway or any construction that spans a waterway, *The City of Winnipeg Charter* (section 159) requires the City of Winnipeg to pass a by-law.

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):

- Recommended by-law accommodates The Forks North Portage Partnership's plans for use of the former CNR Bridge, spanning the Assiniboine River.

Policy implications:

X	**No**
	Yes

Comment(s):

-

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):

-

REASON FOR THE REPORT:
The Standing Policy Committee on Property & Development has authority for making recommendations through Executive Policy Committee to Council for Waterways-related matters, in accordance with the *City Organization By-Law* No. 7100/97.

HISTORY:
In April 2005, a representative of The Forks North Portage Partnership contacted the Planning, Property, and Development Department regarding establishment of temporary structures on the former CNR rail bridge that connects the majority of The Forks site to the South Point.

In order for the City of Winnipeg to permit construction of buildings in a waterway or spanning a waterway, *The City of Winnipeg Charter* (section 159) requires that Council pass a by-law and that buildings conform to that by-law. Legal Services Division has prepared the attached by-law for the purpose of accommodating The Forks North Portage Partnership request.

DISCUSSION:
The City of Winnipeg Charter section 159 (entitled "Waterways") specifies that, prior to permitting any construction in or spanning a waterway, City of Winnipeg must pass a by-law specifying requirements for such construction. The Forks North Portage Partnership is responsible for the revitalization of The Forks site. This responsibility includes programming and ongoing operations & maintenance. An important asset at The Forks is the former CNR rail bridge that provides pedestrian access to-and-from the South Point. The bridge is also a popular viewpoint.

The Forks North Portage Partnership seeks permission to establish temporary buildings on this bridge. The buildings are proposed to be tents or tent-like, with no permanent foundations or similar anchoring devices. They are to be utilized for special events and seasonal programming. Other than the occasional short-term event, pedestrian passage across the bridge is to be maintained and the waterway itself will not be impacted.

The attached by-law (Attachment 1) limits construction to temporary buildings. This by-law applies only to the former CNR rail bridge.

Any proposal to establish a temporary building at this location must also meet all applicable City of Winnipeg by-laws, including the *Building By-Law* and *License By-Law*. The *Building By-Law* No. 4555/87 (subsection 14.3, entitled "Temporary Building Permits") describes temporary buildings as those having an occupancy, which, because of their nature, will exist for a short time under circumstances that warrant only selective compliance with the Building Code. The Building By-Law—including assembly occupancies, business and personal services, and mercantile operations further limit temporary building uses. The *Building By-Law* authorizes administration to issue temporary building permits, subject to conditions—including term of occupancy and maintenance.

Financial Impact Statement Date: July 5, 2005

COMMENTS:

The recommendations in this report are that the attached by-law, authorizing the construction of temporary buildings on a pedestrian bridge spanning the Assiniboine River at The Forks, be approved and that this report also be referred to the Riverbank Management Committee for information. There are no financial implications associated with these recommendations.

"Original signed by"
Mike McGinn, CA
Manager of Finance

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

City Clerks Department

Legal Services Division

Parks, Riverbanks, and Community Initiatives Branch

Zoning & Permits Branch

The Forks North Portage Partnership

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Planning & Land Use Division
Prepared by: M. Sandhurst
PPD File #: N/A

Document name: O:/Reports Directive/Planning and Land Use/Downtown Planning Branch/2005 Reports/waterways.jul05.doc

Attachment 1

THE CITY OF WINNIPEG

BY-LAW NO. /2005

A By-law of THE CITY OF WINNIPEG to authorize the construction of temporary buildings on a pedestrian bridge spanning the Assiniboine River at the Forks.

WHEREAS a pedestrian bridge spans the Assiniboine River between and including parcels D3 and E10 Plan 22557 WLTO in RL 1, 2, 3 and 6 Parish of St. John and in RL 38, 39 and 40 Parish of St. Boniface and in part Government Road Allowance;

AND WHEREAS said parcels are owned by the Forks Renewal Corporation;

AND WHEREAS it is desirable to permit the Forks Renewal Corporation to expand its operations and make use of the bridge by constructing temporary buildings on the said bridge from time to time;

AND WHEREAS clause 159(2)(c) of *The City of Winnipeg Charter* permits the City of Winnipeg to pass by-laws respecting construction of buildings spanning waterways;

AND WHEREAS clause 159(3)(b) prohibits the City from permitting the construction of any building spanning a waterway except, if a by-law has been passed under clause 2(c), buildings that conform to the by-law;

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

1. Any temporary buildings constructed on the pedestrian bridge spanning the Assiniboine River between and including parcels D3 and E10 Plan 22557 WLTO in RL 1, 2, 3 and 6 Parish of St. John and in RL 38, 39 and 40 Parish of St. Boniface and in part Government Road Allowances are hereby permitted, subject to their compliance with all applicable by-laws and legislative provisions.

DONE AND PASSED, in Council assembled, this day of , 2005.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property
and Development

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services