REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 26, 1999

On motion of Councillor De Smedt, Clause 1 of the Report of the Standing Policy Committee on Property and Development, dated October 26, 1999, was considered.

Moved by Councillor De Smedt,
That the Consent Agenda, Clause 1, be adopted.

The motion to adopt the Consent Agenda, Clause 1, was put and declared carried.

Proposed Text Amendment - Winnipeg Zoning By-law No. 6400/94 - Regulation of Advertising Signs File DAZ 215/99
[c/r DAZ 209/94 (Vol. 3)]

687 - 1. ***Note: Inasmuch as the Standing Policy Committee on Property and Development has submitted a new recommendation contained in Clause 1 of their report dated May 30, 2000, the Executive Policy Committee recommends that Clause 1 of the Report of the Standing Policy Committee on Property and Development dated October 26, 1999, be filed.***

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 23, 1999

On motion of Councillor De Smedt, Clause 2, of the Report of the Standing Policy Committee on Property and Development, dated November 23, 1999, was considered.

Proposed Amendment to the Richmond West Development Agreement AG 44/74 - Ladco Company Limited - Riel Community File DASZ 44/74

688 - 2. ***Note: The Executive Policy Committee concurs with the April 4, 2000 recommendation of the Standing Committee on Fiscal Issues to request the Administration to forward to the Riel Community Committee proposed Option 2 for favourable consideration, and in accordance with Section 61.5 of the Procedure By-law No. 5400/64 as amended, the Executive Policy Committee recommends that Council grant a further extension of time of 60 days for further consideration of the matter.***

Moved by Councillor De Smedt,
Adoption of the clause.

Carried.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 30, 2000

On motion of Councillor De Smedt, the Report of the Standing Policy Committee on Property and Development, dated May 30, 2000, was considered clause by clause.

Moved by Councillor De Smedt,

That the Consent Agenda, Clauses 1,3,4,5,6,7,8,12,13 and 14, be adopted.

Councillor Golden requested that Clause 12 be pulled from the Consent Agenda.

Councillor Smith requested that Clause 13 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,3,4,5,6,7,8 and 14 was put and declared carried.

Proposed Text Amendment - Winnipeg Zoning By-law No. 6400/94 - Regulation of Advertising Signs File DAZ 215/99 [c/r DAZ 209/94 (Vol. 3)]

689 - 1. On June 1, 1999, the Standing Policy Committee on Property and Development held a public hearing and recommended amendments to the text of Winnipeg Zoning By-law No. 6400/94 for the regulation of advertising signs. On June 16, 1999, Executive Policy Committee referred the matter back to the Standing Policy Committee for further consideration; which Clause was subsequently filed by Council on November 17, 1999.

On June 29, 1999, the Standing Policy Committee on Property and Development considered report dated June 19, 1999, from the Director of the (former) Property and Development Services Department, outlining additional recommendations for amendments to the text of Zoning By-law No. 6400/94, with respect to the regulation of advertising signs. The Standing Policy Committee laid over the matter to its meeting on August 31, 1999.

On August 31, 1999, the Standing Policy Committee again considered the report dated June 19, 1999, as well as concurred in the recommendation contained in a supplementary report dated August 18, 1999, from the Director of the (former) Property and Development Services Department, that the Standing Policy Committee defer its recommendation on the matter to its meeting on October 26, 1999.

On October 26, 1999, the Standing Policy Committee concurred in the recommendations contained in a supplementary report dated October 20, 1999, from the Director of (former) Property and Development Services Department, and forwarded its recommendations to amend the text and appendices of Winnipeg Zoning By-law No. 6400/94 relative to the regulation of advertising signs, to Executive Policy Committee and Council.

On October 26, 1999, the Standing Policy Committee on Property and Development also requested that Executive Policy Committee hold an information session for All Members of Council where the Administration would provide an explanation of the proposed amendments to the Zoning By-law, prior to Executive Policy Committee making its recommendation to Council on the matter.

On April 19, 2000, Executive Policy Committee referred back Clause 1 of the Report of the Standing Policy Committee on Property and Development dated October 26, 1999, in this connection.

On May 2, 2000, the Standing Policy Committee on Property and Development considered the foregoing, and laid over the matter.

On May 30, 2000, the Standing Policy Committee on Property and Development concurred in the recommenda-tions contained in a supplementary report dated May 23, 2000, from the Director of Planning, Property and Development, outlining additional recommendations for amendments to the appendices to Zoning By-law No. 6400/94, with respect to the regulation of advertising signs. The report also outlined that on March 13, 2000, a Council Seminar was held to provide an explanation of the proposed by-law amendments to Members of Council.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

The Standing Policy Committee on Property and Development therefore recommends:

1. That the text of the Zoning By-law No. 6400/94 be amended to provide for the regulation of advertising signs, as outlined on Schedule "A".

II. That the necessary development zoning by-law be forwarded to Council for all three readings.

III. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

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

Adopted by consent.

(See Minute No. 718 for attachment)

Proposed City Hall Courtyard Renovations - Addition of Funding to 2001 Capital Budget
File FB-1.1 (Vol. 9)

690 - ***Note: Clause 2 has been laid over by the Executive Policy Committee and referred to the 2001 Capital Budget deliberations, with the request that the Administration report back to the Executive Policy Committee with a concept plan of the entire Civic Centre Complex Courtyard within six (6) months.***

Laid-over by the Executive Policy Committee and referred to the 2001 Capital Budget deliberations, with the request that the Administration report back to the Executive Policy Committee with a concept plan of the entire Civic Centre Complex Courtyard within six (6) months

Proposed Fort Rouge Neighbourhood Management Plan - City Centre Community
File EP-2 (Vol. 24) and EU-5 (Vol. 5)

691 - 3. On September 8, 1998, the Standing Policy Committee on Property and Development concurred in the recommendations contained in report dated August 20, 1998, with respect to the Fort Rouge Neighbourhood Management Plan, as follows:

1. That the draft Fort Rouge Neighbourhood Management Plan dated August 1998, be referred to both the Standing Policy Committee on Protection and Community Services and the Standing Policy Committee on Public Works.

2. That the referenced Standing Policy Committees be requested to circulate the draft Fort Rouge Neighbourhood Management Plan to their respective Departments for review and written response on or before November 30, 1998, including comment, where relevant, on the implementation actions, partnerships and time frames.

3. That the written responses be directed to the Manager of Planning and Land Use for review and possible incorporation into the draft Fort Rouge Neighbourhood Management Plan on or before January 4, 1999.

4. That at such time as the draft Plan is amended to the satisfaction of the Standing Policy Committee on Property and Development, the Committee (request the Administration to) initiate a public hearing process in accordance with Section 632 of The City of Winnipeg Act.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

On May 9, 2000, the City Centre Community Committee considered a position paper dated April 28, 2000, from the Osborne Village Coalition, with respect to a Fort Rouge Neighbourhood Management Plan, and recommended as follows:

1. That Council acknowledge the work undertaken by the Fort Rouge community stakeholders in developing the draft Fort Rouge Neighbourhood Management Plan, and adopt the Plan by resolution.

2. That Council direct the Planning, Property and Development Department to initiate a review of the plan implementation actions, partnerships and time frames with community stakeholders to confirm plan priorities.

3. That Council direct the Planning, Property and Development Department to prepare a formal Secondary Plan (with the public hearing to be convened by the City Centre Community Committee) based on the results of the community stakeholder consultation process.

On May 30, 2000, the Standing Policy Committee on Property and Development heard representation from Asher Webb, Executive Director, Osborne Village Business Improvement Zone, along with Kathleen Leathers and Donna Lagopoulos, both from the Osborne Village Neighbourhood Coalition, in support of the Fort Rouge Neighbourhood Management Plan.

The Standing Policy Committee on Property and Development concurred in the recommendations of the City Centre Community Committee, as amended, and recommends:

I. That the Fort Rouge Neighbourhood Management Plan dated August 1998, be adopted as a strategy and guideline for City decision-making in the Fort Rouge area, with the understanding that by this action, the City of Winnipeg in no way assigns or delegates any of its responsibilities to any other body (or organization).

II. That the work undertaken by the Fort Rouge community stakeholders in developing the Plan be acknowledged.

III. That the Planning, Property and Development Department be directed to initiate a review of the Plan implementation actions, partnerships and time frames with community stakeholders to confirm plan priorities, and report back to the Standing Policy Committee on Property and Development in sixty (60) days.

IV. That the Director of Planning, Property and Development be requested to immediately initiate the appropriate zoning text amendments to operationalize “village zoning” and “design guidelines and review” concepts.

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

Copies of the documents referred to in the above clause are on file in the City Clerk’s Department.

Adopted by consent.

Proposed Amendment to Conditions of Subdivision and Rezoning - land located on rue du Monastere, south of rue des Trappistes - Riel Community
File DASZ 10/95 [c/r DAV 393/95D]

692 - 4. The Standing Policy Committee on Property and Development has been requested to reconsider conditions of a Subdivision Application under File DASZ 10/95 involving the conversion of the existing main line overhead Hydro Feeder Service and M.T.S. telephone lines traversing the subject lands, to an underground service with ornamental street lighting within the subdivision and to reconnect the four existing private homes to this underground service. The costs of conversion have proven to be prohibitively high and will preclude the economic development of these lands.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

As a result of public hearings held by the Riel Community Committee on September 18, 1995, November 20, 1995 and which concluded on January 8, 1996, the Community Committee recommended approval of the Subdivision Application under File DASZ 10/95 which authorized the Planning, Property and Development Department to subdivide these City lands to create eight large lots to the west and south of four existing residences on rue du Monastere.

On May 16, 2000, the Riel Community Committee considered communication dated April 25, 2000, from the Land Enhancement Program Officer, Planning, Property and Development Department, which requested that consideration be given to the following:

1. Re-consider a previous recommendation for the conversion of overhead Hydro and M.T.S. Lines to underground service and to provide ornamental street lighting within this area; and
2. To allow the existing lines to remain and to be extended with overhead service to the newly created lots; and
3. To re-direct the balance of the overhead line through side and rear lot easements to reconnect again with the existing overhead line servicing the Monastery Ruins to the south.

On May 16, 2000, the Riel Community Committee recommended that the conditions approved under File DASZ 10/95 be amended as follows:

A. That the existing lines be allowed to remain and be extended with overhead service to the newly created lots;

B. That the balance of the overhead line be redirected through side and rear lot easements to reconnect again with the existing overhead line servicing the Monastery Ruins to the south.

The Riel Community Committee also recommended that the Administration be requested to advise the four residents of rue du Monastere of the changes.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Riel Community Committee and recommends:

I. That the conditions approved under File DASZ 10/95, with respect to a subdivision and rezoning of land located on rue du Monastere, south of rue des Trappistes, be amended as follows:

   A. The existing lines be allowed to remain and be extended with overhead service to the newly created lots.

   B. The balance of the overhead line be redirected through side and rear lot easements to reconnect again with the existing overhead line servicing the Monastery Ruins to the south.

II. That the Administration be requested to advise the four residents of rue du Monastere of the changes.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Subdivision and Rezoning - land located at 1425 Regent Avenue West - East Kildonan-Transcona Community
File DASZ 2/2000
[c/r DAV 111/2000D and DCU 49/2000D]

693 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Number Ten Architectural Group, 310 - 115 Bannatyne Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands outlined from an “A.5” Agricultural District to a “C2” Commercial District to allow for the construction of a hotel.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

The following is the present site description:

Site Description: The site comprises approximately nine acres in area, and is located immediately east of another nine acre Manitoba Lotteries Foundation property.

Existing Land Use and Zoning: The land is currently zoned "A.5" Agricultural and is used for the Club Regent Casino parking.

The following is the present surrounding land use and zoning:

North: Across the CNR (Pine Falls) right-of-way, Plan 898, City of Winnipeg owned land zoned "A.5" Agricultural District - the City's Deep Pond/Snow Dump site

South: Property zoned "C2" Commercial District used for Automotive Sales Dealership

East: Across Owen Street, land zoned "M1" Industrial District

West: Property zoned "C2" Commercial District, location of Club Regent Casino

Number Ten Architectural Group has applied, on behalf of Shelter Corporation and Manitoba Lotteries Corpora-tion, to establish three parcels within the subject land. Parcel "A" is the subject of the proposed rezoning to "C2" Commercial District that will facilitate construction of a hotel. Parcel "C" will remain zoned "A5" Agricultural District for continued use as a parking lot. Parcel "B" is being created in order to ease the definition of access agreements between sites. Parcel "B" will provide the connection to the hotel between the two site entrances, the one from Regent Avenue to the west and Owen Street to the east.

There are applications for conditional use and variance applications accompanying the application for subdivision and rezoning. The hotel, cocktail lounge and restaurant require conditional use approval by Community Committee. Variances are required to accommodate construction and operation of the proposed uses until the zoning comes into effect. Variances are also required in order to rationalize frontage, building height, parking, loading and landscaping in light of the limits of the rezoned Parcel "A".

This development application is part of a much larger overall development concerning the Club Regent Casino and Hotel. The following is a chronology of the development of lands that relate to Club Regent development and are included herein in order to clarify how Club Regent has evolved at this location.

1985 Birchwood Honda - Rezoning to "C2" Commercial District for an Automotive Sales Dealership to the south of subject property (originally about a three acre site) was approved in 1985 (File DASZ 29/84).

1986 Manitoba Lotteries Bingo Hall / Amusement Parlour - Manitoba Lotteries Commission began the Club Regent project with a 3.7 acre subdivision and rezoning to "C2" Commercial District for a 20,000 square foot "Bingo Hall" in 1986 (File DASZ 20/86). This property is located southwest of the subject property.

1991 Manitoba Lotteries Bingo Hall / Amusement Parlour expansion - Manitoba Lotteries Foundation rezoned to "C2" Commercial District and consolidated approximately six more acres of land north of the original three acre property where the Bingo Hall was initially established in order to expand the commercial Amusement Parlour / Bingo Hall use (Files DAZ 243/91 and DASSF 532/91). This property is located immediately west of the subject property.

1996 Club Regent parking lot expansion - In conjunction with a Consent application (File CA 2/95) to create two holdings from an existing title, one of the holdings - the subject property - was granted a Variance (File DAV 204/95C) in order to establish a lot with no street frontage. The objective of the application was to sell the land to adjacent landowners (Manitoba Lotteries Foundation) in order to develop additional parking for Club Regent Casino. It was a condition of the variance that a caveat be registered against the subject property in order to ensure payment for municipal services at the time of further development on the property. At that time, through the Consent Agreement, the City also acquired an option on the subject lands to widen Owen Street north of the north limit of the Birchwood Honda property.

1997 Owen Street development - Manitoba Lotteries requested that they be allowed to develop a portion of Owen Street – refer to Report of the Administrative Co-ordinating Group dated April 5, 2000.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

1999 Club Regent expansion for an additional parking lot - Manitoba Lotteries Corporation entered into a private lease of 4.08 acres of land east of Owen Street in order to accommodate an additional non-accessory parking area for Club Regent with approximately 480 to 500 parking stalls plus tour bus parking (File DAV 934/99C). A condition of the Variance Order was plan approval for landscaping (located in low maintenance shrub beds) by the Board of Adjustment and maintenance to the satisfaction of the Director of Planning, Property and Development.

2000 Owen Street sale and closure - Council approved the sale of the northerly portion of Owen Street to the Province of Manitoba on March 22, 2000. The intent is to use the acquired land for additional parking area for the Casino / Hotel. An application to close a portion of Owen Street (File DAC 4/2000) proceeded to Community Committee concurrent with that application. The street closure corresponded with the sale of Owen Street approved by Council on March 22, 2000. An application for a Short Form Subdivision (File DASSF 510/2000) was processed that provided for the widening of Owen Street with a turnaround. It will be registered prior to the plan and rezoning that is the subject of the application under File DASZ 2/2000.

2000 Club Regent Hotel plans for an additional parking lot - Shelter Corporation leased 4.44 acres of City of Winnipeg land (Transcona Deep Pond Site) north of CNR R.O.W. for an additional non-accessory parking lot with approximately 608 parking stalls. Council approved the lease on March 22, 2000 subject to rezoning. A rezoning application for this property is anticipated in the near future.

PLAN WINNIPEG CONSIDERATIONS

Plan Winnipeg is the most important document prepared by the City of Winnipeg. It is a long-term plan that will guide Winnipeg into the twenty-first century by addressing the physical, social, economic, and environmental conditions in the city. All other documents, budgets, public works, programs, or developments initiated or approved by the City must be consistent with this Plan. (Page 6, "Plan Winnipeg … Toward 2010").

This development is located within an area designated "Neighborhood" in Plan Winnipeg. The "Neighborhood" designation supports commercial development. Generally speaking, the Planning and Land Use Division of the Planning Property and Development Department can support this application within the context of Plan Winnipeg as long as some minor site details address a couple of specific areas of concern from a Plan Winnipeg perspective. These issues are outlined further in the Clause.

Specifically, the development subject of this application is supported by several Plan Winnipeg Policies including:

Policy 2A-04 Support Existing Business and Industry – The City shall support and facilitate business and industry to encourage their longevity and enhance their opportunities for growth.

Policy 2H-04 Work Cooperatively with Business – The City shall work cooperatively with the business community in identifying and pursuing opportunities for economic development.

As a Statement of Principle - The City seeks to capitalize upon opportunities for economic development available through the support and promotion of tourism.

This development, or parts thereof, could be considered contrary to some Plan Winnipeg Policies including:

Policy 2G-02 Promote the Downtown - The City shall take special measures to promote the Downtown generally, and the various attractions within the Downtown specifically, as tourist and visitor destinations.

Policy 6B-13 Encourage Public Spaces and Landscaping – The City shall encourage private landowners to incorporate public spaces and landscaping of high visual and functional quality into new developments.

Policy 3A-01 Become a Model of Sustainability - The City shall strive to become a model city for sustainable development by encouraging sustainable development practices within the public and private sectors.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

Although the City of Winnipeg needs to encourage development in the downtown, Manitoba Lotteries Casino / Hotel project is located on more than eighteen (18) acres of land. This scale of development could not be accommodated in Winnipeg's downtown area.

One of the fundamental components of this development is the requirement of significant parking to accommodate casino and hotel guests. Plans submitted indicate that the parking lots are completely paved with no vertical relief or water absorption capacity. The Planning and Land Use Division expressed concern about supporting a development that incorporates about thirteen (13) acres of solid pavement without incorporating some of the more environmentally-friendly and aesthetically pleasing concepts of parking lot development. Plan Winnipeg Policy 3B further describes the responsibility of environmentally friendly decision-making indicating that "it is important to realize that everyone must participate in environmentally-responsible practices."

The subject land is proposed to be divided into three parcels in order to provide one parcel for private lease to a hotel developer (Parcel A) and one parcel for joint access (Parcel B).

The land being rezoned (Parcel A) is a 1.99 acre parcel of land owned by the Province of Manitoba and leased to Shelter Corporation. The Planning and Land Use Division supports the rezoning this property to "C2" Commercial District as it is similar to other zoning classifications in this area.

The remaining two Parcels (B and C) of land created by this subdivision will remain under current zoning, "A.5" Agricultural District.

LAND USE ISSUES

1. "C2" Zoning Appropriate

   The location of the subject property in the context of neighbouring properties and transportation routes is suitable for a hotel complex with restaurant and cocktail lounge. The "C2" Commercial District is similar to the zoning attached to the surrounding properties including the adjacent Club Regent Casino and Automotive Sales Dealerships. The background previously provided indicates how the site has been evolving for several years to this level of commercial development.

2. Proposed Residential Subdivision

   There has been an approved residential subdivision to the northwest of the CNR R.O.W. Although the subject application does not appear to have a direct affect on the proposed use of adjacent land, there should be some careful consideration of onsite traffic flows by insisting that traffic flows are well separated and buffered from the Genstar Development Company lands. The entrance to the parking area north of the CNR R.O.W. will be the focus of significant traffic and pedestrian movement. There will be increased noise and lights of the cars and people crossing the tracks to the parking. This detail can be finalized through Schedule "A" Plan Approval as determined by the Zoning Agreement.

SITE ACCESS

1. Owen Street Landscaping

   The majority of traffic visiting Club Regent approaches the site from the west, thereby using a left turning lane off of Regent Avenue West into the Casino site or by accessing the Casino / Hotel via Owen Street where there are traffic lights. With the advantage of traffic lights at Regent Avenue and Owen Street and significantly more site parking to the north and east of the Casino and Hotel, Owen Street will become an increasingly important public access to the Club Regent facilities. Owen Street is becoming an entry to one of the City's major tourist attractions and should be treated in such a manner. Therefore, appropriate landscaping should be incorporated along the Owen Street frontage as well as interior to the site. Plan Winnipeg Policy 6B-13 respecting public spaces and landscaping is applicable.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

PARKING

1. Adequate Parking Provided

   The hotel / restaurant / cocktail lounge requires 285 parking stalls. It has displaced a significant amount of parking previously used by the Casino, however Manitoba Lotteries has more than compensated for this loss of parking as well as the additional parking needed for hotel and restaurant patrons by leasing an additional 8.52 acres of land north and east of the subject property. This leased property is expected to accommodate an additional 1,089 parking stalls.

   The proposed parking lot to the north of the subject property, which is land to be leased from the City, is subject to rezoning application.

OVERALL CONTEXT - THIRTEEN ACRES OF PAVEMENT

It is important to consider this application within the overall context of the Club Regent Casino and Hotel development. The casino, hotel and restaurant require a significant amount of parking and, thus, many acres of land have been paved-over in order to accommodate the patrons – approximately thirteen (13) acres of pavement in this case – all existing and proposed parking lots considered. Two issues arise as a result of this situation that relate directly back to earlier Plan Winnipeg references:

1. Pedestrian Access and On-site Orientation (Plan Winnipeg 6B-13):

   With the understanding that Club Regent is becoming a significant tourist attraction to the City and, consequently a public place, the Planning and Land Use Division is concerned about the lack of attention to site details that would break up this “sea of pavement” and provide some context for pedestrian and vehicular movement through the site. The sterile, hostile and unattractive character of the parking area is contradictory to the objective of tourism development.

2. Water Quality and Water Management Issues (Plan Winnipeg 3A-01):

   Studies have shown that extensive paving of urban areas eliminates natural filtration and cleaning of salt, oil and other pollutants from the water. The impervious surface speeds up the movement of water into rivers and streams, which leads to riverbank erosion, increased flooding and reduced water quality.

INTERIOR SITE LANDSCAPING

The Planning and Land Use Division is of the opinion that a better option would have been a multi-story parking structure that would not only have accommodated the accessible parking needs of their patrons but would have addressed some of the above noted issues that are created by such an expanse of paved parking. The Administration recognizes the struggle to justify keeping development costs to a minimum versus maintaining a standard of quality. In an effort to maintain some quality to the parking areas of this development, the issues identified could be addressed to some extent by providing landscaping interior to the site, beyond that planned for the hotel parcel, that relates to vehicular and pedestrian corridors through the parking lots and toward the northern Hotel entrance, in particular. This condition can be addressed through the Zoning Agreement.

SERVICING ISSUES

The subject property will require the full range of municipal services to be installed in a widened Owen Street. The servicing issues and conditions related to provision of municipal services have been set forth by the Administrative Coordinating Group in their report dated April 5, 2000.

A Public Hearing was before the East Kildonan-Transcona Community Committee on April 18, 2000. Three persons appeared in support of the application, and no one registered in opposition to the application.

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision and rezoning be approved for the following reason:

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

1. The proposed rezoning is appropriate at the referenced location.

The Standing Policy Committee on Property and Development concurred in the recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 2/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2000 dated April 12, 2000, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 5, 2000.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning a portion of the land as outlined on Schedule "A" for File DASZ 2/2000 dated April 12, 2000, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site and to contiguous land, outlined as Parcel B and Parcel C on Schedule "A" for File DASZ 2/2000, owned or leased by the applicant, being Manitoba Lotteries and/or Shelter Corporation, to include the following conditions:

   A. That foundation building permits may be granted in advance, and that no building, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed buildings, the type and colour of all exterior materials, the location and design of accessory parking areas (including related pedestrian and vehicular access plans), private approaches, loading areas, exterior lighting, driveways, entry gates, fencing, garbage enclosures, free-standing signs, and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Director of Planning, Property and Development under the designations as Schedule "A" to Zoning Agreement DASZ 2/2000, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

   B. That the owner shall provide and maintain on the land abutting Owen Street, except at points of ingress and egress to the land, a landscaped area or setback having a minimum depth of 3.048 metres (10 feet) measured from the west limit of Owen Street, which landscaping shall be constructed by August 31, 2000 and maintained to the satisfaction of the Director of Planning, Property and Development in accordance with a landscaped plan to be prepared by a qualified landscape architect and submitted for approval of the Director of Planning, Property and Development before commencement of that landscaping work.

IV. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

V. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Survey has been registered in the Winnipeg Land Titles Office and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

VIII. The Plan of Survey shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 719 for attachment)

Proposed Subdivision and Rezoning - land located on Ravelston Avenue West, east of Peguis Street - East Kildonan-Transcona Community File DASZ 7/2000

694 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from ND-LEA Engineers & Planners Inc., 111 - 93 Lombard Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "A.5" Agricultural District to a "C2" Commercial District to allow for the establishment of an accessory off-site parking area.

The following is the present site description:

Site Area: 4.44 acres

Existing Land Use and Zoning: The subject property is currently vacant

The following is the present surrounding land use and zoning:

North: City of Winnipeg Snow Dump Site, zoned "A.5" Agricultural District
South: Across CNR Pine Falls, parking lot for Club Regent Casino and Hotel, zoned "A.5" Agricultural District
East: City of Winnipeg Deep Pond, zoned "A.5" Agricultural District
West: Future lake for proposed Genstar Development Company residential subdivision, currently zoned "A.5" Agricultural District

The applicant plans to develop the subject lands for an additional 4.44 acre parking area, accommodating about 608 addition parking stalls for the Club Regent Casino and Hotel.

The subject property is located in a Plan Winnipeg Neighbourhood Policy Area. The proposal does not appear to be contrary to any Plan Winnipeg Policy. The developers of the parking area have indicated their intention to orient the parking with some consideration of pedestrian movement through the site and to provide landscaping and berming on the site. This initiative supports the following Plan Winnipeg policy:

Policy 6B-13 Encourage Public Spaces and Landscaping – The City shall encourage private landowners to incorporate public spaces and landscaping of high visual and functional quality into new developments.

The subject property is owned by the City of Winnipeg and has been leased to Shelter Corporation for parking associated with the development of the Regent Casino Hotel. The lease has been approved by Council but is subject to the property being appropriately rezoned. Commercial District "C2" is the zoning category that will allow an accessory parking lot.

A variance application (File DAV 221/2000D) accompanies the proposed rezoning to deal with the lack of street frontage and yards for this portion of the Transcona Deep Pond Site that has been leased for the parking lot.

The Planning and Land Use Division's main concern with the original lease proposal was the potential future conflict with residential development to the west, due to traffic noise, movement and lighting. A buffer around the site can mitigate any adverse affects of the parking lot activity. The City of Winnipeg's Deep Pond is located

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northeast of the parking area and should be adequately buffered from Hotel and Casino Patrons. These treatments may include landscaping, berming and fencing and can be reviewed through the Plan Approval process.

There is a comprehensive Lease Agreement in place between the City of Winnipeg and Shelter Corporation. Because the City of Winnipeg is the owner of the subject land and the City of Winnipeg cannot enter into a Zoning Agreement with itself, it is necessary to rely on the Terms and Conditions of the Lease Agreement to control use and to establish the requirement for plan approval.

Two terms of the lease agreement will be particularly relevant to Community Committee's consideration of this proposal in the absence of a Zoning Agreement:

> "Premises may be used for vehicle parking purposes only at the Lessee's sole cost and expense."

The Lessee acknowledges that the City shall require him to construct berms, fencing, landscaping and other site improvements, all to be subject to and regulated in accordance with the following clause:

> "that no buildings, structures or works shall be erected on the land and no building permits issued for construction on the land unless and until plans showing the location and design and drainage of the proposed parking area, any buildings, private approaches, driveways, fencing, garbage enclosures, exterior lighting, rail crossings, berms, buffering and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee, the Director of Public Works, the Director of Planning, Property and Development, and all works shall be maintained in accordance with the approved plans to the satisfaction of the Director of Planning, Property and Development."

Other Lease Agreement terms address site maintenance, servicing, railway crossing, reconfiguration of the Snow Dump Site and no access to Ravelston Avenue.

The Lease Agreement will prohibit any access from the subject property to Ravelston Avenue West. Access will be restricted to the south of the site, across the CNR Pine Falls. The Lease Agreement has included several conditions relating to the development, control and maintenance of this rail crossing.

Orientation of the parking stalls and interior site landscaping can provide a safer place for pedestrians and better movement of vehicles in the overall Hotel/Casino site. The applicant has considered the issue and will provide this detail in plans submitted for approval by Community Committee.

It is important to consider the application within the overall context of the Club Regent Casino and Hotel development. The casino, hotel and restaurant require a significant amount of parking and, thus, many acres of land have been paved-over in order to accommodate the patrons – approximately 13 acres of pavement in this case – all existing and proposed parking lots considered.

The Planning and Land Use Division believes a better option would have been a multi-story parking structure that would not only have accommodated the parking needs of their patrons but would have addressed some of the above noted issues. The Division recognized the need to keep development costs to a minimum versus maintaining a standard of quality. In an effort to maintain some quality to the parking areas of this development, interior site landscaping can be provided that relates to vehicular and pedestrian corridors through the parking lot, across the rail line and toward the northern Hotel entrance. This condition can be addressed through the Plan Approval process provided for within the Terms of the Lease Agreement.

Several servicing issues were identified through the lease negotiation process. Public Works Department requires that the signalized rail crossing must be designed in accordance with the National Transportation Act. The Streets Maintenance Division indicated that the snow dumpsite will be reconfigured and regrading to the Deep Pond. The Water and Waste Department recommended that an underground land drainage pipe should be installed across the site to connect future land drainage retention pond with the Deep Pond. These concerns have been addressed in the Lease Agreement.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on May 16, 2000. Two persons appeared in support of the application, and no one registered in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision and rezoning be approved for the following reason:

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1. The proposed rezoning is appropriate at the referenced location.

The Standing Policy Committee on Property and Development concurred in the recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 7/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2000 dated May 8, 2000, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 7/2000 dated May 8, 2000, to an "C2" Commercial District until the date of expiry of the Lease Agreement between the City of Winnipeg and Shelter Corporation, as approved by Council on March 22, 2000, at which time the land shall revert to "A.5" Agricultural District, pursuant to Section 593 (1) of The City of Winnipeg Act.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VI. That the subdivision section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 720 for attachment)

Proposed Rezoning - land located at 212 Colony Street - City Centre Community
File DAZ 206/2000 [c/r DAV 225/2000D]

695 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Aikins, MacAulay and Thorvaldson (Rob Tyler), Barristers and Solicitors, 30th Floor, 360 Main Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from a "RM-6" Multiple-Family District to a "C2" Commercial District to allow for the maintenance of a non-accessory parking lot.

An application under File DAV 225/99D has been made to vary the proposed "C2" District regulations of Zoning By-law No. 6400/94 for the maintenance of a non-accessory parking lot as follows:

a) to permit no front yard (Good Street) instead of 25 feet;
b) to permit no front yard (Colony Street) instead of 25 feet;
c) to permit no south side yard instead of 10 feet;
d) to permit no landscaping and fencing along the west property line (Good Street).

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The following is the present site description:

Site Area:	122 feet of frontage; 132 feet of depth; 16,100 square feet of area.
Existing Land Use and Zoning:	Non-accessory parking lot zoned "RM-5" Multiple-Family Residential District

The following is the present surrounding land use and zoning:

North:	"C1.5" Commercial District; seven storey seniors apartment
South:	"RM-6" Multiple-Family Residential District; 2.5 storey, two-family Century house
East, across Colony Street:	"RM-6" Multiple-Family Residential District; 4 storey apartment buildings and older storefront containing Colony Supermarket
West, across Good Street:	"R2-T" Two-Family Transitional Residential District, vacant land

The site provides 122 feet of frontage and is physically divided into two parking lots with pedestrian access to Colony Street and vehicular access to Good Street. For zoning purposes, the site is considered a "through lot", with frontage on two streets. The parking surface is paved and provides spaces for 42 vehicles. No lighting is provided. A ten foot strip is provided along Colony Street that is sodded and planted with an intermittent hedge. New fencing has been installed between the two parking lots, along the north and south property limits, across the Colony Street frontage, and across the Good Street frontage over the width of the southerly parking lot only.

This parking lot has a long application history. The lot was permitted by Appeal Order File DAV 550/77 for a period of five years. An Order under File DAV 503/80 extended the approval for two years. An Order under File DAV 464/83 extended the approval "until November 1984 or (the) rebuilding of…the Red Cross Society, whichever is sooner". Against the recommendation of the former Planning Department, the approval was further extended under File DAV 123/86 to March 1988. Subsequent orders extended the approval to May 1993, under File DAV 352/88, and to May 20, 1999, under File DAV 350/94C.

The ad hoc establishment of mid-block, non-accessory parking lots can have a destabilizing effect on the surrounding neighbourhood. The practice is generally contrary to Plan Winnipeg policies that speak to the conservation and rehabilitation of older residential neighbourhoods. The Planning, Property and Development Department would prefer to see infill housing constructed on inner city sites that are vacant or contain abandoned houses. In certain circumstances, however, non-accessory parking may be appropriate as an interim use if it addresses a neighbourhood need or the needs of a land use within the neighbourhood. In this case, as an interim use with a specified time frame, such development may be compatible with Plan Winnipeg.

This development can only be considered a permanent "temporary" parking lot. The associated building at 226 Osborne Street is currently under lease from the Canadian Red Cross Society to the recently formed Canadian Blood Services (CBS). The CBS are in the process of relocating to their new quarters on William Avenue, but may continue to operate their blood lab from 226 Osborne Street for another year or more. A representative of the Canadian Red Cross Society in Ottawa indicated that the Society will likely renovate 226 Osborne Street for their local and regional offices once the building is vacated by the CBS.

The immediate residential neighbourhood whose residents initially opposed the establishment of this parking lot has largely been demolished. However, the neighbourhood as a whole is concerned about the proliferation of surface parking lots in the area. The City and the West Broadway Development Corporation share a common vision of surface parking lots in the neighbourhood being redeveloped with housing, businesses, and neighbourhood services.

At the same time, the rationale for allowing the subject lot, i.e. that it serve the needs of the Canadian Red Cross Society, is still relevant even though the building has a temporary tenant.

On this basis, the Planning, Property and Development Department would recommend that the proposed commercial rezoning be allowed until such time as the Canadian Red Cross Society sells the building at 226 Osborne Street. This would provide an opportunity for the neighbourhood to review, through the subsequent re-rezoning, any change-of-

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use proposed for the building. This review is considered necessary in that the Red Cross building is zoned "NR-b" under the Downtown Zoning By-law which lists as "conditional" uses such as pawn shops, massage parlours, cabarets, and billiard parlours.

A Public Hearing was held before the City Centre Community Committee on May 8, 2000. One person appeared in support of the application, and no one registered in opposition thereto.

The City Centre Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The immediate residential neighbourhood whose residents initially opposed the establishment of this parking lot has largely been demolished.

2. The rationale for allowing the subject lot, that it serves the needs of the Canadian Red Cross Society, is still relevant even though the building has a temporary tenant.

3. Allowing the commercial rezoning until such time as the Canadian Red Cross Society sells, leases, or ceases to use or operate the parking lot will provide an opportunity for the neighbourhood to review, through the subsequent rezoning, any change of use proposed for the lot and associated building at 226 Osborne Street.

4. The review is considered necessary as the Red Cross building is zoned "NR-b" under the Downtown Winnipeg Zoning By-law No. 4800/88 which lists as "conditional" uses such as pawn shops, massage parlous, cabarets and billiard parlours.

On May 30, 2000, the Standing Policy Committee on Property and Development considered the Report of the City Centre Community Committee dated May 12, 2000, and approved the following amendment which has been incorporated in the recommendations set out below:

· Recommendation I.A.2. be deleted in its entirety and replaced with the following:

2. That the zoning shall remain "C-2" for so long as the Canadian Red Cross Society either:

(a) itself occupies the building at 226 Osborne Street and uses the land for parking associated therewith, or

(b) leases the land to any person or organization occupying the building at 226 Osborne Street for general offices, business or professional offices, or medical office(s), clinic, or laboratory, which person or organization uses the land for parking associated therewith;

but in any other case the zoning shall revert to "RM-6".

The Standing Policy Committee on Property and Development concurred in the recommendations of the City Centre Community Committee, as amended, and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 206/2000 dated May 4, 2000, to a "C2" Commercial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That the use of the land be limited to a non-accessory parking lot for the use of the patrons or tenants of 226 Osborne Street.

2. That the zoning shall remain "C-2" for so long as the Canadian Red Cross Society either:

(a) itself occupies the building at 226 Osborne Street and uses the land for parking associated therewith, or

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(b) leases the land to any person or organization occupying the building at 226 Osborne Street for general offices, business or professional offices, or medical office(s), clinic, or laboratory, which person or organization uses the land for parking associated therewith;

but in any other case the zoning shall revert to "RM-6".

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

For the information of Council, the Executive Policy Committee has requested the Standing Policy Committee on Property and Development to review the zoning by-law and to report back on what effect parking and accessory parking has on neighbourhoods and to recommend a better solution.

Adopted by consent.

(See Minute No. 721 for attachment)

1998 Home Renovation Tax Assistance Program File FL (Vol. 8)

696 - 8. The Standing Policy Committee on Property and Development has been advised that Section 10.(e) of By-law No. 7230/98 does not have a stipulated deadline date for the 1998 Home Renovation Tax Assistance Program applicants to submit proof of payment.

Section 10.(e) provides as follows:

"10. In order for a tax credit to be provided:
(e) the eligible homeowner must submit proof of the completion of the eligible renovation and must submit invoices for the amount expended for the eligible renovation with proof of payment;"

Subsequently, information brochures for the 1998 Home Renovation Tax Assistance Program were distributed that did not state a deadline date for applicants to submit proof of payment.

As well, the 1998 Home Renovation Tax Assistance Program was approved by Council without a funding cap.

In order to limit the City's financial exposure with the 1998 Program, the Designated Officer for the Home Renovation Tax Assistance Program is of the opinion that it is necessary to establish a deadline date for 1998 Program applicants to submit proof of payment documents (i.e. December 31, 1999).

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Since December 31, 1999, the Designated Officer has received proof of payment documents from a number of 1998 Program applicants and these citizens have been informed that the 1998 Program "closed" on December 31, 1999. These applicants received letters dated March 23, 1999, which included instructions to submit proof of payment receipts. The letter did not state a deadline date to submit receipts.

Should December 31, 1999, be established as the final date for 1998 Program applicants to submit proof of payment for eligible renovations, these particular 1998 Program applicants, and any others who may attempt to submit proof of payment in the future, will be formally notified that they are no longer eligible to receive tax credits under the 1998 Program.

It was acknowledged that the 1999 and 2000 Home Renovation Tax Assistance Programs have a funding cap and a stipulated deadline date for applicants to submit proof of payment.

The Standing Policy Committee on Property and Development recommends:

I. That By-law No. 7230/98, being the by-law for the 1998 Home Renovation Tax Assistance Program, be amended to stipulate December 31, 1999, as the final date for the 1998 Program applicants to submit proof of payment for eligible renovation.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the preparation of the necessary amending by-law.

In amendment,

The Executive Policy Committee concurs with the recommendations of the Standing Policy Committee on Property and Development with the following amendment to Recommendation I., namely:

That the date "December 31, 1999" be changed to "July 31, 2000".

Adopted by consent

Riverbank Stability Characterization Study of City-owned Riverbanks
File E-5.1 (Vol. 19)

697 - *Note: Clause 9 has been laid over by the Executive Policy Committee and referred to the 2001 - 2006 Five Year Capital Forecast deliberations.*

Laid over by the Executive Policy Committee and referred to the 2001-2006 Five Year Capital Forecast deliberations

Flora Place Housing Development - Lord Selkirk-West Kildonan Community
File FI-2.4.4.1 (Vol. 6)

698 - 10. The Standing Policy Committee on Property and Development has been advised that the City of Winnipeg and Canada Mortgage and Housing Corporation and Manitoba Housing and Renewal Corporation entered into an agreement on February 19, 1980, for the renovation and operation of 100 dwelling units at Flora Place. The particulars of the subject agreement are as follows:

Owner:	City of Winnipeg
Lessee(s):	Canada Mortgage and Housing Corporation; Manitoba Housing and Renewal Corporation
Term:	Thirty years from February 1, 1980, to February 1, 2010
Termination:	No termination, leased lands and buildings revert to the City at end of term

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Legal Description:	Lot 1, Plan 15,182
Zoning:	Residential - R1 2.5

The City of Winnipeg and Canada Mortgage and Housing Corporation and Manitoba Housing and Renewal Corporation entered into a further agreement on April 21, 1982, for the amendment of the amortization period within the original agreement from thirty years to twenty-five years. The particulars of the subject agreement are as follows:

Owner:	City of Winnipeg
Lessee(s):	Canada Mortgage and Housing Corporation; Manitoba Housing and Renewal Corporation
Term:	Amended term from thirty years to twenty-five years to February 1, 2005
Termination:	No termination, leased lands and buildings revert to the City at end of term
Legal Description:	Lot 1, Plan 15,182
Zoning:	Residential - R1 2.5

On October 20, 1999, Council adopted the following recommendations of its Standing Policy Committee on Property and Development, regarding the Flora Place Housing Development, namely:

I. That the immediate rehabilitation and relocation of the thirty-three housing units to form a cluster of units at the far eastern portion of the Flora Place Housing Development site for the purpose of providing, as a first priority, a means for existing tenants to remain living at Flora Place for a period of at least five years, be approved.

II. That an implementation plan be developed to guide the immediate rehabilitation and relocation of the foregoing thirty-three housing units.

III. That inasmuch as the City is supportive of the immediate repair of seven (of the thirty-three) housing units at the Flora Place Housing Development, the Province of Manitoba be requested to proceed with their immediate repair.

IV. That the proposal be the subject of a public meeting, to be held within the immediate community and be coordinated by the Flora Place Tenants' Association and the Administration, with the comments and recommendations therefrom to be reported to the Lord Selkirk-West Kildonan Community Committee and the Standing Policy Committee on Property and Development.

V. That the (former) Director of Property and Development Services be authorized to negotiate and finalize a proposal from Manitoba Housing regarding Flora Place.

VI. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

During the period between November 1999 and March 2000, representatives of the Province of Manitoba – Manitoba Housing and the City of Winnipeg met on various occasions to discuss various issues regarding Flora Place and the detailed terms and conditions for an agreement.

During March 2000, the Province of Manitoba – Manitoba Housing provided a "Scope of Works" for the repair of twenty-one housing units.

On April 17, 2000, the Building and Inspections Division of the Planning Property and Development Department reviewed the "Scope of Works" and determined that same would ensure that the Units would meet building codes and have a life of at least five years.

On April 11, 2000, the Winnipeg Housing and Rehabilitation Corporation advised the Planning, Property and Development Department that it would be prepared to assume the interim management of the tenanted Flora Place Housing Units and would agree to add these units to the existing Management Agreement for City-owned houses.

In accordance with the Council approval of the Flora Place Housing Development, the Planning, Property and Development Department initiated further actions relative to Flora Place. These have been summarized into four separate general tasks and the status of same is being reported on, as well as the request for approvals and requisite authorities to carry out the intent of the Council approvals.

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Part One: Proposed Terms and Conditions for a General Release of Memorandum Agreement between the City of Winnipeg and the Province of Manitoba - Flora Place Housing Development

Representatives from Manitoba Housing and the Planning, Property and Development Department have met on any occasions to discuss the aforesaid October 20, 1999, Council directives Nos. I through III, and V, which led to a proposed agreement to terminate the obligation of the Province of Manitoba to manage this asset in accordance with the terms and conditions as negotiated. The proposed agreement includes the following components:

A. Rehabilitation of an additional twenty housing units and one tenant association unit at the Flora Place Housing Development

Within the context of the Flora Place Housing Study, the Province of Manitoba – Manitoba Housing Authority and the City of Winnipeg – Planning, Property and Development Department initially discussed the need to repair thirty-three housing units at Flora Place in the eastern cluster. The discussions involved a definition of the scope of works, cost estimate and implementation plan.

The number of housing units to be repaired has declined by five units from thirty-three to twenty-seven units and one Tenants' Association unit being as five tenants have relocated to alternate accommodation. As previously reported, the cost to repair an additional twenty housing units and one Tenants' Association unit plus the seven housing units repaired last year has been estimated at $250,000.00. It is proposed that the Province of Manitoba and the City of Winnipeg share this cost on a 50/50 basis.

Thus, the City's share would be $125,000.00 representing approximately 16% of the total housing package. Under the current lease agreement, the City is responsible for 12.5% of the operating losses at the site. (The proposed housing package from the Province of Manitoba includes: $125,000.00 for repairs, $220,000.00 for demolition, $369,900.00 to write-off the outstanding capital debt, and a $50,000.00 lump sum subsidy for a total of $764,000.00).

B. Demolition of fifty housing units at the Flora Place Housing Development

The Province of Manitoba – Manitoba Housing determined the location of the fifty housing units to be demolished. The location of these units is identified on Schedule "C". The cost of demolishing these housing units has been estimated at $150,000.00 in addition to the $70,000.00 already expended in demolishing twenty-two units at Flora Place. Currently, there are seventy-eight housing units remaining on site. The Manitoba Housing and Renewal Corporation has agreed to undertake these works at its sole cost as part of the proposed agreement with the City.

C. Flora Place Housing Development – Capital Debt

The Manitoba Housing and Renewal Corporation agreed to write-off the outstanding capital debt charges against the original 1980 Flora Place Housing Project, at its sole cost, which are estimated at $362,900.00 as at December 31, 1999. By eliminating this debt prior to the expiry of the lease agreement, the City has removed a potential encumbrance to the redevelopment of the site five years in advance assuming that the boarded up units would have remained if the subject proposal had not been accepted.

D. Lump Sum Payment of Subsidy for remaining period of the Agreement

The Manitoba Housing and Renewal Corporation (MHRC) has agreed to the lump sum discounted pre-payment of the future subsidy to the Flora Place Housing Development to the City estimated at $50,000.00. This would represent the MHRC Share for the subsidy of tenant rents as if it were still operating the project. This amount was calculated as the amount of rental subsidy paid on to the tenants. It does not include realty taxes, amortization of debt or administration cost.

E. Commitment to the Future – Flora Place Housing Development

The Manitoba Housing and Renewal Corporation - The Province of Manitoba – Manitoba Housing agreed, in principle, to support efforts to redevelop Flora Place within the context of the City's Inner City Housing Policy and any other future initiatives that may be developed by the City. In practice, this is interpreted to mean Provincial consideration of Flora Place for all housing programming, grants and other assistance.

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In 1995, the Province of Manitoba – MHRC approached the City as a result of the rapidly deteriorating physical condition of the housing units at Flora Place. From a property management perspective, it was clear that the repairs undertaken in 1980 would not provide for the life of the lease agreement. Although discussions ensued between MHRC and the City, a resolution to the situation was not obtained and the housing units continued to

deteriorate. MHRC subsequently began to board up housing units in 1996 and the situation continued until 1999 wherein seventy housing units were boarded up at Flora Place.

Given the above circumstances, the City and the Province of Manitoba initiated a task force in the summer of 1999 with a view to developing a plan to resolve this matter and to provide a framework for the future development of Flora Place. Rather than pursuing the 1996-1999 strategy of boarding up units or pursuing the repairs to the units that could not be economically or physically repaired for the long term, the City and the Province jointly agreed to complete the Flora Place Study and to pursue an agreement framework to deal with the current site realities, i.e. building conditions, existing tenants, housing programs and the future redevelopment of Flora Place and to propose a plan of action to deal with same. This understanding provided a means to arrive at a housing solution upon which both levels of government could agree and the agreement framework to design a housing package which is funded by the Province of Manitoba on City-owned land with the exception of the City portion of the repairs cost to the remaining twenty-eight housing units.

The major advantages of the proposed final terms and conditions of the agreement are as follows:

1. Provides a negotiated inter-governmental solution of the housing matter at Flora Place.

2. Provides for the demolition of all vacant housing units at Flora Place at the sole cost of the Province of Manitoba thereby eliminating a significant arson and vandalism risk.

3. Provides for the repair of twenty-seven housing units to accommodate existing tenants on site for a period of five years.

4. Provides for the elimination of all capital debt against the Flora Place housing project.

5. Provides a lump sum cash subsidy to the City for the operation of the remaining Flora Place housing units.

6. Provides for a Provincial commitment to support the future redevelopment of Flora Place.

7. Provides an opportunity for the City to realize potential net cash flow from the rental of the housing units.

8. Provides for the return of the property to the City in advance of the amended lease term thereby providing an option for the City to pursue redevelopment within the Winnipeg Housing Initiative.

The major disadvantages of the proposed final terms and conditions of the agreement are as follows:

1. Provides an opportunity for the Province to remove itself from the administration of the site and tenancy relations and the future relocation of the remaining twenty-seven tenants in five years thereby leaving the City to deal with the tenants.

2. Provides an opportunity for the Province to remove itself from the maintenance of the housing units over the next five years.

Part Two: Proposed repairs to twenty-seven housing units and one Tenants' Association unit and the proposed demolition of fifty housing units at Flora Place

As reported in the Flora Place Housing Study dated September 22, 1999, Recommendation Nos. 1, 4 and 6 identified the need to develop and implement a plan to repair thirty–three housing units at Flora Place to provide accommodation for the remaining tenants at Flora Place.

A. Proposed repairs to twenty seven housing units and one Tenants' Association unit

Within the context of the Flora Place Housing Study, the Province of Manitoba – Manitoba Housing Authority developed a "Scope of Works" document to outline repair works to an additional twenty-one housing units to the seven units repaired last fall for a total of twenty-eight housing units. The Unit Nos. to be repaired and summary of

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works and cost estimates are identified in Schedule "B" to provide a life expectancy for continued occupancy for a period of five years after which the units will be vacated.

As well, it is proposed that one unit (No. 115) be repaired and used as the Tenants' Association unit. A unit on site has always been provided for the Tenants for the purposes of holding meetings and discussing issues relative to the Flora Place Site. Being as the Tenants' Association has used same in the past and that a location will be required in order to hold sessions regarding future plans for the site, the repair of Unit No. 115 has been requested by the Tenants' Association.

Upon receipt of the proposed "Scope of Works", the Planning, Property and Development Department, Building and Inspections Division reviewed the subject documents and subsequently reported that same would ensure the housing units would comply with existing building codes and that the units should last at least five years.

The estimated budget for completing the repair of twenty-one housing units and seven housing units repaired last year is estimated at $250,000.00. It is proposed that MHRC and the City of Winnipeg share this cost on a 50/50 basis. As previously reported, the City's share $125,000.00 would be approximately 16.0% of the total housing package.

In order to reimburse the Province of Manitoba, the Planning, Property and Development Department has identified two funding options for Council to consider as follows:

1. Charge the cost up to $125,000.00 to the Planning, Property and Development against the Year 2000 Miscellaneous Expense Account No. 01 558601 632104 which would an increased budget, or

2. Charge the cost to Corporate Finance Department Account No. 01-558101-000951. This account is used to reimburse MHRC for all expenses incurred in the three Tri-Level Housing Agreements. It would require the insertion of $125,000.00 into the 2001 Current Budget and by approving this option, Council would make an obligation to insert this amount into the Current budget in advance of approving the 2001 Current Budget.

The Planning, Property and Development Department will require a Council decision as to what funding source to use for this project.

The Province of Manitoba was advised that City funding was advised that funding was not currently earmarked for the reimbursement of the proposed City's Share and that the City would have to identify same. In the event that the option to insert funding into the Current Budget is approved, MHRC understands that City funding would not be available till April 2001, and that no interest would be payable.

Although Council has not approved the proposed terms and conditions of a General Release of Memorandum of Agreement with MHRC regarding the Flora Place Housing Development, MHRC has initiated the repairs to the twenty-one housing units. The Province of Manitoba is acting as the designer, contract administrator and in some cases as the contractor. This was undertaken to avoid a situation involving the need to undertake emergency repairs to ensure the safety of tenants while awaiting the review and anticipated approval of the terms and conditions of the agreement with the City. The repairs to the housing units at Flora Place are scheduled to be completed by July 15, 2000.

B. Proposed Demolition of fifty housing units

As reported in the Flora Place Housing Study dated September 22, 1999, Recommendation No. 5 identified the need to develop a plan to remove the remaining fifty housing units on site that are not suitable to provide tenancy to the existing tenants at Flora Place.

(i) City of Winnipeg and Province of Manitoba - Manitoba Housing positions regarding the demolition of vacant housing units at Flora Place

On October 20, 1999, Council approved a recommendation from its Standing Policy Committee on Property and Development containing, in part, a proposal from MHRC which included the demolition of vacant housing units at Flora Place. Following the Council approval, representatives of the Province of Manitoba – Manitoba Housing and the City of Winnipeg – Real Estate Division met to discuss the demolition of housing units. It was reconfirmed that those housing units not required for the remaining tenants at Flora Place should be demolished. Moreover, it was agreed that the units could not be economically or physically renovated all of

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

which was confirmed by the Provincial and Municipal Building Inspection Teams. Accordingly, the Administration are of the opinion that the demolition and removal of these housing units is supportable on the following basis:

(a) the housing units are beyond their economic and physical life;
(b) the boarded up units represent a potential threat to the safety of residents from an arson and vandalism perspective; and,
(c) the removal of these units will eliminate an obstacle regarding the redevelopment of the site and as such, when an opportunity arises the site will be immediately available for re-use in the future as part of the Inner City Housing Initiative.

In addition to the above, the Planning, Property and Development Department completed a review of the demolition process; consulted with the Flora Place Tenants' Association and determined a recommendation regarding the demolition of the remaining fifty housing units.

(ii) Demolition of fifty housing units – the Process and the Demolition By-law No. 4665/87

Sections 1,2 and 3 of the City of Winnipeg Demolition By-law No. 4665/87, links the demolition of a residential building with the construction of a new building via the permitting process. Moreover, in those situations where the applicant objects to compliance with sections 2 and 3, the applicant is referred to the respective Community Committee. In sections 5 and 6, a mechanism is available to the Applicant to make presentation to the Committee along with other interested parties for, or, against the issuance of the demolition permits. The Committee then considers the potential impacts of the vacant lot(s) against measures as prescribed in section 7 and the Committee then makes an order either approving or rejecting the issuance of a demolition permit. In addition, an appeal mechanism is provided for in the by-law as referenced in the sections 9 through 14 to the Standing Policy Committee on Property and Development.

As such, to initiate the demolition process MHRC would apply for the issuance of a demolition permit involving a request to demolish fifty residential units at the Flora Place Housing site. Being as the City is the owner of the housing units, a letter of authorization would be required to apply for the demolition permit. Following the filing of an application, the matter could then be referred to the Community Committee in accordance with the Demolition By-law as the request for a demolition permit(s) will not be accompanied by the filing of corresponding building permits.

(iii) Position of the Flora Place Tenants Association regarding Demolition of the fifty housing units

The Flora Place Tenants' Association's position relative to the demolition of housing units has always been strategically linked to "actions on site" from a community development perspective. In January 1999, the Tenants' Association objected to the issuance of a demolition contract issued by Manitoba Housing and it obtained a commitment from Manitoba Housing to not immediately pursue the demolition of the units on site. Subsequently, the Tenants' Association obtained a commitment from the Province of Manitoba – Manitoba Housing and the City of Winnipeg to cluster and repair a sufficient number of units to provide accommodation for the existing tenants on site. Following this commitment, the Tenants' Association mutually agreed to the demolition of ten housing units at the west end of the site in the summer – fall of 1999 and those units were demolished. By letter dated February 8, 2000, the Tenants' Association agreed to the removal of another twelve housing units located west of Battery Street and units within the eastern cluster. These units were subsequently demolished.

The Flora Place Tenants' Association has not agreed to the demolition of the remaining forty-two housing units located between Battery Street and the eastern cluster. The Tenants' Association has agreed to the removal of eight housing units located within the eastern cluster for a total of fifty units remaining to be demolished. The Tenants' Association continues to link this matter with future actions on site and in this regard, the Tenants' Association is adamant that it obtain a commitment from the Province of Manitoba to rebuild the housing units to be demolished as a pre-condition to the Flora Place Tenants' Association consent. On several occasions, Manitoba Housing has indicated to the Tenants' Association that there currently are no federal/provincial programs that support the rebuilding of provincially subsidized single detached housing on the site.

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The Province of Manitoba – Manitoba Housing and the City of Winnipeg are at an "impasse" with the Flora Place Tenants' Association regarding the matter of demolition and as such, this issue needs to be resolved in order to proceed with the following: finalizing the General Release of Memorandum of Agreement; demolishing the vacant housing units; and proceeding with a Request for Proposals for the redevelopment of the site. Although many

attempts have been made to negotiate with the Tenants' Association to obtain their unconditional consent to the demolitions, these attempts have failed.

Given the following information:

(i) the remaining fifty housing units represent a significant arson and vandalism risk to the community;

(ii) the Province of Manitoba does not have current funding or programming to rebuild the housing units at Flora Place;

(iii) the demolition of the remaining fifty housing units is an impediment to proceeding with the future re-development of Flora Place; and

notwithstanding the Flora Place Tenants' Association's objection to the demolition, in the interest of safety to the public, the demolition process should be implemented as soon as possible with a view to channeling all efforts to the future redevelopment of the site.

Part Three: Interim Management of the twenty-seven Housing Units and one Tenants' Association building at Flora Place

Pursuant to the negotiations with MHRC, it is proposed that City of Winnipeg terminate the lease agreement dated February 19, 1980, and amending agreement dated April 21, 1982, with MHRC and assume responsibility for the remaining twenty-seven tenanted housing units and one Tenants' Association building located within the eastern cluster.

The Manitoba Housing Authority currently provides the property management and maintenance function for these housing units. The subject proposal involves the transfer of this responsibility from Manitoba Housing to the City of Winnipeg.

Prior to finalizing the terms and conditions for an agreement with MHRC, the Planning, Property and Development Department consulted with the Winnipeg Housing and Rehabilitation Corporation (WHRC) regarding the potential to manage the subject housing units. The WHRC responded in a letter dated April 11, 2000, that it would be prepared to manage the units in accordance with the terms and conditions as contained in the existing Management Agreement for various City-owned housing units.

The Rental Strategy is to have WHRC manage these units on behalf of the City for a period of five years in accordance with the existing rental structure. At the end of five years, it is the intention to vacate these units and to demolish the units and to re-use the lands for alternate purposes. During the five years, it is proposed that all tenants be on a month-to-month basis and if a vacancy occurs, to allow persons to occupy same on a month-to-month basis until the expiry of five years has occurred.

The subject proposal to have WHRC manage the subject housing units will provide both for the interim manage-ment of the housing units thereby relieving City staff from the day to day management activities at Flora Place. As well, the potential exists to enhance cash flow to the City from the direct management of the housing units.

Part Four: The Future of Flora Place - Request for Proposal Call and Consultation with the Flora Place Tenants' Association and other Community Housing Interest Groups

Following the repair of twenty-seven housing units and one Tenants' Association unit and the demolition of fifty housing units situated west and within the eastern cluster, the unused portion of the Flora Place Housing site will become available for redevelopment purposes.

In order to assist with the redevelopment of these lands within the context of the Flora Place Housing Study, the community consultation and the Inner City Housing Strategy, the Planning, Property and Development Department is prepared to plan, design, and implement a Request for Proposals for the subject site. As well, the Department is prepared to liaise with the Flora Place Tenants' Association and other Community Housing Interest Groups as part of

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the RFP process in order to achieve those goals as stated in the Inner City Housing Strategy. At this time, the Real Estate Division is seeking approval to proceed with a (RFP) Request for Proposals concurrent with the completion of repairs to the houses and demolition of housing units at Flora Place in order to open the "window" for consideration of various housing proposals as they evolve within the community.

The subject City-owned lands and housing units at Flora Place are presently under a lease agreement with the Province of Manitoba until the year 2005. The City could have pursued the strategy of continuing to make the Province of Manitoba responsible for the site until the expiry of the lease agreement and as a result, it is likely that the status quo – (boarded up units) would exist on site and that some minimal amount of repairs would have been undertaken to the tenanted housing units. The Province of Manitoba would be responsible for: the repairs to the units or some portion thereof, tenant management and unit administration, and the assumption of any remaining outstanding debt at the end of the lease term. The Province of Manitoba would not have technically been responsible for the demolition of any units at Flora Place. Lastly, the City would have been responsible for 12.5% of the expenses in pursuing same depending on which works were expensed.

In doing so, the City would have missed an opportunity to collaboratively work with the Province of Manitoba to develop a housing package to bridge from the past to the future and the City would have a site located within the inner-city that remained in a less than desirable state relative to the goals as stated in Plan Winnipeg regarding older neighborhoods.

As opposed to this strategy, the City seized an opportunity to work with the Province of Manitoba in order to develop a package to address all of the Flora Place Housing site issues and which will bring the lease agreement to an orderly conclusion given all the facts that exist at this site. In doing so, the City obtained a commitment from the Province to undertake: repairs to the remaining tenanted units, to pay for the demolition of all vacant units; to write-off all debt thereby removing all encumbrances; to provide a one time cash subsidy, and to support proposal in the future for the redevelopment of the site.

In particular, the City will obtain the following major benefits:

1. An orderly winding down of the lease agreement given all of facts regarding Flora Place via the negotiation of an agreement with the Province of Manitoba, and

2. A repositioning of the site in order to access all opportunities for redevelopment of the site within the context of the Winnipeg Housing Initiative thereby promoting the renewal of an existing neighbourhood.

Council approval of the terms and conditions of the Agreement with Manitoba Housing and Renewal Corporation is required.

On May 30, 2000, the Standing Policy Committee on Property and Development considered report dated May 24, 2000, from the Manager of Real Estate, Planning Property and Development Department, prepared in accordance with Recommendation IV. of the Council directive of October 20, 1999, pertaining to reporting back on the results/recommendations from a public meeting held with the Flora Place residents. The Standing Policy Committee on Property and Development received the report as information, and forwarded same to the Lord Selkirk-West Kildonan Community Committee for information.

The Standing Policy Committee on Property and Development recommends:

I. That the General Release of Memorandum of Agreement be approved as negotiated.

II. That the housing repairs to the twenty-eight housing units as identified in Schedule "B" be approved, and that the City's share in the amount of $125,000.00 be charged to Account No. 01-558101-000951 (Corporate Finance Department), and be inserted into the 2001 Current Budget in order to reimburse Manitoba Housing and Renewal Corporation as negotiated.

III. That the demolition of fifty units housing units as identified in Schedule "C" be approved.

IV. That the management of the twenty-eight units be added to the Winnipeg Housing and Rehabilitation Corporation Management Agreement.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

V. That the Director of Planning, Property and Development be authorized to prepare and implement a Request for Proposals in accordance with the following:

1. Flora Place Housing Study - Alternative Four, Options One and Two;
2. The results of the Community Consultation process as reported on separately; and
3. The Winnipeg Housing Initiative.

VI. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

The Executive Policy Committee concurs in part with the recommendations of the Standing Policy Committee on Property and Development with the following amendments, namely:

That Recommendations III., IV. and V. be amended to read as follows:

III. That the demolition of up to fifty housing units as identified in Schedule "C" be approved.

IV. That the management of up to 33 units be added to the Winnipeg Housing and Rehabilitation Corporation Management Agreement.

V. That the Director of Planning, Property and Development be authorized to prepare a feasibility study in anticipation of a Request for Proposal in accordance with the following:

1. Flora Place Housing Study - Alternative Four, Options One and Two;
2. The results of the Community Consultation process as reported on separately; and
3. The Winnipeg Housing Initiative;

and in the context of working to create a housing community partnership model.

Moved by Councillor De Smedt,
Adoption of the clause.

In amendment,

Moved by Councillor De Smedt,
That the recommendation of the Executive Policy Committee be adopted.

The Speaker called the Deputy Speaker, Councillor Lazarenko, to the Chair in order to participate in the debate.

In amendment to the amendment,

Moved by Councillor Prystanski,
Seconded by Councillor Smith,

THAT the recommendation of the Executive Policy Committee be amended by deleting the following words in Recommendation V.I. "Alternative Four, Options One and Two" and substituting therefor "Alternative Four, Option Two (without high density housing)".

The Deputy Speaker ruled the amendment out of order, in that the mover was not present in the Council Chamber.

In amendment to the amendment,

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

Moved by Councillor Golden,
Seconded by Councillor Timm-Rudolph,

THAT the recommendation of the Executive Policy Committee be amended by deleting the following words in Recommendation V.I. "Alternative Four, Options One and Two" and substituting therefor "Alternative Four, Option Two (without high density housing)".

The amendment to the Executive Policy Committee recommendation was put.

Councillor Golden called for the yeas and nays, which were as follows:-

Yea: Councillors Golden, Steek, Timm-Rudolph and Vandal. 4

Nay: Councillors Angus, Clement, De Smedt, Gerbasi, Smith, Deputy Mayor Thomas, Eadie, His Worship Mayor Murray and Councillor Lazarenko. 9

and the amendment to the Executive Policy Committee recommendation was declared lost.

The recommendation of the Executive Policy Committee was put and declared carried.

Councillor Timm-Rudolph asked to be recorded as having voted against the recommendation of the Executive Policy Committee, in accordance with Rule 50.7 of the Procedure By-law.

The motion for the adoption of the clause, as amended, was put and declared carried.

Councillor Timm-Rudolph asked to be recorded as having voted against the clause, as amended, in accordance with Rule 50.7 of the Procedure By-law.

Proposed Settlement with 1200 Wilkes Avenue Ltd. for the acquisition of 1200 Wilkes Avenue - Assiniboia Community
File FI-2(31) (Vol. 4)

699 - 11. The Standing Policy Committee on Property and Development has been advised that on April 30, 1997, Council approved the acquisition of the land required for the "proposed road opening" as outlined on Misc. Plan No. ASBA 9286, at a purchase price of $134,700.00 and in accordance with negotiated terms and conditions and requested the WLTO to waive its fees in connection to the Tax Sale. Further Council approval is required to write-off the total cost of penalties, interest and WLTO fees associated with the Tax Sale.

As background history, a report dated January 16, 1995, from the former Land Surveys and Real Estate Department which recommended the purchase of 2.181 ha (5.39 acres) at a purchase price of $134,700.00 ($25,000.00 per acre), to facilitate the construction of the Sterling Lyon Parkway to the east of Kenaston Boulevard, was held in abeyance by the former Board of Commissioners pending the clarification of funding insofar as the Canada/Manitoba Infrastructure Program was concerned. The owner, 1200 Wilkes Avenue Ltd. was advised accordingly by letter dated January 30, 1995.

In his letter dated July 18, 1995, Jeoffrey Chipman of 1200 Wilkes Avenue Ltd. wrote advising that:

i) They had owned the property since 1987;
ii) "Because of the uncertainty of "when" and "if" the extension of Sterling Lyon was to happen, it has added to the difficulty in finalizing any development on the property.";
iii) "We believe that it would be fair for both parties if the City proceed and purchase the property. As explained to you the purchase price could be offset against the outstanding property taxes. The present amount owing is very close to the agreed sale amount."

On September 26, 1996, the former Board of Commissioners considered the aforementioned proposal and determined that the City had no need to acquire the right-of-way at that time.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

On February 25, 1997, the Legal Services Division advised it was in the process of having the Tax Sale Application prepared for filing in the Winnipeg Land Titles Office. As at February 28, 1997, the tax arrears totaled $229,080.78, which included taxes from 1993 to 1996 and penalties and interest.

On February 27, 1997 the former Board of Commissioners reconsidered the former proposal and circumstances of the Tax Sale and determined that the City had no need to acquire the right-of-way at that time, and that should the former Committee on Finance and Administration wish to investigate the acquisition of the property at this time, the Administration be directed to negotiate the terms and conditions of a sale at the price previously set in early 1995 ($134,700.00), and report back with the results of the negotiations.

On March 3, 1997, the former Committee on Finance and Administration requested, in part, that the Administration negotiate with the owner of the property, the terms and conditions of a sale at the price previously set in early 1995 (approximately $134,700.00) with the amount payable being credited to the outstanding taxes, exclusive of the subdivision application costs, i.e. dedication fees, subdivision plan and registration costs, trunk service rate charges, levies related to the Wilkes Avenue resurfacing project, levies related to the cost to construct Sterling Lyon Parkway, and other like costs. On March 20, 1997, the proposed terms and conditions of the proposed transaction were forwarded to the owners of the property for review and concurrence.

On April 30, 1997, Council approved the acquisition of the land required for the "proposed road opening" as outlined on Misc. Plan No. ASBA 9286, at a price of $134,700.00 and upon the negotiated terms and conditions 1 through 15 only. Council also requested that the former Property and Development Services Department attempt to have the Winnipeg Land Title Office (WLTO) fees waived and in the event the Department was not successful, to compensate 1200 Wilkes Avenue Ltd. with one-half of the WLTO charges.

Documentation to finalize the sale transaction was forwarded to the owners by the Legal Services Division in early October 1997. It was further revised and resubmitted to the owners in February 1998 and again on March 11, 1998.

On May 20, 1998, the owners advised that they intended to proceed to change the Offer to Purchase and further advice in that regard was pending a meeting of their parties at the end of May 1998. On July 24, 1998, the Legal Services Division sent a further written enquiry requesting that the executed documents be provided no later than the month end of July 1998.

The Legal Services Division has held in abeyance the service of 90-day notices on the registered owner and any registered interested parties and any further steps to have title transferred to the City pursuant to the Tax Sale process.

On July 8, 1999, the Standing Policy Committee on Property and Development approved the recommendation that the Administration be directed to conclude the transaction in accordance with the terms and conditions approved by Council on April 30, 1997, and that the date of adjustments be back-dated to April 30, 1997. In letter dated July 16, 1999, the Planning, Property and Development Department provided the owner with confirmation of the approval together with the proposed terms and conditions of the sale and explanation of the portion of WLTO charges that the City agreed to absorb. In view of no response from the owner, a second follow up letter was sent to the owner on August 16, 1999, requesting a response in order that the Department could report accordingly to the scheduled September meeting of Standing Policy Committee on Property and Development.

The Vendor and the Planning, Property and Development Department have been involved in significant discussions during the autumn and winter of 1999 and the spring of 2000.

On May 18, 2000, Jeoffrey Chipman on behalf of 1200 Wilkes Avenue Ltd., essentially advised he is prepared to present to the owners a proposed solution to the outstanding issues related to 1200 Wilkes Avenue, if the proposal is presented and favourably considered by Standing Policy Committee on Property and Development on May 30, 2000.

Details of the subject property are as follows:

Location:	South side of Wilkes Avenue, between Kenaston Boulevard and Griffin Street
Legal Description:	Pt OTM Lots 57/59 St. Boniface W of Plan 374
Owner:	1200 Wilkes Avenue Ltd.
Principles:	Jeoffrey R. Chipman, Kenneth Powell, Jim Orzechowski
Certificate of Title:	1050847 and 1050859

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

Zoning: "M2"
Total Site Size: 23.56 ha (58.21 acres)
Part Required for
Proposed Road Opening: 2.181 ha (5.39 acres)
Property Description: Vacant land

Notwithstanding that negotiations initiated by the City in late 1994 to purchase the right-of-way requirements to accommodate Sterling Lyon Parkway and Down Patrick Way were held in abeyance until 1997, the City since April 11, 1997, has taken the appropriate steps to conclude the proposed acquisition of the rights of way to no avail. As previously outlined, on two separate occasions, the Planning, Property and Development Department was in a position to conclude the purchase. It prepared and actively pursued the execution of the necessary documentation. The property owner however would not close the transaction in both instances.

The owner alleges that the actions of the City respecting its proposed land acquisition and the City's policies respecting land development have negatively affected the owner's ability to develop and to market the property to others. There has also been suggestion that the owners are prepared to litigate its position if the City is not prepared to negotiate and effect a settlement as to these issues.

Over time and on multiple occasions the owner has conveyed to the Administration their opinion that development and marketability of the property at 1200 Wilkes Avenue has been adversely impacted as a result of the following:

i) The City's restrictive development parameters and associated high costs for development.
ii) The City's requirement for both "Sterling Lyon Parkway" and "Down Patrick Way" right-of-ways which location and configurations adversely impact the property's developability and market value.
iii) The timing relative to the construction of Sterling Lyon and postponement of same has left the owners in a difficult position in its attempts to develop or market the property.
iv) It also has been suggested that due to protracted negotiations the City should offset the penalty and interest charges accumulated on the unpaid property taxes. The realty tax arrears have been allowed by the owner to accrue since 1993 and as a result the property is currently in the tax sale process.

The Planning, Property and Development Department has expended significant resources and has made a concerted effort working with other civic departments, as well as the property owners to identify available development options for the site and has at length analyzed associated costs. As previously indicated the Department has demonstrated and communicated the City's continued willingness to acquire the lands (5.39 acres) required for the right-of-way.

In the most recent discussions, the Department acknowledged that there are fundamental differences in the positions taken by the owners and the City's Administration. The position taken by the Administration is that the City has not caused the owner to not pay the realty taxes. The owner has elected to not pay the taxes. The City has not caused the owner to not develop the property. The owner has elected not to develop the property. Furthermore and given that an application for a development agreement has not been made by the owner, there is no "demonstrated" support that the City's development parameters are in fact onerous, and such authority to make this determination rests not with the Administration but rather with Council.

As a result of these discussions and exchanges of information, in his letter dated May 18, 2000, Jeoffrey Chipman stated:

> "I would be prepared to take to the ownership group a proposal that incorporates the following:
>
> 1. The City would conclude the transaction to purchase the Sterling Lyon Parkway / Down Patrick Way rights of ways with an adjustment date of April 30, 1997.
>
> 2. The owners of the property would be responsible for all outstanding property taxes as per your statement. Subject to verification, this amount is $401,834.42. (this is inclusive of the 2000 tax year)
>
> 3. The City would waive all outstanding penalties and interest charges associated with this property."

With respect to the proposed Term 1, the Real Estate Division is supportive of concluding the purchase of the right-of-way lands in accordance with the Chipman proposal.

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The Public Works Department advised that $100,000.00 is committed in the year 2005 in the Five Year Capital Forecast for the Sterling Lyon Parkway. The Public Works Department further advised that it does not anticipate construction to commence for five to ten years. The associated costs of this proposed transaction may be charged to the Land Acquisition Account for Future Transportation Purposes.

The proposed acquisition of the lands would:

i) Eliminate any further resource and time required to pursue negotiations for the acquisition/expropriation of these lands either with this owner or another should the lands be sold;

ii) Enable the City to establish the Down Patrick Way right-of-way at a location which meets the design criteria of the Public Works Department. A north/south roadway is required to connect the future Sterling Lyon Parkway to a dead ended Wilkes Avenue upon future construction of the Kenaston Boulevard grade separation. This proposed location for Down Patrick Way is the most desirable location given the existence of two rail spurs and the length of Wilkes Avenue.

With respect to the proposed Terms 2 and 3, Jeoffrey Chipman submitted these two proposed terms based on his premise that this owner has been damaged by the City's actions and policies. He acknowledged that the owner is required to and will pay the total principal amount of the realty taxes owing on the property. He, however, proposed that the City waive all outstanding penalties, interest charges and WLTO fees that are associated with the total arrears as recognition, for the alleged damages.

The Planning, Property and Development Department advised that in its opinion the City has not caused the owners to not develop these lands. The Department acknowledged, however, that after much study, and given the nature of this specific neighbourhood there would undoubtedly be substantial costs associated with development, either by this owner or another, dependant upon the nature of the development and caused by a subdivision and/or rezoning of the property. The actual application of the development agreement parameters and the estimation of the costs thereof can only be determined with certainty upon review of an actual development application.

Overall, this proposal would result in the City paying the proposed purchase price of $134,700.00 plus interest from April 30, 1997, which would total approximately $165,642.24 as of June 30, 2000. Also, the City would be required to waive the penalties, interest and WLTO fees which total approximately $133,704.77. The owner would be responsible to pay the total realty taxes owing up to and including 2000 taxes which would total approximately $401,834.42. All calculations are estimates only and are subject to verification as of the date of redemption.

In reviewing this matter, the Planning, Property and Development Department is of the opinion that acceptance of the Chipman proposal of settlement is in the best interests of the City, for the following reasons:

1. If title to the lands was to transfer to the City by tax sale, the City would finance the tax sale costs and would be responsible for all costs associated with the future maintenance of these lands until such time the lands were disposed.

2. If title to the lands was to transfer to the City by tax sale then there is a potential for 1200 Wilkes Avenue Ltd. to commence an action against the City;

3. The risk and exposure to litigation and a court review of the City's development agreement parameters would be reduced.

4. The risk of litigation in the event the owners decide to pursue their claim for damages as a result of the impact of the proposed road opening configuration would be reduced.

5. The City has no need to own any part of this land other than its right-of-way requirements.

6. Will resolve the tax sale matter and any requirement for the City to take title to the entire holding.

7. The property tax base will be maintained with the residual property, after sale of the portion to the City, remaining on the tax roll.

8. If title to the lands was to transfer to the City by tax sale, then the City would find itself "in the shoes" of 1200 Wilkes Avenue Ltd. and having to attempt to develop/market a particularly difficult property.

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The Planning, Property and Development Department is also of the opinion that a decision to accept the Chipman proposal must be subject to the execution of a general waiver and release in favour as to any claims 1200 Wilkes Avenue Ltd. believes it may have as against the City relative to this property.

The Real Estate Division of the Planning, Property and Development Department recommended that the approval of the administrative recommendations (as set out below) should be subject to the proviso that in the event that the owners do not finalize the necessary documentation to effect the intent of the within recommendations, that the City Solicitor/Manager of Legal Services be instructed to proceed to finalize the tax sale proceedings and take title to the lands accordingly.

The Public Works Department advised there is currently a Work Order in the amount of $152,902.00 to fund this acquisition which could result in a shortfall depending on the final calculations at redemption. The Public Works Department has advised it is prepared to fund a shortfall if required.

The Standing Policy Committee on Property and Development recommends:

I. That subject to 1200 Wilkes Avenue Ltd. making full payment of all outstanding realty taxes, (including penalties, interest and WLTO fees) owing for 1200 Wilkes Avenue, inclusive of year 2000 taxes, and effecting the redemption of the property from Tax Sale No. 100-78 on or before June 30, 2000, that the City's acquisition of the land required (5.39 acres) for the "proposed road opening" as outlined on Misc Plan No. ASBA 9286, be approved, at the price of $134,700.00 and in accordance with the terms and conditions as negotiated, with the Date of Adjustment to be April 30, 1997.

II. That the City set off against the costs owing to 1200 Wilkes Avenue Ltd. the exact amount, without duplication of penalties, WLTO fees and interest accrued and paid to redeem the property from the Tax Sale 100-78.

III. That acceptance of the proposal of settlement be subject to 1200 Wilkes Avenue Ltd. executing a general waiver and release in a form acceptable to the City Solicitor/Manager of Legal Services as to any claims it believes it may have against the City relative to this property.

IV. That in the event 1200 Wilkes Avenue Ltd. fails to meet its obligations with respect to facilitating and effecting the intent of the within recommendations within thirty (30) days from the date of Council approval, the approval of Recommendation Nos. I, II and VI. be automatically rescinded and the City Solicitor/Manager of Legal Services be authorized to proceed to take title to the property pursuant to the tax sale process.

V. That the Director of Corporate Finance be instructed to write-off the appropriate amount of penalty and interest owing on the subject property (approximate amount $133,764.77). Provision for Bad Debts Account No. 01-557306-001117.

VI. That the Proper Officers of the City be authorized to do all things necessary to implement and effect the intent of the foregoing, including the execution of any documents related thereto in a form satisfactory to the City Solicitor/Manager of Legal Services.

The Executive Policy Committee concurs in part with the recommendations of the Standing Policy Committee on Property and Development with the following amendments, namely:

That Recommendation No. I., be amended as follows:

> *That the date "June 30, 2000" in the fourth line thereof be deleted and the following words inserted, namely: "July 31, 2000, subject to the City not being liable for any other costs after June 30, 2000."*

The Executive Policy Committee also recommends that Recommendation No. V. be deleted.

Moved by Councillor De Smedt,
Adoption of the clause.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

In amendment,

Moved by Councillor De Smedt,
That the recommendation of the Executive Policy Committee be adopted.

The Speaker here resumed the Chair.

The recommendation of the Executive Policy Committee was put and declared carried.

The motion for the adoption of the clause, as amended, was put.

Councillor Golden called for the yeas and nays, which were as follows:-

Yea: Councillors Lazarenko, Clement, De Smedt, Gerbasi, Lubosch, Deputy Mayor Thomas, Vandal, Eadie, His Worship Mayor Murray and Councillor O'Shaughnessy. 10

Nay: Councillors Angus, Golden, Smith, Steek and Timm-Rudolph. 5

and the motion for the adoption of the clause, as amended was declared carried.

Proposal to Declare Land Surplus to the City's Requirements - 101 Mayfair Avenue at Main Street (former Schmecker's Restaurant) - City Centre Community
File FI-2.4(32) (Vol. 9)

700 - 12. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Planning, Property, and Development Department determined that there is no civic need for the property at 101 Mayfair Avenue, and therefore recommended that the property be declared surplus to the City's requirements for the purposes of sale.

The particulars of the subject property are as follows:

Location:	101 Mayfair Avenue; north side of Mayfair Avenue, west of Main Street (former Schmecker's Restaurant)
Legal Description:	Lot 6, Plan 27520 DGS 41 St. Boniface, as outlined on Misc. Plan No. CC 8379/13
Registered Owner:	The City of Winnipeg
Certificate of Title No.:	1646314
Realty Roll No.:	323440 WD 1
Assessment:	Total Land and Building $179,000.00
Zoning:	"C-2" Commercial District
Site Size/Area:	615.2 square metres (6,622 square feet)
Property Description:	The property is improved with a 1976, one-storey commercial building comprising 170.94 square metres (1,840 square feet) plus a full basement. The building was used as a restaurant and has been vacant for approximately five years.
Property Condition:	The building was inspected by the Civic Accommodations Division, Planning, Property and Development Department, and a report dated May 25, 1999, on the condition of the subject property was prepared by Bonnie Konzelman, P.Eng., Civil/Structural Engineer. The building is in good structural condition. The two furnaces located in the basement are in poor condition and unsafe due to corrosion. The roof-top air conditioning unit could not be tested, however, the condition of the unit is suspect. A complete upgrade of the electrical system is required to meet code and to be functional. The roof is in poor condition and needs to be replaced.

The subject City-owned property was acquired from the former owner, Havala Himatisa Ltd., through a lengthy legal process pursuant to the Main/Norwood Bridge Project.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

The Planning, Property and Development Department has circulated this proposal to the appropriate internal Departments so as to determine whether there is any civic need for the site. The Departments which responded declared no need for the site, with the exception of the Water and Waste Department. The Water and Waste Department has no objections to the sale provided the current public lane is not included in the sale, inasmuch as the Department has a pumping station located to the north of the subject City property. The only access to this facility is by way of the public lane.

The Harbourmaster indicated some interest in the site. However, upon inspection of the property, it was determined that the building would require significant renovations to meet the Harbourmaster's needs.

On December 7, 1999, the City Centre Community Committee advised the Planning, Property and Development Department, that the Community Committee is of the opinion that the property can be declared surplus to the City's needs and that there are no objections to the sale.

To date, the Planning, Property and Development Department has received three (3) inquiries on the property. The inquiries were as follows:

1. MacDonald Youth Services – Provided a letter to the Planning, Property and Development Department indicating interest in the property for office use. MacDonald Youth Services is currently located west on Mayfair Avenue at 175 Mayfair Avenue.

2. Inter Media – Al Carruthers – The property was toured by Mr. Carruthers twice during April 2000. Mr. Carruthers intends to redevelop the property for office use.

3. Prairie Computers – Bruce Jacobson – The property was toured by Mr. Jacobson on April 14, 2000. Mr. Jacobson intends to redevelop the property for office use.

The Planning, Property and Development Department has not been actively soliciting interest in the site. However, parties that request information or would like to see the property have been accommodated. The Department has advised those parties that the property is currently not for sale, however, may be available at sometime in the future should Council deem the property surplus to the City's requirements

In accordance with the decision of the Standing Policy Committee on Property and Development of April 6, 2000, the Planning, Property and Development Department recommends the subject property be listed with one of the approved brokers currently used under the City's listing program and in accordance with current policies and procedures.

The Public Works Department requested the net proceeds of a sale be credited to the Main/Norwood Bridge Project; there are other expropriation cases remaining in this project to be settled and for which the net proceeds may be required.

The proposed sale of the subject City-owned property will not require the City to incur any new capital debt as the sale represents a divestiture of physical assets. All administrative costs associated with implementing the proposal are provided for in the City's current budget and as such, no additional funding will be required. Any costs to be incurred (i.e. advertising, commissions, etc.) in marketing the property would in the interim be charged to the Land Operating Reserve Account with those costs being recovered by that Account upon the sale of the property. Thus a financial impact sheet has not been submitted.

The Standing Policy Committee on Property and Development recommends:

I. That 101 Mayfair Avenue, outlined as "subject City property" on Misc. Plan No. 8379/13, be declared surplus to the City's requirements.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents relating thereto.

Moved by Councillor De Smedt,

Adoption of the clause.

Carried.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

Councillor Golden asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

Proposed Sale of Tax Sale Properties - 665 Langside Street and 664 Maryland Street - City Centre Community
File FI-2.4(32) (Vol. 9)

701 - 13. The Standing Policy Committee on Property and Development has been advised that the properties located at 665 Langside Street and 664 Maryland Street have been acquired by the City through the tax sale process. The former owners have showed no interest in redeeming these properties from Tax Sale.

Pursuant to Tax Sale Certificate 101/139, 665 Langside Street was transferred to the City of Winnipeg on November 30, 1998, by way of Certificate of Title No. 1608590. Particulars of the subject property are as follows:

Location:	665 Langside Street, east side of Langside Street, south of Cumberland Avenue, outlined as "subject City property" on Misc. Plan No. 10668
Legal Description:	Lot 29, Plan 2260, RL 74 St. James
Owner:	City of Winnipeg
Former Owner:	James Shearer
Costs Incurred by the City of Winnipeg:	$10,687.65
Certificate of Title:	1608590
Zoning:	"R2-T"-Two Family Transitional
Realty Roll Number:	12-2-510330
Total Land and Building Assessment:	$33,200.00
Site Size:	7.62 metres by 25.02 metres = 190.65 square metres (25 feet by 82.1 feet = 2,053 square feet)
Property Description:	A vacant 2½ storey brick residence in insanitary condition, built in 1905 and in poor condition.

Pursuant to Tax Sale Certificate 102/172, 664 Maryland Street was transferred to the City of Winnipeg on October 8, 1999, by way of Certificate of Title No. 1676241. Particulars of the subject property are as follows:

Location:	664 Maryland Street, west side of Maryland Street, south of Wellington Avenue, outlined as "subject City property" on Misc. Plan No. 10757
Legal Description:	Lot 336, Plan 171, RL 71 St. James
Owner:	City of Winnipeg
Former Owner:	Russell Edwards
Costs Incurred by the City of Winnipeg:	$10,668.63
Certificate of Title:	1676241
Zoning:	"RM-4"- Multiple Family
Realty Roll Number:	12-2-413240
Total Land and Building Assessment:	$44,000.00
Site Size:	10.058 metres by 32.318 metres = 325 square metres (33 feet by 106 feet = 3,498 square feet)
Property Description:	A vacant 2½ storey brick residence in insanitary condition, built in 1905 and in poor condition.

On October 14, 1997, the Environmental Health Division of the Community Services Department issued a Closing Order advising that the dwelling at 665 Langside Street was in a severe state of disrepair.

On March 20, 2000, the Building Inspections Division of the Planning, Property and Development Department inspected the dwelling at 664 Maryland Avenue and advised that the stone foundation has failed, the roof assembly has failed and there are signs of moisture in the dwelling, and ordered a demolition.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

The estimated cost to demolish each dwelling is approximately $8,000.00.

On February 23, 2000, Council passed a resolution supporting a request for funding from the Winnipeg Housing Rehabilitation Corporation and the Spence Housing Coalition for $569,500.00 to support the redevelopment of housing stock in the Spence Neighbourhood for resale to pre-qualified homeowners.

From this funding, $160,000.00 has been allocated to allow New Life Ministries to acquire and renovate four (4) homes which are in significant disrepair - in some cases slated for demolition. The subject two properties have been selected by New Life Ministries for redevelopment.

The intent is that once rehabilitated, these dwellings will be sold for $35,000.00 to pre-qualified residents. Funds received through sale will be reinvested in new housing rehabilitation projects by the Housing Coalition.

It is not anticipated that an internal circular will identify any civic need for these properties. In view of the poor condition, and orders against these properties, it is recommended that the sale be subject to the purchaser completing rehabilitative construction within one year.

The Planning, Property and Development Department is in favour of the proposed sale of the subject properties for the following reasons:

1. The properties will be on the tax roll immediately.
2. There has been little movement in the vacant land market in the area, if the improvements were to be demolished.
3. The City will be relieved of demolition expenditures.
4. Sale for the proposed redevelopment will be a cooperative support to the initiative of redevelopment of existing housing stock in the community.
5. All tax sale costs associated with these properties are charged to Tax Sale Account Number 09-116304-020101.

The Planning, Property and Development Department is required to report to the Standing Policy Committee on Property and Development on properties acquired by way of tax sale.

Pursuant to the City Policy on sale or lease of City lands to non-profit organizations, any properties sold or leased at less than market value must be approved by the Standing Policy Committee on Property and Development.

Acceptance of the offers to purchase made by New Life Ministries will be subject to Council in this instance waiving that part of its policy for sales or leases of City-owned lands to non-profit organizations which requires all properties to revert back to the City at the conclusion of the economic life of the project.

The Standing Policy Committee on Property and Development recommends:

I. That the portion of the City's Policy on sale or lease of City lands to non-profit organizations (Council authority of October 31, 1990) which requires that properties sold at less than market value revert back to the City at the conclusion of the economic life of the project, be waived in this instance.

II. That New Life Ministries' Offer to Purchase the "subject City properties", as outlined on Misc. Plan Nos. 10668 and 10757, at a price of $1.00 each, be approved, in accordance with the City's standard terms and conditions, and subject to the purchaser completing rehabilitative construction within one year.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Moved by Councillor De Smedt,
Adoption of the clause.

Carried.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

Proposed Amendment to Lease - South End YM-YWCA - 5 Fermor Avenue - Riel Community File FI-2.2(35) (Vol. 6)

702 - 14. The Standing Policy Committee on Property and Development has been advised that in January 1954, the Young Men's Christian Association of Winnipeg (YMCA) - the predecessor of the YM-YWCA of Winnipeg, and the Rural Municipality of St. Vital formalized a lease agreement for the lands outlined as "YM-YWCA Site Under Lease" on Misc. Plan No. 10558/6.

The salient terms of the lease are:

Term:	99 years - January 1, 1954 to December 31, 2053
Consideration:	$1.00 per year
Renewal:	Three months prior to the expiration of the said lease, the lessee upon written notice may renew the said lease under the same terms, rent and like covenants and provisos of the said lease.
Cancellation:	The said lease does not contain any cancellation or amendment clause.

In December 1998, the Director of Public Works authorized the Real Estate Division of the Planning, Property and Development Department, to negotiate the acquisition of land on the north side of Fermor Avenue, west of St. Mary's Road, required for the Capital Program, Fermor Avenue - Dunkirk Drive to St. Mary's Road (approved by Council on December 15, 1998).

The subject property is required for the development of a combination sidewalk and bicycle path as well as a drop-off/loading lane to serve the YM-YWCA.

Negotiations with the YM-YWCA were initiated February 1999. The City advised the YM-YWCA that the development of the drop-off/loading lane should be considered a direct benefit to the YM-YWCA, and therefore requested the YM-YWCA's consent to amend the existing lease for $1.00 plus reimbursement for loss of shrubs and fence relocation. The YM-YWCA concurred that the development of a drop-off/loading lane would be a benefit, but advised that it had concerns about the suggested design of the drop-off/loading lane. After several iterations of design amendments, the Public Works Department and YM-YWCA both agreed to an acceptable design for the drop-off/loading lane. The roadway contractor hired for this project may attend to the relocations in consultation with the City and the YM-YWCA.

Prior to the City and the YM-YWCA agreeing to the design of the drop-off/loading lane, the YM-YWCA inquired if any portions of the City-owned lands adjacent to the YM-YWCA facility could be made available for additional parking. It was at this time that the YM-YWCA advised that their consent to amend the existing lease agreement would be contingent upon being granted the use of a portion of the adjacent City-owned land for parking purpose.

The YM-YWCA has advised that its membership has increased from approximately 1,000 members to just under 4,000 members over the last couple of years. This increase in membership has resulted in an increased requirement for parking. The YM-YWCA feels that it is obligated to make every effort possible to provide patrons with adequate parking, and therefore, have been steadfast in the position that consenting to amend the existing lease agreement is contingent on receiving land for additional parking.

The adjacent City-owned land upon which the YM-YWCA would like to develop additional parking is zoned Parks and Recreation District (PR 2). Therefore, prior to making any portion of the adjacent land available to the YW-YMCA, favorable consideration from the Riel Community Committee is required, as well as approval by City Council by a two-thirds majority. In order to obtain the aforementioned required approvals the scheduled road works would have to be delayed. This delay would result in additional construction costs to the City and prolong interruption to the traffic flows westbound on Fermor Avenue.

As a result of intensified negotiations, the YM-YWCA has advised that it is prepared to signify consent to amend the existing lease agreement provided the City continues to provide its cooperation and assistance in the YM-YWCA's effort to obtain additional City-owned land for parking purposes. The Director of Planning, Property and Development indicated the Department's continued support.

Council approval is required for park land leases over five years in length.

Report of the Standing Policy Committee on Property and Development dated May 30, 2000

Pursuant to Section 156(2) of The City of Winnipeg Act, all leases of property designated or acquired for park purposes requires approval of at least two-thirds majority of the Members of Council.

The Standing Policy Committee on Property and Development recommends:

I. That the existing land lease at 5 Fermor Avenue by the City of Winnipeg to the YM-YWCA of Winnipeg be amended to exclude the lands outlined as "proposed widening" on Misc. Plan No. 10558/6, and in accordance with the proposed terms and conditions as negotiated, effective May 9, 2000.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

703 - On motion of Councillor De Smedt, the following by-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:-

By-law No. 7642/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the east side of Scurfield Boulevard opposite Knightswood Court in the Assiniboia Community. File DASZ 58/85 (Phase 34 A)

By-law No. 7643/2000, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(32) (Vol. 2)

By-law No. 7644/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side of Corbett Drive, West of Goswell Road in the Assiniboia Community. File DASZ 15/98

By-law No. 7645/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 1401 and 1411 Regent Avenue in the East Kildonan-Transcona Community.
File DASZ 27/98

By-law No. 7646/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 2595 McPhillips Street in the Lord Selkirk-West Kildonan Community.
File DASZ 24/99

By-law No. 7647/2000, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 212 Colony Street in the City Centre Community. File DAZ 206/2000

By-law No. 7648/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 1425 Regent Avenue in the East Kildonan-Transcona Community.
File DASZ 2/2000

Standing Policy Committee on Property and Development - Consideration of By-laws (continued)

By-law No. 7649/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side of Ravelston Avenue West, east of Peguis Street in the East Kildonan-Transcona Community. File DASZ 7/2000

By-law No. 7653/2000, a by-law of The City of Winnipeg to amend By-law No. 7230/98, being the 1998 Home Renovation Tax Assistance Program By-law. File FL (Vol. 8)

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

704 - Councillor Steek referred to the matter of acquisition of 1200 Wilkes Avenue as contained in Clause 11 of the Report of the Standing Policy Committee dated May 30, 2000, and requested explanation as to how $135,000 in taxes were forgiven, to which Councillor De Smedt noted that payment of the taxes would be offset in the purchase price of the property.

Councillor Steek referred to the matter being identified as time sensitive and questioned whether the land had already been sold and or what the urgency was.

Councillor De Smedt stated the matter was time sensitive inasmuch there had been extended negotiations to resolve the matter and that there did not seem to be any apparent reason to hold the matter up, and that he was not aware of any sale.

Councillor Golden questioned if the property in question redeemed from land sale, without the interest and penalties, would be developed as a commercial development without having to pay associated servicing costs with the City having to pay for the roads to make this land accessible, costing the taxpayers $4.5 million.

Councillor De Smedt replied that he did not believe this to be the case.

Councillor Golden questioned what the cost would be to taxpayers in providing services that would not be passed on to the developer, to which Councillor De Smedt advised that there was no certainty that the City would be incurring responsibility for servicing this land without some compensating value.

Councillor Golden questioned if the City of Winnipeg would be foregoing $400,000 in taxes and allowing the development to take place in such a fashion that would not allow the City to recoup the $4.2 million in development costs associated with the development of the lands.

Councillor De Smedt advised that the City was setting the scene for the property to evolve and that he did not believe that they had picked up the responsibilities identified by Councillor Golden.

Councillor Steek questioned if there were any other examples where the City forgave taxes of this nature and Councillor De Smedt took the question under advisement.

Councillor Steek questioned if the City Auditor would be present when the Standing Policy Committee on Property and Development considered the Auditor's Real Estate Management Report, to which Councillor De Smedt responded that he did not believe that the City Auditor would be present.

Moved by Councillor Golden,

That the rule be suspended to allow Question Period a ten minute extension.

Lost.