REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED SEPTEMBER 8, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated September 8, 1998, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10 and 11, be adopted.

Councillor Prystanski requested that Clause 1 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,3,4,5,6,7,8,9,10 and 11 was put and declared carried.

Boarded up Residential Buildings in the Inner City Area File EX (Vol. 13)

1092 - 1. On April 29, 1998, Council ruled automatic referral of the following motion to the Standing Policy Committee on Property and Development, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Silva,
Seconded by Councillor Steek,

WHEREAS there is a growing number of boarded up residential buildings within the inner city area;

AND WHEREAS these buildings have a negative impact on a community and are vandalized or broken into on a regular basis;

AND WHEREAS many of these buildings have been boarded up for more than six months without any attempt to have repairs done or any attempt at clean up of the property;

AND WHEREAS many of these buildings are also in arrears in taxes;

BE IT RESOLVED that the Council of the City of Winnipeg request the appropriate departments to develop the necessary changes to the City of Winnipeg by-laws and the City of Winnipeg Act if necessary to allow a more rapid response to the boarded up buildings in the City;

AND BE IT FURTHER RESOLVED that these changes take into consideration the need for mandatory clean up and rehabilitation of these properties within a specific time period of the property being boarded up."

On June 24, 1998, Council granted the Standing Policy Committee on Property and Development an extension of time of 60 days to consider the matter.

On August 24, 1998, the Standing Policy Committee on Property and Development requested the Administration to report back to the September 8, 1998 meeting, on the pilot enforcement program on unsafe boarded up houses, incorporating recommendations where the City can improve its by-laws, or request the Province of Manitoba to amend legislation, ie. substitutional service on owners. The Standing Policy Committee also requested Council to grant a further extension of time of 30 days to report back on the matter.

On September 8, 1998, the Standing Policy Committee on Property and Development considered and received as information the report dated August 31, 1998, from the Manager of Development and Inspections, Property and Development Services Department, in this connection.

The Standing Policy Committee on Property and Development recommends:

I. That the Administration continue to order unsafe boarded-up residential buildings to be repaired or demolished as permitted under the Winnipeg Building By-law No. 4555/88.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

II. That where absentee owners are outside the province and the Housing/Existing Buildings Branch cannot achieve personal service, posting of the site will occur as stipulated in the Winnipeg Building By-law No. 4555/88.

III. That the Property and Development Services Department be instructed to investigate charging additional costs incurred with serving notices and demolishing structures that require default demolition to the City's Land Operating Reserve as part of the tax sale process. The City may recover these costs through realty taxes, provided that owners do not default on payment of their taxes.

IV. That the Property and Development Services Department allocate the necessary funds to hire Process Servers to hand deliver orders to owners of affected properties. The City may recover these costs by adding them to the owners realty taxes, provided that owners do not default on payment of their taxes.

V. That City of Winnipeg forces be employed to reduce costs, whenever possible. For example, the Public Works Department crews be employed to do sewer and water service cutoffs to the property, and at certain locations to carry out demolitions through use of subcontractors.

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

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

In amendment,

Moved by Councillor Prystanski,
Seconded by Councillor O'Shaughnessy,

WHEREAS the clause recommends demolition of condemned housing;

AND WHEREAS the land where the houses were demolished may sit vacant for some time;

AND WHEREAS the intent of the subject clause is to improve the land and neighbourhood;

THEREFORE BE IT RESOLVED that an additional recommendation be added to include the requirement that the subject lands be sodded or replanted with soil and seed;

AND BE IT FURTHER RESOLVED that the additional costs be added to the subject property's tax bill.

The amendment was put and declared carried.

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

Enhanced Rooming House Licensing Program File EL-2.1 (Vol. 1)

1093 - 2. The Standing Policy Committee on Property and Development has been advised that on July 24, 1997, Council established an enhanced licensing and enforcement program dedicated to addressing rooming house problems under an initial one year term.

Formation of the Program began in August 1997, with operations beginning in mid November, following pre-implementation development, staffing, and cross-training. Staffing was drawn entirely by secondment from within the existing city complement, requiring no new expenditures to compile the expertise necessary to establish and implement the Program.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

On January 5, 1998, the Chief Inspector for Rooming Houses, Property and Development Services Department, provided the Standing Policy Committee on Property and Development with its first program status report presentation. At that time, the Standing Policy Committee requested that further progress/evaluation reports be provided.

Completion of the existing backlog of applications, initially estimated at approximately 1,300, is not achievable under the current one year operating mandate of the Program. In order to complete both the backlog, and address and bring into compliance the large number of suspected illegally operating premises, also estimated at numbering some 1,000 to 1,500 long term allocation of resources is required.

Expiry of the Program without extension would result in all seconded staff returning to their previous Departments and positions, leaving the City's obligation to both the license requirements and the individual by-laws on which approvals are based, to be re-allocated in some fashion.

The mandate of the Enhance Rooming House Licensing Program, as adopted by Council, authorized an accelerated inspection and enforcement program to focus exclusively on rooming houses.

The criteria utilized was basic compliance under the existing provisions of the Residential Buildings Fire Safety By-law No. 4304/86, the Winnipeg Fire Prevention By-law No. 1322/76, and the Unified Zoning By-law No. 6400/94, which collectively form the prerequisites for assessment and approval under the License By-law No. 6551/95.

The objectives of the Enhanced Rooming House Program are as follows:

1. Immediately address the backlog of inspections of properties currently identified as rooming houses and where necessary, take enforcement actions to bring these buildings into compliance with Fire Prevention, Zoning, Fire Safety and License regulations.

2. Develop and implement an effective method to identify buildings used as rooming houses, evaluate each property, and enforce compliance.

3. Provide all prerequisite evaluations and approvals required for licensing to all existing and future applications.

4. Establish a mechanism and process to facilitate the annual licensing of Rooming Houses.

5. Develop and establish a recording and information database compatible with existing systems.

6. Develop and implement processing and communications enhancements to coordinate the entire licensing process.

7. Implement a community/resident liaison component into the process.

In establishing the program, all existing requirements, mechanisms and methods were reviewed, resulting in an amalgamation of all functions utilizing a multi-disciplinary approach. The streamlining has been most effective, with all functions, including the application of the combined By-law requirements stipulated as prerequisite under the License By-law, now being conducted by a single, cross-trained, By-law Enforcement Officer, who works collaboratively, and in tandem, with various other agencies.

The benefits of the Enhance Rooming House Program are as follows:

1. Premises are being brought into compliance with fire prevention and fire safety requirements for the protection of the occupants and the neighbourhoods in which they are located.

2. Zoning violations are being corrected, with non-permissible uses either converting to acceptable use, or in the process of application for variance.

3. Neighborhood and business groups have expressed their appreciation and support to, and for the initiative, citing the positive impacts the program has had on their communities, which are both welcome, and attributed to the multi-disciplinary approach and compliance enforcement.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

4. Licensing evens out the playing field, placing consistent requirements as the standard for revenue generating, multiple occupancy rental accommodations.

5. Inappropriate, unsafe and illegal occupancies are being corrected and requirements enforced.

Significant progress on the backlog of previously known premises has been made, and is numerically illustrated by category outlined in Appendix "A".

To date, a total of 428 premises have been completed, resulting in a combination of either the issue of a license, conversion to non-rooming house use and/or permissible land use, and closure pending compliance.

In summary, the gross total of outstanding properties requiring inspections fluctuates, and is impacted by the receipt of complaints, referrals, appeals, variance applications, and new applications. As a result, and despite the progress, the backlog has grown from the initial 1,300 to 1,500.

The Rooming House Section will continue to aggressively pursue completion of the backlog, however, several issues have arisen as a result of the experience gained to date. The Property and Development Services Department proposes to further study and assess these issues over the next year and provide a comprehensive report in due course. Representative examples of these issues include:

1. Property standards requirements were not included in the original program mandate, requiring referrals for such matters to other Divisions and Departments. The consequence of this is first, that multiple Inspectors must be used; second, licenses cannot be withheld on the basis of substandard property conditions; and third, overall compliance coordination is protracted and difficult. An amalgamated By-law, if feasible, would eliminate this problem, by incorporating this issue into the mandate and authority of the Rooming House Section.

2. The existing by-laws on which licensing approval is based are independent, separate pieces of legislation, each containing separate processing requirements and appeal mechanisms to three different administrative bodies. This causes substantial confusion, particularly when an appeal with multiple grounds arises. Again, an amalgamated By-law would eliminate this problem, by setting out a single appeal body to deal with all matters.

3. Community, neighbourhood group, and other operating agency acceptance and support to the program has been overwhelmingly positive. However, as a term project, it has been difficult to provide long term commitment and assurance to these parties that the liaisons established will continue, hampering long term commitment, planning and continuity regarding both a sustainable licensing mechanism in addition to community based issues and problem solving. As a permanent program, a firm commitment would be established.

4. As complaints, referrals, and new information is received, the number of operating, but not yet formally identified Rooming Houses, is estimated to equal, at 1,000 to 1,500, if not exceed, the existing known total of some 1,300. In effect, the probable number is likely in the 3,000 range. Fairness, continuity and consistency dictates all such properties be identified and required to comply to the licensing requirements.

5. Expiry or termination of the Program will not exempt the City from its obligation to enforce the By-laws under which the Program runs, requiring re-allocation of both the functions and staff in some fashion.

A total of $225,000.00, as outlined on Appendix "B", is required to be added to the Property and Development Services Department budget to cover the salaries and benefits for those employees seconded from the Community Services Department as well as the non-salary operating costs.

On September 8, 1998, the Standing Policy Committee on Property and Development considered and received as information the report dated August 28, 1998, from the Director of Property and Development Services on the progress of the Enhanced Rooming House Licensing Program.

The Standing Policy Committee on Property and Development recommends:

I. That the Enhanced Rooming House Licensing Program be extended until December 31, 1999, at which time the Program will be further evaluated as to its continuance.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

II. That incumbent staffing and funding for the Program continue under an extension to the existing secondments.

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

Adopted by consent.

Proposed closing of the public lane in the block bounded by Sherbrook and Furby Streets and Wolseley and Cornish Avenues - City Centre Community
File DAC 8/98 [c/r DASZ 8/98, DCU 101/98D and DAV 286/98D]

1094 - 3. The Standing Policy Committee on Property and Development has been advised that the proposed lane closing, as outlined on Misc. Plan No. 10408, is submitted for approval in conjunction with File DASZ 8/98, an application to subdivide and rezone the property east of the lane between Wolseley and Cornish Avenues to accommodate the construction of a personal care home by the Misericordia General Hospital. The Hospital wishes to acquire the lane and incorporate it into the proposed subdivision.

All of the property adjacent to the lane is owned by the Misericordia General Hospital, except for the property at the southeast corner of Sherbrook Street and Wolseley Avenue, outlined on Misc. Plan No. 10408 as the "Gregory Parasidis property". The lane closing will deprive Mr. Parasidis of the access he presently uses. In order to resolve this problem, the Hospital has advised that they have entered into an agreement with Mr. Parasidis allowing him the continued use of the lane for access to his property. The Zoning and Permits Branch has advised that the access agreement between the Misericordia General Hospital and Mr. Parasidis will have to be submitted to the Administration as part of the application for a private approach required once this property no longer has access from a public right-of-way.

The Public Works Department advised that the Misericordia General Hospital will be required to undertake the responsibility for the routine maintenance (snow removal, street sweeping, etc.) of the portion of the lane to be used by Mr. Parasidis. Winnipeg Hydro advised that the Hospital must assume the responsibility for either the relocation of the existing power line in the lane or an easement for its maintenance. Centra Gas has advised that it will also require an easement for its existing line.

The proposed closing is contingent on the approval of File DASZ 8/98. The authority being sought to close the lane will not be exercised if the subdivision application is rejected by City Council.

Public Hearings were held before the City Centre Community Committee on June 30, August 13 and 27, 1998. Twenty-one persons appeared in support of the application, thirty-five persons registered in opposition thereto, three registered for information thereon, and the Senior Planner and the Real Property Officer were in attendance for the City.

The Community Committee recommended approval of the proposed street closing as outlined below, and provided the following supporting reasons:

1. Without the lane closing the property becomes so tightly crunched that most of the green space required for aesthetics for the residents of the personal care home as well as the residents of the area is basically lost.

2. The functional connection to the hospital, without the lane closing, becomes impossible.

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

I. That subject to Council approval of the subdivision application submitted under File DASZ 8/98, the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 10408, as outlined on Schedule "A".

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

II. 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. 1120 for attachment)

Proposed closing of Estabrook Bay - Riel Community
-- File DAC 11/98 [c/r DAS 17/98]

1095 - 4. The Standing Policy Committee on Property and Development has been advised that the proposed street closing, as outlined on Misc. Plan No. 10434, is submitted for approval in conjunction with subdivision application DAS 17/98. This right-of-way exists in a legal sense only. The street does not physically exist.

The application submitted under File DAS 17/98 proposes, and the City Administration has recommended for approval, replacing Estabrook Bay with a cul-de-sac, outlined as "proposed street opening" on Misc. Plan No. 10434.

A Public Hearing was held before the Riel Community Committee on August 25, 1998. No one appeared in support of the application, no one registered in opposition thereto, and the Real Property Officer was in attendance for the City. The Community Committee recommended approval of the proposed street closing as outlined below.

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

I. That, subject to Council approval of the subdivision application submitted under File DAS 17/98, the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 10434, as outlined on Schedule "A".

II. 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. 1121 for attachment)

Proposed widening of part of the east side of Pembina Highway, north of the Perimeter Highway - Riel Community
File DAO 15/97

1096 - 5. The Standing Policy Committee on Property and Development has been advised that in October 1996, the former Board of Commissioners instructed the Property and Development Services Department to enter into negotiations for the acquisition of the lands outlined as "proposed street opening" on Misc. Plan No. 9762/1. The owners of the property have agreed to its sale to the City and the construction of the street widening has been completed. The land may now be dedicated as public street.

A Public Hearing was held before the Riel Community Committee on August 25, 1998. No one appeared in support of the application and no one registered for opposition thereto. The Community Committee recommended approval of the proposed street widening as outlined below.

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

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening, in accordance with Misc. Plan No. 9762/1, as outlined on Schedule "A".

II. 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. 1122 for attachment)

Proposed Amendment to Subdivision on lands bounded by Arden Avenue and St. Michael Road, west of Darwin Street - Riel Community File DAS 5/95

1097 - 6. On September 27, 1995, Council adopted Clause 4 of the Report of the former Committee on Planning and Community Services dated September 5, 1995, being a plan of subdivision on the land bounded by Arden Avenue, St. Michael's Road, Darwin Street and Don Craik Cove, as outlined on Schedule "A", to allow for the construction of a single-family dwellings on lots created within the subdivision area.

On August 25, 1998, the Riel Community Committee recommended that the approval given by Council on September 27, 1995, for File DAS 5/95, be amended to defer the various City charges, dedication fees and provision of Letters of Credit until such time as the first building permit is requested for the lots fronting William Nock Cove (excluding Lot 25 fronting on St. Michael Road and Lot 23 fronting on Arden Avenue).

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, as amended, and recommends:

I. That the various City charges, dedication fees and provision of Letters of Credit, except for the Letters of Credit with respect to builders' liens, for the plan of subdivision under File DAS 5/95, be deferred until such time as the first building permit is requested for the lots fronting William Nock Cove (excluding Lot 25 fronting on St. Michael Road and Lot 23 fronting on Arden Avenue).

II. 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 - land located on Abbotsfield Drive, south of Hochman Avenue - Riel Community File DAS 17/98 [c/r DAC 11/98]

1098 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd., 30 Speers Road, Winnipeg, for approval of a plan of subdivision on the subject lands to allow for residential development.

The following is the present site description:

Site Area: Approximately 3 - 4 acres in overall size.

Existing Land Use and Zoning: Vacant; the existing property was zoned "R1-4" under a DASZ 8/94.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

The following is the surrounding land use and zoning:

North: Largely developed, "R1-3.5" and "R1-4" residential lots

South: Undeveloped: "A-5" Agricultural land

East: Largely vacant "A-5", properties abutting the Seine River

West: Developed "R1-4" Single-Family residential development

The applicant proposes to open a new street (Estabrook Bay) and establish 16 new "R1-4" lots on Estabrook and 10 more on the west side of Abbotsfield Road. Two more will front onto Abbotsfield Road, but on the east side of that street.

The applicants are proposing to redesign a street alignment (Estabrook Bay), previously approved under a 1994 subdivision application, in order to facilitate the creation of 28 new "R1-4" lots both on Estabrook Bay and on Abbotsfield Drive. The proposed development is a natural extension of an already existing subdivision located adjacent to the north. The proposed lot sizes are generally in character with the surrounding neighbourhood. Because of the re-configuration of Estabrook Bay, one lot (.48 acre in size) will remain unsubdivided and undeveloped until such time as adjacent properties to the south are ready to be developed. The aforementioned lot is not landlocked - it has frontage on St. Anne's Road.

A Public Hearing was held before the Riel Community Committee on August 25, 1998. Three persons appeared in support of the application, and no one registered in opposition thereto.

The Riel Community Committee recommended that the proposed subdivision be approved for the following reasons:

1. The proposed development is a natural extension of an already existing subdivision located adjacent to the north and the proposed lot sizes are generally in character with the surrounding neighbourhood.

2. There was no opposition to this application.

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

I. That the plan of subdivision proposed under File DAS 17/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 17/98 dated August 17, 1998, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an agreement with the City containing all the conditions outlined in the report of the Land Development Engineer dated August 17, 1998.

   B. That there be no building permits issued for the .48 acre parcel at the rear of lots 17 and 18 until such time as that parcel is consolidated with the adjacent property to the south for development in an orderly fashion.

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

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 this 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 By-law in accordance with the above.

V. That the By-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

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

VII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 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. 1123 for attachment)

Proposed Subdivision and Rezoning - land located at 24 to 44 Furby Street, and 55 and 57 Cornish Avenues - City Centre Community
File DASZ 8/98 [c/r DCU 101/98D, DAV 286/98D and DAC 8/98]

1099 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Thompson Dorfman Sweatman (John D. Stefaniuk), 2200 - 201 Portage Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land on the west side of Furby Street between Cornish Avenue and Wolseley Avenue from an "R2-T" Transitional District to "RM-2" Multiple-Family District to allow for the construction of an institution (personal care home), subject to Conditional Use approval.

The following is the present site description:

Site Dimensions: 396.25 feet in frontage on Furby Street; 121.4 feet in perpendicular depth to lane

Site Area: 48,100 square feet approximately; 1.1 acres

Existing Land Use: Six converted houses containing suites and rooms, 1 vacant residential lot, two, 2-storey apartment buildings

The following is the surrounding land use and zoning:

North: "R2-T" Two-Family Transitional District (apartment block and single-family and converted houses)

East: Across Furby Street, "R2-T" Two-Family Transitional District (apartment buildings, converted houses)

South: Across Cornish Avenue, "R1-4" Single-Family District (Armstrong Point, single and multiple family housing)

West: Across public lane, "C1.5" (Misericordia parkade)

Now under the control of the Winnipeg Hospital Authority, the mandate of the Misericordia General Hospital has been changed from that of a comprehensive acute care facility to one specializing in geriatric services and long-term care. The Hospital will retain its Ophthalmology Program and Breast Care Centre. The Hospital's new roles involve the Health Links 24-hour telephone information service, and a 24-hour urgent care centre. Other ambulatory and community-based programs are envisaged. The new role for the hospital will require the staged redevelopment of the main building. Those plans are not part of the current application.

The current proposal is demolish the existing, hospital-owned houses and apartment buildings on Furby and construct a three-storey, 100 bed personal care home. The building would connect to the existing parkade via a grade level, enclosed walkway. The main building entrance would be off Furby Street, with a lay-by taken from the west boulevard for drop-off and pick-up. Related applications include a conditional use for the personal care home, and a zoning variance for yards, parking, building separation, etc.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

The building is designed around a long, north-south corridor with two short wings extending westward to the edge of the lane right-of-way. A ten foot yard is provided against Wolseley Avenue. Along Furby Street, the 3-storey structure is set-back about 32 feet from the street right-of-way. A one storey entrance lobby and reception area projects to within about 4 feet of the sidewalk according to the plans submitted. The building stops short of Cornish Avenue, allowing for an enclosed courtyard.

Plans call for the closure of the north-south public lane running between Sherbrook Avenue and Furby Street. The lane closure is a concurrent process, also involving a public hearing. Closure of the entire lane would require an easement agreement with the owner of the property containing The Nook Diner, the last private holding on the block.

The Administration has advised that the issues surrounding this application extend well beyond the property and land use impacts of a personal care home. Most lie beyond the jurisdiction of the Community Committee and the Property and Development Services Department. The fact that a rezoning hearing is poised to provide the major forum for a public debate on the future of the hospital, and its role in the community, is unfortunate. Doubtless, neither the Hospital nor the Community are pleased with the situation as it stands. The adaptation of the Hospital to its new role is being fast-tracked. The Board of Directors are attempting to reconcile competing needs: the hospital's need to survive and flourish within the provincial health care system, and the needs of the community it has served for a century. Unfortunately, the latter's needs have arguably been compromised in the drive towards specialization in health care delivery. Conversely, community-based health care promises greater accessibility to most day-to-day health and wellness services.

The Hospital and/or the Manitoba Department of Health may have begun too late in getting the community to buy into its new vision and mandate. From the Provincial Department's limited knowledge, beyond debates in legislature and whatever public consultation may have occurred on a city-wide or provincial level, the first meetings to discuss the direct impact of the proposed Misericordia changes appear to have been staged by the community. The Hospital subsequently responded with a public information meeting on June 24, 1998, but the time to bring people into the process is before decisions are taken. The Department's introduction to the process likewise did not allow for time to consider redevelopment options. The major concerns were with meeting deadlines and construction schedules. Even the project design reflects this urgency, being an off-the-shelf design rather than one specifically tailored to the site and the neighbourhood setting.

Clearly lacking on the part of the proponents was an appreciation for how the immediate neighbourhood of West Broadway is evolving, at a grass-roots level, into a political force; and how inner-city neighbourhoods, collectively, are mobilizing to address common issues and problems which are contributing to a decline in their health, sustainability, and quality-of-life. The lack of effective local involvement or input into the current project places the Department in a difficult position. On the one hand, the proposal appears reasonable from the standpoint of bulk and scale, relative to this type of institutional expansion. On the other hand, when viewed in the context of housing loss, institutional encroachment, parking and traffic impacts, a loss of public trust, and the perceived diminution of health services in the community, the broader impact of the project raises concerns.

The Misericordia General Hospital is not the only hospital having to address these issues. The Health Sciences Centre and the St. Boniface Hospital, in particular, have been in similar positions with their respective neighbourhoods when undertaking building expansions. The lessons learned from their experiences may be of benefit, namely:

1. Large institutions, irrespective of their illustrious histories, pose a threat to surrounding neighbourhoods, especially fragile, inner city neighbourhoods.

2. Adequate information early on is essential for dispelling myths and quelling unfounded fears.

3. When subjected to public scrutiny, even the best laid plans are improved upon, leading to a win-win situation.

Based on the communications received by the Property and Development Services Department, the neighbourhood is asking that the Hospital's Board of Directors pause to consider what they, and the community, might gain from rethinking their expansion plans. The community is seeking evidence, beyond assurances, that the range of health care services and facilities available at the Misericordia will continue to respond to local needs or, at least, that adequate, convenient options are available. The community would like the Hospital to consider or reconsider all options for physical expansion, through more intensive redevelopment of the main building or, possibly, through a northerly expansion across Wolseley Avenue between Maryland and Sherbrook Streets. The community would like the hospital

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

to consider the impact of losing badly needed, good quality rental accommodation (30 or more units) in West Broadway, and what it could do to either replace the lost units in one or more new housing projects, or renovate an equivalent number of units in existing buildings, similar to the work undertaken on Langside Street by the Lions Club of Winnipeg in conjunction with the West Broadway Alliance. And the community would like to know if, in staffing the new facility, the quality and availability of the local work force will be taken into consideration.

Again, some of the questions extend to matters beyond the jurisdiction of the Community Committee, but, from the Property and Development Services Department's standpoint, when Plan Winnipeg directs City Planners to adopt a holistic approach to neighbourhood management and improvement, it becomes increasingly difficult to draw the line at physical impacts when reviewing development projects such as this. In the case of housing demolition, especially, the Department stands to lose whatever credibility it has gained over the past two years in working with local residents and organizations in West Broadway to preserve and restore this most valuable community resource. The Administration therefore requested that the City Centre Community Committee consider adjourning this and related items to allow time for the hospital to address the above issues to the satisfaction of the community and the Department. If, on the other hand, over the course of the public hearing the Community Committee is satisfied with the applicant's response to the above issues and moves to support the application, then the Department recommended the application be proceeded with subject to terms and conditions.

Public Hearings were held by the City Centre Community Committee on June 30, August 13 and 27, 1998. Sixteen persons appeared in support of the application, thirty-nine registered in opposition thereto, and four registered for information thereon.

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

1. The Community Committee is of the opinion that if the application for the subject site is not proceeded with the community will not see a personal care home in the area.

2. The Community Committee has retained design control which will provide some flexibility to adjust the design to try and make the project a little more appealing to the community.

3. The risk of losing the facility has put in place a situation where the normal conditions which would be required for a facility such as this have had to be suspended.

4. The time frame has precluded a proper review of options.

5. While the subject site is not the Community Committee's first choice of location, there is no desire to hurt the Health Centre.

6. Approval of the subject application is not to be construed as a precedent for development / rezoning of this density in the neighbourhood.

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

I. That the plan of subdivision proposed under File DASZ 8/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/98, dated June 25, 1998, for registration in the Winnipeg Land Titles Office.

II. That Zoning By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A", for File DASZ 8/98, dated June 25, 1998, to an "RM-2" Multiple-Family Residential 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 provide for the following:

    1. That the use of the property be limited to a personal care home and ancillary uses.

    2. That, prior to the issuance of a development permit, final construction plans indicating the design and layout of the development, including access, parking, loading, fencing, garbage enclosures, landscaping, lighting, and signage, be subject to the approval of the Director of Property and Development Services and the City Centre Community Committee.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

III. That a ten (10) per cent 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.

IV. That a traffic and parking study be commissioned to indicate what, if any, measures should be taken to mitigate traffic and parking impacts on the surrounding residential area, said study to be completed to the satisfaction of the Director of Public Works prior to Council giving third reading to the rezoning By-law.

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 rezoning By-law and forward same to Council for all three readings when the Zoning Agreement has been executed.

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. That the plan of subdivision shall be approved and signed by the Director of Property and Development Services within two (2) years of the date of passage of the aforementioned By-law.

IX. That 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.

The Executive Policy Committee recommends that Recommendation IV. be amended by deleting the following words at the end thereof namely:

"prior to Council giving third reading to the rezoning By-law".

Adopted by consent.

(See Minute No. 1124 for attachment)

Proposed Subdivision and Rezoning - land located at 1010 - 1016 - 1018 St. Mary's Road and 18 Moore Avenue - Riel Community
File DASZ 11/98 [c/r DAV 382/98D]

1100 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from 0709140 Manitoba Ltd. (Ken Lucy/Eric Wittenberg), 1301 Inkster Boulevard, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-5" Residential District to a "C2" Commercial District to permit the establishment of a commercial building and accessory parking area.

The following is the present site description:

Site Area: Approximately an acre in size. Approximately 5.5 metres of frontage along St. Mary's Road and 15 metres of frontage along Moore Avenue.

Existing Land Use and Zoning: The subject parcel or parcels are equally divided by two (2) zoning districts. The most westerly half is zoned "R1-5" and the easterly half is zoned "R2" Residential. All four (4) major parcels are/or were residential properties (3 on St. Mary's Road and 1 fronting onto Moore Avenue).

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

The following is the surrounding land use and zoning:

North: The St. Mary's frontage lands are made up of an array of businesses zoned "C2". Most lots on the north side of Moore are occupied by single-family dwellings. An apartment building occupies the southwest corner of Moore and St. Mary's Road.

South: To the south is multi-tenant mall zoned "C2" in 1978

East: All businesses zoned "C2" Commercial

West: To the west are single-family residences zoned "R1-5" on extremely deep lots (200 feet - 210 feet deep)

The applicants propose to rezone the subject parcels (which also include small parcels currently under City ownership) to a "C2" Commercial category and construct a 7,500 square foot commercial building. There is as yet no primary tenant. The City's Real Estate Division authorized the necessary rezoning recognizing that negotiation for sale of the subject City properties is still part of an ongoing process. There are to be actually two (2) alternative site plans submitted - the only difference between the two being that one suggests an access to Moore Street, while the other does not. Both indicate that primary access is to be via St. Mary's Road and there of course be a joint access agreement with the adjoining commercial site to the south. There are approximately 50 parking stalls to be provided in both plans. Because zero (0) side yard is proposed for the north side of the building and only five (5) yard between the parking area adjoining Moore Street and adjacent residences, accompanying variances area required. If the applicant cannot obtain access to Moore Street, a 15 foot to 16 foot wide, landscaped area will separate the parking areas on the north side of the proposed new building from Moore Street.

The Planning and Land Use Division are supportive, in principle, of the rezoning of the subject properties to a "C2" Commercial category. The proposed development will constitute a legitimate extension of the existing adjoining commercial area zoned "C2" in 1978. That small mall area has had some moderate success in recent years, having experienced a significant turn-over in tenants during the first decade of its existence. As with the adjoining property, it is recommended that there be a zoning agreement prohibiting certain uses not deemed to be appropriate at this location (i.e., Contractors establishments, automobile sales outlets, etc.)

The applicants have indicated that they have been unsuccessful, to date, in getting a commitment from the Public Works Department to install a median cut on the east side of St. Mary's Road which would allow north bound traffic to more easily access the property. Without a median cut, in their opinion, they are forced to pursue a Moore Street access. The question of the median cut, is in the Administration's view, a separate issue which may have to be resolved at the Standing Policy Committee on Public Works. However, whatever the outcome, this Department does not support a vehicular access to Moore Street. Unlike the current access to Hastings Street (which is very close to the St. Mary's intersection) the proposed access to Moore would be well within the existing residential area and would, in our view, impact adversely on the neighbourhood. It is recommended that with or without a median cut, access to the site be restricted to St. Mary's Road or to the adjoining commercial site to the south. It is also suggested that extensive landscaping be installed along both the St. Mary's Road and Moore Street frontages. And that adequate provision of said landscaping and fencing etc. be assured and guaranteed through the Plan Approval process - an additional condition of the accompanying zoning agreement.

The Administration further noted that Moore Street residents have requested that the existing stand of mature trees between the proposed Moore Street parking lot and 20 Moore Street (a residential dwelling) be maintained. If that cannot be done as part of the requested accompanying 5 feet yard variance at that location, then the variance should be rejected and the 10 foot side yard maintained.

Public Hearings were held before the Riel Community Committee on July 14 and August 25, 1998. Fourteen persons appeared in support of the application, and no one registered in opposition thereto.

The Riel Community Committee recommended that the proposed subdivision and rezoning be approved for the following reasons:

1. Approval of this rezoning is considered to be compatible with the surrounding area.

2. The area residents are now supportive of the application as long as the proposed development does not include the property located at 18 Moore Avenue.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

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

I. That the plan of subdivision proposed under File DASZ 11/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A", for File DASZ 11/98, dated July 7, 1998, excluding the property located at 18 Moore Avenue, for registration in the Winnipeg Land Titles Office.

II. That the Director of Property and Development Services 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 11/98 dated July 7, 1998, excluding the property located at 18 Moore Avenue, 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 owned or leased by the applicant, being 0709140 Manitoba Ltd., to include the following conditions:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 591(10) of the City of Winnipeg Act, to provide for the following:

1. That final construction plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, accessory parking and loading areas, fencing, landscaping, free-standing signage, and garbage enclosures, be subject to the approval of the Chief Administrative Officer or designate and the Riel Community Committee prior to the issuance of a building permit.

2. That the following "C2" uses be listed as prohibited on the subject site.

a) Amusement Enterprise, Indoor: including driving range, go-cart track, miniature golf course, range for target sports, roller skating or similar facility.
b) Automobile, including motorcycle: Supplies/Parts, Sales
c) Automobile, including motorcycle: Rental, sales, including accessory repair, service, installation of supplies/parts.
d) Car Washes
e) Contractors establishment
f) Restaurant (Drive-Through)
g) Tire: Sales, Service

IV. That a ten (10) percent 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 subdivision section of the By-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. 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.

IX. The Plan of Subdivision shall be approved and signed by the Director of Property and Development Services 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 September 8, 1998

X. 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. 1125 for attachment)

Proposed Rezoning - land located at 333 and 351 Maryland Street, east side, north of Portage Avenue - City Centre Community
File DAZ 229/98 [c/r DCU 163/98D and DAV 520/98D]

1101 - 10. The Standing Policy Committee on Property and Development Services has been advised that an application has been received from Nejmark Architect (Tat-Liang Cheam, 2 - 54 Adelaide Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "RM-4" Multiple-Family District and a "C2" Commercial District to an "RM-7" Multiple-Family District to allow for the establishment of a nursing home, subject to Conditional Use approval.

The following is the present site description:

Site Dimensions: "RM-4" site north of lane: 143.9 feet of frontage by 122.2 feet of depth; "C2" site south of lane: 337.7 feet of frontage by a maximum of about 78.4 feet of depth

Site Area: About 1 acre including north site of 0.4 acres and south site of about 0.6 acre

Existing Land Use: North site, surface parking for 54 vehicles. South site, four storey office building

The following is the surrounding land use and zoning:

North and West: "RM-4" Multiple-Family District (apartment blocks and converted houses)

East: "RM-7" Multiple-Family District (Lions Manor seniors apartment building)

South: Fronting Portage Avenue, "C2" Commercial District (Lions Centre executive offices)

The proposal is to convert the vacant Worker's Compensation building into a residence for Alzheimers patients. A total of 32 units will be provided, including 12 one-bedroom units for patients and their spouses, and 20 studio units. The proposal is part of a larger redevelopment plan which would also see a new tower constructed north of Lions Manor to accommodate 116 personal care beds. These facilities are in addition to the existing seniors' accommodation in Lions Manor, including 250 residential apartments, 62 hostel units, and 12 alzheimers units.

The Planning and Land Use Division supports this proposal as being compatible with land use in the immediate area and beneficial to the neighbourhood. The Division is pleased that the expansion can occur without the loss of existing housing in the St. Matthews or neighbouring Spence neighbourhoods.

Considering the current proposal along with Lions Place at Portage Avenue and Furby Street, and the proposed conversion of the Misericordia General Hospital to a long-term care facility, there is a substantial concentration of seniors' housing in the inner city neighbourhoods west of the downtown. This public and private investment needs protecting, as do the residents and workers at these facilities. It is therefore important for the City of Winnipeg, in partnership with the federal and provincial governments, to sustain programs like the Winnipeg Development Agreement, and the efforts of grass-roots organizations like the West Broadway Alliance, aimed at improving housing in inner city neighbourhoods, sustaining and attracting ethical businesses, and keeping them safe for residents, workers and visitors. The Department's continued support for institutional development in inner city areas, like the current proposal, is contingent upon the City's ongoing commitment to neighbourhood management and improvement.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

A Public Hearing was held before the City Centre Community Committee on August 11, 1998. Two persons appeared in support of the application, and no one appeared in opposition thereto.

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

1. The proposal is compatible with land use in the immediate area and beneficial to the neighbourhood.

2. The expansion can occur without the loss of existing housing in the St. Matthews or neighbouring Spence Street neighbourhoods.

The Standing Policy Committee on Property and Development concurred in the recommendations of the City Centre Community Committee 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 229/98 and dated August 4, 1998, to a "RM-7" Multiple-Family District.

II. That the ten (10) percent dedication, in lieu of the requirement for land for open space, park and recreational use, be waived as the project and sponsor are non-profit.

III. 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.

IV. 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.

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.

Adopted by consent.

(See Minute No. 1126 for attachment)

Proposed Zoning Agreement Amendment - land located at 1555 Regent Avenue West - East Kildonan-Transcona Community File ZAA 3/98 [c/r DAZ 273/79]

1102 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from DS-Lea Consultants Ltd, 111 - 93 Lombard Avenue, Winnipeg, to amend the Zoning Agreement affecting the subject property outlined by deleting the condition requiring that for every 200 square feet (or portion thereof) of gross leasable floor area that one (1) parking space be provided on the land.

The following is the present site description:

Dimensions: The land has 492.16 metres (1614.69 feet) of frontage on Regent Avenue

Site Area: 18.62 hectares (approximately 46 acres)

Existing Land Use and Zoning: The site is currently developed with a regional shopping centre designated under Plan Winnipeg and zoned "CR" Commercial District

The applicants are requesting the deletion of a clause in the zoning agreement affecting their property which requires the shopping centre to provide one parking space for every 200 square feet of gross leasable area.

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

The current Zoning By-law requires that shopping centres provide one parking space per 200 square feet of gross leasable area. With the removal of the subject clause of the Zoning Agreement, the applicant would still be required to meet the conditions of the Zoning By-law or seek a variance. The applicants are requesting the deletion of the parking requirement clause from the Zoning Agreement in order to allow them more flexibility in the future as the variance procedure is less cumbersome than a zoning agreement amendment.

Currently, based on site area and a minimum parking space width of 8 feet, there is sufficient space on the shopping centre site to provide the necessary parking stalls. The applicants however wish to provide a parking space width of 8.5 feet, this leaves a deficiency of 159 spaces. It is important to note that Variance Order DAV 607/97C has been granted for the subject property which allows (subject to other necessary approvals) said development to provide forty (40) stalls less than that required by the Zoning By-law. The Community Planning Division agreed to support the above variance request as part of an agreement that conveyed the land required for the "Reenders Drive Extension" to the City for One ($1.00) Dollar. The amendment of the Zoning Agreement would allow this variance to come into effect. The applicants would still, however, be required to apply for an additional variance for the deficiency of 119 spaces.

The shopping centre developer is planning an expansion in the near future onto vacant properties adjacent to the centre. If their expansion proposal meets the necessary approvals, they will at that time expand their parking area to make up their parking deficiency.

The Planning and Land Use Division is of the opinion that the current Zoning By-law is adequate to regulate parking on the shopping centre site and that the zoning agreement clause is redundant. Future reductions in on site parking can be evaluated during the variance process.

A Public Hearing was held by the East Kildonan-Transcona Community Committee on August 18, 1998. 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 zoning agreement amendment be approved for the following reasons:

1. The current Zoning By-law requires that shopping centres provide one parking space per 200 square feet of gross leasable area. With the removal of the subject clause of the zoning agreement, the applicant would still be required to meet the conditions of the By-law or seek a variance.

2. The applicants are requesting the deletion of the parking requirement clause from the zoning agreement in order to allow them more flexibility in the future as the variance procedure is less cumbersome than a zoning agreement amendment.

3. Currently, based on site area and a minimum parking space width of 8 feet, there is sufficient space on the shopping centre site to provide the necessary parking stalls, however, the applicants wish to provide a parking space width of 8.5 feet, leaving a deficiency of 159 spaces.

4. Variance Order DAV 607/97C has been granted for the subject property which allows (subject to other necessary approvals) said development to provide forty (40) stalls less than that required by the By-law. The Community Planning Division agreed to support the above variance request as part of an agreement that conveyed the land required for the "Reenders Drive Extension" to the City for One ($1.00) Dollar. The amendment of the zoning agreement would allow this variance to come into effect. The applicants would still, however, be required to apply for an additional variance for the deficiency of 119 spaces.

5. The shopping centre developer is planning an expansion in the near future onto vacant properties adjacent to the centre, and, if their expansion proposal meets the necessary approvals, they will at that time expand their parking area to make up their parking deficiency.

6. The Planning and Land Use Division is of the opinion that the current Zoning By-law is adequate to regulate parking on the shopping centre site and that the zoning agreement clause is redundant. Future reductions in on site parking can be evaluated during the variance process.

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

Report of the Standing Policy Committee on Property and Development dated September 8, 1998

I. That Zoning Agreement DAZ 273/79 (By-law No. 2435/79, Caveat No. 266490), dated October 3, 1979, be amended by deleting the condition requiring that for every 200 square feet (or portion thereof) of gross leasable floor area that one (1) parking space be provided on the land.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 273/79 (By-law No. 2435/79, Caveat No. 266490) dated October 3, 1979, as approved in aforesaid Recommendation I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. 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.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED SEPTEMBER 10, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated September 10, 1998, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4 and 5, be adopted.

Carried.

Proposed Sale of Ritchot Park - located east of Highway 59 and south of the Perimeter Highway - Riel Community
File FI-2.4 (Vol. 7)

1103 - 1. The Standing Policy Committee on Property and Development has been advised that over the past ten years, the Province of Manitoba and the City of Winnipeg have embarked on discussions regarding the use and transfer of Ritchot Park to the Province of Manitoba for the expansion of Highway 59. The subject City property is located east of Highway 59 and south of the Seine River, and is legally described as Parcels 1, 2, 3 and 4, Plan No. 9485, WLTO, as outlined on Misc. Plan No. 9124/2.

During 1996, the need for the property escalated in response to the Provincial announcement for the creation of a major expansion of the highway as a foundation for the north/south Mid-Continent Trade Corridor. Following this announcement, planning and design studies were completed by the Province of Manitoba and an expansion route was selected. This included the placement of the corridor through the middle of Ritchot Park. Upon notification of same, the City of Winnipeg advised the Province of Manitoba that it wished to pursue the sale of the entire property as the placement of the expansion essentially created two separate park sites.

Subsequent to this notification, representatives of the Province of Manitoba and the City of Winnipeg met on numerous occasions to determine a set of conditions under which the City of Winnipeg would transfer Ritchot Park to the Province of Manitoba.

On April 30, 1997, Council adopted Clause 8 of the Report of the former Committee on Protection, Parks and Culture dated April 14, 1998, and in doing so, declared Ritchot Park as surplus to parks and recreation requirements to facilitate the proposed upgrading of Highway 59 south of the Perimeter Highway, subject to the City of Winnipeg obtaining a suitable replacement site.

On May 5, 1998, the Standing Policy Committee on Property and Development considered and received as information a report on the matter from the Property and Development Services Department.

On August 25, 1998, the Provincial Land Management Services orally advised the Director of Property and Development Services that in consideration for dedicating Lot 16 Drain Plan to the City of Winnipeg for $1.00, the Province of Manitoba was only prepared to purchase the entire Ritchot Park for a cash payment of $95,000.00 and will assume the existing lease and obligations with the Winnipeg Radio Club Inc.

A review of the subject proposal by the Real Estate Division indicates that the following benefits would accrue to the City by accepting the offer as follows:

1. Although the proposed sale price is less than the total value for the land inclusive of the depreciated value of park improvements the settlement of the Lot 16 Drain Plan matter represents a significant benefit to the City and as such the Property and Development Services Department is supportive of same.

2. The subject proposal represents a resolution of this long outstanding matter between the Province of Manitoba and the City of Winnipeg and would lead to improved relations between the respective governments.

Report of the Standing Policy Committee on Property and Development dated September 10, 1998

3. The subject proposal would provide the opportunity for the Province of Manitoba to commence with physical improvements associated with the Mid-Continent Trade Corridor.

4. The subject proposal provides for the Province of Manitoba to inherit the existing Lessee and all obligations thereof.

5. The subject proposal provides a source of additional funding for another City approved property acquisition (CNR/CLC transfer tracks), inasmuch as the Property and Development Services Department is continuing to have difficulty in identifying adequate funds to finance this approved acquisition.

6. The proposed purchase price reflects the highest and best use value of the property which is situated in a flood-prone zone and the price is found to be within the range of market value of lands of similar nature in this area.

Given the aforementioned benefits, the Property and Development Services Department is supportive of recommending this matter be concluded in accordance with the aforementioned terms.

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

The Standing Policy Committee on Property and Development recommends:

I. That the proposal to purchase received from the Province of Manitoba, respecting the "subject City property" as outlined on Misc. Plan No. 9124/2, in the amount of $95,000.00 be approved.

II. That the Director of the Property and Development Services be authorized to apply the net sales proceeds from this sale to the acquisition of the CNR/CLC Transfer Track.

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.

Copy of Misc. Plan No. 9124/2 is on file in the Office of the City Clerk.

Adopted by consent.

Proposed Land Exchange - Seine Riverbank - 450 rue Desautels - Riel Community File FI-2.4.4.1 (Vol. 6)

1104 - 2. The Standing Policy Committee on Property and Development has been advised that in May 1998, the Real Estate Division of the Property and Development Services Department was requested to commence negotiations under its delegated authority to acquire an easement to permit construction of the Seine River Interpretive Trail (Pathway), outlined on Misc. Plan No. 10403/7, as "approximate pathway location ±3m wide", east of rue Bourgeault and south to Hamel Avenue. The negotiations involve three principals: 153810 Canada Inc. (Westeel); AFG Glass Inc.; and the Canadian National Railway.

Negotiations with AFG Glass Inc. are complete and the trail has, in fact, been constructed along that stretch of property. Negotiations with Canadian National Railway are progressing well albeit slowly.

Once negotiations began with 153810 Canada Inc. (Westeel) it became evident that the Company did not want to be party to any agreement that encouraged additional public traffic in and around the area which could increase the incidence of vandalism. The reason for this is that the plant manufactures, among other items, large white propane tanks which are stored in the yard and which attract vandalism, mostly in the form of graffiti. However, as negotiations progressed and the possibility of closing and acquiring various street-ends was discussed, 153810 Canada Inc. saw the opportunity to further control trespassing on its site and consolidate its fragmented holdings. Under the land exchange scenario both parties would derive benefits.

Report of the Standing Policy Committee on Property and Development dated September 10, 1998

Ongoing negotiations recently resulted in representatives of 153810 Canada Inc. (Westeel) advising the City by letter dated August 21, 1998, that they were prepared to enter into an agreement based on either one of two alternative courses of action.

Under Option 1, the City would obtain a 3 metre wide pathway easement (usually acquired for $1.00) plus receive payment of $1,500.00 for the City-owned lands in excess of the easement area (17,800 square feet of City-owned lands, less the 3 metres wide, 16,800 square feet easement area, all at $1.50 per square foot).

Under Option 2, the City would obtain title to approximately 4.52 acres of Seine riverbank, most of which is identified as the "minimum land acquisition proposal" in the Council approved Seine River Park Study. In terms of value, the City would receive title and control of approximately $67,800.00 worth of Seine riverbank lands (4.52 acres at $15,000.00 per acre) in exchange for approximately 0.41 acres of unimproved street ends worth approximately $26,700.00 ($1.50 per square foot).

Both strategically and financially, the Option 2 scenario is considered by the Property and Development Services Department to be the most favourable alternative for the City.

The Real Estate Division has therefore negotiated a proposed land exchange generally in accordance with Option 2 and as more particularly set out in Schedule "A".

Particulars of the subject properties are summarized as follows:

153810 CANADA INC. (WESTEEL) LANDS

Location: 450 Rue Desautels

Legal Description: Pt. Lots 7/8, Plan 252
79 St. Boniface; Lot 17, Plan 3507
76/78 St. Boniface; Lots 5 and 7
Plan 3362 78/79 St. Boniface

Description of Property: Large irregular shaped riverbank industrial site with numerous manufacturing and storage buildings, surface parking areas and rail trackage situated on the left bank of the Seine River. The industrial usage is contained above the top of riverbank. The property includes a large undeveloped riverbank area with fairly dense natural vegetation.

CITY STREET ENDS

Location: In the vicinity of rue Bourgeault and rue Deschambault and the Canadian National Railway Plan 6705 outlined as Parcels "A", "B", "C", "D" "G" and "H" on Misc. Plan 10403/7.

Site Size: Parcel "A" -
Total: 1,063.7 sq.m. (11,449.5 sq.ft.)
Part to be Exchanged
278.2 sq.m. (2,994.6 sq.ft.)

Parcel "H" -
Total: 2,459.2 sq.m. (26,470.3 sq.ft.)
Part to be Exchanged:
1,223.1 sq.m. (13,165.6 sq.ft.)

Parcel "B" - 786.7 sq.m. (8,468.3 sq.ft.)
Parcel "C" - 43.2 sq.m. (465.3 sq.ft.)
Parcel "D" - 104.0 sq.m. (1,119.0 sq.ft.)

Description of Property: The lands are physically unimproved but legally open street ends. The portions of Parcels "A" and "H" above the riverbank proposed to be exchanged are being used now by 153810 Canada Inc. as part of its yard site for parking and storage; the unused below the bank portion is steep and has dense natural vegetation.

Report of the Standing Policy Committee on Property and Development dated September 10, 1998

CITY OWNED LANDS

Location:	North of rue Deschambault, west of rue Bourgeault adjacent Canadian National Railway Plan 6705.
Legal Description:	Lot 6, Plan 3362
Description:	Small triangular land-locked piece of vacant land that is physically encompassed by the 153810 Canada Inc. site.

SUMMARY

The lands proposed to be conveyed by 153810 Canada Inc. (Westeel) to City of Winnipeg equals ±18,300 square metres (±4.52 acres).

The lands proposed to be conveyed by City of Winnipeg to 153810 Canada Inc. equals ±1,655 square metres (0.41 acres). This is the sum of part of Parcels "A" and "H" and Lot 6 described above.

The balance of the proposed street closings, i.e. those portions of Parcels "A" and "H" below the 230 foot meter contour level, would remain in the City's ownership as part of the City-owned riverbank portion.

All or part Parcels "B", "C", "D" and "G", once closed, would be used in negotiations with the Canadian National Railway to obtain the pathway easements required to link and provide ingress/egress to various portions of the Seine River Interpretive Trail.

Parcel "E" and "F" on Misc. Plan No. 10403/7 would remain as public street.

This proposed land exchange involves no exchange of monies. The legal survey work will be carried out with City resources. Minimal incidental costs will be charged to an appropriate account.

The proposed land exchange described will require: firstly, that Council waive its policy of September 17, 1980, which states that all street ends providing access to rivers are to be retained by the City, and, secondly, that Council approve the terms and conditions of purchase/sale or land exchange involving the street-ends once legally closed.

The Standing Policy Committee on Property and Development recommends:

I. That, in this circumstance, the Council policy of September 17, 1980, regarding retention (no sales) of street lands, be waived in order to permit the closure by By-law and subsequent sale of street ends providing access to a river.

II. That, subject to approval of Recommendation No. 1, the proposed closure of street-end Parcels A, B, C, D, G and H outlined on Misc. Plan No. 10403/7, be approved and the Proper Officers of the City be instructed to initiate the street closing process and preparation of the closing By-Law.

III. That subject to approval of Recommendation Nos. 1 and 2, the proposed land exchange be approved in accordance with the terms and conditions as outlined on Schedule "A".

IV. 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.

Copy of Misc. Plan No. 10403/7 and Schedule "A" are on file in the Office of the City Clerk.

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated September 10, 1998

Proposal to Develop a Water Ski Facility at the South Transcona Retention Basin for Use in the 1999 Pan American Games - East Kildonan-Transcona Community
File PR-2(33) (Vol. 1) [c/r PD (Vol. 13)]

1105 - 3. The Standing Policy Committee on Property and Development has been advised that Council approval is required for the designation of the South Transcona Retention Basin as a Community Services Department Facility in order to issue a Facility Use Agreement. The South Transcona Retention Basin is located on City-owned property at the northwest corner St. Boniface Road and Murdoch Road, as outlined on Misc. Plan No. 9120/2.

On June 19, 1996, Council concurred in recommendations contained in a report regarding the development of the South Transcona Retention Basin, inclusive of the potential use of same by the Manitoba Water Ski Association Inc.

On May 28, 1997, Council adopted the 1997 Capital Estimates, which included funding for the construction of a water retention basin in South Transcona to provide additional land drainage system capacity.

By letter dated February 5, 1998, the Manitoba Water Ski Association Inc. submitted an expression of interest to the City of Winnipeg for the development of a water ski facility at the South Transcona Retention Basin and to subsequently enter into a lease agreement for same.

By letter dated March 2, 1998, the Property and Development Services Department advised the Manitoba Water Ski Association Inc. that, among other things, it would require approval from the Standing Policy Committee on Property and Development to enter into an appropriate agreement.

By letter dated April 20, 1998, the Manitoba Water Ski Association Inc. identified its intent to proceed with the construction of improvements at the South Transcona Retention Basin.

On July 6, 1998, the Property and Development Services Department provided a Consent Agreement to the Manitoba Water Ski Association Inc. in order to commence construction of a boat house and parking lot in order for the Association to undertake the subject works in advance of the 1999 Pan American Games.

On May 28, 1997, Council approved funding for the development of a new retention basin to provide additional land drainage capacity within the South Transcona area. The basin and associated improvements subsequently constructed at the northwest corner of Murdoch Road and St. Boniface Road at a cost of $3.5 million dollars was cost shared with the Province of Manitoba.

The South Transcona Retention Basin is designed to provide land drainage storage capacity and to accommodate water ski activities. The layout of the basin provides the opportunity to use same for water ski training and development via long linear runs for slalom and jump course events. As well, other site features were also integrated into the design of the basin including high berming to minimize wind effect upon water skiing events and ancillary amenity areas for spectators, judging and parking activities.

Following the completion of the basin design, the Manitoba Water Ski Association Inc. prepared a detailed conceptual plan for the placement of sport amenities required for the operation of the water retention basin as a water ski facility, including a boat house, parking lot and docks.

By letter dated April 20, 1998, the Manitoba Water Ski Association Inc. indicated that it wished to proceed with the construction of certain improvements this spring. These improvements will enable the Association to host the Provincial Water Ski Championships in July 1998 and the Pan Am Water Ski Championships in August 1998, i.e. a test event for the hosting of the Games. In addition, the Association is proposing to undertake subsequent improvements in the spring of 1999, to prepare for the 1999 Pan American Games. These improvements are identified on a sketch designated as Schedule “A” as submitted to the Development Examination Branch on March 24, 1998.

Prior to proceeding with the proposed improvements, the Manitoba Water Ski Association Inc. has also indicated an interest in entering into a formal agreement with the City of Winnipeg for the use of the basin and surrounding areas.

Report of the Standing Policy Committee on Property and Development dated September 10, 1998

Following the receipt of the proposal from the Manitoba Water Ski Association Inc., the Association has since indicated that it does not wish to proceed with the installation of a make-up well at the site at this time. This provision was originally part of the discussion between representatives of the Water and Waste Department and the Association to address situations involving low water conditions. Although the Department has no concerns with respect to removing this requirement from an agreement, it wishes to ensure that the removal of same is acknowledged in that it may create a situation where an insufficient level of water exists to host the 1999 Pan American Games and in the future. The Association is aware of this potential and that alternate arrangements may be required in order to ensure that a sufficient level of water is available for utilizing the basin as a water skiing venue. It may be that a well would be required to provide water in 1999, however, this will be monitored and reported back to the Committees of Council if required.

Currently, the City is examining the utilization of various types of agreements for the use of City owned parks and recreation facilities and, as such, the Association has been advised that a seasonal facility use agreement would be used in this case. During the period between May and July 1998, representatives from the Manitoba Water Ski Association Inc., the Province of Manitoba and the Property and Development Services Department have met to discuss the terms and conditions of an agreement. The Association has subsequently agreed to the proposed terms as contained in Schedule "B".

Coincident with the Association's review of the aforementioned terms and conditions, representatives of the Property and Development Services Department, Legal Services Division and the Assessment Department met to review the tax parameters related to same and are satisfied that the terms and conditions will ensure that the City will remain the occupier of the subject site the result of which eliminates the need for the Association to pay the realty taxes.

Given the Manitoba Water Ski Association Inc.'s wishes to construct a new water ski facility at the South Transcona Retention Basin, and that the Pan American Games Society intends to use same for hosting the 1999 Pan American Games, and that the City will not have any ongoing current budget costs associated with the facility, the Property and Development Services and the Community Services Departments are both wholly supportive of this project in order to satisfy the Host Society's requirement for a water skiing venue and to meet the needs of the sport in the City of Winnipeg.

The subject proposal involves the use of Association capital along with capital grants to Manitoba Water Ski Association Inc. and as such, there is no financial impact upon the City's capital budget.

The operation and maintenance of the retention basin control structures is the responsibility of the Water and Waste Department. The control structures are defined as gates, pumps (pump station), stop logs and stop log structures.

Any costs associated with using the basin for water skiing purposes, will be the responsibility of the Manitoba Water Ski Association Inc. during their use of same and as such, there is no current budget financial impact associated with the proposal.

On August 27, 1998, the Standing Policy Committee on Property and Development referred the matter to the City Solicitor/Manager of Legal Services for further review and report back to the September 10, 1998 meeting.

On September 10, 1998, the Standing Policy Committee on Property and Development considered a supplementary report dated September 4, 1998, in this connection.

The Standing Policy Committee on Property and Development recommends:

I. That the South Transcona Retention Pond, as outlined on Misc. Plan No. EKT 9120/2, and related amenities as defined in Schedule "A", be designated as a Community Services Department Facility for programming purposes, and therefore be permitable via a seasonal facility use agreement.

II. That the proposal to construct Water Skiing related improvements at the South Transcona Retention Basin be approved in accordance with the terms and conditions as stipulated in the revised Schedule "B".

Report of the Standing Policy Committee on Property and Development dated September 10, 1998

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

Schedules "A" and "B" are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Acquisition of 875 avenue Tache - northwest corner of avenue Tache and rue Messager - along the East Bank of the Red River - Riel Community
File FI-2(35) (Vol. 6)

1106 - 4. The Standing Policy Committee on Property and Development has been advised that the property at 875 avenue Tache is required for the St. Boniface Riverbank Parkway, and recently the owner advised that the property may be acquired by the City; which acquisition would require consideration by Council inasmuch as it does not form part of a Council approved land acquisition program.

On June 16, 1997, the Riel Community Committee passed a motion requesting that the Administration be instructed to initiate a rezoning of the lands situated north of rue Messager and west of avenue Tache (north of rue Darveau) from an "M2" Industrial category to a "PR-1" Parks and Recreation category, which is in accordance with Plan Winnipeg Policy (By-Law No. 5915/92) and the objectives of the North St. Boniface Secondary Plan (By-Law No. 965/75), and would be consistent with the designation of these lands for future parkway development.

The application to rezone the lands (File DAZ 225/97) north of rue Messager and west of avenue Tache (north of rue Darveau) included the subject property (875 avenue Tache). However, the City's Legal Services Division advised that by rezoning the subject property without the consent of the owner to such a restricted category as "PR1" would be injurious to the owner. The owner of the subject property was contacted and asked to consent to having the subject property included in the City's proposed rezoning application. The owner declined to have the subject property included in the proposed rezoning, but advised that he would consider the sale of this property to the City.

On April 29, 1998, Council adopted the recommendation of its Standing Policy Committee on Property and Development to rezone all the riverbank lands north of rue Messager to "PR1" excluding the subject property. At the preceding meeting of the Standing Policy Committee of Property and Development, on April 7, 1998, the Manager of the City's Real Estate Division was informally instructed to negotiate the acquisition of the "subject property."

The subject property is located at 875 avenue Tache, on the northwest corner of avenue Tache and rue Messager, on the East bank of the Red River and in the vicinity of Whittier Park, as outlined on Misc. Plan, and is legally described as Lot 56, Plan 29652, D.G.S. 76 St. Boniface. The subject property is an improved site with a 52 year old wood frame two story warehouse/office/residential building, (2,782 square feet gross floor area) and a semi-detached ± 450 square foot masonry storage facility. The main floor has been developed into a workshop and storage area. The second floor contains two small offices and a living suite. The living suite contains a kitchen, living room, small bath, and one bedroom. The storage facility is constructed of double bricked walls and a concrete ceiling and floor. This extensive construction of the storage facility is due to it being used for the dismantling of ammunition following World War II.

Over the past 20 years, the former Parks and Recreation Department has acquired land in this area for future park development. Over the same period of time the area has changed in designation from future parkway, to future residential, and most recently back to future parkway under Plan Winnipeg, (By-Law No. 5915/92).

With the exception of the subject property, the City now owns all of the riverbank lands north of rue Messager. These City-owned lands are presently vacant with the exception of a toboggan slide and ice climbing structure. Although the lands are not currently improved as a park, there are plans in accordance with Plan Winnipeg (By-Law No. 5915/92) and the North St. Boniface Secondary Plan (By-Law No. 965/75), to develop them as part of a linear parkway development.

Report of the Standing Policy Committee on Property and Development dated September 10, 1998

The acquisition of the subject property was identified as a moderate priority in the administrative report dated April 23, 1998, on the "Proposed Riverbank Parkway Property Acquisitions - 1998". However, the acquisition of the subject property would further the assembly of riverbank properties lying between the CNR Highline and Whittier Park and the City's lineal ownership of riverbank property in North St. Boniface.

Several round of intense negotiations have resulted in a proposed purchase price of $65,000.00 for the subject property. An internal appraisal has estimated the market value of the subject property to be approximately $54,000.00 to $58,000.00. However due to the unique nature of the subject property, i.e. being a riverbank property and being a warehouse/office/residential building providing all this utility to one tenant, the proposed purchase price is considered by the Real Estate Division of the Property and Development Services Department to be fairly representative of the market value.

Clause 3 of the proposed terms and conditions addresses the vendor's concern that the proposed sale of the subject property will result in a change to the level of the 1999 realty assessment. The Assessment Department has advised that the 1999 Assessment Roll has already been determined and the date of appealing the 1999 realty assessment has passed; therefore there will be no change to the subject property's realty assessment in 1999.

Clauses 4 and 5 in Schedule "A" make allowances for the tenant to remove fixtures, subject to the City's approval, that have been installed at the tenant's own expense. During the appraisal inspection of the subject property, it was noted that the tenant's "upgraded fixtures" were of only fair to good quality and have no appreciable effect on the market value of the subject property as a whole. A representative list of the fixtures that the tenants would likely want to remove would include, but is not limited to, a ceiling fan, light fixtures, kitchen cupboards, kitchen sink and faucets and a decorative interior door. An itemized list and inspection of the fixtures to be removed is forthcoming for approval by the City.

Clause 6 of the proposed terms and conditions replaces the City's standard clause whereby the Vendor states that, to the best of their knowledge, there are no outstanding work orders, i.e. building inspections, health, etc., with any authorities and that the subject property has never been used for the storing, treating, or disposal of any hazardous wastes. The Vendor has requested this amendment as a result of a previous real estate transaction that he was involved in which resulted in his being responsible for the cost of building upgrades five years after selling the property.

A canvass of the appropriate City and Provincial authorities, i.e., Building Inspections (Electrical, Plumbing, Mechanical, Enforcement, Occupancy and Existing Buildings Branches), Zoning Branch, Provincial Health, Fire Department and the Provincial Environmental Department, was conducted, and as of July 24, 1998, there were no outstanding work orders that apply to the subject property. Any further environmental concerns will be addressed when an environmental impact study is conducted, subject to approval of this transaction.

Due to the original use of the storage facility, (i.e. dismantling ammunition following World War II), the Property and Development Department will arrange for an environmental impact study at the earliest possible date prior to the proposed possession date.

In consideration of the City's expressed desire to rezone this property to a "PR1" Parks and Recreation District, and given the advanced age of the improvements located on the subject property, demolition is recommended. The demolition of these improvements would eliminate this industrial element from a parks and recreation area and would eliminate future maintenance costs of the building pending development of this land as a park. While the property has been under a rental program to date, the owner has intimated that he has experienced difficulty collecting rents. Furthermore, the Real Estate Division may not be able to attract a suitable tenant for this property pending the City's ultimate use of this land for park development. Also, this property required 13,600 sandbags for protection from the flood of 1997 at an estimated cost of $34,000.00. Therefore, removal of these improvements will eliminate any future requirement for flood protection. The real estate agent for the owner has advised that he has recently been contacted by other parties making inquiries about the availability of the subject property for purchase.

Both the Real Estate Division and the Planning and Land Use Division of the Property and Development Services Department are of the opinion that the proposed acquisition of the subject property for the negotiated price of $65,000.00 is in the City's best interest.

Currently, capital funding is not available from the Land for Riverbank Acquisition Purposes Account to purchase the subject property. However, capital funding could be made available from the Account by unencumbering $100,000.00 earmarked for the acquisition of properties situated in North Winnipeg along the Riverbank Parkway.

Report of the Standing Policy Committee on Property and Development dated September 10, 1998

The process of acquiring the four remaining properties along the North Winnipeg Riverbank Parkway has not yet commenced and as such, this funding could be reallocated without disrupting the program. Subject to approval of the 1999 Capital Budget, funding in the amount of $100,000.00 could be earmarked from the 1999 Land for General Unspecified Purposes Account to replenish the Account for the North Winnipeg Riverbank Parkway Property Acquisition.

Being as $85,000.00 of the $100,000.00 in costs associated with the acquisition of 875 avenue Tache will not be required before March 1999 (date of possession - 875 avenue Tache), the effect of this reallocation should be minimal.

Authority to demolish and/or remove any City-owned building which is uneconomic to maintain and/or properties acquired for a stated public purpose rests with the Standing Policy Committee on Property and Development.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property", outlined on Misc. Plan No. 10320/1, be approved at the negotiated price of $65,000.00, in accordance with the terms and conditions identified in Schedule "A".

II. That the Director of Property and Development Services be authorized to demolish the building improvements located within the "subject property" at the earliest possible date after the date of possession.

III. That, subject to Recommendation No. I, the Proper Officers of the City be authorized to do all things necessary to initiate the rezoning of the subject property from "M2" Industrial District to "PR1" Parks and Recreation District.

IV. That funding for this proposed acquisition be made available from the North Winnipeg Parkway Program, said funding amount to be replenished by being a first charge against the 1999 General Unspecified Purposes Account.

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

Copy of Misc. Plan No. 10320/1 and Schedule "A" are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Property Acquisition - Lot 16 Drain Right-of-Way - Province of Manitoba File FI-2(31) (Vol. 3)

1107 - 5. The Standing Policy Committee on Property and Development has been advised that on July 7, 1998, the Standing Policy Committee on Public Works considered report dated June 30, 1998, from the Director of Public Works regarding the feasibility of establishing a public street on the Lot 16 Drain right-of-way between 1855 and 1863 Pembina Highway, opposite Plaza Drive, as outlined on Misc. Plan No. 10458.

The Standing Policy Committee on Public Works recommended to the Standing Policy Committee on Property and Development that the City acquire the Lot 16 Drain right-of-way from the Province of Manitoba for $1.00, and that it be legally opened as a public right-of-way and advertised as a local improvement; and further, that the proponent submit a letter to the Director of Public Works stating that they will not object to the local improvements being assessed against their property.

On July 21, 1998, the Standing Policy Committee on Property and Development authorized the Administration to do all things necessary to negotiate the acquisition of the Lot 16 Drain right-of-way from the Province of Manitoba as soon as possible; and directed the Administration to take immediate steps to open the Lot 16 Drain right-of-way as a public right-of-way, with costs to be borne by the City-at-large, and to ensure continued access for all parties who currently have access; and that the lease on the Lot 16 Drain right-of-way with Shindico Realty Ltd. be cancelled upon the opening of the subject public right-of-way.

Report of the Standing Policy Committee on Property and Development dated September 10, 1998

On August 19, 1998, representatives of the Property and Development Services Department and Provincial Land Management Services met to discuss the subject matter and subsequently executed a Consent Document for the subject property.

By memorandum dated August 21, 1998, the Public Works Department provided a plan to the Property and Development Services Department identifying the portion of Lot 16 Drain Plan and additional privately owned property required for the proposed street opening.

Following the receipt of directives from the Standing Policy Committee on Public Works and from the Standing Policy Committee on Property and Development, the Administration met to review same and to determine a plan of action to accomplish the goal of opening up Lot 16 Drain Plan as a public right-of-way. In order to open Lot 16 Drain Plan as a public right-of-way, the required tasks to completion are as follows:

Step 1. Obtain Lot 16 Drain Plan Lands from the Province of Manitoba:
The Property and Development Services Department prepared a Consent Document and Misc. Plan No. 10,458 identifying lands required from the Province of Manitoba and forwarded same to Provincial Land Management Services. Upon reviewing the document and circumstances surrounding this matter, the representative of Land Management Services immediately signed the document. The executed Consent Document, outlined on Appendix "A", provides for the dedication of lands to the City of Winnipeg for public street purposes.

Step 2. Closure of Drain Plan:
A representative of the City's Legal Surveys Branch was asked to review the process for closing the Drain Plan Lot 16 and subsequently opening same as a public right-of-way. The Legal Surveys Branch has determined that Drain Plan Lot 16 does not have to be closed when opening same as a public street right-of-way. As such, the Property and Development Services Department will not have to proceed with a closing of Drain Plan Lot 16.

Step 3. Identification of Right-of-Way requirements:
A representative of the Public Works Department reviewed the existing situation and requests to open Drain Plan Lot 16 as a public right-of-way. In order for the Drain Plan Lot 16 to be opened as a public right-of-way, additional land is required from the owner of Lot 5, Plan 11,201 in proximity of Pembina Highway to enable two exit lanes and proper truck access as outlined on Appendix "B". This requirement will be discussed with the owner and his concurrence to dedicate same to facilitate the opening and construction of a public right-of-way will be requested. In addition, a three metre widening of both sides of the Drain Plan Lot 16 would be desirable when creating the subject right-of-way to meet current City standards as also outlined on Appendix "B". This will require discussion with the adjacent owners and their concurrence to dedicate same. In the event the owners are not supportive of same, the proposed street opening will still be circularized.

Step 4. Preparation of a Plan of Survey:
Prior to submitting a request to open Drain Plan Lot 16 as a public right-of-way, the Property and Development Services Department will require that a plan of survey be prepared to register at Land Titles for control of the lands and to determine the exact location for the new right-of-way as well as any encroachments which may exist within the existing Drain Plan Lot 16. The Department has contracted the services of a Land Surveyor to prepare same.

Step 5. Proposed Opening of Drain Plan Lot 16 as a Public Right-of-Way:
Upon completing tasks 3 and 4, the Property and Development Services Department will proceed through the standard street opening process and establish a public right-of-way over Drain Plan Lot 16 and adjacent lands.

Given the circumstances surrounding this matter which require that the City open the Drain Plan Lot 16 as a public right-of-way, it is projected that same will occur in late November or early December 1998.

Funding for the processing of the Consent Document, Plan of Survey and Street Opening will be charged to the future Street Right of Ways Account.

Since the August 27, 1998 Technical Advisory Committee on City Properties meeting, the Property and Development Services Department met with Shindico Realty Inc. to discuss the requirements for a street opening over Lot 16 Drain Plan.

Report of the Standing Policy Committee on Property and Development dated September 10, 1998

By letter dated September 1, 1998, Shindico Realty Inc. on behalf of 3177719 Manitoba Ltd. and 3177727 Manitoba Ltd. agreed to allow the City to include the minimum required lands in an application for a street opening over Lot 16 Drain Plan and agreed to dedicate the lands as referenced on Misc. Plan No. 10458/1 in proximity of Pembina Highway as shown in detail on the plan at a cost of $1.00. The requirement for obtaining an additional 3 metre widening along both the north and south sides of the Lot 16 Drain Plan was also discussed at the meeting. It was agreed that the Department would make a formal request inclusive of a plan identifying the lands and that the terms under which the subject lands would be made available to the City for public right-of-way purposes would be completed within the next two weeks.

Upon obtaining the authority to include the minimum lands required to open Lot 16 Drain Plan as a public right-of-way, the Property and Development Services Department prepared DAO 17/98 and by memorandum dated September 2, 1998, requested the Clerk of the Assiniboia Community Committee to proceed with the proposed opening of DAO 17/98, which includes the subject lands to be dedicated by 3177719 and 3177727 Manitoba Ltd.

Funding for the processing of the dedication and above referenced land and street opening will be charged to the future Street Right-of-Ways Account, and subsequently will be included as an expense of the future local improvement project.

The Standing Policy Committee on Property and Development recommends:

I. That the Director of Property and Development Services be authorized to accept the conveyance of the subject property, outlined as “proposed street opening” on Misc. Plan No. 10458, from the Province of Manitoba via dedication as outlined in the Consent Document, Appendix “A”.

II. That the Director of Property and Development Services be authorized to initiate negotiations with the private owners adjacent to the subject property to acquire the minimum amount of privately owned lands necessary to establish a public road right-of-way and for the additional privately-owned lands for this purpose, both outlined on Appendix “B”.

III. That the Director of Property and Development Services be authorized to finalize the acquisition by dedication of the minimum requirements for opening a public right-of-way over Lot 16, Drain Plan as noted on Misc. Plan 10458/1.

IV. That the Proper Officers of the City be authorized to do all things necessary to effect the purchase by dedication of these lands as referenced in Recommendation III. and to execute all necessary documents to include such terms and conditions as deemed necessary by the City Solicitor to achieve the intent of Council and to protect the City’s interest.

V. That the Director of Property and Development Services be instructed to initiate negotiations with the owners of the land adjacent to the Lot 16 Drain Plan for the purpose of obtaining a three (3) metre wide strip on each side of the Drain Plan, and to subsequently report the results of those negotiations back to the Standing Policy Committee on Property and Development.

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.

Copies of Misc. Plan Nos. 10458 and 10458/1 and Appendices “A” and “B” are on file in the Office of the City Clerk.

For the information of Council, the Assiniboia Community Committee on September 22, 1998, recommended to the Standing Policy Committee on Property and Development that the street opening of the Lot 16 Drain as a public street west of Pembina Highway, opposite Plaza Drive, in accordance with Schedule “A”, Misc. Plan No. 10458/1 be approved and that the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council.

Adopted by consent.

REPORT "A" OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED SEPTEMBER 10, 1998

On motion of Councillor O'Shaughnessy, Report "A" of the Standing Policy Committee on Property and Development, dated September 10, 1998, was considered.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clause 1, be adopted.

Carried.

City of Winnipeg Strategic Facilities Plan
File FI-2.3(32) (Vol. 4)

1108 - 1. The Standing Policy Committee on Property and Development has reconsidered Clause 1 of its Report "A" dated August 27, 1998, which was referred back to it by Executive Policy Committee at its meeting held on September 2, 1998.

The Standing Policy Committee on Property and Development recommended therein:

I. That upon review of GBR Architect's Strategic Facilities Master Plan, the Administration be authorized to undertake the following four specific activities to facilitate the accommodation needs of the Civic Departments:

1. Union Bank Tower (504 Main Street):
The Administration should determine if there is interest to purchase the property for suitable development, within the next six to twelve months. If a private investor does not show interest, a sufficient funding source should be secured to develop the property. Once a funding source is secured, the Administration should prepare documentation to develop the building and identify suitable tenants.

2. Property Asset Reserve Fund:
The Administration should investigate and recommend the operating mechanics of a reserve fund that uses the proceeds from property and land sales for reinvestment into the City's building or property assets, which could enable the development of the Union Bank Tower.

3. Heritage Enhancement:
The Administration should investigate and recommend methods that would stimulate heritage building preservation, such as, changes to the heritage tax credit program, and looking for other financial partners for preservation projects.

4. Departmental Relocations:

i) The Administration be authorized to consolidate and relocate the Community Services, Property and Development Services, Public Works, and Assessment Departments.

ii) The plan for office space development for the Public Works Department consolidation at 1155 Pacific Avenue be referred to the Standing Committee on Public Works to review the development needs and timing in conjunction with the Central Yards project, Water and Waste Department consolidation, and divesture timing for properties which presently house the Public Works Department.

II. That the Tactical Actions and Strategic Actions as outlined on Appendix "A" be approved.

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

Report "A" of the Standing Policy Committee on Property and Development dated September 10, 1998

The Standing Policy Committee on Property and Development has further considered the foregoing, and reaffirms its recommendations as outlined above, and resubmits said Clause with a recommendation for its adoption.

Adopted by consent.

(See Minute No. 1127 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED SEPTEMBER 22, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated September 22, 1998, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4,5 and 6, be adopted.

Carried.

Proposed lane corner widening at the rear of 36 Queenston Street - City Centre Community File DAO 10/98

1109 - 1. The Standing Policy Committee on Property and Development has been advised that in 1995, the City Administration was informed that the pavement for the public lane encroached into the private property at 36 Queenston Street. In order to eliminate the encroachment, the former Board of Commissioners instructed the Property and Development Services Department to enter into negotiations for the acquisition of the affected portion of the property, shown as "proposed lane opening" on the Misc. Plan No. CC 9409/2.

Negotiations for the acquisition of the land have been successfully completed, and the property may now be dedicated as a public lane.

A Public Hearing was held before the City Centre Community Committee on September 8, 1998. No one appeared in support or registered in opposition thereto. The Community Committee recommended approval of the proposed street opening as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening in accordance with Misc. Plan No. CC 9409/2, as outlined on Schedule "A".

II. 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. 1128 for attachment)

Proposed street widening at the southeast corner of Taylor Avenue and Waverley Street - City Centre Community File DAO 13/98

1110 - 2. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department is currently processing the sale of the land outlined as "subject City property" on Misc Plan No. CC 8123/7.

The City also owns the property outlined as "Land Required For Street Purposes (Grade Separation)" on Misc. Plan No. CC 8123/7. The Public Works Department has advised that the portion of this property outlined as "proposed street opening" is presently in use as part of the street right-of-way in this area and has requested that it be dedicated as public street. The balance of the land will be leased until it is required for street purposes.

Report of the Standing Policy Committee on Property and Development dated September 22, 1998

A Public Hearing was held before the City Centre Community Committee on September 8, 1998. No one appeared in support or registered in opposition thereto. The Community Committee recommended approval of the proposed street opening as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening in accordance with Misc. Plan No. CC 8123/7, as outlined on Schedule "A".

II. 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. 1129 for attachment)

Proposed widening of part of the east side of McPhillips Street, north of Storie Road - Lord Selkirk-West Kildonan Community
File DAO 14/98

1111 - 3. The Standing Policy Committee on Property and Development has been advised that the widening of McPhillips Street from Templeton Avenue to the Perimeter Highway took place in 1988. The City was not able to incorporate the property outlined as "proposed opening" on Misc. Plan No. 10465, into the land being dedicated as street at that time because negotiations with the owner of the property, the Seven Oaks School Division No. 10, had not been completed. The City acquired the property in 1993. It is necessary to designate this land, which forms part of the McPhillips Street right-of-way, as a public street.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 15, 1998. No one appeared in support or registered in opposition thereto. The Community Committee recommended approval of the proposed street opening as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening in accordance with Misc. Plan No. 10465, as outlined on Schedule "A".

II. 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. 1130 for attachment)

Proposed Zoning Agreement Amendment - land located on Foxwarren Drive - Lord Selkirk-West Kildonan Community
File ZAA 6/98 [c/r DASZ 14/87]

1112 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Roebuck Ltd., c/o 71 Main Street, Carman, Manitoba, to amend the Zoning Agreement affecting the subject property by amending Clause 2 to permit a rear yard of 14 metres instead of 17.5 metres as required by the agreement.

Report of the Standing Policy Committee on Property and Development dated September 22, 1998

The following is the present site description:

Existing Land Use
and Zoning: Vacant; zoned "R1-5" Residential District

The applicant proposes to amend the Zoning Agreement clause which requires a separation of 17.5 metres (57.4 feet) between the rear building walls and the rear property lines of properties backing on the proposed Chief Peguis Trail extension (Kildonan Corridor). The applicant reasons that a 14 metre (46 foot) separation will provide adequate noise attenuation, while accommodating desired single-family dwelling floor plans.

The Lord Selkirk-West Kildonan Community Committee recommended approval of a rezoning and subdivision of the subject property under DASZ 14/87. The report submitted by the former Environmental Planning Department was explicit in the rationale for the 17.5 metre rear yard setback affecting these lots. Lots backing onto the 20 metre (66 foot) buffer strip adjacent to the proposed Kildonan Corridor "are to have a minimum lot depth of 40 metres (132 feet) in order to accommodate greater than normal setbacks for dwelling units" for noise attenuation purposes. The recommendation includes the following clause: "That a minimum rear yard of 17.5 metres shall be provided to the rear wall of all principle buildings located upon building lots which have rearage along the proposed Leila Avenue alignment and the proposed Kildonan Corridor."

According to the City of Winnipeg *Motor Vehicle Noise Policies and Guidelines* document (dated October 11, 1984), "When residential development is proposed adjacent to an existing or proposed regional transportation facility, the developer may be required to provide up to 30 metres of additional lands for noise attenuation." Evidently, the 17.5 metre rear setback affecting the subject property does not represent an absolute in terms of offsetting potential motor vehicle noise impacts on residential properties. In addition to a distance separation, other means are available to lessen noise impacts, including: berming, fencing, and orientation of dwellings.

The Public Works Department (in correspondence dated August 24, 1998) is opposed to the proposed amendment since reduction of the minimum rear yard "would likely lead to increased traffic noise levels being experienced by the residents of the houses to be constructed on the subject lots which will lead to complaints regarding traffic noise. The minimum rear yards have been planned taking into account future traffic volumes on the Chief Peguis Trail which will occur when this area of the City is more fully developed."

Since other means of providing noise attenuation are not indicated, the Planning and Land Use Division concurs with the Public Works Department and recommends the proposed Zoning Agreement amendment be not be proceeded with.

The Administration was of the view that if the Community Committee was so inclined as to consider approval of the proposed amendment, consideration should be given to register a caveat on each title so as to alert potential purchasers of the imminent regional traffic corridor and potential noise related nuisance.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 15, 1998. One person appeared in support of the application, and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed Zoning Agreement Amendment be approved for the following reason:

1. The provision of 17.5 metre rear yards is unnecessary given the width and height of the attenuation berm provided by the developer.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That Clause 2 of Zoning Agreement DASZ 14/87 (By-law No. 7250/98, Phase 3B) dated June 24, 1998, be amended as follows:

   "2. That a minimum rear yard of 14 metres shall be provided to the rear wall of all principle dwellings located upon building lots which have rearage along the proposed Leila Avenue alignment and the proposed Kildonan Corridor."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 14/87 (By-law No. 7250/98) as approved in aforesaid Clause I.

Report of the Standing Policy Committee on Property and Development dated September 22, 1998

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. 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.

Adopted by consent.

Proposed Amendment to Procedures to allow Preauthorized Street Opening and Closing Recommendation Reports and By-laws to go to Council without review by Standing Policy Committee
File SC-3.13 (Vol. 13)

1113 - 5. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department was requested to outline the feasibility of allowing for administrative approval for "straightforward or routine" openings and closings and the submission of the resulting by-laws to Council without the requirement for the matter to be reviewed by a Standing Policy Committee.

The procedures for dealing with openings and closings are outlined within the requirements of *The City of Winnipeg Act* and the current by-laws. The relevant provisions are:

Limit on delegation of powers
105 *Notwithstanding anything contained in this Act the council shall not delegate any of its power or duties which by this Act it is required to enact, approve or authorize by by-law, and it shall not delegate its powers or duties to approve the annual capital and current budget, and the annual estimates, and to appoint city administrators.*
S.M. 1989-90, c.51, s.7.

Opening, closing, improving streets
495(4) *The City may pass by-laws*

(a) *for closing or for opening, widening, extending, diverting, preserving, repairing, paving or making any other improvements in any street, including the construction of any bridge;*

(b) *for regulating the temporary closing of a street to traffic where necessary because of any work or improvement being carried out on any street or because of the condition of any street and, without limiting the generality of the foregoing for the purposes of widening, extending, diverting, preserving, repairing or reconstructing of making any other improvement to any street, including the construction of a bridge;*

By-law No. 7100/97
11(w) Council delegated to the Standing Policy Committee on Property and Development exclusive power to deal with street, lane and walkway closings and openings.

There is no requirement that street openings and closings be considered by Community Committee, however, there is a statutory requirement in Section 496(1) of *The City of Winnipeg Act* that Council shall hear anyone whose land might be prejudicially affected by the street closing. Those representations currently take place before Community Committees.

Under current procedures, street openings and closings are considered first by Community Committee. In both cases this is done as a public meeting, although it is only in the case of closings that a formal public meeting is required by legislation (it was thought that having DAC and DAOC applications at public hearings as required by the legislation, and DAO applications at regular meetings, may cause some confusion so the openings have been included in the public meeting agendas although without any notice required). Following the Community Committee review, the application is then considered by the Standing Policy Committee on Property and Development and then by Council.

Report of the Standing Policy Committee on Property and Development dated September 22, 1998

If Council approves the application, it forwards the matter to the City Solicitor/Manager of Legal Services for the preparation of the by-law. When the by-law is ready, the matter is again placed on the Council agenda for the enactment of the by-law. Council usually passes the necessary motion to suspend the rules so that all three readings of the by-law take place at one meeting.

Under *The City of Winnipeg Act* and By-laws, consideration of openings and closings is only required by the Standing Policy Committee and Council. Except for the public notice requirements there is nothing in *The City of Winnipeg Act* to prohibit the Administration from submitting preauthorized road opening and closing by-laws directly to Council without any consideration by a Standing Policy Committee. However, amendments to procedural by-laws would likely be required to provide for this procedure; the Procedure By-law No. 5400/90 (to provide for this type of by-law to be submitted directly to Council without the matter being reviewed by a Standing Policy Committee) and the City Organization By-law No. 7100/97 (to exempt this type of road openings and closings from the exclusive power of the Standing Policy Committee on Property and Development to deal with street, lane and walkway openings and closings). Consideration will need to be given to clearly defining "preauthorized" street openings and closings so that the administration would be able to determine the appropriate procedure for a given opening or closing application.

Which Applications Would Qualify:

Typically any opening or closing application that could be considered "preauthorized" could be included in this category. This would include those that have already been dealt with by all interested parties, both internal and external, prior to consideration by Council. They would have been thoroughly reviewed by the Administration and all engineering details would have been identified by the Public Works Department and other public utilities. For closings, the public representation would have been advertised and conducted. The purchase and/or sale of the property would have been authorized by either the Director of the responsible Department, the Standing Policy Committee on Property and Development or the Standing Committee on Fiscal Issues. The purchase and/or sale agreement would have been drawn up and reviewed by both Property and Development Services Department and Legal Services Division, and the terms agreed to by the vendor/purchaser.

Examples of "preauthorized" openings and closings are those that are involved in Capital Works Projects, corner cuts, widening of existing rights-of-way, and closings to facilitate subdivision and/or rezoning applications as previously approved by Council. More specific criteria that can be used to identify this type of opening and closing are outlined on Schedule "A". It should be noted that virtually all opening applications fall into these criteria.

Procedural Changes:

With the concurrence of the Standing Policy Committee on Property and Development any opening applications that need to go before Community Committee would be considered at regular meetings rather than included in the public meeting agendas.

With Standing Policy Committee on Property and Development and Council approval of the required amendments, the "preauthorized" street openings would be processed in the following manner:

1. The Property and Development Services Department identifies the "preauthorized" street opening, prepares the road opening plan and requests the Legal Services Division to prepare the by-law.

2. The Property and Development Services Department submits a report to Executive Policy Committee and then on to Council which outlines the reason and history for the opening and advises of the "preauthorized" nature of the opening and the fact that the by-law has been prepared. The report would recommend that Council approve the opening and enact the by-law and that the Proper Officers of the City be authorized to do all things necessary to effect the intent of the approval.

3. Legal Services Division submits the by-law directly to the City Clerk to be included in the same Council agenda as the report. Council would then have the option of passing all three required readings at that meeting or delaying final reading to a subsequent meeting.

Similarly, "preauthorized" street closings would be processed as follows:

1. The Property and Development Services Department reviews the closing applications to be heard by Community Committee and identifies those that are "preauthorized".

Report of the Standing Policy Committee on Property and Development dated September 22, 1998

2. Community Committee considers the closing applications at a public meeting; their recommendations for those that are "preauthorized" are forwarded to the Property and Development Services Department (Note that the recommendations with respect to those applications that are determined not to be "preauthorized" would follow the normal procedure and be sent to the Standing Policy Committee on Property and Development).

3. For the "preauthorized" closings for which the Community Committee has recommended approval, the Property and Development Services Department prepares the road closing plan and requests the Legal Services Division to prepare the by-law.

4. The Property and Development Services Department submits a report to Executive Policy Committee and then on to Council which outlines the reason and history for the closing, advises of the "preauthorized" nature of the closing, includes the recommendation of the Community Committee and advises of the fact that the by-law has been prepared. The report would recommend that Council approve the closing and enact the by-law and that the Proper Officers of the City be authorized to do all things necessary to effect the intent of the approval.

5. The Legal Services Division submits the by-law directly to City Clerks to be included in the same Council agenda as the report. Council would then have the option of passing all three required readings at that meeting or delaying final reading to a subsequent meeting.

The types of road opening and closing applications that are included in the criteria outlined in Schedule "A" are straightforward or more appropriately "preauthorized". Except for the necessity for public representations for a road closing, the consideration of these applications at Community Committee and Standing Policy Committee is usually a formality. Any significant issues involved would have been dealt with by Standing Policy Committee(s) and/or Council prior to the application itself being processed. Amending the procedures to allow these types of applications to have the by-laws submitted directly to Executive Policy Committee and then on to Council would reduce the processing time by as much as two months as well as allow Standing Committees to direct their efforts on more significant issues. It should be noted that any applications that do not fall within the criteria, and those applications that the administration is recommending be denied, would be processed in the current fashion.

The Standing Policy Committee on Property and Development recommends:

I. That all opening applications be dealt with at regular Community Committee meetings rather than at Public Hearings.

II. That Council approve amendments to current procedures to allow "preauthorized" opening and closing applications and by-laws, as defined by the criteria in Schedule "A", to go directly to Executive Policy Committee and then on to Council without the requirement to be reviewed by a Standing Policy Committee.

III. That the City Solicitor/Manager of Legal Services be requested to submit to Council the amendments to the Procedure By-law No. 5400/90 and the City Organization By-law No. 7100/97, required to implement Recommendation II.

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

Adopted by consent.

(See Minute No. 1131 for attachment)

Report of the Standing Policy Committee on Property and Development dated September 22, 1998

Proposed Acquisition of Riverbank Property for the St. Vital Parkway - 478 St. Mary's Road - Riel Community
File FI-2(35) (Vol. 6)

1114 - 6. On August 27, 1998, the Standing Policy Committee on Property and Development requested the Director of Property and Development Services to immediately negotiate for the acquisition of 476 and 478 St. Mary's Road, and report back to the Standing Policy Committee. Negotiations are now concluded with the owner of 478 St. Mary's Road.

On November 20, 1996, Council adopted certain recommendations contained in the Report of the former Committee on Protection, Parks and Culture dated November 4, 1996, which included the following:

> That the Director of (the former) Land and Development Services Department be requested to monitor and advise the (former) Director of Parks and Recreation of the availability of riverbank properties situated west of St. Mary's Road between Dunraven and Harrowby Avenues; Vivian Avenue and Morier Avenue and Fifth Avenue and Lyndale Drive, in order that the properties be acquired as they become available for sale."

On May 27, 1998, Council adopted Clause 1 of the Report of the Standing Policy Committee on Property and Development dated May 5, 1998, as amended by Executive Policy Committee recommendation, which Clause outlined:

1. That the Director of Property and Development Services be requested to bring forward to the Standing Committee on Property and Development, proposals for acquisitions of all riverbank properties, as they become available.

On August 27, 1998, the Standing Policy Committee on Property and Development considered a report from the Property and Development Services Department regarding a number of potential property acquisition matters including the subject property and the said Standing Policy Committee requested that the Director of Property and Development Services to immediately negotiate for the acquisition of 476 and 478 St. Mary's Road.

The Real Estate Division has concluded negotiations with the owner of 478 St. Mary's Road (the subject property) in accordance with the terms and conditions contained in Schedule "A".

The subject property at 478 St. Mary's Road, as outlined on Misc. Plan No. Riel 9058/2, has been listed on the Winnipeg Real Estate Board Multiple Listing Service various times over the years with the most recent listing expiring at a listing price of $65,900.00.

The owner now has a "private for sale" sign on the property and had advised a representative of the Property and Development Services Department that she was asking $65,000.00 for the property.

The Real Estate Division of the Property and Development Services Department contracted the services of a independent accredited appraiser who estimated the market value of the subject property, "as is" (with a residential dwelling) to be $50,000.00. As vacant land, i.e. after demolition of the dwelling (at an estimated cost of $6,000.00) the market value of the vacant commercially zoned land is estimated at $56,000.00.

By letter dated June 18, 1998, the Property and Development Services Department forwarded the owner a conditional purchase proposal in the amount of $50,000.00. The owner by letter dated July 6, 1998, advised that the City's offer was unacceptable and that she expected $70,000.00 for the property.

Ongoing negotiations recently resulted in the owner advising that she would be prepared to accept absolutely no less than $60,000.00 for the property and in accordance with the other terms and conditions listed on Schedule "A".

All of the privately-owned riverbank properties in the Carriere Avenue to St. Anne's Road stretch of St. Mary's Road have improvements (buildings) on the lands. If it is the City's intent to acquire certain properties in this stretch for the purposes of opening a "window" or "vista" from St. Mary's Road extending to the Red River, then acquiring properties either with no or minimal improvement (building) values would be desirable, as this would minimize the City's "throw away" costs. The subject property fits this category and it can be said that notwithstanding that the owner is asking a premium over the estimated market value, the City has the opportunity to acquire a property where most of the value is in the land.

Report of the Standing Policy Committee on Property and Development dated September 22, 1998

As suggested in the previous report considered by the Standing Policy Committee on Property and Development at its August 27, 1998 meeting, acquisition of the subject property may also provide the City with an opportunity, if need be, to use a portion of the lands in a potential land exchange for other riverbank property.

The Real Estate Division of the Property and Development Services Department has determined that it would be strategically advantageous to hold off negotiations for the acquisition of 476 St. Mary's Road until negotiations for 478 St. Mary's Road were complete. Upon approval of the acquisition of 478 St. Mary's Road, if forthcoming, the Real Estate Division will commence negotiations for the acquisition of 476 St. Mary's Road.

Adequate funding for the acquisition is available in the Land Acquisition for General Unspecified Purposes Account as per Certificate GU 98-05.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the property at 478 St. Mary's Road, outlined as "Holding No. 20" on Misc. Plan No. RIEL 9058/2, be approved, at a price of $60,000.00 and in accordance with the terms and conditions specified on Schedule "A".

II. That, subject to Recommendation No. I being approved, the Director of Property and Development Services be authorized to proceed with demolition of the improvements at 478 St. Mary's Road in the event it is determined that the continued rental of the property is economically unfeasible.

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.

Copy of Misc. Plan No. RIEL 9058/2 is on file in the Office of the City Clerk.

Adopted by consent.

REPORT "A" OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED SEPTEMBER 22, 1998 ADJOURNED TO SEPTEMBER 25, 1998

On motion of Councillor O'Shaughnessy, the rule was suspended and Report "A" of the Standing Policy Committee on Property and Development, dated September 22, 1998 adjourned to September 25, 1998, was considered.

Proposed Lease Agreements at Fort Garry Place and the Confederation Life Building plus the Initiation of the "Second Period Work" at the Hamilton Bank Building in order to Facilitate Departmental Reorganization File FI-2.2(32) (Vol. 5)

1115 - 1. The Standing Policy Committee on Property and Development has been advised that on May 9, 1991, the City of Winnipeg entered into a lease agreement with 395 Main Ltd. for the occupancy of the Hamilton Bank Building for an initial term of twenty years with four options to renew at five years each. One of the terms of the lease provides that the City, in its sole discretion, may undertake at its cost the "Second Period Work" funds in the amount of $5.178 million dollars have been budgeted in the 1995/1996 Capital Estimates in order to provide for the completion of the "Second Period Work" and related costs.

On March 2, 1998, the Standing Policy Committee on Property and Development directed, among other things, that the total space requirements of the City within the Campus be reassessed.

On July 21, 1998, upon receipt of a Report titled "Strategic Facilities Master Plan", prepared by GBR Architects, Doane Raymond, DS Lea Consultants, the Standing Policy Committee on Property and Development directed that the report be received as information and that the Administration:

1. Negotiate for the lease of space in the Confederation Life Building, 457 Main Street.

2. Negotiate, with the owner of 55 Garry Street, lease space for the relocation of the Property and Development Services Department.

3. Contact the owners of 395 Main Street to initiate an Engineering Study to bring the building up to required standards.

In order to optimize the departmental consolidations recommended in the October 29, 1997, Council approved "Cuff Report", the Strategic Facilities Master Plan recommends certain Departmental relocations. For example, the Assessment Department to the Confederation Life Building, the Property and Development Services Department consolidation to 65 Garry Street in the intermediate term, and the relocation of the Community Services Department to the renovated Hamilton Bank Building. Other motivating factors for this recommendation included such Council approved policies as *CentrePlan* which suggests that all levels of government be encouraged to commit to downtown location and the redevelopment of heritage buildings; *Plan Winnipeg . . . Toward 2010* which directs that the City pursue the use of listed Heritage buildings for accommodation of civic departments, and the *Campus Concept* directing the Administration to lease, purchase, and/or develop office accommodation in the vicinity of City Hall.

Negotiations have been concluded with each of the three building owners involved:

CONFEDERATION LIFE BUILDING (457 Main Street)

A detailed outline of the proposed terms and conditions related to this proposed lease are contained in Schedule "A". The lease incorporates the entire building except that floors 8, 9 and 10 will not be available until after October 15, 1999. The lease is for a term of 15 years, with base rent in the first year of $449,952.38 rising to $600,507.35 once the entire building is available in late 1999. The rent schedule may be summarized as follows:

Report "A" of the Standing Policy Committee on Property and Development dated September 22, 1998 adjourned to September 25, 1998

		Per Gross Square Foot
Net Rental Rate	Years 1-5	$ 8.66
(Based on 69,342.65	Years 6-10	$10.03
gross square feet)	Years 11-15	$11.47

The Confederation Life Building proposed lease rates are in the mid to high range when converted to rate per rentable square foot. The building rentable to usable ratio is 1.3%. This, in combination with a small building floor plate, creates a need for increased space as a result of duplicated administrative needs and equipment on various floors. In addition, the proposed term of fifteen years is contrary to the recommendations of the Strategic Facilities Master Plan which recommends shorter terms, even with higher anticipated rent, in order to provide the flexibility required for anticipated changes in the Civic Administration.

There are also concerns that the configuration of the parking lot will be problematic. It has been confirmed that all twenty-four parking stalls are not immediately available. However, the Landlord has provided copies of communications from adjacent parking operators indicating that surface parking is available in the vicinity at monthly rates ranging from $54.00 to $90.00 per stall. Parks Canada advise they are willing to consolidate to floors 7, 8 and 9. Their need for three floors seriously limits the contiguous space available in the first year and compromises Assessment Department's organizational planning, prohibits a single stage fit up and relocation, and significantly complicates the overall reorganization and operation of the Department.

In order to accommodate the Assessment Department with adequate space in the first instance to effectively implement its reorganization, contiguous space is required. This can only be achieved if the Parks Canada tenancy is consolidated on floors 8, 9, and 10 rather than 7, 8 and 9. Parks Canada are willing to do this, provided that the Landlord agrees to improving the 10th floor at his expense. This is an issue to be resolved between Parks Canada and Shindico Realty Ltd. Although the proposed rent rate is higher than alternate properties available, the site presents an opportunity to relocate the Assessment Department into the preferred campus location. The interrelated consolidations of Property and Development and Services Department and Community Services Department can also commence.

However, any approval of the proposed lease should be subject to some refinements of the proposed terms to ensure that the City's needs are in fact met. The recommended changes are directed to the use of the premises and to the clarification of certain terms and conditions that have been proposed and are notated in Schedule "A" as "Notes" under the respective term to be addressed. Normally such clarifications would have been made with the Landlord prior to the writing of this report. However due to unforeseen circumstances, this was not possible.

Further to the spacial and financial concerns associated with the proposed lease, there will be other costs incurred by the City associated with the installation of tenant improvements to the new premises, MTS and computer connections, change to Ethernet Network system, fibre optic line, furnishings, movers, all of which have been budgeted at $1,525,000.00 on the understanding that every effort will be made to provide the required space on the most economic basis. Whereas these costs have been budgeted for in the Property and Development Services Department 1999 Capital Estimates, approval of this lease will require that these costs be a first charge against said Capital Budget.

FORT GARRY PLACE (55, 65, 83 Garry Street and 10, 30 Fort Street)

The details of lease negotiations for this space have been outlined in Schedule "B". Negotiations have been concluded with the Landlord of the Fort Garry Place agreeing to relocate existing building tenants to assemble up to approximately 34,268 square feet of additional space on the main, mezzanine and third floors.

While it can be confirmed that the landlord has sufficient space available, the exact requirements of the Property and Development Services Department are not finalized due in part to the uncertainty involved in the timing of the relocation of the Assessment Department to the Confederation Life Building and the space efficiencies anticipated in the relocation out of the Hamilton Bank Building.

The negotiated lease rate is $6.00 per square foot triple net applied against the net rentable area for the five year term.

Report "A" of the Standing Policy Committee on Property and Development dated September 22, 1998 adjourned to September 25, 1998

The Landlord proposes to provide turnkey space to his basic standards. Any improvements to co-join new to existing offices and any specialized requirements will be the Tenant's responsibility. The additional costs incurred by the City associated with the installation of tenant improvements, installation of computers, furnishings, moves, etc. have been budgeted at $1,750,000.00 on the understanding that every effort will be made to provide the required space on the most economic basis. Whereas these costs have been budgeted for in the Property and Development Services Department 1999 Capital Estimates, approval of the lease will require that these costs be a first charge against said Capital Budget.

HAMILTON BUILDING (395 Main Street)

The relocation of Property and Development Services Department staff from 395 Main Street to Fort Garry Place will present an opportunity to commence the "Second Period Work" to renovate the building for the anticipated occupancy of the Community Services Department as provided for in the lease agreement dated May 9, 1991. It is anticipated that said work will commence early in 1999 for a period of approximately nine months during which the building will be vacant.

The proposed retrofit of the Hamilton Bank Building is being undertaken within the existing terms and conditions of the lease. The original term, commencing in 1991, was for twenty years, with the costs of the retrofit to be amortized over the remaining 13 years. There are four, five year options to renew.

The "Second Period Work" has been budgeted for in the 1995/1996 Capital Estimates at $5,178,000.00. Said budgeted amount provides for both the soft and hard construction costs plus anticipated City expenses related to moving, contingencies, internal finance accounting charges and the GST.

FINANCIAL IMPACT

As outlined in Attachment "A", over a five year period the proposed project's cumulative full cost to the City is approximately $8,500,000.00.

The Additional Capital Budget Funds Required is estimated at $2,411,000.00. The Average Annual Additional Current Budget Funds Required in the five year period 1998 to 2002 is $1,342,000.00.

For years five to fifteen of the 457 Main Street proposed lease, the following is noted:

- Average annual full occupancy cost is approximately $1,310,000; and

- Average annual full occupancy cost per gross rentable square feet is approximately $18.75 to $19.00.

Notes to Financial Impact Analysis

1. The Financial Impact Analysis contained herein is based on the assumption that the counter proposal by the owner on the lease of 457 Main Street to the City of Winnipeg dated September 18, 1998, is not subsequently revised. Readers' of this analysis are cautioned that subsequent refusal or adjustment to proposed terms and conditions for lease of 457 Main Street would change the information contained in this analysis.

2. The benefits of redevelopment of 395 Main Street and subsequent consolidation of the Community Services Department are not presently quantifiable and, therefore, not contained in this analysis.
3. The costs/benefits of indirect factors such as negotiations, rating the facilities serviceability, etc. are not material or not traceable and, therefore, not contained in this analysis. As such, cost allocations for the purposes of portfolio assessment and associated chargeback are subject to Departmental adjustment.

Additional Capital Budget Funds Required: Source of Funding

The Property and Development Services Department recommends funding of the required additional Capital Budget funds estimated at $2,411,000.00 be transferred from Central Yards Relocation project budgeted funds.

Council approval is required for all leases incorporating terms in excess of ten years or with net rents over the term in excess of $1.0 million dollars.

Report "A" of the Standing Policy Committee on Property and Development dated September 22, 1998 adjourned to September 25, 1998

The Standing Policy Committee on Property and Development recommends:

I. That upon Council adoption of the Recommendations contained in the Strategic Facilities Master Plan, the following be approved:

A. A lease agreement with 70226 Manitoba Limited to accommodate the relocation of the Assessment Department in the Confederation Life Building, 457 Main Street, substantially in accordance with the terms and conditions outlined in Schedule "A", in a form satisfactory to the City Solicitor/Manager of Legal Services.

B. That the costs related to this lease, including planning, tenant improvements, furnishings and fixtures, computerization, and moving be a first charge against the 1999 Capital Budget of the Property and Development Services Department.

C. A lease agreement with 60961 Manitoba Ltd. to accommodate the consolidation of the Property and Development Services Department in Fort Garry Place, 65 Garry/30 Fort Street in accordance with the terms and conditions contained in Schedule "B", in a form satisfactory to the City Solicitor/Manager of Legal Services.

D. That the costs related to this lease, including planning, tenant improvements, furnishings and fixtures, computerization, and moving be a first charge against the 1999 Capital Budget of the Property and Development Services Department.

E. That the "Second Period Work", to retrofit 395 Main Street, for the occupancy of the Community Services Department.

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.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

Carried.

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

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

1116 - Pursuant to The Municipal Council Conflict of Interest Act, Councillor Clement advised that he would refrain from entering the discussion and from voting on By-law No. 7301/98, due to the employment of a family member.

The Speaker called the Deputy Speaker, Councillor Prystanski, to the Chair and left the Chamber.

1117 - On motion of Councillor O'Shaughnessy, 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. 7295/98, a by-law of The City of Winnipeg to widen the southeast corner of Sargent Avenue and Berry Street. File DAO 5/97

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

By-law No. 7296/98, 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 north and south sides of Vanderbilt Drive; east of Scurfield Boulevard in the Assiniboia Community. Files DASZ 58/85 and DAZ 200/96

By-law No. 7297/98, a by-law of The City of Winnipeg to widen the south side of Portage Avenue west of Albany Street. File DAO 9/97

By-law No. 7298/98, a by-law of The City of Winnipeg to widen the intersection of the first public lane east of Main Street with the first public lane south of Jefferson Avenue. File DAO 20/96

By-law No. 7299/98, a by-law of The City of Winnipeg to widen the southwest corner of Wellington Crescent and Cockburn Street. File DAO 8/98

By-law No. 7300/98, 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 327 Aubrey Street in the City Centre Community. File DAZ 207/98

By-law No. 7301/98, 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 529 Wellington Crescent in the City Centre Community. File DAZ 224/98

By-law No. 7302/98, 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 24 to 44 Furby Street and 55 and 57 Cornish Avenue in the City Centre Community. File DASZ 8/98

By-law No. 7303/98, 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 333 and 351 Maryland Street in the City Centre Community. File DAZ 229/98

By-law No. 7304/98, a by-law of The City of Winnipeg to close the streets in the block bounded by Rothwell Road, McGillivray and Kenaston Boulevards and the CPR Railway Plan 374. File DAC 5/98

By-law No. 7305/98, a by-law of The City of Winnipeg to widen the northwest corner of Century Street and St. Matthews Avenue. File DAO 21/92

By-law No. 7306/98, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(35)(Vol. 1)

Councillors Silva, Steek, and Thomas asked to be recorded as having voted against all three readings of By-law No. 7301/98, in accordance with Rule 50.7 of the Procedure By-law.

On motion of Councillor O'Shaughnessy, the rule was suspended By-law No. 7312/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 4800/88 for the enactment of a zoning change on land located west of the Red River between Pioneer Avenue and Lombard Avenue in the City Centre Community, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File DAZ 226/97B

Councillor Thomas asked to be recorded as having voted against all three readings of By-law No. 7312/98, in accordance with Rule 50.7 of the Procedure By-law.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

1118 - Councillor Steek referred to Marwest and the commencement of the second capital renovation at 395 Main Street and requested that the Committee ensure that the letter from the CAO regarding the commencement of the second period work was sent promptly.

Councillor O'Shaughnessy advised that was implicit in the clause.

The Speaker here resumed the Chair.