**841** - Appendix “A” referred to in Clause 9 of the Report of the Committee on Works and Operations dated June 4, 1996

## PROPOSED AMENDMENTS TO THE CITY OF WINNIPEG ACT

**Definitions - Section 342 (1)**

Add: "noise attenuation barrier" includes berm, wall, fence and any other structure or combination of the above;

**Description of Local Improvements - Section 343 (1)**

Add: (k) the constructing of berms, walls, fences and other structures or works to attenuate noise;

Revise existing (k) to (l)

## PROPOSED AMENDMENTS TO LOCAL IMPROVEMENT BY-LAW 98/72

**Section 2. Interpretation**

Add: (n) "noise attenuation barrier" means a berm, wall, fence and any other structure or combination of the above.

Revise existing (n) to (o)

Add: 7. Noise Attenuation Barriers

The special assessment to be levied in respect to noise attenuation barrier installed as a local improvement shall be uniform throughout the City and shall be imposed as follows:

> Each owner of land fronting on a street where noise attenuation barrier is installed shall pay to the City the total cost of the work at a uniform rate per linear foot for each foot of frontage of that land subject to the allowances provides in Section 9.

Revise existing 7. to 8. and re-number consecutively the remaining Sections.

**842** - Schedule “A” referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated May 28, 1996

# CRITERIA AND PROCEDURES

# TO ADMINISTER

# WINNIPEG DEVELOPMENT AGREEMENT

## Program 13A - BUILDINGS PRESERVATION

HISTORICAL BUILDINGS COMMITTEE

CITY OF WINNIPEG

Revised Version
May 1996

Schedule “A” referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

# WINNIPEG DEVELOPMENT AGREEMENT
# Program 13A - BUILDINGS PRESERVATION

## A. INTRODUCTION

The Canada-Manitoba-Winnipeg Agreement for the Development of Winnipeg (WDA) is a five-year, multi-component initiative to support long-term sustainable economic development through programs and projects to:

- create long-term employment;
- assist people to prepare for existing and future employment opportunities; and
- create a safe, healthy, and environmentally sound community in which to live, work, and do business.

The WDA's Program 13 - Heritage Resources Incentive - has two sub-programs:

### 13A — Buildings Preservation

Objectives:

1. Revitalize and find innovative uses for Winnipeg's vacant and under-utilized designated heritage buildings.
2. Enhance the city's tourism potential and benefit small business.
3. Be combined with the District and Cultural Landscape Preservation Program to maximize socio-economic development.

Funding and Delivery:

An allocation of $5.5 million, administered by the City of Winnipeg.

### 13B — District and Cultural Landscape Preservation

Objectives:

To preserve heritage districts and cultural landscapes in Winnipeg in order to maximize socio-economic development and tourism potential. The program will combine protection, access, modernization, and interpretation of cultural and historical amenities.

Funding and Delivery:

An allocation of $750,000, administered by the Manitoba Office of the Department of Canadian Heritage.

## Background

Winnipeg's rich built heritage represents in physical form the city's successive periods of development from a trading post and agricultural settlement to regional urban centre.

Several initiatives, both private and public, have been taken over the years to retain and revitalize this important legacy. They include:

- Investments in the conservation and re-use of specific heritage structures and special areas such as the Historic Winnipeg/Exchange District.
- Legislation enabling the designation of heritage buildings, their protection from demolition and inappropriate alterations, and temporary property tax relief while conservation work is underway.
- Heritage promotion and education.
- Heritage policies in Plan Winnipeg and CentrePlan.

Most recently, Winnipeg City Council has begun to implement proposals from the Heritage Support: Policy and Programs report. That document, approved in 1992, contains several recommendations to address issues such as the number of vacant, unheated heritage buildings in downtown Winnipeg, a lack of financial incentives to encourage conservation activity and adaptive re-use of heritage space, and the need for related regulatory and taxation reforms.

Council also has given approval to a strategic plan setting out policy priorities, short-term action steps, and an expanded role for the City of Winnipeg Historical Buildings Committee.

Through measures such as these, the City and other levels of government have expressed a continuing commitment to protect and promote our built heritage on behalf of current and future generations. The WDA's Heritage Resources Incentive will be a significant part of this effort over the next five years.

## Outline of Program 13A - Buildings Preservation

Grants will be offered to successful applicants who are investing in the conservation and use of designated heritage buildings and other structures within the City of Winnipeg.

This is a capital program. Its funds are intended to assist with the costs of repairing, stabilizing, restoring, preserving, or making other eligible physical improvements to heritage structures.

The work may be undertaken for commercial, residential, recreational, or related purposes. It may be required to maintain existing uses, to accommodate new occupants in vacant or under-utilized buildings, and/or to convert heritage space to suitable new uses. In exceptional cases, assistance may be extended to projects that will conserve the heritage value of a building even though no immediate use or occupant has been secured.

Consistent with the overall principles of the WDA, applicants will be encouraged to develop proposals which are innovative and environmentally sound, entail commitments of funding from sources other than government, and where appropriate promote opportunities for partnerships.

Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

The program's budget is to be distributed between two funds:

1. Heritage Conservation Grants, and
2. The Exchange District Grants.

Proposed criteria, scope of eligible work, and application and review procedures are outlined in subsequent sections of this document.

**1. Heritage Conservation Grants**

This fund will be open to applications on a Winnipeg-wide basis except for the Exchange District.

Priority will be given to:

- Designated heritage structures at risk of significant deterioration unless steps are taken to meet basic public health and safety requirements, ensure physical integrity, and/or prevent the loss of heritage features (e.g., original cornices).

- Designated structures deemed to be of strategic importance because of their heritage value, location (including their place within a streetscape), and/or the economic or community opportunities they represent.

**2. The Exchange District Grants**

This fund will provide capital assistance to innovative heritage conservation projects in the Exchange District, consistent with the priorities and strategy currently being developed as part of a comprehensive planning process initiated by the Exchange District Business Improvement Zone.

This area's warehouses, office buildings, banks, and factories have significance that extends well beyond Manitoba's borders. Considerable investment has been made in recent years to conserve and find new uses for these buildings, to upgrade the district's public works and amenities, and to stimulate its business and cultural development. As noted in CentrePlan: Vision and Strategies, this focus has helped make the Exchange a recognized character area. At the same time, successive policy documents, including the recently approved Historical Buildings Committee strategic plan, have emphasized the need for a long-term commitment if the district is to continue to contribute to the vitality of the city and its downtown.

## Other Heritage Preservation Incentives

### City of Winnipeg

Under a provision of the Municipal Assessment Act, building owners are eligible for relief from municipal property taxes during the period that conservation work is occurring in vacant designated buildings.

Since 1986, City Council has provided discretionary grants equivalent to realty tax relief for a small number of heritage conservation projects.

As well, owners of vacant heritage properties affected by closure of the Amy Street steam heating plant could apply to the City for reassessment of the building portion of their sites, thus lowering total realty assessments and tax liabilities.

The Historical Buildings Committee is working with other City departments and officials to develop two new initiatives which are expected to be implemented in the near term and to complement WDA Program 13A:

- A municipal tax credit program for conservation activity.

- The Gail Parvin Hammerquist Fund, financed by an annual $100,000 capital allocation over five years and five per cent (5%) of revenues from the sale of City properties.

**Province of Manitoba**
**Manitoba Culture, Heritage and Citizenship**

The Designated Heritage Building Grants Program makes available financial assistance to owners and lessees undertaking conservation projects. Provincially designated structures are eligible for 50/50 cost-sharing grants up to a maximum of $75,000. Municipal sites, designated under the provincial Heritage Resources Act or the City of Winnipeg's Historical Buildings By-law (1474/77), are eligible for 50/50 grants up to $35,000. The funds may be allocated to certain pre-project design and other professional costs; the restoration, stabilization, preservation, or rehabilitation of the original structural or architectural features of a building; specified electrical or mechanical system upgrading; specified work on the grounds; and installation of facilities for disabled persons.

**Government of Canada**
**Department of Canadian Heritage**

Architectural, historic, and Aboriginal history sites of national significance may receive conservation project assistance from the National Cost-Sharing Program administered by Canadian Heritage on behalf of the Historic Sites and Monuments Board of Canada. The contribution level is up to half of eligible costs to a maximum $1,000,000 per agreement. Funds may be used for the acquisition and/or restoration of a site, or for project research, planning, and development.

## Other WDA Programs

There are three interrelated components to the WDA:

1. Community Development and Security,
2. Labour Force Development, and
3. Strategic and Sectoral Investments.

Some programs within these components may be potential sources of additional support for heritage conservation projects — for example, North Main Development, Job Access, Downtown Revitalization, Tourism, and Strategic Initiatives.

Applicants to Program 13A will be made aware of other programs within and outside the WDA which may be of relevance to their projects. Assistance in making preliminary contact with those programs also will be available. However, the onus will be on applicants to pursue the detailed inquiries and other steps necessary to secure funding from complementary sources. No provision has been made within the proposed support services budget (Section E) for the staff of Program 13A to perform a more pro-active “broker” role.

Schedule “A” referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

### Terms

Building conservation terms used in this document are defined as follows:

***Stabilization*** - Essential work is done to protect a structure from severe deterioration or instability and to ensure public health and safety.

***Preservation*** - Emphasis is placed on retaining and protecting the existing form, material, and integrity of a structure through ongoing maintenance, measures to limit or prevent deterioration, and stabilization where required. Accepted within this approach are the physical and functional changes that may have occurred over a building's life.

***Restoration*** - Measures are taken to recover a building's earlier form, details, and character through the sensitive repair of damaged original elements, replacement of missing elements, removal of later alterations, and meticulous maintenance. The authenticity of design, detailing, and construction will depend on the completeness and accuracy of historic records, and the availability of materials and skilled personnel.

***Reconstruction*** - A copy is made of a building, or an original element within a building, that no longer exists. Authenticity is subject to the same conditions as for restoration.

## B. ELIGIBILITY CRITERIA AND CONDITIONS FOR ASSISTANCE UNDER WI

The following criteria and conditions are proposed for Heritage Conservation Grants and The Exchange District Grants.

The list is based on the intergovernmental authorization for WDA Program 13A, City policies and practices concerning the administration of grants, and suggestions made during a public consultation process in April 1996.

These requirements are intended to facilitate efficient and equitable delivery of Program 13A, but not to preclude flexibility or responsiveness to special circumstances. Opportunities will be available to make adjustments in criteria if it is found during program monitoring or annual reviews that changes are needed.

1. To be eligible for grants, buildings and other structures must be within the City of Winnipeg and designated as heritage properties under the terms of either:
   - the City's Historical Buildings By-law 1474/77 (as amended); or
   - the Province of Manitoba's Heritage Resources Act.

   Buildings which as yet do not have municipal or provincial designation must be evaluated by the City of Winnipeg Historical Buildings Committee. This includes properties designated as National Historic Sites by the Historic Sites and Monuments Board of Canada. (Federal designation is indicative of a property's heritage importance but, because of the constitutional division of powers in Canada, it does not necessarily confer the same degree of protection from demolition, removal, or inappropriate alterations as may be extended through provincial or municipal designation.)

2. The application may be made by the owner or a long-term tenant. The latter must have the owner's written authorization for the proposed project, as well as a signed lease effective for 10 years following completion of the work assisted by WDA Program 13A.

3. Owners or tenants whose City property or business taxes are in arrears may apply to Program 13A. However, approval of their project would be subject to the condition that outstanding municipal taxes be paid by a mutually agreed upon deadline. If that condition were not met, no formal heritage agreement would be executed.

4. Preference will be given to non-government buildings.

5. Applications will be assessed on the basis of:
   - the building's heritage significance, including its contribution to the heritage character of the streetscape;
   - the urgency and appropriateness of the proposed conservation work;
   - the degree to which proposed work adheres to the Standards for Conservation (Appendix 1);
   - the degree to which the project is consistent with the objectives of the WDA and specifically Program 13A; and
   - the extent to which proposed project financing is supported by direct applicant investment and other non-government sources of funding.

6. The project must be approved by City Council, and a heritage agreement must be signed and put into effect, before work can begin. Retroactive funding for work previously done will not be granted.

7. Only one Program 13A grant may be authorized per project. However, a single building may be the subject of more than one project during the term of the WDA.

8. The amount of each grant will be fixed prior to the start of work up to a maximum of fifty per cent (50%) of approved costs. Any overruns or unanticipated expenses will be the responsibility of the grantee.

9. Owners or tenants may seek other heritage conservation incentives and/or assistance from other WDA or government programs to fund their share of project costs. However, one of the basic principles of the WDA is to seek opportunities to leverage funds from sources other than government. As noted in Point #5 above, the evaluation of Program 13A applications will take into account the extent to which proposed project financing is supported by direct applicant investment and other non-government sources of funding. Provisions will be made to accept sweat equity as a form of applicant investment.

10. All eligible design work and structural assessments shall be conducted by registered Manitoba architects, interior designers, and/or engineers, as applicable.

11. The proposed use and conservation work must comply with all relevant provisions of the City of Winnipeg's Zoning and Building By-laws.

12. The property must be inspected by the City's Assessment Department prior to work being undertaken.

13. Proposed work also must be reviewed and pre-authorized through the issuance of one or more of the following, as applicable:
   - a Certificate of Suitability from the City's Historical Buildings Committee;
   - a Certificate of Appropriateness from the City's Historic Winnipeg Advisory Committee, required for projects in the Exchange District under the terms of the City's Downtown Zoning By-law 4800/88; and/or
   - a Heritage Permit, required for provincially designated buildings under the terms of the Heritage Resources Act.

Schedule “A” referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

14. Applicants will be provided a period of one year from the date of signing of the heritage agreement to complete the approved work. In cases where the work cannot be completed within that time, the Commissioner of Planning and Community Services may use his discretion to extend the project for an additional period not to exceed one year.

15. Progress on projects will be monitored by program staff. If at any time during the course of the project it is determined that work undertaken fails to adhere to the list of approved work, the grant in whole or in part may be rescinded at the discretion of the City of Winnipeg.

16. An interim payment of fifty per cent (50%) of the amount of the grant will be released when fifty per cent (50%) of the approved work has been completed. To receive payment, the grantee must substantiate the value of the completed work by submitting a detailed listing of all expenses incurred, together with the necessary paid invoices or other receipts. The grantee shall provide photographs to document the work undertaken. This documentation shall be to the satisfaction of the City of Winnipeg before payment will be made.

17. Before a final or interim payment is made, there will be an inspection of the completed work to ensure its compliance with the list of approved work and the WDA Program 13A guidelines. Failure to comply may result in the cancellation of the grant approval in whole or in part.

18. To enable heritage incentives to be administered in a cost-effective manner, the onus will be on applicants and grantees to provide all required information (reports, photographs, paid invoices, etc.) in a complete and timely fashion to facilitate processing of applications and program grants. The onus also will be on applicants and grantees to inform the City in a timely fashion of delays or changes in project plans.

19. The City of Winnipeg is under no obligation to provide any WDA Program 13A funding to any applicant.

## C. ELIGIBLE WORK

The physical intent of WDA Program 13A is to ensure a structure's stability, to keep it weather-tight, and to conserve its heritage value. Proposed repairs, stabilization, preservation, restoration, and/or reconstruction must be in keeping with the original character of the designated building or other structure.

The scope of eligible work is as follows:

1. Roof, drainage system, foundation, and structural repairs, including cladding stabilization, essential to the preservation of the building or other structure. (Priority one)

2. Repair and preservation to protect significant original elements from further deterioration, including exterior elements, decorative metal work, exterior staircases, repointing of stone or brick masonry, and designated interior features. (Priority two)

   **Note:**
   Cleaning of an exterior will be eligible only if this is an integral part of the stabilization of the structure.

3. Restoration of significant elements which still exist but require more conservation work than would be entailed in preservation or repair. (Priority three)

4. Repair or improvement of mechanical and electrical systems (including heating, plumbing and heritage elevators) essential to the preservation of the building, with first preference to building code requirements. (Priority four)

5. Reconstruction of significant architectural features which are missing. (Priority five)

Also eligible will be a portion of the costs of professional architectural, interior design, and engineering services, including assessments of structural soundness, project cost estimates, and preparation of drawings and a conservation report.

## INELIGIBLE WORK

- feasibility studies
- awnings, signage, and other improvements that do not contribute to the physical stability of the designated building
- modern doors or windows unless replicas of the original
- modern storm or screen doors or windows
- eaves-troughing unless it is significant to the heritage character of the structure
- short-term, routine maintenance; minor repairs and painting; repair of non-original siding
- exterior paint colours not based on historical analysis
- application of water-repellent coatings
- sandblasting
- work on modern additions
- new construction
- fences or outbuildings
- landscaping
- moving of buildings
- handicap access

Schedule “A” referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

## D. APPLICATION AND REVIEW PROCEDURES

The following procedures have been developed in accordance with the strategic plan of the City of Winnipeg Historical Buildings Committee as adopted by City Council on August 9, 1995. It was proposed in the plan that the Historical Buildings Committee reorganize as the City's lead agency for heritage conservation, including the authority and resources to implement heritage support incentives provided through the WDA and other initiatives.

This Committee is composed of appointed City Councillors and volunteer members from the federal and provincial governments, Manitoba Association of Architects, and Manitoba Historical Society. Since 1977, it has functioned in both advisory and operational capacities under the terms of the Historical Buildings By-law and ad hoc directives from City Council and the Committee on Planning and Community Services.

1. The City of Winnipeg Historical Buildings Committee will issue a call for proposals from project proponents who will be asked to identify and submit:

    a) the subject building's address, legal ownership, legal property description, certificate of title number, and property assessment roll number;
    b) a conservation report which would include the condition of the building and its site, the proposed work to be done, approximate project cost, how much the applicant is prepared to invest, and other potential sources of funding (refer to Appendix 2 for details); and
    c) a list of all experts who were consulted or otherwise assisted with the preparation of the application and conservation report.

2. Prior to completing the above-noted documentation, prospective applicants are expected to meet with the manager of WDA Program 13A to review the criteria, the scope of their proposed projects, and the degree of detail that will be required in their conservation reports. To keep paperwork to a minimum, best efforts will be made to identify an appropriate match between the requirements for documentation and the scale and complexity of each proposed project.

3. Proponents whose heritage structures are designated under federal legislation only will be advised to apply concurrently for Program 13A funding and City designation.

    Proponents whose buildings are not yet designated by any level of government will be invited to have their structures evaluated by the City. If designation is recommended and approved, the proponents may proceed to submit formal applications to Program 13A.

4. Applications will be submitted to the Historical Buildings Committee, c/o the program manager.

5. All applications will be reviewed by the Historical Buildings Committee to determine adherence to the priorities and criteria of Program 13A, to evaluate and recommend the projects that best meet program objectives, and to propose the level of grant assistance to be allocated to each.

    Applications and recommendations will be submitted to the Board of Commissioners and the Committee on Planning and Community Services, then forwarded to City Council for a decision.

6. If City Council approves a recommended project, successful applicants will be required to submit the following for review and approval:

   a) detailed drawings of the work proposed;
   b) two detailed estimates for all labour and materials;
   c) photographs showing the areas of the building to be conserved; and
   d) information on the status of the project's financial plan.

7. A heritage agreement will be prepared (see Appendix 3).

8. Appropriate authorizations must be obtained before work can proceed, including one or more of the following, as applicable:

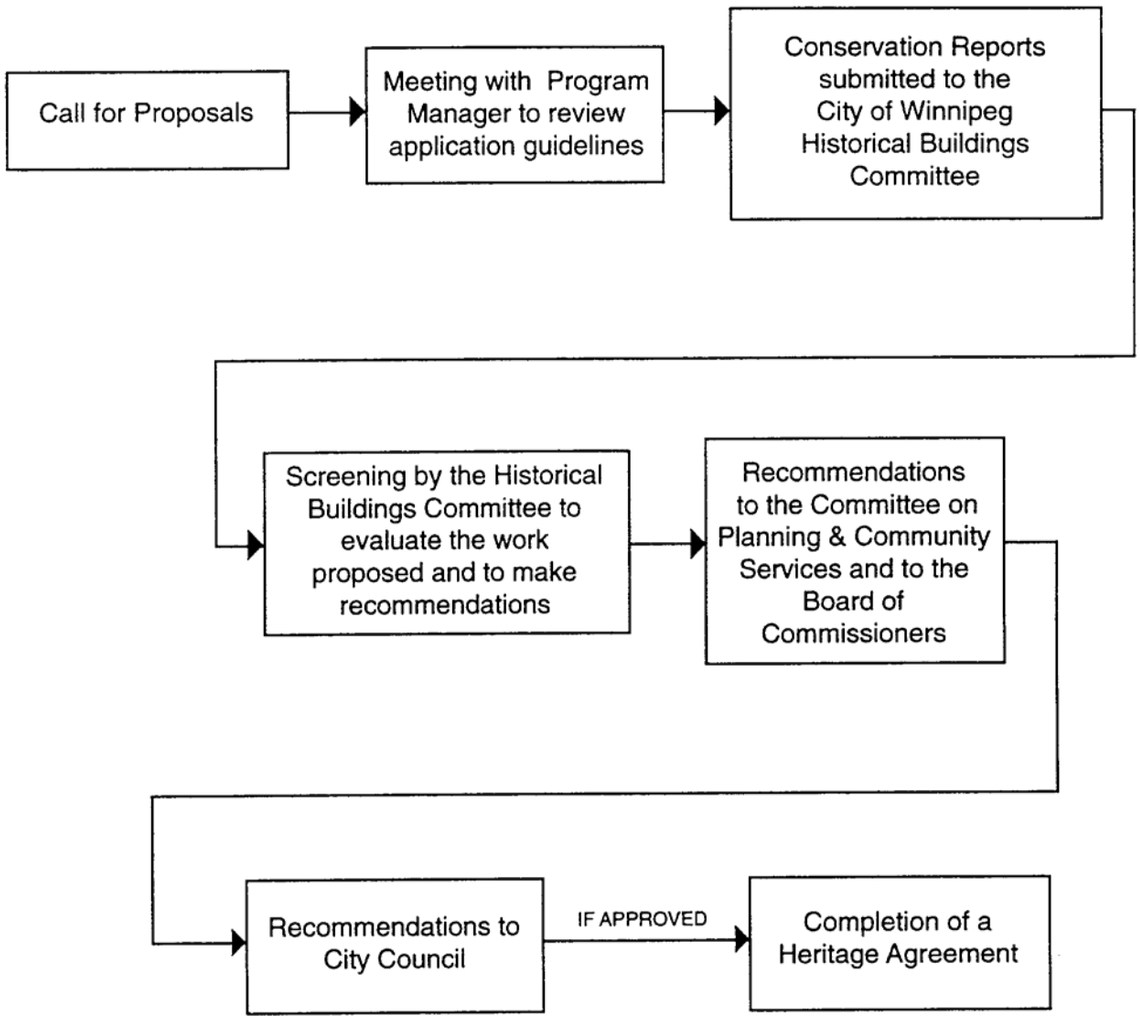
   - a Certificate of Suitability from the Historical Buildings Committee;
   - a Certificate of Appropriateness from the Historic Winnipeg Advisory Committee; and/or
   - a Heritage Permit from the Province of Manitoba;

   plus in all cases, a City of Winnipeg building permit.

9. Also prior to the beginning of work, the property must be inspected by the City's Assessment Department.

Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

## PROCEDURAL FLOW CHART – WDA PROGRAM 13A



Schedule “A” referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

## E. DISTRIBUTION OF FUNDS

| | | Recommended $ Allocation | | |
|---|---|---|---|---|
| | | **1995** | **1** | |
| 1. Heritage Conservation Grants | 1,550,000 | | | 2 |
| 2. The Exchange District Grants | 1 | 1 | | 3 |
| 3. Support Services<br>• Consultants<br>• Information Dissemination<br>• Public Communication | | | | |
| | 7 | **$3** | **$2** | **$5** |

Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

## APPENDIX 1
## STANDARDS FOR CONSERVATION

On August 9, 1995, City Council approved a Consolidated Policy for Funding the Conservation of Heritage Buildings. This policy includes a series of standards which are to be applied to specific heritage projects in a reasonable manner, taking into consideration economic and technical feasibility.

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## APPENDIX 2
## CONSERVATION REPORT REQUIREMENTS

The conservation report will include the following information. The degree of supporting detail will vary depending on the nature and scale of the project.

### 1. Overview of the History of the Building

### 2. Current Condition:

2.1 Site Condition:
- description of present site and original site

2.2 Structural Condition of Building(s):
- condition of main building, structural components, additions, roof, exterior and bearing walls, mechanical and electrical systems

2.3 Description of Existing Property:
- description of existing design and materials, with specific reference to: (1) historic exterior fabric, (2) exterior features, and (3) interior heritage features

2.4 Use and Land Use:
- description of original and present use and area zoning

### 3. Proposed Work and Use:

3.1 Proposed Work:
- description of the work to be done on exterior (and, if applicable, interior) fabric and features, elements to be preserved, impact on historic integrity, and degree of compliance with the Standards for Conservation (Appendix 1)

3.2 Proposed Use:
- description of proposed use of property

### 4. Implementation Strategy:

4.1 Proposed Schedule

4.2 Financial Proposal:
- description of existing financial situation and proposed financial arrangements, specifying: (1) the extent of the applicant's direct investment commitment, (2) the proposed City of Winnipeg role and participation costs, particularly with respect to exterior alterations, and (3) all other sources of financing.

Schedule “A” referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

## APPENDIX 3
## THE HERITAGE AGREEMENT

This legal document, to be signed by the City of Winnipeg and each WDA Program 13A grantee, will set out the conditions of assistance and performance guidelines. As well, the conservation report will be appended to, and treated as an integral part of, the agreement.

Among the topics to be addressed in the agreement are:

- the list of work approved for WDA Program 13A funding;
- the maximum value of the Program 13A grant;
- the project schedule;
- the general conditions of assistance (as per Section B);
- any additional technical conditions specific to the project;
- provisions enabling Program 13A staff to monitor and inspect the progress of the project, and generally to act as the liaison between the grantee and Historical Buildings Committee;
- terms to ensure:
  - maintenance of the building's heritage features,
  - adequate insurance coverage, and
  - protection from demolition or relocation;
- formal procedures for amending the conservation report or list of approved work to accommodate any major deviation from the original plan;
- financial accountability measures;
- provisions for recovery of WDA funds in the event an interim payment has been made, but grant approval is later cancelled in whole or part;
- compliance measures in the event grantees are in default of their agreement obligations;
- provisions for indemnification of the City of Winnipeg;
- a requirement for City approval prior to any future assignment of the agreement; and
- the length of time the agreement will be in effect.

By-Law No. _____

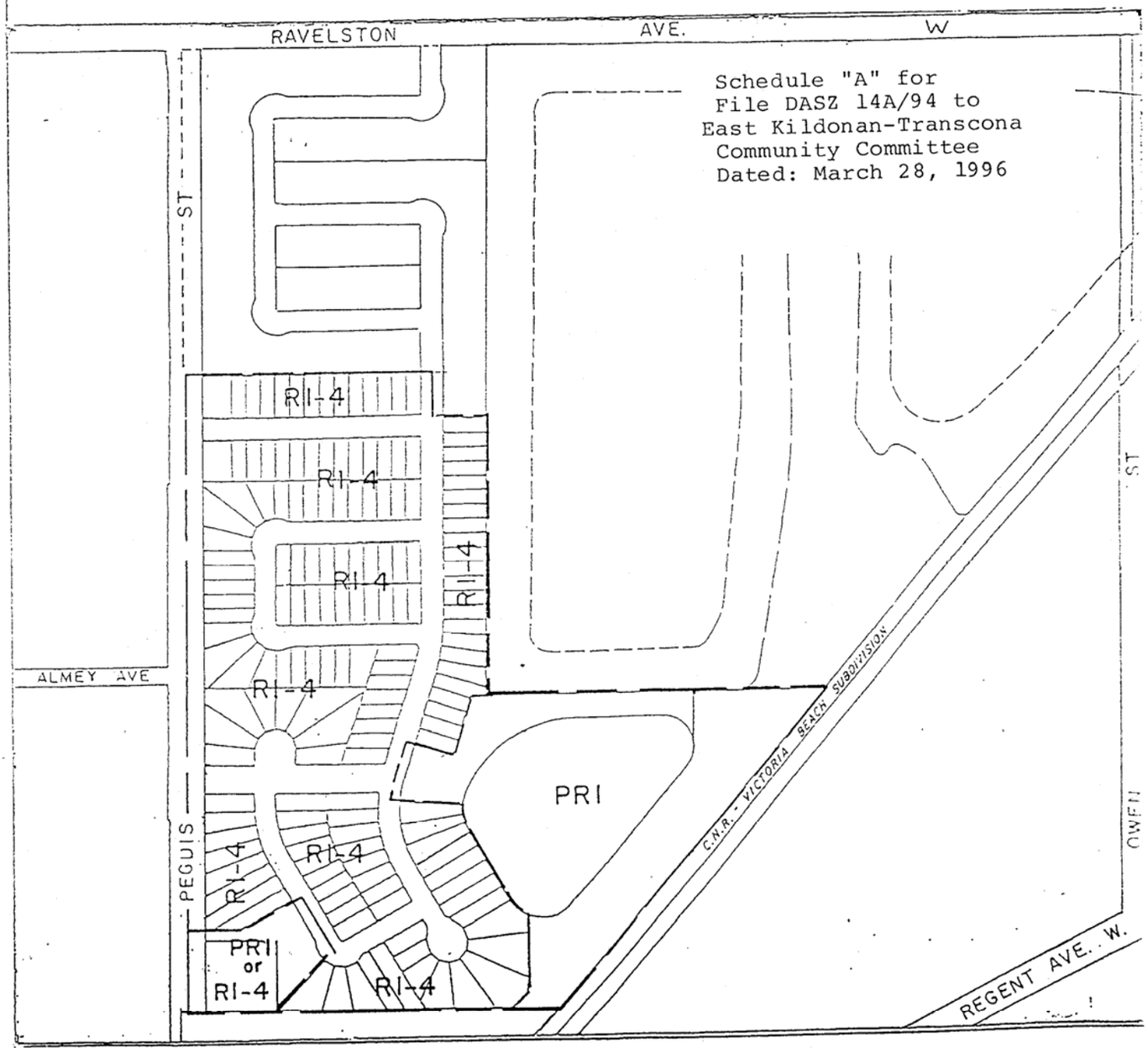
FILE No. DASZ - 14"A" / 94

EXPLANATION:

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the east side of Peguis Street, south of Ravelston Avenue, W., opposite Almey Avenue from an "AR-5" AGRICULTURAL-RESIDENTIAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, and an "R1-4" SINGLE-FAMILY DISTRICT.

ATLAS SHEET No. Y31 Z31

EAST KILDONAN TRANSCONA COMMUNITY




THIRD READING: _____ EFFECTIVE DATE: _____

ZONING AGREEMENT: YES ☐ NO ☐ CAVEAT No. _____

**843 -** Schedule "A" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated May 28, 1996

Schedule “B” referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated May 28, 1996

March 26, 1996 AG 14/94

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

TO THE CHAIRPERSON AND MEMBERS OF THE
EAST KILDONAN TRANSCONA COMMUNITY COMMITTEE

**RE: Proposed subdivision and rezoning of land located on the east side of Peguis Street south of Ravelston Avenue West**

An application has been submitted by Genstar Development Company to subdivide and rezone land located on the east side of Peguis Street south of Ravelston Avenue West.

It is recommended that the proposed 0.31 ha (0.77 acre) public reserve adjacent to the north and east sides of the proposed fire station site be deleted and that the plan be reconfigured to establish residential lots instead at those locations. The east property line for Peguis Street adjacent to the proposed subdivisions is to be established as illustrated on the attached sketch labelled Figure "A". Right-of-way corner cuts measuring 2.0 m by 2.0 m are to be provided in the north east and south east quadrants of the intersection of the most southerly east-west street with Peguis Street and all street rights-of-way within which land drainage sewers of a diameter greater than 525 mm are required shall be widened to 22 m.

1. The Developer shall, at no expense to the City, install and construct wastewater sewers complete with manholes and other accessories to serve the proposed subdivision and adjacent land as determined by and to the satisfaction of the Commissioner of Works and Operations.

2. a) The Developer shall install an oversized watermain in Peguis Street from the south limit of the proposed subdivision to Ravelston Avenue including a valve chamber to accommodate the connection to the feedermain on Ravelston Avenue West to the satisfaction of the Commissioner of Works and Operations.

   b) The Developer shall install and construct all watermains, valves, hydrants and fittings to serve the Planned Area and adjacent land as determined by and to the satisfaction of the Commissioner of Works and Operations.

   c) The City shall reimburse the Developer for the cost of oversizing of watermains in excess of a 250 mm diameter pipe as certified by the Commissioner of Works and Operations with interest commencing one year following the issuance of the relevant substantial completion certificate, subject to the approval of funding by City Council.

3. a) The Developer shall install and construct all land drainage sewers, catchbasins, leads, swales and accessories to serve the proposed subdivision and adjacent land as determined by and to the satisfaction of the Commissioner of Works and Operations.

   b) The City shall reimburse the Developer for the cost of oversizing of the land drainage sewers in excess of the pipe diameter which would have been required to serve only the Developer’s land as certified by the Commissioner of Works and Operations with interest commencing one year following the issuance of the relevant substantial completion certificate, subject to the approval of capital funding by City Council.

   c) The Developer shall construct all swales, catchbasins and leads on private property, in locations where rear lot drainage has to be provided prior to the issuance of Building Permits.

   d) The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance and replacements of catchbasins and leads for lot drainage upon registration of approved subdivision mylars in the Land Titles Office.

Schedule "B" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

4. a) The Developer shall construct a minimum 5 acre (measured at the normal water surface) stormwater impoundment facility including interconnecting pipe and all other related works to permanently accommodate the lands within a land drainage catchment area as determined by and to the satisfaction of the Commissioner of Works and Operations.

b) The Developer shall pay land drainage trunk capacity charges applicable to the proposed subdivision and the developed portions of Kildonan Meadows and Lakeside Meadows as determined by the Commissioner of Works and Operations.

c) The City shall reimburse the Developer for the cost of land drainage trunk facilities constructed by the Developer in excess of the Developer's share of the cost thereof as determined in b) above as calculated by the Commissioner of Works and Operations with interest commencing one year following the issuance of the substantial completion certificate subject to the approval of funding therefor and/or as the City collects through subsequent developments and or Local Improvement levies.

d) The Developer shall, prior to issuance of a completion certificate for the retention pond, offset stake and grade lot corners of a representative number of private lots abutting the pond to facilitate inspection for construction completion. The Developer shall provide at no cost to the City an appropriate legal survey complete with legal monuments offset from a representative number of private lot corners in the pond and plan identifying horizontal and vertical extents of said monuments, which work is to be performed by a Manitoba Land Surveyor indicating the distances that the rear yard legal property limits of all private lots abutting the pond are from the retention pond normal water level, to the satisfaction of the said Commissioner as a condition of issuance of a final acceptance certificate.

In order to facilitate the inspection for construction completion, the Developer shall stake and grade all lot corners abutting the pond as a condition of recognized construction completion.

e) The Developer shall demonstrate to the satisfaction of the said Commissioner, that the placement of the impoundment revetment over the public portion of the impoundment perimeter in relation to the normal water level is in accordance with applicable City standards and approved construction drawings, as a condition of final acceptance.

f) The Developer shall place sod over the private portion of the impoundment perimeter from the normal water level up the slope 12.8 metres or install rock revetment and sod to the same standards as for the public portion, all to the satisfaction of the Commissioner of Works and Operations.

g) The Developer shall construct a boat launch to enable the launching and retrieval of mechanical treatment equipment to the satisfaction of the Commissioner of Works and Operations.

h) The Developer shall construct a water well, appurtenances and ancillary works to enable maintenance of impoundment water level, all in accordance with drawings and specifications approved by and to the satisfaction of the Commissioner of Works and Operations.

i) The Developer shall provide construction easements on all private lots adjacent to the impoundment for such periods of time as deemed necessary by the said Commissioner.

j) Notwithstanding any other provision of this agreement regarding a warranty period, the Developer shall be responsible for maintenance of the impoundment area including appurtenances and landscaping during construction and until occupancy of 75% of the dwellings on lots immediately abutting the impoundment, all as determined by and to the satisfaction of the Commissioner of Works and Operations.

Schedule "B" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

k) The Developer shall, as part of the construction of the stormwater impoundment facility, cause a soil sterilant to be applied in accordance with the laws governing such applications to areas below the normal impoundment water level elevation. If for reasons beyond the Developer's control, as determined by the Commissioner of Works and Operations, the application of the soil sterilant cannot be accomplished, the Developer shall reimburse the City for the full cost of controlling, harvesting and removing any weed growth from the impoundment for a period of two (2) years from the date of substantial construction completion as determined by the said Commissioner.

l) The Developer shall, at no expense to the City, install chain link fencing, or alternate fencing approved by the Commissioner of Works and Operations, to demarcate the public land component of the impoundment from the private land component as determined by and to the satisfaction of the said Commissioner.

m) The Developer shall provide a letter of credit in the amount of 15% of the construction cost of the impoundment and associated appurtenances to the satisfaction of the Commissioner of Works and Operations, which will be released to the Developer upon issuance of the final acceptance certificate.

5. The Developer shall, at no expense to the City, install water and wastewater sewer lot line connections to serve each lot within the proposed subdivision.

6. The Developer shall construct, at no expense to the City, the following improvements in Peguis Street north of Regent Avenue:

a) An 8.3 m in width by 200 mm in thickness portland cement concrete pavement from the present terminus of the concrete pavement at the south limit of the proposed subdivision
to Ravelston Avenue; this pavement may be staged to coincide with development of Phases 1 and 2.

Should the Developer choose to construct this pavement in stages, an asphaltic concrete transition from the newly constructed portland cement concrete pavement to the existing gravel road shall be provided at the terminus of each stage.

b) An 8.3 m in width by 200 mm in thickness portland cement concrete pavement from Regent Avenue to the south limit of the proposed subdivision.

c) An asphaltic concrete transition from 4-lane divided to 2-lane undivided at the south limit of the proposed subdivision.

d) A southbound to westbound right-turn cut-off at the intersection of Peguis Street and Regent Avenue.

e) A median opening at the southernmost approach to the Costco property from Peguis Street.

f) Removal of the southbound right-turn storage lane on Peguis Street at Regent Avenue and restoration of the median and median curbing.

g) Street lighting on the east and west sides of Peguis Street to coincide with the portland cement concrete pavements constructed under sub-clauses a) and b) above.

h) Sidewalk on the east side of Peguis Street abutting the proposed subdivision to be constructed at the same time as the roadway pavements.

i) Any necessary land drainage works all as determined by and to the satisfaction of the Commissioner of Works and Operations.

Schedule "B" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated May 28, 1996 (continued)

7. The Developer shall, at no expense to the City, construct reinforced portland cement concrete pavements to widths of 10 m and 7.5 m and to thicknesses of 200 mm and 150 mm respectively in all streets within the proposed subdivision as determined by and to the satisfaction of the Commissioner of Works and Operations.

8. The Developer shall pay to the City 25% of the cost of the traffic control signals previously installed at the intersection of Peguis Street and Regent Avenue plus all costs associated with the modifications to these traffic control signals as a result of the pavement works to be constructed under Clause 6. above.

9. The Developer shall pay to the City on demand 25% of the cost of the future traffic control signals to be installed at the intersection of Reenders Drive and Peguis Street when and as determined by the Commissioner of Works and Operations.

10. Water turn-on to allow occupancy of any dwelling within the proposed subdivision shall not be permitted until the concrete pavement has been constructed in the street upon which such dwelling fronts.

11. a) The Developer shall, at no expense to the City, install turnarounds at the termini of temporarily dead-ended streets and provide rights-of-way or easements to accommodate same as determined by and to the satisfaction of the Commissioner of Works and Operations.

b) The Developer shall take all steps necessary to ensure that two means of vehicular access are available at all times through all stages of development of the proposed subdivision to the satisfaction of the Commissioner of Works and Operations. This may require the construction of temporary roadways and the provision of easements or rights-of-way therefor.

12. The Developer shall, at no expense to the City, construct a temporary bus turnaround facility at a location to the satisfaction of the Commissioner of Works and Operations.

13. The Developer shall construct at the same time as the adjacent street pavement is constructed, a 1.5 m in width by 100 mm in thickness portland cement concrete sidewalk along both sides of the most southerly east-west street within the proposed subdivision to the satisfaction of the Commissioner of Works and Operations.

14. The Developer shall, at no expense to the City, cause ornamental street lighting to be installed in all streets within the proposed subdivision.

15. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

16. The Developer shall, at no expense to the City, cause standard reflectorized permanent street name signs to be installed at all new street intersections within the proposed subdivision.

17. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or to accommodate works required to serve the proposed subdivision, as determined by the Commissioner of Works and Operations.

18. The Developer shall pay to the City a fee per gross subdivision acre in lieu of the City's administration and related costs associated with the preparation and implementation of the Development Agreement. That fee for 1996 is $1,200.00 per acre.

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