REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED MARCH 1, 1994

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated March 1, 1994, was considered clause by clause.

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

Councillor Reese requested that Clause 6 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,7,8,9 and 10 was put and declared carried.

Her Worship the Mayor and Councillors:

Designation of The City of Winnipeg Health Department as a Public Health Surveillance Unit File EH(Vol. 8)

539 - 1. Your Committee on Planning and Community Services has been advised that Health Canada has invited 10 public health units in Canada to undertake enhanced public health surveillance for all new cases of viral hepatitis. The City of Winnipeg Health Department is one of the chosen health units. Health Canada will pay all costs associated with the program. The City of Winnipeg Health Department will be provided with a full time epidemiologist, and the supports required to carry out the program, at no cost to the City.

The City of Winnipeg Health Department is responsible under The Public Health Act for the surveillance and control of communicable diseases. The Department has previously entered into partnership with Health Canada (formerly Health and Welfare Canada) to provide enhanced public health information about specific communicable diseases with national importance. The partnership project last year involved Salmonella infection in the Inner City. Health Canada now has funding to provide for a similar but much improved surveillance program in Winnipeg. The diseases of interest for the next year will be all forms of infectious hepatitis (liver disease).

Health Canada is proposing that the City of Winnipeg Health Department contract with them to provide additional investigation (beyond what the Department already does) of all new hepatitis cases in the City which are identified over the next year. The City of Winnipeg Health Department has agreement from Winnipeg Region to provide the enhanced surveillance for hepatitis in the suburbs as well as the Inner City.

The contract with Health Canada is for $49,306.00, which covers the salary, benefits and expenses for the individual hired to carry out the duties related to the contract. The Health Department has developed a position description for this position, and will be offering it to internal candidates within the Nursing Division.

The position will be used to enhance the experience and training of public health nurses who are interested in surveillance and control of communicable diseases. The terms of the contract will cover all costs for this service, since the position of the individual chosen will be back-filled at a salary within the resources of the contract. The project will have no cost implications for the Department, while at the same time, enhancing the experience of staff and improving the ability of the Department to carry out its surveillance and control duties. It is possible that this contract will be renewed next year, to provide enhanced surveillance of one or more other diseases of national importance.

The Administration is of the opinion that this agreement should be entered into with the Federal Government since it benefits the City at no cost.

Your Committee on Planning and Community Services therefore recommends:

I. That the City of Winnipeg Health Department be authorized to contract with the Laboratory Centre for Disease Control, Health Canada, to provide enhanced public health surveillance services in Winnipeg, on the clear understanding that there will never be any cost to the City for this program.

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

In amendment,

Your Executive Policy Committee recommends that Recommendation No. I be amended to delete the words "Health Department" in the first line.

Adopted by consent.

Federal/City Cost - Sharing Agreement to Social Services Program
File EH-2(Vol. 17)

540 - 2. On January 12, 1994, the Executive Policy Committee referred the following motion to your Committee on Planning and Community Services, namely:

WHEREAS the Province of Manitoba has again made a significant cut to Social Services on the premise that social assistance being provided to single, employable persons was required to protect families;

AND WHEREAS the Province of Manitoba has blamed the Government of Canada for the cuts in social assistance;

AND WHEREAS the Government of Canada and the City of Winnipeg have had to compensate for past cuts;

AND WHEREAS the Province of Manitoba is the only level of government that has cut back;

NOW THEREFORE BE IT RESOLVED that the City Centre Community Committee request Her Worship the Mayor and City Council to strongly protest these indecent cuts to Social Services;

AND BE IT FURTHER RESOLVED that the City of Winnipeg negotiate with the Government of Canada to implement a Federal/City cost-sharing agreement to replace the cuts to the Province of Manitoba's Social Services programs.

The following amendments to the above motion were proposed by Executive Policy Committee on November 24, 1994, namely:

I. That the fifth paragraph which reads as follows be deleted in its entirety:

NOW THEREFORE BE IT RESOLVED that the City Centre Community Committee request Her Worship the Mayor and City Council to strongly protest these indecent cuts to Social Services;

II. That the sixth paragraph be amended as follows:

a) the word "the" be deleted from the sixth paragraph after the words "agreement to replace";

b) the words "seek permission from the Province of Manitoba to" be added after the words "that the City of Winnipeg";

c) the words "of $30.00 a month for single social service recipients who have been on the roll for more than 6 months" be added after the word "cuts".

The sixth paragraph incorporating all the proposed amendments would read as follows:

AND BE IT FURTHER RESOLVED that the City of Winnipeg seek permission from the Province of Manitoba to negotiate with the Government of Canada to implement a Federal/City cost-sharing agreement to replace cuts of $30.00 a month for single social service recipients who have been on the roll for more than six months to the Province of Manitoba's Social Services programs.

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Your Committee on Planning and Community Services has reconsidered this motion and amendments thereto and recommends:

I. That the City of Winnipeg seek permission from the Province of Manitoba to negotiate with the Government of Canada to implement a Federal/City cost-sharing agreement to replace cuts of $30.00 a month for single social service recipients who have been on the roll for more than six months to the Province of Manitoba's Social Services programs.

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.

Transfer of Social Services Funding from Single Unemployable People to Families with Children File EH-2(Vol. 17)

541 - 3. On January 12, 1994, the Executive Policy Committee referred the following motion to your Committee on Planning and Community Services, namely:

WHEREAS the Province of Manitoba made cuts to social services assistance to single unemployable people;

AND WHEREAS the Province of Manitoba cut support by 18%;

THEREFORE BE IT RESOLVED that the Committee on Planning and Community Services request the Executive Policy Committee to approach the Province of Manitoba requesting that the money saved through the reductions in social services to single unemployable people be transferred to families with children for food, clothing, personal needs and child care.

Your Committee on Planning and Community Services has reconsidered this motion and recommends:

I. The Executive Policy Committee to approach the Province of Manitoba requesting that the money saved through the reductions in social services to single unemployable people be transferred to families with children for food, clothing, personal needs and child care.

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.

Servicing Agreement - Nordic Management Ltd. - Motel Complex, 3900 Portage Avenue - Assiniboia Community Files EP-1, ST, WW-2 and WS(AG 405/93)

542 - 4. Your Committee on Planning and Community Services has been advised that the Assiniboia Community Committee at its meeting held on November 9, 1993, heard representation from Mr. Don Benson, President of Nordic Management Ltd., in connection with the proposed motel complex located at 3900 Portage Avenue. Nordic Management Ltd. is acquiring the subject property from the current owner, The Royal Bank of Canada, with a view of completing the motel complex on the site which project was begun in 1988 but never completed.

Mr. Benson has requested permission to install a watermain in McCarthy Street from the existing 12" main in Portage Avenue to serve the subject site.

Situated within the McCarthy Street right-of-way just south of the Perimeter Highway service road, the City operates a

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water standpipe which was erected in 1975 to supply the residents of Headingley and the area south of Wilkes Avenue. It is anticipated that there will be conflict between the activities of the water haulers and the patrons of the motel complex especially during the winter months when water spillage turns into ice. For that reason, Administrative Coordinating Group is of the opinion that a turnaround should be constructed south of the water standpipe. Mr. Benson has advised us that he has no objection to the City's commercial water standpipe remaining at its present location.

Mr. Benson will be dealing with the Manitoba Highways and Transportation Department with respect to the access requirements on Portage Avenue and with respect to the management of surface run-off from the subject site. The Highway Traffic Board has issued a permit to allow permanent access to the site off the Perimeter Highway service road. It is therefore not necessary to pave McCarthy Street, south of the standpipe to provide access to the site as was previously the case.

Mr. Benson will have to retain the services of architects and engineers to prepare new drawings satisfying the latest Building Code Standards, as well as approval of the Manitoba Highways and Transportation Department in order to obtain building permits for the motel complex.

The Administrative Co-ordinating Group are of the opinion that the City enter into a Servicing Agreement with the Developer of the motel complex site as follows:

1. a) The Developer shall, at no expense to the City, construct a watermain in McCarthy Street from the existing 12" main in Portage Avenue to serve the motel complex as determined by and to the satisfaction of the Commissioner of Works and Operations.

   b) The Developer shall, at no expense to the City connect the City's water standpipe to the new watermain and cut off the existing 4" watermain at Portage Avenue all as determined by and to the satisfaction of the Commissioner of Works and Operations.

2. a) The Developer shall at no expense to the City, construct a turnaround and associated works south of the City's water standpipe to accommodate the water haulers' activities as determined by and to the satisfaction of the Commissioner of Works and Operations.

   b) The Developer shall provide the City with an easement for the maintenance of the turnaround as determined by and to the satisfaction of the Commissioner of Works and Operations.

3. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the construction of the watermain and turnaround.

4. The Developer shall pay $1,500.00 to defray the City's administrative and related costs associated with the preparation and implementation of the Servicing Agreement.

On February 15, 1994, the Assiniboia Community Committee concurred in the recommendations of the Administrative Co-ordinating Group that the City enter into a Servicing Agreement with the Developer of the motel complex site with the exception of recommendation 2. a) noted above.

Your Committee on Planning and Community Services concurs in part with the recommendation of the Assiniboia Community Committee and therefore recommends that the City enter into a servicing agreement with Nordic Management Ltd., as follows:

I.A. The Developer shall, at no expense to the City, construct a watermain in McCarthy Street from the existing 12" main in Portage Avenue to serve the motel complex as determined by and to the satisfaction of the Commissioner of Works and Operations;

B. The Developer shall, at no expense to the City connect the City's water standpipe to the new watermain and cut off the existing 4" watermain at Portage Avenue all as determined by and to the satisfaction of the Commissioner of Works and Operations;

II. The Developer shall provide the City with an easement for the construction and maintenance of a turnaround as determined by and to the satisfaction of the Commissioner of Works and Operations;

III. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the construction of the watermain;

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IV. The Developer shall pay $1,500.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

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

Adopted by consent.

Handbill and Poster By-law No. 1076/75
File ER-1.5 (Vol. 7)

543 - 5. Council, at its meeting held on September 22, 1993 ruled automatic referral of the following motion to your Committee on Planning and Community Services, under Rule 16.1 of the Procedure By-law No. 5400/90, namely:

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

WHEREAS the recent Supreme Court ruling regarding the posting of handbills and posters in a public place or on lamp posts, utility poles, parking meter, traffic signs, fences, barricade or trees located in a public place may make the City of Winnipeg's by-law unenforceable;

AND WHEREAS the number of handbills and posters promoting various events has been a growing problem within the City;

AND WHEREAS the posting of handbills and posters on unauthorized structures has and can cause not only damage to these structures but also increased litter and unsightliness;

BE IT RESOLVED that By-law No. 1076/75, The Handbill and Poster By-law be amended to read:

"That any individual, group, or individual on behalf of a group, institution, or individual who posts, places, paints, affixes or secures any notice, poster, sign or other paper, lettering or similar device in any public place, or upon any lamp post, utility pole, parking meter, traffic sign, fence, barricade, hoarding or tree located in a public place or upon or in any public structure or building which is owned or under the control of the City shall be required to remove all posters or handbills within three days after the event for which the handbills where posted or within two weeks for handbills which promote events or ideas which do not have a termination period included on the handbill or poster";

BE IT FURTHER RESOLVED THAT failure to comply can lead to conviction and fines of up to $1,000.00 or six months in jail for the individual posting the handbill or poster or the group, individual or institution on whose behalf the handbill was posted.

Prior to 1990, the City's Handbill and Poster By-law and Streets By-laws provided that the placement of posters on public property including utility poles was absolutely prohibited except where permission was obtained from the Commissioner of Works and Operations. The By-law provisions were challenged during the free trade debates as being contrary to the guarantee of freedom of expression contained in the Canadian Charter of Rights and Freedoms and further as invalid because they gave an absolute discretion to permit postering to the Commissioner. The Manitoba Court of Appeal heard preliminary arguments on those issues and granted an injunction restraining the City from enforcing the by-law provisions for a period of thirty days.

On October 10, 1990, City Council adopted the recommendation of Executive Policy Committee that:

"The City of Winnipeg erect outdoor notice boards for the posting of notices by members of the public within those areas of the City which experience high pedestrian traffic including the Downtown and Exchange Districts, Osborne Village, Corydon Avenue, West Broadway, the Provencher/Tache area and the Wolseley/Sherbrook area."

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On January 16, 1991, the Outdoor Notice Board Working Group was established at the request of the Board of Commissioners with representatives from Hydro, Transit, Operations, Civic Buildings, Streets, Parks, Planning, and Law Departments.

The Working Group sent surveys to 18 major Canadian cities to evaluate various options currently under consideration. Eleven responses were received with seven cities indicating they had no outdoor notice boards, and four cities identifying limited success in dealing with the problem.

Since it seemed that no municipality in Canada had yet developed an adequate product(s) or strategy to enforce its posting by-laws, the "Working Group" established terms of reference for a product(s) which could meet design criteria of image, posting area, low maintenance, ease of servicing, structural integrity, suitability in a variety of locations, and acceptable capital and life-cycle costs.

On March 10, 1993, the Working Group reported on the status of outdoor notice boards and recommended that:

a) patent applications be made by the City of Winnipeg to protect the concept and design of the hydro collar prototype with a view to marketing the product in North America to other municipalities to generate revenues;

b) the sales proceeds be used, first to cover all development costs, and secondly to provide funds for maintenance and enhancement of hydro poles and other streetscaping elements relating to public posting.

In April, 1993, the first production run of "collars" was installed in Osborne Village with the support of the Business Improvement Zone, the Board of Commissioners, and the City Centre Community Committee.

On April 20, 1993, the kiosk and the hydro collars were identified by the Commissioner under the by-law as the designated Public Notice Boards. Southwest District Operations monitored the use of the notice boards in the Village test area several times a week.

While the "notice boards" were extensively used, the public continued to post on poles without "collars" and above or below the intended posting area on poles with "collars."

Southwest District Operations could not dedicate sufficient manpower to enforcement and maintenance to effectively control the posting of handbills and it became clear that product modifications were required, together with public consultation, certain amendments, and a management strategy with local BIZ organizations where possible, with maintenance and enforcement given a much higher priority.

Regular feedback was obtained from the Osborne BIZ, and BIZ summer students included removal of non-complying posters in their daily routines calling for enforcement where necessary.

In May, the Board approved funding of up to $4,000 for patent applications to be filed. Applications have been filed in both the United States and Canada, with the examination process still pending. Initial comments are expected from the U.S. by Spring, with the Canadian application expected to take approximately 18 months.

The Working Group defined Terms of Reference based upon certain objectives:

1. <u>Reasonable Access/Opportunity</u>

   - Major offenders are to be consulted and asked what would constitute reasonable access.

   - Surveys of handbills in key areas will be used to verify the actual need based on current practice.

   - A By-law amendment limiting the size of handbills to a maximum size without restriction to format will provide flexibility but control on size.

   - A By-law amendment limiting the number of handbills per location per event to one only will provide a better opportunity for all users of the notice boards and reduce the required overall capacity.

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2. Regular Maintenance

- Students are currently being used by both the Exchange and Osborne B.I.Z. groups to remove all posters (stale-dated and current) according to a fixed weekly schedule.

- It is considered to be critical to implement a maintenance schedule that is consistent in all Operating districts for the following reasons:

  a) benefits in coordination between maintenance and enforcement;
  b) need to stay on top of image problem which is strongly connected to public perceptions including safety;
  c) opportunity to reduce product requirements by weekly turn over of handbills rather than bi-weekly for example.

- Priority must be given to repaint all pole or signal locations where hydro collars are installed.

3. Methods of Attachment

- The By-law should be amended to permit fastening by staples only. Both proposed products, the kiosk and hydro collar, have polyethylene surfaces which are ideal for stapling. The Exchange Notice Boards have painted plywood panels which accept staples and most private property, either fences or notice boards, accept staples more readily than tape or adhesives.

- Steel surfaces such as hydro poles, decorative poles and signal poles cannot be fastened to with staples.

The Supreme Court decision states that a municipal by-law which totally prohibits public postering on streets is contrary to the guarantee of freedom of expression contained in The Charter. Although the City's By-law contemplates public postering on outdoor notice boards, the only designated outdoor notice boards which exist on public property are those test models which have been placed by the Outdoor Notice Board Working Group in one limited area of the city. The practical effect of the by-law is, therefore, to completely prohibit outdoor postering. The current By-law provisions are, therefore, unenforceable until such time as outdoor notice boards are installed throughout the city, or the By-law is amended to indicate which streetscaping elements the City intends to make available for public use.

The experience with both the Kiosk and Hydro Collars has generally been positive with support for these products coming from the public, BIZ groups, potential sponsors, and the Administration.

It is clear that the solution lies in the implementation of both these products. While each has its advantages and limitations, they are complementary and will work well in tandem.

The Kiosk is a larger format, higher profile product with a posting capacity of 55 - 8½ x 11 inch format handbills. It is ideally suited to wider sidewalk rights-of-way or plaza space adjacent to major pedestrian routes.

The Collar is a smaller format product designed as a wrap for installation on octagon hydro poles with a posting capacity of 6 - 8½ x 11 inch handbills.

Experience with the proto-types has shown that the Kiosk can be implemented with few design changes, while the Collars should be made twice as long and larger in diameter so they will adapt to locations such as 45 foot davit poles as well as signal poles. To produce the new Collars, an estimated $15,000.00 will be required to manufacture new molds, with unit costs of approximately $40.00. The estimated total budget for implementation is $50,000.00 for 20 Kiosks and 100 Collars. With outdoor notice boards in place, the City's by-law should be enforceable.

Immediate implementation will also place the City of Winnipeg in a much better position to market these products to other municipalities. Some 80 municipalities throughout Canada have been advised of Winnipeg's initiatives, and patent applications have been filed in both the United States and Canada for the "Collar." The most recent inquiry was from the City of Scarborough and the first order was received for 18 units from the City of Thunder Bay.

Production costs (excluding development) are $16.00 per unit. The price quoted Thunder Bay is $35.00 per unit.

While the revenue potential throughout North America is promising, most sales are not expected within the first year as other City's assess their options and review budgets. Winnipeg should strive to fully implement all the

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recommendations of the Outdoor Notice Board Working Group prior to the June conference of the Canadian Federation of Municipalities to showcase the products and the handbill management strategy.

Once the products are in place, regular maintenance is essential. All posters should be removed city-wide on a regular basis according to a known schedule. For example, all handbills (current and stale-dated) would be removed every Tuesday morning prior to Noon in a co-operative effort with the B.I.Z. groups. New handbills could be posted by the public starting at Noon during working hours, and, since most events being promoted are on weekends, removing the handbills Tuesday would meet the three-day objective. It is also advantageous to have the bulk of new posters going up during daylight hours when enforcement staff are on duty to monitor posting activities that are more focused. Currently, a large percentage of the handbills are installed in the middle of the night which is not to the City's advantage. Posting practices can be expected to change as promoters scramble to get the prime locations.

Business Improvement Zone organizations have been consulted on all aspects of both the problem and potential options for the Implementation Strategy. The Downtown, Osborne and Exchange Business Improvement Zones have all indicated their willingness to co-operate with the City and to participate in certain operational functions such as maintenance. The Exchange District B.I.Z. has been removing all handbills on public property each Friday, generating three to six garbage bags of litter. The B.I.Z. has also requested that its own member businesses restrain from using decorative poles and be more sensitive to the image of the District.

There is also the potential to cost-share the capital funding, but cost projections have shown that the capital costs could be a bargain in comparison with ongoing maintenance costs. The Working Group is of the opinion that the City should provide the product and control that part of the "image" while the B.I.Z. groups be asked to remove the posters and assist with maintenance. The B.I.Z. groups are also in a better position to be pro-active with weekly maintenance with their B.I.Z. patrols which raise public awareness on initiatives related to cleanliness in the city.

Most individuals installing posters exhibit a general lack of respect for both City property and competing handbills. The Working Group has generally found that bands and venues do not take any responsibility for the removal of stale-dated posters, even though they are often the only ones identified on the poster and certain "causes" carry a message only. The Working Group is of the opinion that the by-law requires a contact person to be identified, together with address and phone number, or the posters will be removed and enforcement action taken where possible.

Also that all recipients of special grants or other City funding be required to abide by City by-laws as a condition of receiving public funding. Costs of legal actions, maintenance, or damages could be assessed and reported to Council. This approach is felt to be more practical than other options discussed.

The concept of a fee system was discussed by the Committee on Planning and Community Services on September 28, 1993. The Working Group cannot recommend this approach because both application fees or removal fees would be difficult and expensive to administer. It might also be a tough sell politically in times when the City is looking to streamline its bureaucracy and take a "customer friendly" approach to all operations.

Since the handbills are <u>not</u> routinely stripped, it is common for current event posters to be installed over stale-dated ones, creating several layers of posters with each layer looking progressively worse than the last one. The Working Group does not feel that it is feasible to have the public remove stale-dated posters. A by-law requiring the public to remove stale-dated posters within three (3) days of events with staggered dates would not be well received. The practical effect of such a policy would be to permit those prone to abusing the system the opportunity to post well in advance of an event and monopolize the locations. The By-law should be amended to permit handbills on designated notice boards only with limits on size, numbers, permitting staples only, and stipulating a maximum posting period to correspond with the routine maintenance schedule. All other public property, including trees, will be off limits.

There is significant postering on private property visible to pedestrians which also presents a problem from an image standpoint. Options were explored, including design review and restrictive zoning amendments under the Downtown Zoning By-law to improve the image of private exterior poster boards. The Working Group does not want to see new policies and streetscaping enhancement undermined by posters attached to the exterior of private property. Once public notice boards are fully implemented, we will ask the B.I.Z. groups for their assistance in having their member businesses change their practices so that exterior handbills are concentrated on Designated Public Notice Boards.

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Your Committee on Planning and Community Services therefore recommends:

I. That the City install approximately 50 kiosks and 250 hydro pole collars to be designated for public posting under the Streets and Handbill and Poster By-laws.

*Note: No funds are provided for in the 1994 Estimates for the implementation of kiosks or hydro collars or for the annual maintenance and enforcement of same. The estimated cost of 50 kiosks and 250 hydro collars is $90,000.00 and annual maintenance and enforcement is estimated at $45,000.00.

II. That the money received from the sale of the hydro collars be used towards funding this program through a public/private partnership.

III. That the design of the kiosks and collars be similar in concept to the prototypes by the Outdoor Notice Board Working Group with modifications in material and dimensions.

IV. That the location and distribution of the kiosks and collars be determined in consultation with principal user groups.

V. That upon implementation of the above, the Operations Department have primary responsibility for the regular maintenance of the designated notice boards and enforcement of the Handbill and Poster By-law city-wide.

VI. That the Business Improvement Zones be encouraged to continue to provide resources for the regular removal of handbills.

VII. That the City continue the strategy of protecting the design of the products and marketing same to other municipalities with the intention that revenues generated will be used to offset future operating costs.

VIII. That the Streets and Handbill and Poster By-laws be amended as follows:

A. posting on designated notice boards will be permitted by means of staples only;

B. posting will be limited to one handbill per event, to a maximum size of 200 square inches at any one time, per designated notice board;

C. the name, address, and telephone number of the individual, organization, or venue assuming responsibility be clearly indicated on each handbill.

IX. That designated notice boards be included in all high profile streetscaping initiatives such as the Graham Avenue transit improvements.

X. That all organizations receiving "special grants" be required to comply with the Handbill and Poster By-law as a condition for receipt of funding, and that all recipients be held accountable in notifying their members, or in the case of venues, advising all users of the By-law and requiring compliance as part of any facility use agreements.

XI. That the Outdoor Notice Board Working Group continue to co-ordinate all aspects of the Handbill Management Strategy.

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

Adopted by consent.

Amendment to the City of Winnipeg 1994 Schedule of Meetings for the Riverbank Management Committee File GC-4

544 - 6. On November 17, 1993, Council adopted the Schedule of Meetings for 1994 for all Standing Committees and Council. On November 23, 1994, your Committee recommended an amendment to the Schedule of

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Meetings changing the time of the Appeal Hearings of the Committee on Planning and Community Services, from 6:00 p.m. to commence at 1:00 p.m. which was subsequently approved by Council on December 17, 1993.

The meeting dates which have been adopted by Council for the Riverbank Management Committee now conflict with the meeting dates for the Appeal Hearings of the Committee on Planning and Community Services commencing April 21, 1994 and continuing through to December 15, 1994.

Your Committee on Planning and Community Services therefore recommends that the 1994 Schedule of Meetings of the Riverbank Management Committee be amended as follows:

Thursday, April 28, 1994
Thursday, May 26, 1994
Thursday, June 23, 1994
Thursday, July 21, 1994 (no change)
Thursday, September 29, 1994
Thursday, October 27, 1994
Tuesday, November 15, 1994
Thursday, December 8, 1994

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

In amendment,

Moved by Councillor Reese,
Seconded by Councillor Hyman,
THAT the clause be amended by deleting the date "July 21, 1994 (no change)" and replacing it with the date "July 22, 1994";

AND THAT the following words be added at the end of the clause, namely: "and further, that the meetings of the Riverbank Management Committee commence at 9:00 a.m. on these amended dates."

Carried.

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

Request of C.J. Loscerbo for refund for road improvements on Fraser Road - Riel Community Files DAZ 263/86 and DASSF 98/93

545 - 7. Your Committee on Planning and Community Services has been advised that on October 5, 1993, the City executed Servicing Agreement AG 263/96 with Constantino and Catherine Loscerbo pursuant to Council's approval of DAZ 263/86 being the establishment of five 2-acre lots on Fraser Road west of St. Mary's Road.

Paragraph 3, of Servicing Agreement AG 263/86 between the City and C.J. Loscerbo et al reads in part as follows:

3. Roadway

a) The Developer shall pay to the City, prior to the issuance of any Building Permit for Lots One, Two, Four, or Five as outlined on Schedule "A" dated March 23, 1987 of this Agreement, its share of the cost of future gravelling and applications of dust inhibitor (oil treatment) on that portion of the roadway on Fraser Road as abuts Lots One, Two, Four, and Five as determined by the Commissioner of Works and Operations.

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b) The Developer shall pay to the City upon demand by the City but not sooner than 30 days after the registration of the approved subdivision mylars in the Land Titles Office, the sum of $4,519.68 as its share of the cost of future gravelling and applications of dust inhibitor on that portion of Fraser Road as abuts Lot Three, outlined on Schedule "A" of this Agreement which amount, basis the cost apportionment as described in subclause a) for the year 1993, is calculated as follows:

211.2' x $20.00 per foot =	$4, 224.00
G.S.T. (7%)	$ 295.68
	$4,519.68

C.J. Loscerbo on November 4, 1993, paid $4,520.00 which includes $295.70 G.S.T. for road upgrading attributable to Lot Three.

The plan of subdivision outlined on Schedule "A", dated March 23, 1987, prepared by Barnes and Duncan which shows the location of the house on Lot Three.

Lot Three was treated differently than Lots One, Two, Four and Five because of information received in 1986 when the Agreement was originally negotiated that Lot Three contained a habitable if not habited dwelling. For that reason, payment for Lot Three couldn't be deferred until the issuance of a Building Permit on Lot Three. New information has been provided on January 21, 1994 by Manitoba Environment, that an order was issued by Manitoba Health on September 4, 1987 that "the premises be vacated and further occupation of them is prohibited."

In a letter dated December 28, 1993 to the Riel Community Committee, Mr. Loscerbo requested that the City reimburse the amount of $4,520.00 due to the fact that the house on Lot Three had been condemned.

On February 14, 1994, the Riel Community Committee concurred in the following Administrative recommendations, namely:

That Servicing Agreement AG 263/86 be amended as follows:

1. By including Lot Three in sub-paragraph 3. a) and

2. By deleting sub-paragraph 3. b) in its entirety;

Your Committee on Planning and Community Services concurs with the recommendations of the Riel Community Committee and therefore recommends:

That Servicing Agreement AG 263/86 be amended as follows:

I. By including Lot Three in sub-paragraph 3.a) and

II. By deleting sub-paragraph 3.b) in its entirety;

III. That the proper officers of the City do all things necessary to implement the above including the reimbursement to C.J. Loscerbo et al in the amount of $4,520.00.

Adopted by consent.

(Note:See Minute No. 549 for attachment)

Rezoning - Extension of Time - 1976 Portage Avenue, Southeast corner Deer Lodge Place - Assiniboia Community
Files DAZ 244/92 (c/r DASSF 507/93)

546 - 8. Your Committee on Planning and Community Services has been advised that on December 15, 1992, the Assiniboia Community Committee recommended that the lands at 1976 Portage Avenue be rezoned from a "C2" General Commercial District to an "RM-4" Multiple-Family District to allow for the construction of a multiple family dwelling. Two conditions of approval were as follows:

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1) That in the event this application is not proceeded with expeditiously and the zoning by-law is not enacted within 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; and

2) That the rezoning by-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within 12 months from the date that the said rezoning by-law is adopted by Council.

The subject rezoning was approved in principle by Council on January 27, 1993. The applicant then expressed an interest in having the by-law proceed to Council expeditiously and the Zoning Agreement drawn up concurrently.

The rezoning By-law No. 6134/93 was subsequently passed by Council on March 24, 1993. The enactment section of the by-law requires that the Zoning Agreement caveat must be registered in the Winnipeg Land Titles Office by March 24, 1994, failing which the by-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

The applicant Ventana Development Corporation (c/o M. J. Stirton) 201 - 6 Roslyn Road, Winnipeg, R3L 0G5, has advised the Planning Department that Bruce Park Place Condominium Services Ltd., will be partly developing the property, however, as yet they have not become the owner pending final financing arrangements. Inasmuch as they are anxious to resolve the filing prior to March 24, 1994, the project lenders have imposed financing conditions and presale requirements which have not yet been met and therefore the zoning agreement caveat cannot be registered in time. The applicant has requested a one year extension to complete the matter.

The administration has reviewed the applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval are unchanged.

On February 15, 1994, the Assiniboia Community Committee considered the matter to extend the time limit to register the Zoning Agreement caveat under the enactment clause of By-law No. 6134/93, but rather than extending it to March 24, 1995, recommended that it be extended to March 24, 1996.

Your Committee on Planning and Community Services concurs in the recommendation of the Assiniboia Community Committee and recommends:

I. That the time limit to register the Zoning Agreement caveat under the enactment clause of By-law No. 6134/93 be extended to March 24, 1996.

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.

Rezoning - 715 St. Mary's Road, southeast corner at Regal Avenue - Riel Community
File DAZ 219/93 (c/r DAV 929/93)

547 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. A. Wach, 432 Assiniboine Avenue, Winnipeg, R3C 0Y1, to amend the St.Vital Town Planning Scheme 1951 by rezoning the land at 715 St. Mary's Road from a "C1" Limited Commercial District to a "C2" Commercial District to allow for a broader range of commercial uses.

Although the intensity of development proposed cannot be recommended, adding 4,000 ft.² of floor area to an existing 4,000 ft.² of building, with a total of only 3 parking stalls on the site, a zoning change to the "C2" District is entirely consistent with existing development on St. Mary's Road. The workshop at the rear of the site has been, and is now, used for "C2" uses under Variance approval. Given adequate parking on the land, "C2" development would not be compatible with the St. Mary's Road Corridor or the adjacent neighbourhood.

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Proposed parking is not adequate. Two parking stalls are required for the two-dwelling units on the land, and parking for commercial uses is required at a ratio of one stall per 500 ft.² of building in excess of the first 3,000 ft.². It is proposed that only three stalls be provided for a total floor area of approximately 8,000 ft.². Related File DAV 929/93 which was granted, proposed that no loading space be provided on the site.

It is considered that new commercial development on the land should be limited to reflect parking provided, because the configuration of buildings on the land does not allow the provision of additional parking. New building on the land should be restricted to the 800 ft.² addition to the workshop at the rear, and commercial uses should not be permitted to replace the existing dwelling units within the second storey of the building at the front. This would result in 2 dwelling units and approximately 4,800 ft.² of floor area supported by three parking stalls, but only 3,400 ft.² of floor area in commercial use.

The South-East District Operations has recommended that the public lane at the rear of the site be widened to the commercial standard, which would require the transfer of 4 feet of the site to the City. Because such a widening would eliminate part, if not all, of the three parking stalls proposed, that widening may not be in the best interests of the adjacent neighbourhood.

Public Hearings were held before the Riel Community Committee on November 15, 1993, and January 19th, 1994.

The following persons appeared and/or registered in support of the application:

Mr. Andrew Wach, 432 Assiniboine Avenue, Winnipeg, MB, R3C 0Y1
Mr. B. Lofchick, 469 St. Mary's Road, Winnipeg, MB, R2M 3K9
Mr. David Lofchick, 54 Hopwood Drive, Winnipeg, MB, R3P 0Z5
Mr. Russ Knight, 663 Stafford Street, Winnipeg, MB, R3M 2X7

No one appeared in opposition thereto.

The Riel Community Committee recommended that:

1. The proposed rezoning be approved for the following reasons:

    a) The zoning change is entirely compatible with existing development on St. Mary's Road;

    b) There was no opposition to this application from the neighbourhood;

    c) Adequate controls are in place to ensure that parking will not be a problem.

2. The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendations.

Your Committee on Planning and Community Services concurs in the recommendation of the Riel Community Committee and recommends:

I. That The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 219/93, and dated January 27, 1994, to a "C2" Commercial District subject to the following:

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

        (1) that unless parking spaces are provided and maintained on the land at a minimum ratio of one space for each 500 square feet of commercial floor area established on the land, building on the land be restricted to existing buildings and an addition to the rear workshop not exceeding 800 square feet of floor area, with commercial uses only at grade;

        (2) that no building or structure (including free-standing signs and fencing), parking or loading area, or landscaping be erected or located on the land and that no additions be made to existing buildings on the land except in accordance with plans approved by the Riel Community Committee and the Commissioner of Planning and Community Services.

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II. That a 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 any increase in the market value of the land.

III. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 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 be authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within 12 months from the date that the said rezoning by-law is adopted by Council.

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

VI1. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(Note:See Minute No. 550 for attachment)

Subdivision and Rezoning - Land located to the south of Vialoux Drive, east of Wexford Street - Assiniboia Community
File DASZ 22/93

548 - 10. Your Committee on Planning and Community Services has been advised that an application has been received from 2405407 Manitoba Inc., c/o Mr. D. Knock, 702 - 281 McDermot Avenue, Winnipeg, R3B 0S9, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 1800 by rezoning the subject lands located to the south of Vialoux Drive, east of Wexford Street from an "R1-20" Single-Family District to an "R1-6" Single-Family District to permit the establishment of twelve (12) single-family building lots.

The subject site is approximately 1.5 hectares/3.7 acres and consists of one dwelling zoned "R1-20" Single-Family District. To the north there is single-family housing zoned "R1-6". On the south lands are zoned "R1-20" and "R1-5.5" on the west. Lands to the east are zoned "A-5" Restricted Agricultural District and contain the Parks and Recreation Department regional headquarters.

The subdivision would result in the creation of a new street, east of and parallel to Wexford Street, running south off the east end of Vialoux Drive. Initially, the street would extend for a distance of about 490 feet and would service the 12 building lots being applied for (six on either side). Ultimately, the street could be extended further to connect to Roblin Boulevard, to create approximately 30 additional building lots. This extension would require the co-operation of several property owners and the possible demolition of one or two houses which currently front onto Roblin Boulevard.

The proposed lots range in width from 60 to 85 feet, with a majority in the 65 to 70 foot range. Lot depths are in excess of 160 feet, providing minimum lot areas of 9,600 square feet.

The applicant must acquire a portion of City land (Lot 9, Plan 20,386) in order to access his property from Vialoux Drive via the new street. This parcel is surplus land intended for right-of-way purposes.

The proposal complies with Plan Winnipeg, is compatible with existing development in the immediate area, and represents the logical infill development of under-utilized lands in Charleswood.

The report of the Administrative Co-ordinating Group is supportive of the application with conditions related to secondary access, servicing and the payment of park dedication and various development charges.

In relation to the recently complete Airport Vicinity Development Plan (AVDP), it is noted that the proposed

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subdivision is located within the 35 NEF (Noise Exposure Forecast) contour. The AVDP allows for infill development within the 35 NEF contour as long as building construction complies with the CMHC guidelines for aircraft noise attenuation as contained in the document "New Housing and Airport Noise" (NHA 5185 81/05).

A public hearing was held before the Assiniboia Community Committee on January 18, 1994.

The following persons appeared and/or registered in support of the application:

Mr. and Mrs. David Knock, 122 Wexford Street, Winnipeg, MB R3R 0R7
Ken Langridge, 121 Wexford Street, Winnipeg, MB R3R 0R6
L. Macleod, 100 Linton Lane, Winnipeg, MB R3R 0A6
David Dulko, 486 Country Club Blvd., Winnipeg, MB R3K 1B3
Roy Arnason, 614 Oxford Street, Winnipeg, MB R3M 3K1
Mr. A. and Mrs. Marion Bourdon, 801 North Drive, Winnipeg, MB R3T 0A4
Ms Melanie Abbott, 1724 - 555 St. Mary Avenue, Winnipeg, MB R3C 3X4

Ralph Schilling, 729 - 177 Lombard Avenue, Winnipeg, MB R3B 0W5
Norman Young, 3433 Vialoux Drive, Winnipeg, MB R3H 0M6

The following persons appeared and/or registered in opposition thereto:

Bob Adkins, Thompson, Dorfman, Sweatman, 2200 - 201 Portage Avenue,
Winnipeg, Manitoba, R3B 3L3
Mr. and Mrs. B. Pirani, 3151 Vialoux Drive, Winnipeg, MB R3R 0A1
Bruce Maycher, 3099 Vialoux Drive, Winnipeg, MB R3R 0A1
Gordon B. Bachynski, 3079 Vialoux Drive, Winnipeg, MB R3R 0A1
Alex Rogozimski, 3090 Vialoux Drive, Winnipeg, MB R3R 0A2
Wes Christie, 3086 Vialoux Drive, Winnipeg, MB R3R 0A2
Lorne Robson, 3146 Vialoux Drive, Winnipeg, MB R3R 0A3

The following persons appeared for informational purposes only:

Jake N. Rempel, 3154 Vialoux Drive, Winnipeg, MB R3R 0A3
Greg Wilkinson, 95 Wexford Street, Winnipeg, MB R3R 0R6
Gil Richard, 3139 Vialoux Drive, Winnipeg, MB R3R 0A1
Brian Kolsyk, 3142 Vialoux Drive, Winnipeg, MB R3R 0A3

The Assiniboia Community Committee recommended that:

1. The proposed subdivision and rezoning be approved for the following reasons:

   A. The subdivision will be a very unique subdivision.

   B. The applicant will be using building design controls.

   C. This subdivision is considered to be compatible with the neighbourhood.

   D. The proposal complies with Plan Winnipeg.

2. The proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

Your Committee on Planning and Community Services concurs in the recommendation of the Assiniboia Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 22/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A" for File DASZ 22/93 dated February 15, 1994, for registration in the Winnipeg Land Titles Office subject to the following:

   A) that the Developer be required to enter into a Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group dated December 20, 1993, designated as Schedule "B" and dated February 15, 1994.

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i) That item 4.b) be amended by adding "and Lot 7" after the reference to Lot 6.

ii) That item 4.c) be amended by deleting "a concrete pavement" and substituting therefore "an asphalt surfaced roadway".

iii) That item 8.c) first paragraph, be amended by deleting "determined by the Commissioner of Works and Operations" and substituting therefore "when 10 houses are completed"; and the last sentence of the third paragraph be amended to read as follows: "This shall include sweeping on a weekly basis or as determined by the Commissioner of Works and Operations during the course of construction".

II. That the Director of Planning and the Director of Land Surveys and Real Estate be authorized to certify any documents in connection herewith.

III. That Zoning By-law 1800 be amended by rezoning the subject land outlined on Schedule "A" for File DASZ 22/93 dated February 15, 1994, to a "R1-6" Single-family 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 include the following conditions:

A) that caveats be registered on the titles of each of the newly created lots notifying owners that the lots are affected by aircraft noise which may impact the residential environment especially as regards to outdoor activity.

B) that no building permits be issued for the newly created lots prior to certification by a Manitoba registered architect that the plans comply with CMHC guidelines for aircraft noise attenuation as contained in the document "New Housing and Aircraft Noise" (NHA 81/05).

IV. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

VI. 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 and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office.

VII. That the proper officers of the City be authorized to execute all necessary agreements.

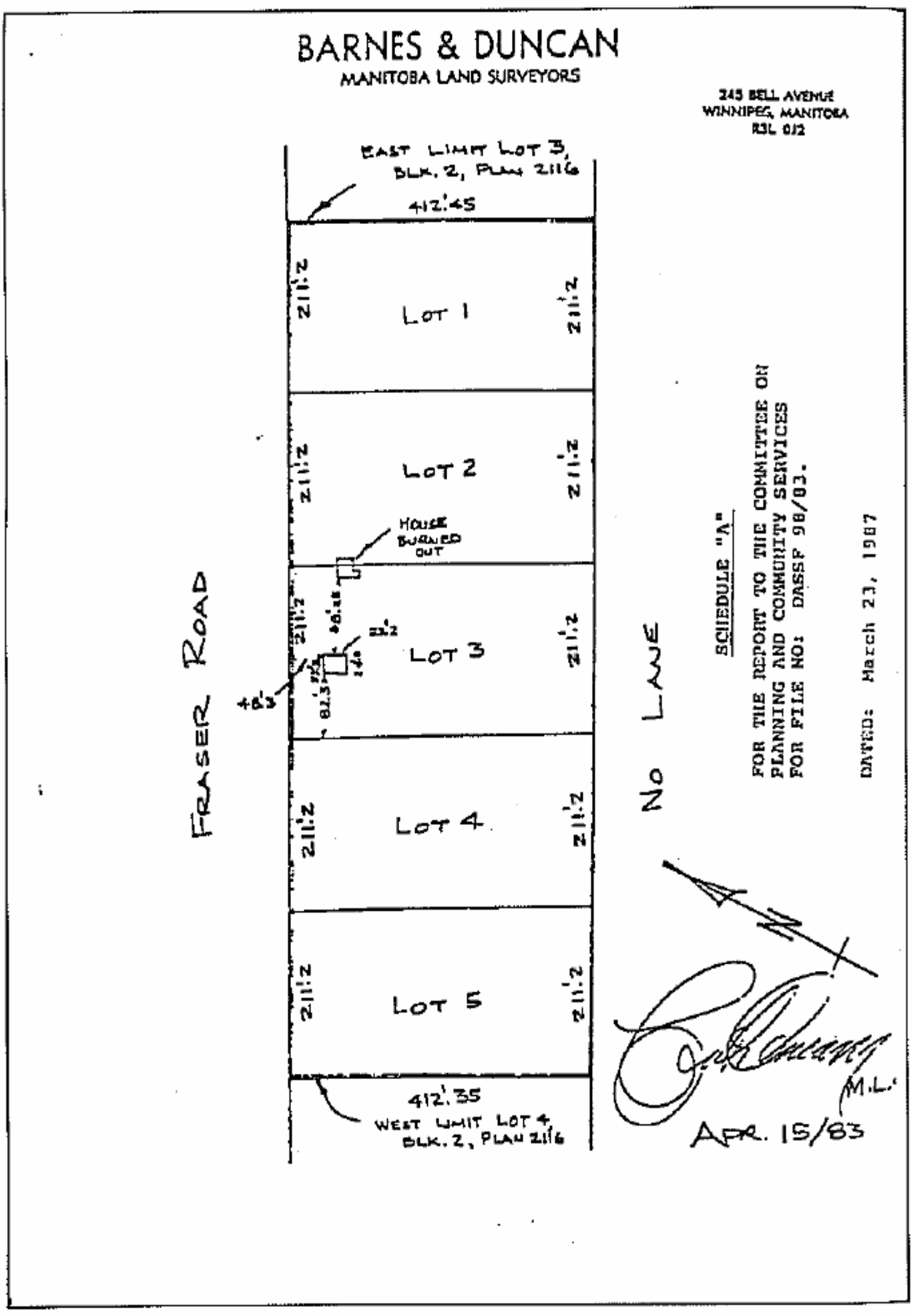
VIII. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 24 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IX. That the City Solicitor be requested to do all things necessary for implementation of the above in accordance with the terms of The City of Winnipeg Act.

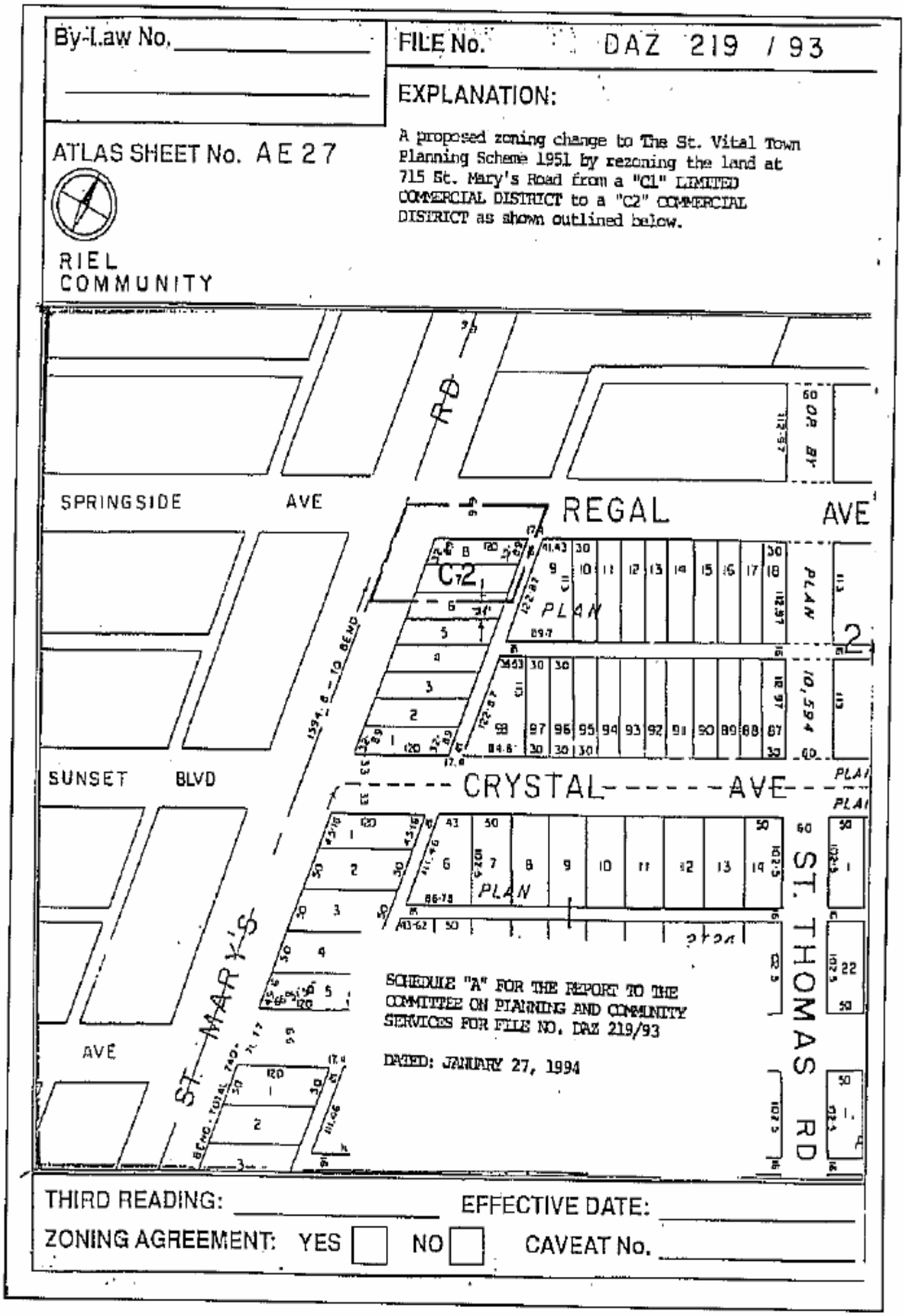
Adopted by consent.

(Note:See Minute No. 551 for attachment)

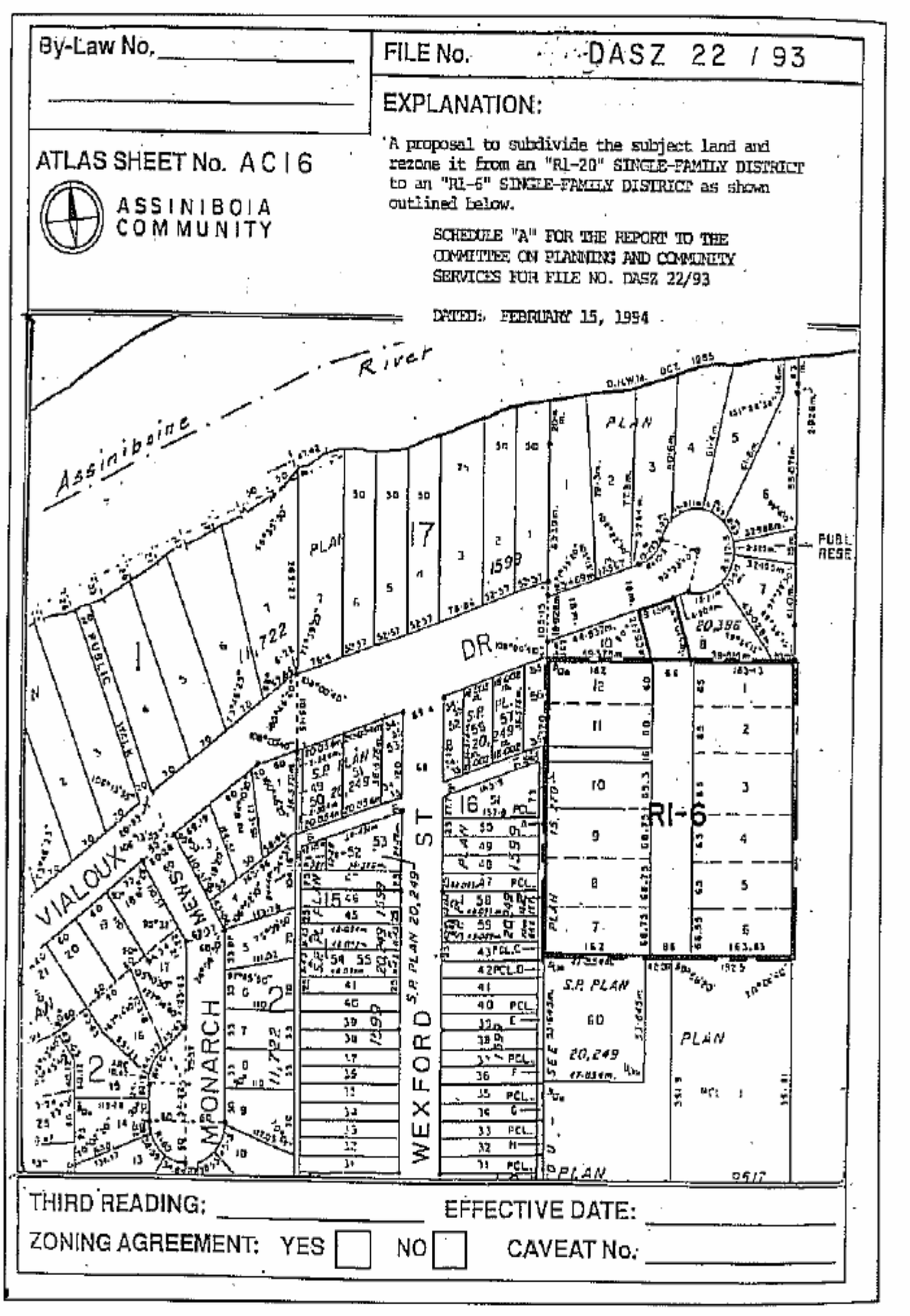
549 - Schedule "A" referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated March 1, 1994.



550 - Schedule "A" referred to in Clause 9 of the Report of the Committee on Planning and Community Services dated March 1, 1994.



551 - Schedule "A" referred to in Clause 10 of the Report of the Committee on Planning and Community Services dated March 1, 1994.



COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

552 - On motion of Councillor O'Shaughnessy, the following by-laws were each 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. 6358/94, a By-law of the City of Winnipeg for the enactment of a street name correction, from Riveira Crescent and Riveira Avenue to Riviera Crescent and Riviera Avenue. File SC-3.14 (Vol. 10)

By-law No. 6359/94, a By-law of the City of Winnipeg to change the names of certain highways in the City of Winnipeg. File SC-3.14 (33)

By-law No. 6360/94, a By-law of the City of Winnipeg for the enactment of zoning text changes to By-law No. 16502File DAZ 210/93

By-law No. 6361/94, a By-law of the City of Winnipeg for the enactment of zoning text changes to the St. Boniface Town Planning Scheme 1957. File DAZ 210/93

By-law No. 6372/94, a By-law of the City of Winnipeg for the enactment of zoning text changes to By-law No. 1558File DAZ 210/93

By-law No. 6373/94, a By-law of the City of Winnipeg for the enactment of zoning text changes to By-law No. 1800File DAZ 210/93

By-law No. 6374/94, a By-law of the City of Winnipeg for the enactment of zoning text changes to the St. Vital Town Planning Scheme 1951. File DAZ 210/93

By-law No. 6375/94, a By-law of the City of Winnipeg for the enactment of zoning text changes to By-law No. 4450/86File DAZ 210/93

By-law No. 6376/94, a By-law of the City of Winnipeg for the enactment of zoning text changes to By-law No. 4440/86File DAZ 210/93

By-law No. 6377/94, a By-law of the City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change on land located on the south side of Regent Avenue West, west of Plessis Road in the East Kildonan-Transcona Community. File DASZ 20/93