Minute No. 385
Report - Standing Policy Committee on Downtown Development - July 8, 2008

Item No. 1 **Closing - Part of Spence Street between Portage and Ellice Avenues (Daniel McIntyre Ward)**
File DAC 10/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submits the following to Council:

1. That the street closing as shown on Misc. Plan No. 7234/5 be approved.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 7234/5.

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

Minutes - Executive Policy Committee - July 9, 2008

Report - Standing Policy Committee on Downtown Development - July 8, 2008

DECISION MAKING HISTORY:

Moved by Councillor Wyatt,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Wyatt,

That the recommendation of the Standing Policy Committee on Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 8, 2008, the Standing Policy Committee on Downtown Development concurred in the recommendation of the Winnipeg Public Service, and submitted the matter to the Executive Policy Committee and Council.

PUBLIC HEARING SUMMARY

File:	DAC 10/2008
Before:	Standing Policy Committee on Downtown Development Councillor Wyatt, Chairperson Councillor Gerbasi Councillor Swandel
Public Hearing:	July 8, 2008 Council Building, 510 Main Street
Applicant:	Jeffrey M. Frank - Hilderman Thomas Frank Cram, Landscape Architecture and Planning on behalf of the University of Winnipeg
Premises Affected:	Part of Spence Street between Portage and Ellice Avenues
Exhibits Filed:	1. Report from the Real Property Officer dated June 10, 2008 2. Inspection Report 3. Notice of rescheduled hearing dated June 23, 2008

REPRESENTATIONS:

In Support:

Jeff Frank, Hilderman Thomas Frank Cram, Landscape Architecture and Planning
on behalf of the University of Winnipeg
Jennifer Rattray, University of Winnipeg
Hugh Swan

In Opposition:

Nil

For Information:

Marc Couture

For the City:

P. Sheegl, Director of Planning, Property and Development

Exhibit "1" referred to in File DAC 10/2008

RE: **DAC 10/2008 – PROPOSED CLOSING OF PART OF SPENCE STREET BETWEEN PORTAGE AND ELLICE AVENUES**

FOR SUBMISSION TO: The Standing Policy Committee on Downtown Development

ORIGINAL REPORT SIGNED BY: Director of Planning, Property and Development

REPORT DATE: June 10, 2008

RECOMMENDATION:

1. **That the proposed street closing as shown on Misc. Plan No. 7234/5 be approved.**

2. **That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 7234/5.**

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

Report Summary

Key Issues:

The University of Winnipeg wishes to close the portion of Spence Street so identified on the attached copy of Miscellaneous Plan No. 7234/5. The closing of the street to vehicular traffic, other than emergency vehicles, is part of the redevelopment of the University of Winnipeg campus. The City of Winnipeg will be retaining ownership of the street once closed and the University will be entering into a lease agreement with the City for the closed right of way. The University of Winnipeg will also be providing access to Young Street from Spence Street via the private roads as shown on the sketch.

Implications of the Recommendation(s):

General Implications

(x) None
( ) For the organization overall and/or for other departments
( ) For the community and/or organizations external to the City
( ) Involves a multi-year contract

Comment(s):

Policy Implications

(x) No
( ) Yes
Comment(s):

Regulatory Implications

(x) None
( ) Eliminates or reduces regulatory impact
( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(x) No
( ) Yes
Comment(s):

Human Resources Implications

(x) No

( ) Yes

Comment(s):

Financial Implications

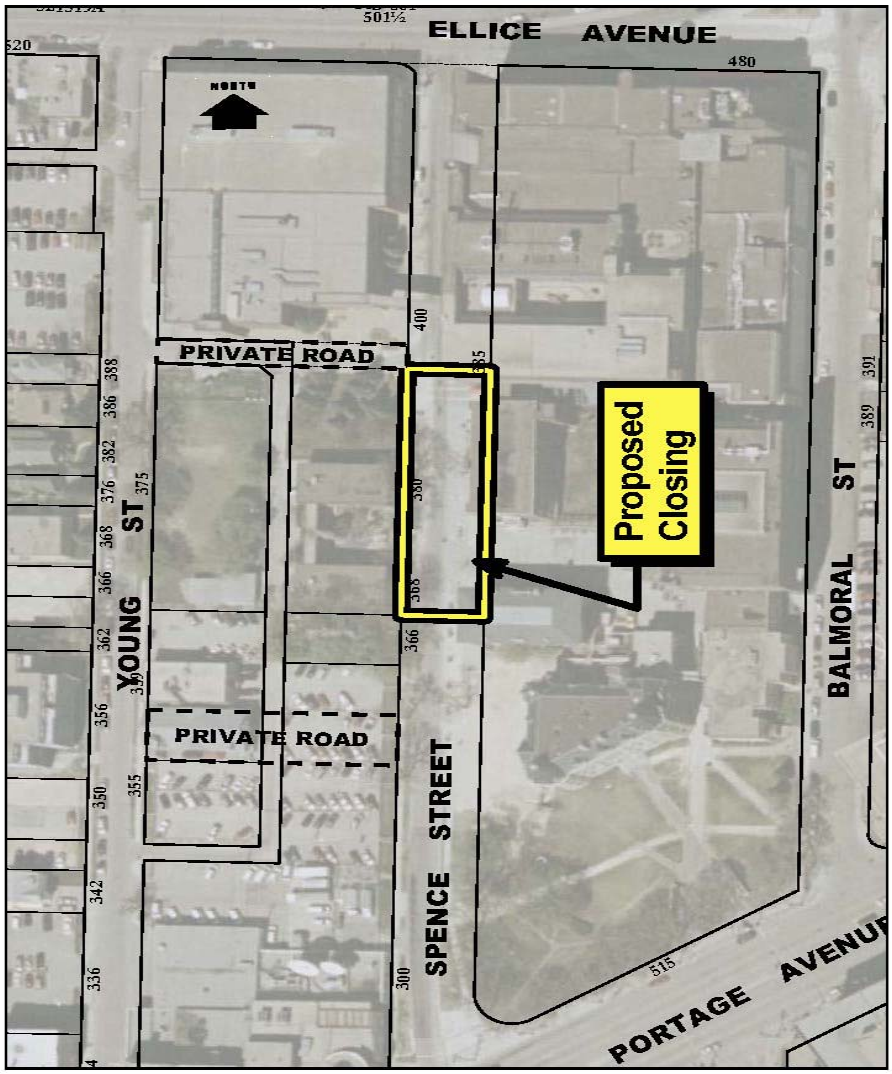
( ) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): All costs related to this proposal will be the responsibility of the Applicant. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

All street and lane closings within the boundaries of the Downtown Winnipeg area, as defined by By-Law 100/2004, require the consideration of the Standing Policy Committee on Downtown Development.



HISTORY:

The Planning, Property and Development Department has received a request from Hilderman Thomas Frank Cram, Landscape Architecture and Planning, representing the University of Winnipeg, to close the portion of Spence Street so identified on the attached copy of Misc. Plan No. 7234/5. As part of the redevelopment of its campus, the University of Winnipeg proposes to close the street to vehicular traffic, other than emergency vehicles, and provide alternate access to Young Street from Spence Street via the two private roads as shown on the sketch. The City of Winnipeg will be retaining ownership of the street once closed, and the University of Winnipeg will be entering into a lease agreement with the City for the closed right of way.

There are two landowners affected by the proposed street closing: the CBC, located at 541 Portage Avenue, and the property owner of No. 366 Spence Street. The applicant has indicated that both owners are in support of this proposal. The original closing boundary called for the southerly limit of the Spence Street closing aligning with the northerly limit of the new private road. In order not to land lock the private residence at No. 366 Spence Street, that southerly limit has now been moved north, as shown on the sketch. When applying for the closing, the applicant has also made the following statements in a letter dated April 25, 2008:

> "This proposed concept is the result of an ongoing dialog and working relationship with various City Departments. Transit, Public Works, Planning, Downtown Planning and Real Estate have been involved in discussions over the course of the past year. The concept envisions developing a new east-west road linking Young Street and Spence Street to serve as a transit corridor. This would replace the former concept of using Spence for this purpose. The existing lane would be retained and used to access the existing U of W daycare in MacNamara Hall and the residence at 366 Spence until such time as these are relocated. Young Street will be improved from Portage Avenue to the new road as required by Transit and Public Works. Spence Street pavement between the new road and the existing access south of Duckworth Centre will be closed to vehicles, other than emergency vehicles. The design of these improvements will be developed in consultation and with the approval of appropriate City of Winnipeg departments."
>
> "This application should be considered in the context of a previous application for the closure and sale of the laneway between Spence and Young, which has been approved and is currently being finalized. A new application for the conversion of Young Street to one-way northbound is also being prepared and will be presented to the appropriate City committees next month. As well, this work is in keeping with the April 27, 2005 City of Winnipeg Council's concurrence with the recommendations of SPCDD."

DISCUSSION:

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing. There are, however, the following conditions and comments:

Fire Department

The Fire Prevention Branch of the Fire Department requires that the proposed closing not compromise Fire Department access to any of the existing buildings along both east and west sides of Spence Street. The design of the emergency access portion of the closed street is to meet the criteria for "Fire Lanes", Sentence 3.2.5.6 of the Manitoba Building Code. The lane is to be a minimum of 6 metres wide with a minimum of 5 metres of overhead clearance. Turning radii are required to be 12 metres to the center of the fire lane. There cannot be any benches, planters or overhanging limbs from trees that will affect these required clearances. There should be easy access for Fire Department vehicles at either end of the emergency lane where it meets the open portion of Spence Street, such as rolled curbing. The emergency access is to be kept clear at all times including winter months, and existing fire hydrants on the east side of Spence Street are not to be obstructed.

Public Works Department

The Transportation Engineering Division of the Public Works Department requires that the University of Winnipeg enters into a Servicing Agreement with the City to carry out all works necessary to implement the proposed closing of Spence Street and to implement the private roads which will provide access between Spence and Young Streets as contemplated on the Proposed Development Plan.

The Transportation Engineering Division also recommends that the proposed closing be extended further south, to the proposed new private road, as soon as possible, once the University is able to acquire the property known as 366 Spence Street, so as to make snow clearing less difficult and costly.

The Traffic Signals Branch of the Public Works Department advises that once Spence Street is closed and no longer a public right of way, the City will no longer have any requirements to maintain the street lighting within the proposed closing area. The University of Winnipeg will be required to contact Manitoba Hydro to have this lighting transferred over to their ownership if they wish to

maintain it themselves, or make arrangements with Hydro if they choose to have the utility maintain it for them.

Real Estate Division

The Property Management Branch of the Real Estate Division advises that it has negotiated proposed terms and conditions for an Encroachment Agreement with the University of Winnipeg for a portion of Spence Street based on a different scenario extending from Portage Avenue to Sparling Hall, opposite No. 368 Spence Street. This agreement can still be implemented, albeit in a revised format, to account for the proposed street closing within the new concept. The Property Management Branch will move forward in finalizing the agreement and seek the Standing Policy Committee on Property and Development's approval of same.

Water and Waste Department

The Water and Waste Department has identified a number of utilities within the closing area, namely a 200mm watermain, catch basins and leads, a 2100mm SRS sewermain and a 375mm CS sewermain. As a condition to their approval of the closing, the Water and Waste Department requires that the terms and conditions of the lease agreement protects these utilities by insuring unrestricted access to them with no permanent structures permitted above them.

Present Use of Spence Street

Access to Spence Street is currently limited to emergency vehicles, transit buses and cyclists. The Legal Services Division of the Internal Services Department has advised in similar situations that The Highway Traffic Act gives a Traffic Authority (in this case, the Standing Policy Committee on Infrastructure Renewal and Public Works) the right to prohibit vehicles from using a street for one year only. If this prohibition is to last longer than one year it can only be exercised by Council through a by-law.

Legal Services has further advised in similar situations that prohibiting vehicular traffic on a street amounts to a *de facto* closing of that street, and that the Public Service should recommend to Council that the street be closed in accordance with the provisions of The City of Winnipeg Charter.

Easements

Manitoba Hydro and Centra Gas have identified existing facilities within the proposed closing area and will require easements to protect their interests. No permanent structures will be allowed within the easement area.

Financial Impact Statement Date:

Project Name:

DAC 10/2008 – PROPOSED CLOSING OF PART OF SPENCE STREET BETWEEN PORTAGE AND ELLICE AVENUES

COMMENTS:

All costs related to this proposal will be the responsibility of the Applicant. There are no financial implications for the City of Winnipeg.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

N/A

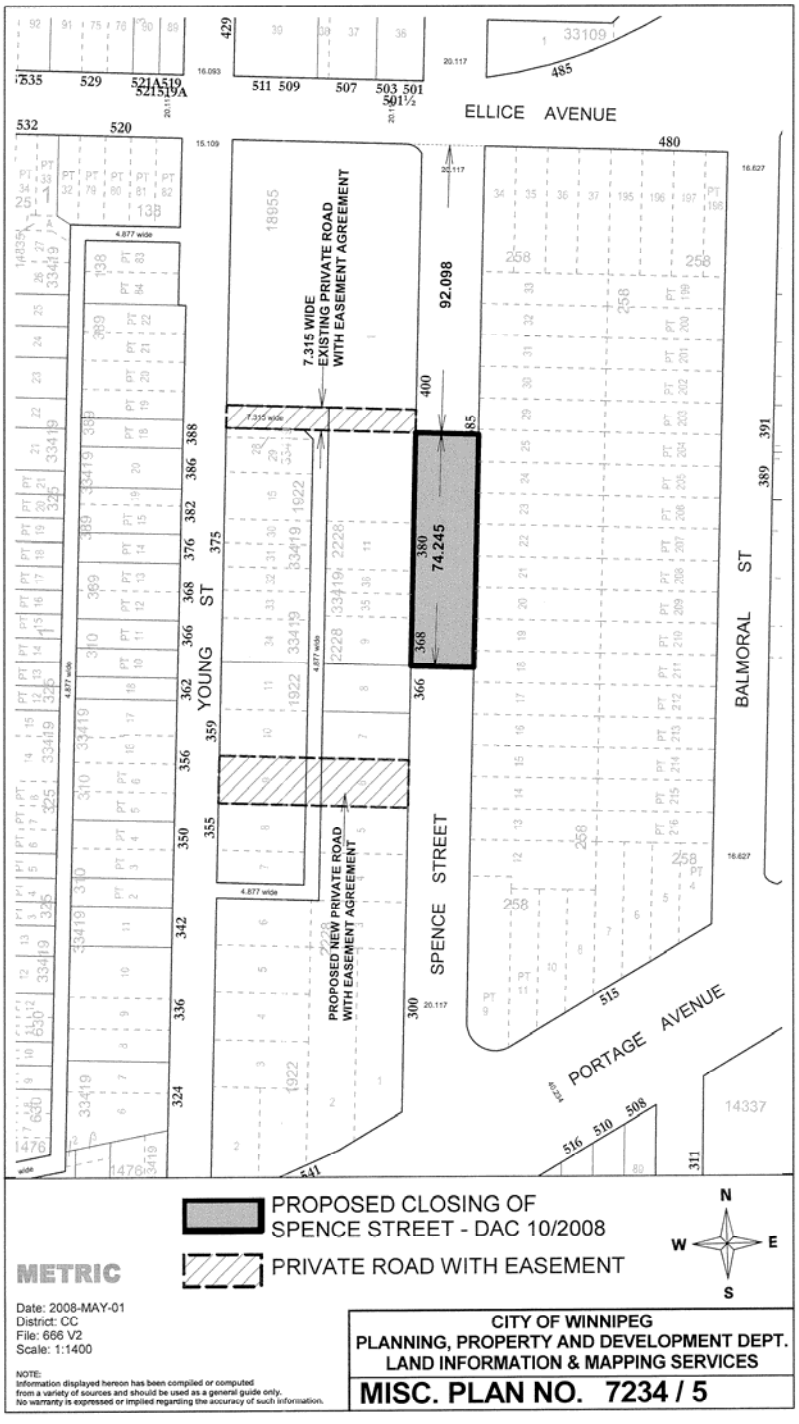
External Consultation With:

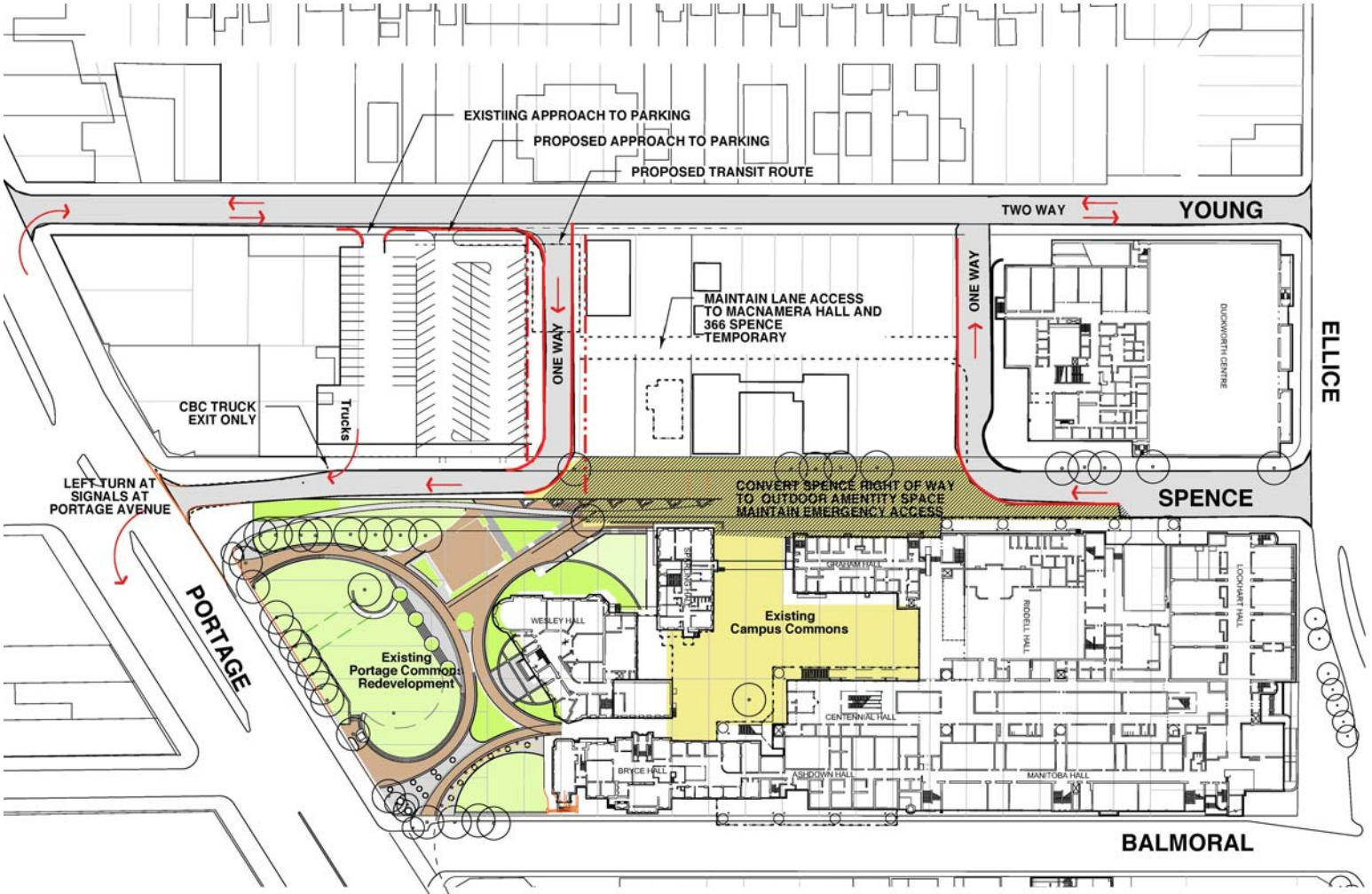
Centra Gas and Manitoba Hydro

MTS Allstream and Shaw Cablesystems did not respond to requests for comments on this proposal.

THIS REPORT SUBMITTED BY:

Department Planning, Property and Development
Division Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
PPD File No. 6666 Vol 2


ELLICE AVENUE
YOUNG ST
BALMORAL ST
SPENCE STREET
PORTAGE AVENUE
7.315 WIDE EXISTING PRIVATE ROAD WITH EASEMENT AGREEMENT
PROPOSED NEW PRIVATE ROAD WITH EASEMENT AGREEMENT
92.098
74.245
PROPOSED CLOSING OF SPENCE STREET - DAC 10/2008
PRIVATE ROAD WITH EASEMENT
N
W
E
S
METRIC
Date: 2008-MAY-01
District: CC
File: 666 V2
Scale: 1:1400
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 7234 / 5



University of Winnipeg
Campus and Community Master Plan

October 29, 2007

PROPOSED REDEVELOPMENT