Agenda - Council – January 27, 2010

Report "A" - Standing Policy Committee on Property and Development – December 3, 2009

Item No. 2 Subdivision and Rezoning – 393 Grassie Boulevard (Transcona Ward) File DASZ 28/2009

STANDING COMMITTEE RECOMMENDATION:

On January 20, 2010 the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 28/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 28/2009 dated October 28, 2009, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated October 27, 2009.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 28/2009 dated October 28, 2009 to a "R1-L" Single Family Residential District and a "R1-M" Single Family Residential District.

3. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the creation of additional lots.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

Report "A" - Standing Policy Committee on Property and Development – December 3, 2009

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

8. 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.

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

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

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

Report - Standing Policy Committee on Property and Development – January 5, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 3, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 16, 2009 the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 393 Grassie Boulevard**
File DASZ 28/2009

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **November 17, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 16, 2009, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 28/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 28/2009 dated October 28, 2009, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated October 27, 2009.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 28/2009 dated October 28, 2009 to a "R1-L" Single Family Residential District and a "R1-M" Single Family Residential District.

3. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the creation of additional lots.

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

5. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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

8. 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.

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

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

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

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

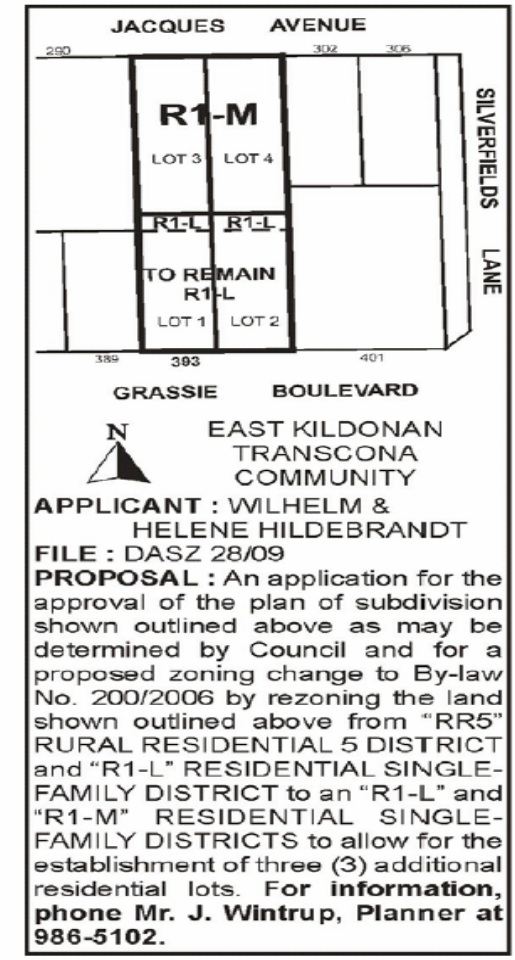
1. This is consistent with the residential area.

2. These are going to be relatively large lots.

3. It is supported by Plan Winnipeg .

4. It is consistent with other rezonings and subdivisions along Jacques Avenue and Grassie Boulevard.

PUBLIC HEARING SUMMARY

File:	DASZ 28/2009
Before:	East Kildonan-Transcona Community Committee Councillor Browaty, Chairperson Councillor Thomas Councillor Wyatt
Public Hearing:	November 16, 2009 Community Committee Chamber 755 Henderson Highway
Applicant:	Wilhelm and Helene Hildebrandt
Subject:	
Premises Affected:	393 Grassie Boulevard

Exhibits Filed:

1. Application dated September 14, 2009
2. Notification of Public Hearing dated September 22, 2009
3. Manitoba Status of Title 1707296
4. Caveat No. 85 94873
5. Plans (4 pages)
6. Report from the Planning and Land Use Division dated October 28, 2009
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Sieg Hildebrandt

In Opposition

Patricia Calnek

For the City:

Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 28/2009

ADMINISTRATIVE REPORT

ISSUE: DASZ 28/2009 393 Grassie Public Hearing.

Critical Path: East Kildonan-Transcona Community Committee as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File No. DASZ 28/09 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 28/09, attached hereto and dated October 28, 2009, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated October 27, 2009.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 28/09 attached hereto and dated October 28, 2009 to a "R1-L" Single Family Residential District and a "R1-M" Single Family Residential District.

3. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the creation of additional lots.

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

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

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

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued and three additional lots can be created.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Michael Pyl
Date:	October 28, 2009
File No.	DASZ 28/2009

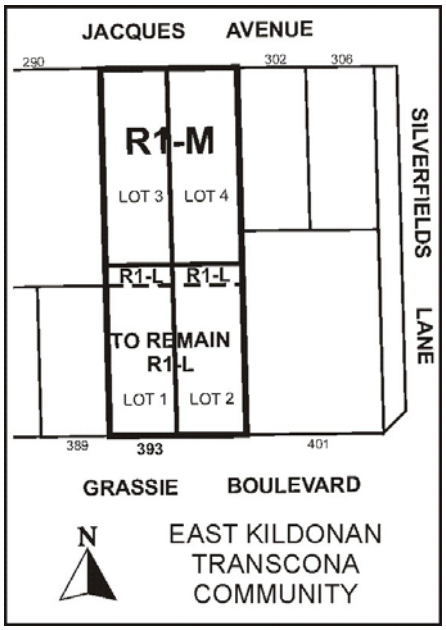
APPENDIX 'A'

DATE: October 28, 2009
FILE: DASZ 28/2009
RELATED FILES: N/A

SUBJECT: Rezone and subdivide property into four residential lots.

LOCATION: 393 Grassie Blvd

LEGAL DESCRIPTION: Parcel 1, Plan 7641



APPLICANT: Wilhelm and Helene Hildebrandt

OWNER: Same as above

RECOMMENDATION: Recommend approval with conditions

REPORT SUMMARY:

- The applicant is proposing to develop four (4) single family residential lots, two (2) fronting Grassie Blvd and two (2) fronting Jacques Avenue.
- The existing house on the property will remain.

- The proposed lots fronting Grassie will both be 124 feet deep, the western most lot 52 feet in width and the eastern most lot 48 feet in width. The proposed lots fronting Jacques will both be 145 feet deep and 50 feet wide.
- A rezoning is also required. The land is currently zoned R1-L Residential Single-Family and RR5 Rural Residential, and must be rezoned to R1-M and R1-L.
- The Planning and Land Use Division supports this application because the creation of new lots will promote infill development.

SITE DESCRIPTION:

- The subject property is 100 feet wide by 269 feet deep (26,900 square feet) located on the north side of Grassie Blvd, west of Silver Fields Lane in the Grassie neighbourhood of the Transcona Ward.
- The northern half of the property is zoned RR5 Rural Residential and the southern half R1-L Residential Single-Family.
- Surrounding lands include residential dwellings primarily zoned R1 with some RR5. At the corner of Skowron Cr and Grassie are five lots zoned RMF.
- An existing house, with a driveway fronting onto Grassie, is located on what would be Lot 1. It was built in 1985 and is 1,614 sq. ft. in living area.
- There is a 1.5m land drainage sewer easement running north-south along the entirety of the westernmost portion of the property.
- There are existing sidewalks along both Jacques and Grassie.

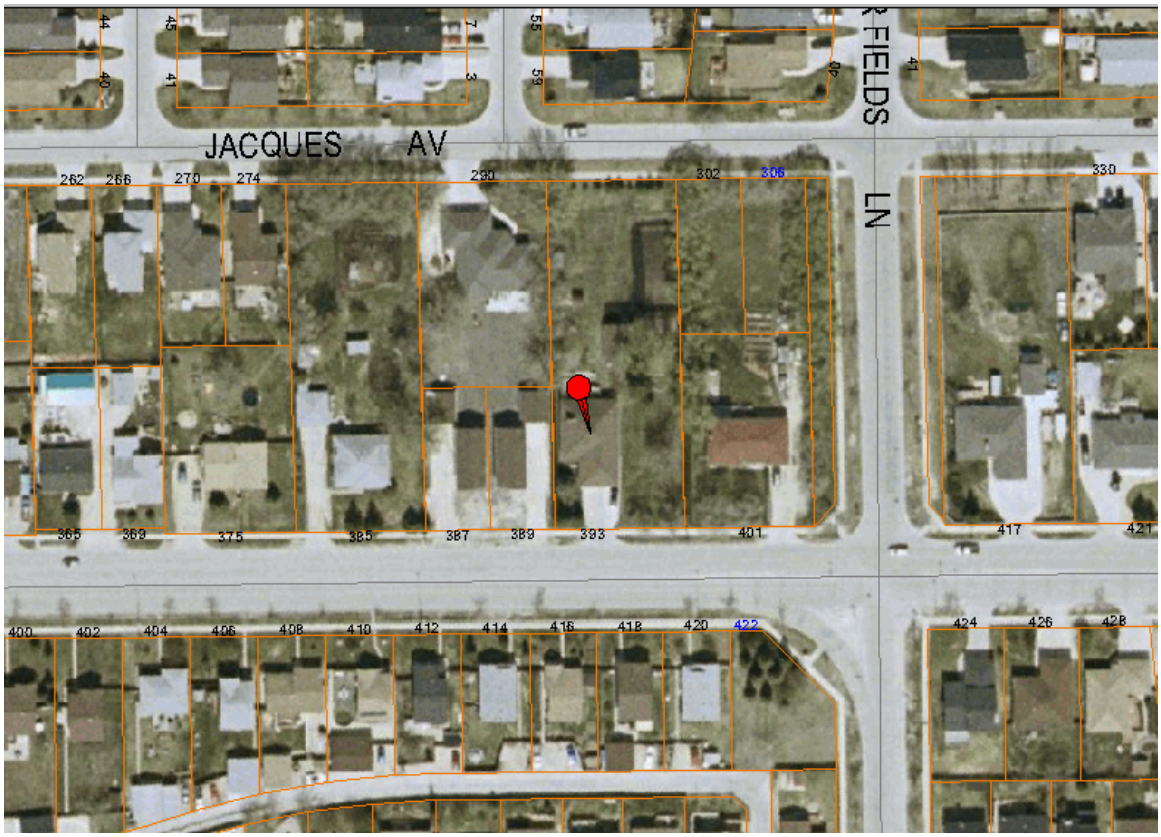


Figure 1: Subject property and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT:

- The applicant wishes to subdivide their property into four single family residential lots, two fronting Grassie and two fronting Jacques.
- The proposed lots fronting Grassie will both be 124 feet deep, the western most lot 52 feet in width and the eastern most lot 48 feet in width. The proposed lots fronting Jacques will both be 145 feet deep and 50 feet wide.
- Under existing zoning, proposed Lots 1 and 2 are mostly R1-L, with a small portion along the north portion of the lots RR5. Proposed lots 3 and 4, under existing zoning, are zoned RR5. As a result, a small portion of proposed Lots 1 and 2 will have to be rezoned from RR5 to R1-L. Proposed Lots 3 and 4 will have to be rezoned from RR5 to R1-M.
- There is an existing 12.4' by 28.4' structure primarily on proposed Lot 3, but overlapping onto Lot 4. According to the applicant, this building will be removed.
- Site plans for new development on Lots 2 through 4 have not been submitted at this time.

ANALYSIS AND ISSUES:

Plan Winnipeg

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development also achieves the Plan Winnipeg policy of intensifying residential density through infill development.

Secondary Plans

The property falls under the jurisdiction of the Transcona West Area Structure Plan, whose land use plan designates it as existing low density residential. Policy 6.1.2(1) establishes a minimum density of 4 units per developable acre for this land use category. Currently, the property has 1 unit on 0.6 acres, or 1.6 units per acre, thereby falling short of the prescribed minimum density. Three additional units on the property would increase the density to 6.67 units per acre. While Policy 6.1.2.(3)(a) notes that this density requirement is only imposed on land parcels no less than 35 acres, nevertheless this secondary plan can be interpreted as encouraging greater density on this site.

Zoning

- The R1-L Residential District extends 110 feet (33.5 m) deep from Grassie Blvd with the remainder of the lot zoned RR5.
- R1-L Residential District requires a minimum lot area of 5,500 square feet and a minimum lot width of 25 feet. A side yard of 4 feet is required.
- RR5 Rural Residential District requires a minimum lot area of 5 acres and a minimum lot width of 25 feet. A side yard of 25 feet is required.
- The proposed R1-M Residential District requires a minimum lot area of 3,500 square feet and a minimum lot width of 25 feet. A side yard of 4 feet is required.

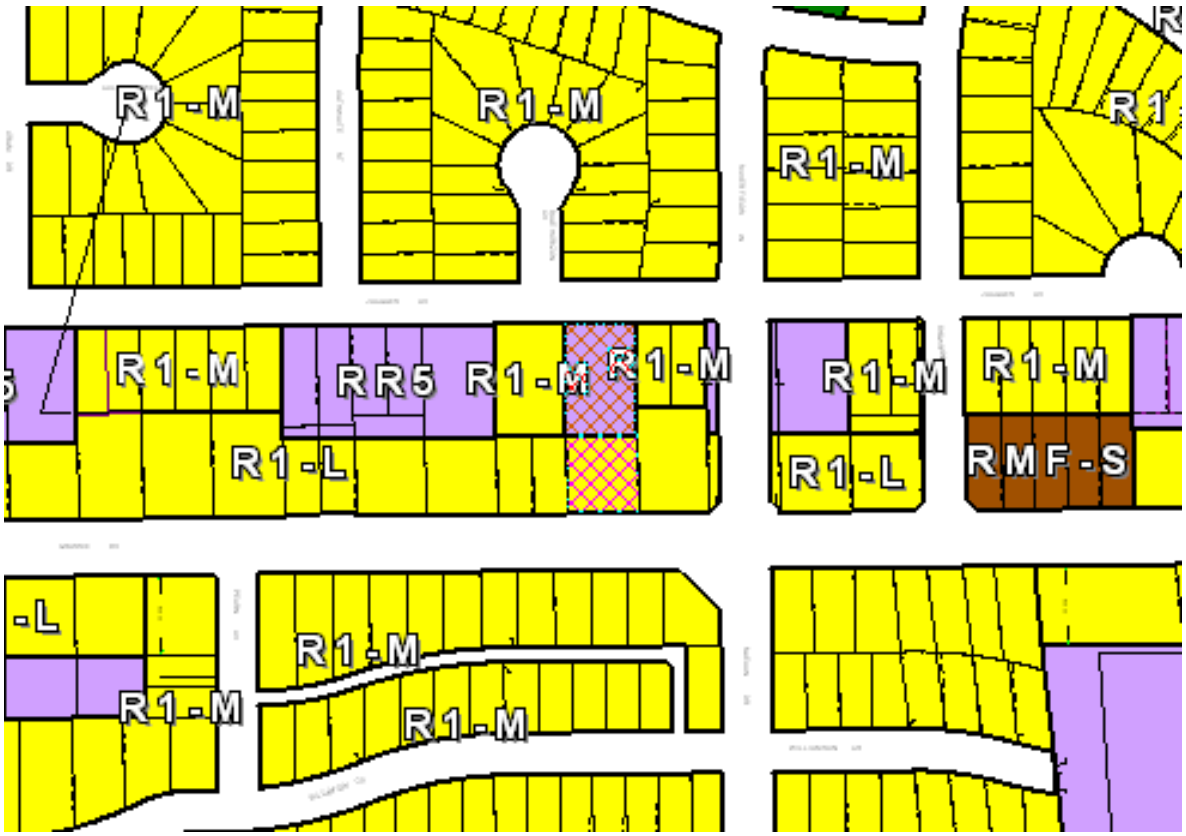


Figure 2: Existing zoning for subject property and surrounding area

Precedence of Subdivision in the Area

There has been a significant amount of subdivision along Grassie Blvd in the last 10-15 years, particularly in the last five. These include:

Figure 3: Neighbouring Subdivisions		
File	**Address**	**Detail**
DASSF 580/94	375 Grassie	Created 3 lots – two 50 foot wide lots fronting Jacques, and one 100 foot wide lot fronting Grassie.
DASZ 14/05	387 Grassie	Created 3 lots – two 50 foot wide lots fronting Jacques 110 feet in depth, and one 100 foot wide lot fronting Grassie 159 feet in depth.
DASZ 33/05	341 Grassie	Created 3 lots – two 50 foot wide lots fronting Jacques 110 feet in depth, and one 100 foot wide lot fronting Grassie 159 feet in depth.
DASZ 39/05	355 Grassie	Created 3 lots – two 50 foot wide lots fronting Jacques 120 feet in depth, and one 100 foot wide lot fronting Grassie 149 feet in depth.
DASZ 3/06	327 Grassie	Created 3 lots – two 45 foot wide lots fronting Jacques 120 feet in depth, and one 90 foot wide lot fronting Grassie 149 feet in depth.

DASZ 27/06	319 Grassie	Created 4 lots – two 100 foot wide lots fronting Jacques 144 feet in depth, and two 100 foot wide lots fronting Grassie 125 feet in depth.
DASZ 5/07	401 Grassie	Created 3 lots – two 50 foot wide lots fronting Jacques 120 feet in depth, and one 100 foot wide lot fronting Grassie 149 feet in depth.

Of note are DASZ 14/05 and DASZ 5/07, located adjacent to the subject property on the west and east sides respectively.

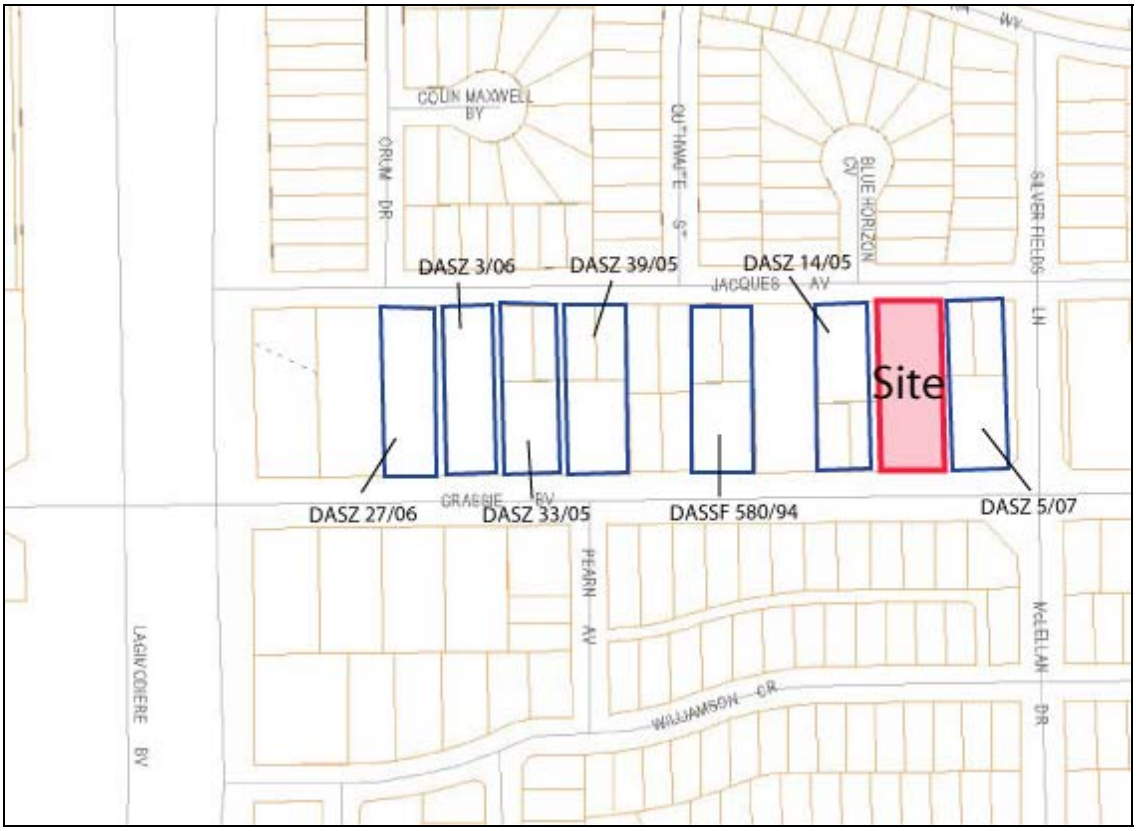


Figure 4: Map of neighbouring subdivisions

Transportation and Site Access

While site plans for the proposed three new lots have not been submitted at this time, it is important to note that Public Works has expressed a desire to reduce the number of approaches along Grassie Blvd due to the high volume of traffic on this collector street. The existing single family dwelling fronting Grassie will maintain an approach, and it is anticipated that new approaches will be constructed on the three other lots.

RECOMMENDATION:

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reason:

- The creation of an extra lot will promote infill development, increasing the density of existing neigbhourhoods and maximizing the use of existing infrastructure.
- Similar applications in the neighbourhood have been approved in the recent past.
- The Transcona West Area Structure Plan, while not requiring additional density given the size of this particular land parcel, does encourage it.

RECOMMENDED CONDITIONS OF APPROVAL:

1) That the plan of subdivision proposed under File No. DASZ 28/09 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 28/09, attached hereto and dated October 28, 2009, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 27, 2009;

2) That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 28/09 attached hereto and dated October 28, 2009 to a "R1-L" Single Family Residential District and a "R1-M" Single Family Residential District.

3) That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the creation of additional lots.

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

5) That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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8) 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.

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

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

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

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Pyl
PPD File # DASZ 28/09

Schedule "A" for File No. DASZ 28/09, East Kildonan - Transcona Community Committee, dated October 28, 2009.

By-Law No. _____

File No. **DASZ 28/09**

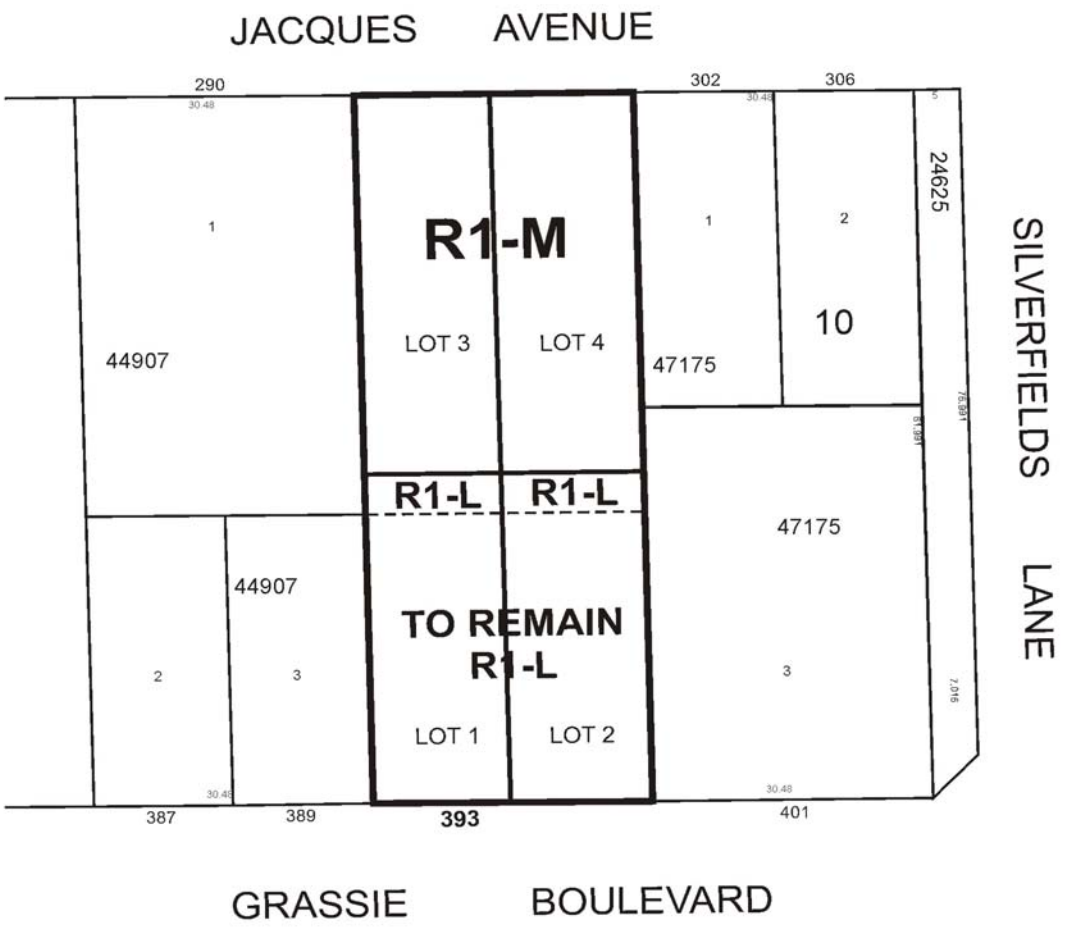
Atlas Sheet No. **W32**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 393 Grassie Boulevard from "RR5" RURAL RESIDENTIAL 5 DISTRICT and "R1-L" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R1-L" and "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICTS to allow for the establishment of three (3) additional residential lots as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" – Report of the Administrative Coordinating Group

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 393 GRASSIE BOULEVARD - DASZ 28/09

It is recommended that the approval of DASZ 28/09 be subject to the applicant entering into a Servicing Agreement with the City of Winnipeg, containing the following conditions:

1. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of the services installed by others in Jacques Avenue on the basis of Local Improvement rates prevailing at the time payment is received.

2. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of surface improvements installed by others in Grassie Boulevard on the basis of Local Improvement rates prevailing at the time payment is received.

3. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of portland cement concrete pavement previously constructed by others at and in the vicinity of the intersection of Grassie Boulevard and Lagimodiere Boulevard, as determined by the Director of Public Works.

4. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of traffic-control signals previously installed at the intersections of Grassie Boulevard with Lagimodiere Boulevard and McLellan Drive, as determined by the Director of Public Works.

5. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of land-drainage trunk facilities benefitting proposed Lots 3 and 4, as determined by the Director of Water & Waste, on the basis of the rate prevailing at the time payment is received (2009 rate = $12,110.00/acre).

6. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

7. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of Building Permits.

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

9. The Developer shall, at no expense to the City, install lot line services to service lots 2, 3, and 4, as follows:

    a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain to approximately five metres inside the property line, to service all lots within the

Planned Area, as determined by, and to the satisfaction of, the Director of Water & Waste.

b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer shall indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so prior to the issuance of a Final Acceptance Certificate certifying completion of all work under this Agreement.

c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

10. The Developer shall, at no expense to the City, plant trees on the boulevard abutting Lots 3 and 4 in accordance with specifications approved by the Director of Public Works.

11. The Developer shall cause underground electrical and telephone services to be installed to serve the Planned Area, and any existing overhead services to be converted to underground, all at no expense to the City, and to the satisfaction of the Director of Public Works.

12. 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 required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

13. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

14. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

15. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

16. The Developer shall pay the full cost of engineering services in connection with the lot grading design and the installation of, and provision of as-built drawings within six months of substantial performance showing, any drainage works required to serve the Planned Area.

17. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 28/09
October 27, 2009

"original signed by S.M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R. J. Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. Mazur"
F. Mazur, P. Eng.
Water & Waste Department