Executive Policy Committee Meeting: May 18, 2011

RE: Closure of West End Blanchard Avenue

A Submission by the Armstrong's Point Association on behalf of the neighbourhood residents



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Closure of West end of Blanchard Avenue

1. Executive Summary

The creation of public park and green space in Armstrong's Point on the East and West ends of Blanchard Avenue has been an activity the Armstrong's Point Association has been involved in for over 2 decades. A public park was finally established in 2008 on the East Blanchard site and while its design is markedly different then the more natural and ecologically protective plans for West Blanchard location, it has been an important addition to the community.

The residents of the Armstrong Point area have a long history of preserving the historic and natural elements of our community. The APA pays to maintain the trees in our public spaces including the West End of Blanchard and have done so consistently over the last decade along with active monitoring of the trees by area residents. We also secured substantial funding for the Blanchard Park projects as a whole from various external sources.

There have been a number of challenges in trying to establish the West Blanchard park area and we believe the results of the May 10th Standing Policy Committee on Planning and Property Development meeting has adequately addressed one of the more significant hurdles in this endeavour to get the street end closed.

We believe the SPC-PPD recommendation to retain the majority of the land for the use as an ecologically protected public space while addressing the 112 West Gate residents concerns over driveway access and side yard privacy is a healthy compromise. By bringing resolution to the closure of the West Blanchard Street end, we can now focus our attention on the effort to restore the area to a more natural forested state and how access to the space can be accomplished while minimizing the ecological impact of doing so.

We have enclosed in this document supporting material that explains the position we put forth to the SPC-PPD as well as some historical context for the councillors about the area and the history of the project to create these public spaces. The documentation includes signed letters of support from other local community and neighbourhood associations for the establishment of the park.

The APA would like to thank the councillors and the SPC-PPD for providing our delegation the opportunity to make known our concerns and desires with respect to the West Blanchard area and congratulate them on presenting a fair and reasonable solution. We also want to thank the City's Public Service teams for working so hard to find a compromise and the presentation of a report that addressed the priorities of the community. We also support their mandate to the APA to now proceed with establishing, maintaining and fundraising for the public park space

2. Table of key supporting documents/pictures cited in this submission

11.1.1	Letters of Support from the **Cornish Child Care Centre** and the **Day Nursery Centre**. They frequent the current East Blanchard Park and look forward to the more natural park being proposed for West Blanchard.
11.1.2	Letter of Support from **Former Head Forester for City of Winnipeg.** Michael Allen worked with the APA for over two decades in the protection and preservation of the Point's green space areas.
11.1.3	Letter of Support from **Provincial MLA Rob Altemeyer.** As the Provincial government has contributed funding to the establishment of park space and have committed to further assistance in the West Blanchard site.
11.1.4	Letter of Support from **West Broadway Development Corporation.** The WBDC has a long history of investment in the planning of the area which includes Armstrong's Point and is supportive of the effort to keep this space public.
11.1.5	Letter of Support from **University of Winnipeg Centre for Forest Interdisciplinary Research.** The UWCFIR provided a comprehensive tree inventory and recommendation this remain public space to protect and provide proper maintenance and control.
11.1.6	Letter of Support from **Landscape Architect** Cynthia Cohlmeyer in response to the assessment provided by 112 West Gate in their presentation to the SPC-PPD on Feb 8th 2011
11.1.7	**Before and After images** of access way changes made to the West Blanchard space over the past 2 years.
11.1.8	**City of Winnipeg Proposed Plan for West Blanchard Green Space** that was supported by the APA and is generous in its concessions to 112 West Gate for side yard clearance and convenience. This was the plan that formed the basis of the SPC-PPD recommendation.
11.1.9	**Feb 2010 letter from APA to City of Winnipeg outlining APA position, concerns and concessions**. This was in response to a request from Brent Olynyk regarding his dealings and proposals to 112 West Gate.
11.1.10	Letter of Support from **Misericordia Health Centre**. Residents and staff of the Misericordia Health Centre frequent the Point and rely on the calming nature of our public Green Spaces.

3. Purpose

The Armstrong's Point area is a unique destination and neighbourhood in the heart of Winnipeg. It is frequented not only by the neighbourhoods residents, but by many citizens of Winnipeg who come to walk, sightsee and exercise in an area that presents nature and community in harmony. Anchoring this experience are only two public green spaces in the Point, the East and West Blanchard street ends. Local Childcare facilities use this space for education (see letters in Appendix 11.1.1) as well as the hospital (Appendix 11.1.10) and Retirement facilities on Cornish. The East Blanchard street end has been converted into a park but the West Blanchard closure has recently encountered challenges in fulfilling that mandate. The Purpose of this document is to explain the position of the APA and our support of the SPC-PPD proposed recommendation on how to close the West Blanchard street end in a manner which addresses both the residents concerns as well as the neighbourhoods interests.

4. What Happened

A full timeline of events since 1986 is available in the APA archives but the following summarizes the events over the last decade regarding the street end parks.

Fall 1999 – City Centre Community Committee prepares and recommends the closure of both East and West Blanchard street ends to create park space culminating with December 18, 1999 City Council vote to adopt recommendations.

2000 to 2009 – various meetings and planning activities occur between the City, the property owners adjacent to both street ends and the neighbourhood at large, culminating in the creation of the East Blanchard Park through funding by the City, province and the neighbourhood association. Focus is first placed on the development of East Blanchard Park which officially opens Sept 2009. During this period, both street ends were maintained (ie tree spraying) by the APA at the APA's cost.

Feb 2009 – 112 West Gate (property adjacent to the public space) is purchased by the present owners. Soon after, the APA learns that the City administration has entered into discussions and negotiation of easement and property access with respect to the street end. The APA reminds the City administration of Councils plans for a park on that property.

Jan 2010 – A subset of the APA is invited by Brent Olynyk to review plans the City administration has presented to 112 West Gate to get our input. This is the first meeting between the City and the APA. The APA is in agreement with the position the City has put forth and supports the plans we are shown. Mr Olynyk asks for the APA to provide a letter outlining our position with respect to the neighbourhood's perspective on the closure which we do dated Feb 20, 2010.

Feb 2010 – Jan 2011 – we are told the City is continuing to discuss options with the owners of 112 West Gate and that agreement has not been met. At the APA'S 2010 AGM meeting (held in May), Dan MacLean (current owner of 112 West Gate) speaks to the neighbourhood about the closure of West

Blanchard. He indicates that while his family knew just prior to taking possession of the property that the space immediately adjacent their house was destined for park space, they continued with the purchase in hopes they could reach some agreement of space. The APA states they are receptive to a non-exclusive easement for their driveway to remain, but would be concerned about any sale of the public space into private hands.

Sept 2010 – City of Winnipeg administration indicates that they are proceeding with the Development of West Blanchard Park, using a solution that creates a privacy buffer and maintains the existing driveway approach access.

Land Dedication funds are approved at Community Committee in September. That based on previous Council direction and confirmation by the area Councillor, administration has been directed to close the undeveloped street end and will proceed to do so based upon final configuration of land parcels as confirmed by legal survey (citing December 15,1999 Council Decision). Approval for an easement or access agreement can be obtained directly from the Manager of Real Estate, if the value of the property in question is less than $75,000. That in addition to the proposed easement or access agreement a land transfer could take place in which the City of Winnipeg would agree to create a parcel of land immediately around and adjacent to the residence at 112 West Gate, while acquiring equivalent area on the north side. Such a property transaction or land exchange would require SPC/EPC/Council approvals as the transfer lands are designated as “park land “ by Charter.

Jan 2011 – APA learns that at the upcoming February SPC-PD meeting, a change has been proposed to the wording of the 1999 resolutions that requires agreement by the property owners adjacent to the land as well as the residents of Armstrong’s Point. APA arranges for legal council to attend on our behalf to ensure that this change does not alter the intent of the original legislation.

Feb 2011 – SPC-PD meeting is presented with a submission by the current owners of 112 West Gate that states their arguments for the purchase and private use of the street end. The issue is eventually tabled for the May 10 SPC-PD meeting after some recommendations that the City work with Westgate Mennonite Collegiate to determine if a land swap would be considered.

5. History of Street End ownership attempts in Armstrong's Point

The present situation regarding the West Blanchard street end follows a pattern familiar to anyone who has lived in Armstrong's Point for any length of time. Almost without exception, people who have lived adjacent to the street ends in Armstrong's Point have attempted to expand onto the street ends – either by trying to purchase the land or, more commonly, by trying to establish "squatting rights" on the property. All attemps have run up against the established City of Winnipeg policy to ***"maintain for public use any City owned property which provides access to a waterway."***

The APA and City administrators have dealt with the following examples:

Middle Gate

- 1982-84, The owner of 159 Middle Gate sought APA's support in his attempt to buy the street end from the City
- 2000-03, The owner of 186 West Gate sought to use the street end as a parking lot for his B&B and tried to establish a boat dock.

West Gate

- After Council's 1999 decision to close the undeveloped Blanchard street ends so that parks could be established, the owner of 112 West Gate started cutting the ground cover on the City property, added a large amount of white gravel on the driveway and developed a parking area on the City Property. They also started storing a boat in the wooded area of the public green space.
- 2005-2008 The new owners of 112 West Gate rented it to a tenant who used the property for a business operation. They trimmed and cut down several trees in the wooded area. The tenant tried to use the area beside the driveway as a parking lot for business clients.
- After 2009, the present owners of 112 West Gate have aggressively discouraged public access to the street end green space, have cleared shrubbery along the driveway and have widened the driveway.

East Gate

- During the 1980's, the owner of 89 East Gate tried to use the public Property as a parking lot for tenants.
- The first attempt to establish a public park on the undeveloped street ends occurred in 1986 when the CC-FR Community Committee concurred with a request from the community to dedicate the East Blanchard Street End as a public Park as a memorial to the late Honourable R. D. Guy, and recommended that the administration deal with the APA to establish a community park, but no further administrative action was taken.
- In the late 1990's, new owners of 89 East Gate (who initially had over 100 people living in the house) treated the public property as an extension of their lot. They cleared shrubbery and cut down several trees to pave a large area with gravel to create a parking lot for their trucks and landscaping equipment. They also discouraged public access by questioning anyone who ventured on to the property.

- At this time the 1999 decision was made by Winnipeg City Council to make arrangements to close both undeveloped Blanchard street ends in order to establish parks. (Applicant was the City of Winnipeg not the APA)
- In 2008, the owners of the newly subdivided vacant lot at 77 East Gate met with members of the Zoning Committee to seek the APA's support for vehicular access to the property from the street end. It was determined that no previous right to access existed.

November 23, 1999 Report of the Standing Committee on Property and Development to City Council: Dec 15, 1999.

> ***"The purpose of the proposal to close the street ends and dedicate them as public park is not to deny the owners of the lands adjacent to Blanchard Avenue the use of the street for access to their properties, but to establish that the lands are intended for the use of all the area residents" and "City Council has an established policy of retaining street ends adjacent to rivers for this purpose".***

Experience has shown that the process of creating a park takes considerable time. It took more than five years for City administrators to prepare the Easement Agreement and have it signed by the owners of 77 and 89 East Gate (both properties had the same owner at that time). It took about five years to physically establish East Blanchard park. The APA contributed money from its own funds and also secured additional funding from the province's Community Places program. In the past twelve years 112 West Gate has had three tenants, restarting the consultation process around the public green space each time.

6. Response to the SPC-PDD Feb 8th meeting and submission by 112 West Gate

The submission by 112 West Gate at the February SPC meeting formed the basis for discussions that evolved during that meeting. There were several errors and misstatements of fact that were clarified at the May 10th SPC-PPD by the APA in their presentation. Those corrections included

Section 4(a) "*The driveway and green space towards the river on Blanchard Avenue have been maintained by the MacLeans and previous owners...*"

- The APA has regularly paid since the 1980s to have the trees maintained and sprayed in both the East and West Blanchard street ends.
- Former City of Winnipeg Chief Forester Michael Allen has provided supporting documentation in Appendix 11.1.2 about the role of the APA during that time.
- Prior owners of 112 West Gate actually damaged trees on this property and did not maintain the space.
- The current owners of 112 West Gate performed unpermitted widening and surfacing of the driveway as it sits on public land. This was done without the approval of the City and resulted in a letter of reprimand from the City Legal department. This widening dramatically changed

the appearance of that section of the park and damaged considerable ground cover. (Appendix 11.1.7)

Section 4(c) "*...there is no means of access or even sight-line to the Assiniboine River unless one were to transgress the MacLeans Property*"

- The public space has been long frequented by residents for bird watching without the need to transgress the 112 West Gate property to do so. The driveway that resides on City property is an approach on the undeveloped Public land and it provides access for the public without having to enter private land.
- An approach onto undeveloped Public Lands does not convert that space to a roadway or private driveway.

During discussion of this section, it was pointed out that there are other areas of public access to the riverbank. *The Cornish Library, the Westgate Mennonite Collegiate, the Middle Gate street end and Cornish East end were raised as examples.*

- None of these examples actually provide public access

- The Cornish Library street end is the Maryland Bridge, a very busy traffic and active transport corridor, as well the Library's property is fenced prohibiting complete access to the land





- A City water lift station is located on the east end of Cornish and abuts a large apartment complex parkade.





- The Middle Gate road end is a Utility right of way with signs warning against approaching the area.





- The most desirable public green space is and remains via the East Blanchard and West Blanchard street ends.

Section 10 "*..the discussions that ensued between the MacLeans and the City on one hand, and the area Councillor/APA and the City on the other..."*

- The APA was not party to any discussions or engagement with the City until Feb 2010 although we did request engagement on numerous occasions.

Section 12 " *The options presented by the area Counciller/APA did not acknowledge the historic use of Blanchard Avenue as the MacLeans driveway...*"

- The APA has never put an option before the City or current owners of 112 West Gate. Our position, and the City's plan, that we were presented towards the end of the administration's negotiations with the current owners, has always included a non-exclusive use for their driveway to remain in its current location. (Appendix 11.1.9)
- Further to that, the APA has always retained the position that the current residents are entitled to have space between their home and the proposed park and we remain open to any designs that afford them a reasonable distance between the house and the adjoining park space that would be consistent with other homes in the neighbourhood.

Section 16 "*an Offer to Purchase the entire West End of Blanchard Avenue... ... the MacLeans favoured option as it maintains the historical configuration of the Property and also would preserve the existing trees, vegetation and riverbank..*"

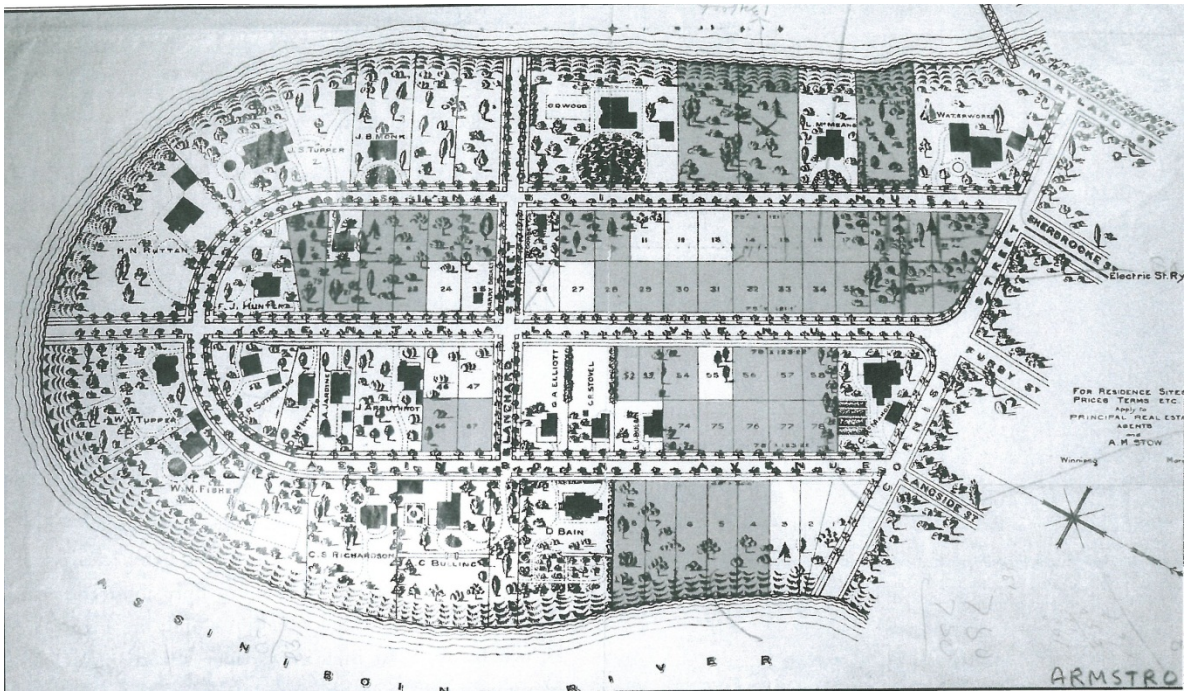
- The idea that private ownership of the land would afford greater preservation of the green space and public enjoyment is unsubstantiated. Trees on public property are afforded protection that, in the City of Winnipeg, does not exist for trees located on private land. There is no guarantee that green space will not become compromised by the current or future owners of the property. However the continued public ownership of this land is the only means of protection for the existing trees, vegetation and riverbank.
- Additionally concerns were expressed if all or even half of this space was sold that it becomes private land and then could be at some point subdivided and potentially developed or sold further eroding the adjoining green space area.

Appendix "*A Landscape Assessment of 112 Westgate and the Blanchard Street R.O.W*. by Lombard North Group (1984) LTD"

- One of the points this assessment concludes is that the "proposed park" would damage the ecological nature of the environment. To date there has yet to be a "Park design" upon which this conclusion could be made. The conclusion is based on imagined and potential designs which would also be rejected by the APA and more importantly the City as it would damage the ecological nature of that area.
- The Landscape architect ignores that prior and current owners of 112 West Gate have already damaged the public property by replacing indigenous ground cover with grass, improper pruning and greatly increased driveway.
- The APA engaged an expert Landscape firm to comment on the assessment made and their conclusions are in Appendix 11.1.6

7. The current driveway approach is not the historical configuration for this lot.

Armstrong's Point is one of Winnipeg's earliest and most prominent planned communities. As such a great deal of information remains in the public archives about the development of the Point. The area was designed with the layout of five streets -Cornish, Blanchard, East Gate, Middle Gate, and West Gate - as wide treed avenues with views and access through to the Assiniboine River. No lanes were allowed, *"so that each property will be entirely private and have its own driveway"*[1]. This is thought to be one of the best features of the subdivision." The plan created six blocks with a variety of both large estate properties along the river and premiere residential lots to the centre. While many of the



larger estate properties have been subdivided over time, the master plan for Armstrong's Point remains the same. Broad treed avenues, with large set backs extend across the Point ending at the river, creating what was at the time one of Winnipeg's "Most Fashionable Drives."

The urban plan was well established and surveyed by 1903. 112 West Gate, was built in 1906 during what is referred to as the second construction boom in the Gates, on Lots 44 and 45 of Plan 119. The lots lay south of Blanchard Ave. fronting on West Gate[2]. Designed by Architect J.H.G. Russell, 112 West Gate is a 2 ½ storey red brick mansion. Russell's design is in the Georgian Revival style then in vogue, featuring a cut stone trim and Palladian windows to light the second floor hall. The home was accessed from a front formal entrance into the main hall facing West Gate, with additional family access on the south and rear river side of the house. The home was purposefully sited close to the north property line to maximize the southern exposure to the home and yard.[3]

It was not unusual at the time to have minimal setbacks from the property lines of only a few feet on the side of the home was considered more utilitarian. The urban plan of many of Winnipeg's older neighbourhoods including Armstrong's Point feature homes with a narrow side yard in order to maximize yard and drive space to one preferred side.



While still of heritage interest 112 West Gate is only on the inventory as a Historically significan building and is not officially recognized as an Historically Listed Property. Over the years numerous alterations to the interior have been made in addition to substantial additions at the south side of the property.

The driveway with the current orientation and approach on Blanchard is **not** part of the original layout of the property.

While the building is located close to the north side of the property line, this is the original site placement, and the property line along the Blanchard street end has remained unaltered since 1903.[4]

1. Manitoba Free Press June 22, 1903
2. Manitoba Archives, H3 614.411A EDC 1906, N33383/N3384)
3. Legislative Library of Manitoba, MFP 20 June 1903, p.8
4. Legislative Library of Manitoba, December 1909.

8. Ecologically Significant Natural Lands (ESNL)

The subject land is the site of the last remnant of old river bottom forest in West Broadway that stretches from river to road – a distance of over 300 feet. Although it has been greatly diminished and damaged over the years by interventions from neighbouring property owners, there remains enough of the original ecosystem inventory to allow for conservation and restoration of damaged areas that have been stripped of indigenous undergrowth for private purposes. (See Cohlmeyer Report Appendix 11.1.6 and University of Winnipeg Letter Appendix 11.1.5)

Table 1. Tree inventory summary of species, average tree height (m), average diameter class (cm), and estimated tree ages.

Species	Total Trees (N)	Average Height (m)	Diameter Class (cm)	Estimated Age (yrs)
American Elm	9	7.8	14-16	35
		18	30-39	88
		21	40-49	–
		20	60-69	–
		24	70-79	140
Bur Oak	3	27	50-59	150
		27	60-69	150
Green Ash	12	14.5	20-29	58
		18	30-39	–
		21	40-49	140
		17.5	50-59	–
		20	60-69	–
		17	70-79	–
Manitoba Maple	41	8.9	6-10	25
		11.6	14-16	30
		13	18-20	–
		11.7	20-29	35
		16	30-39	–
		12	70-79	130
White Spruce	3	21	40-49	100

Since time immemorial the community has had a strong relationship with the public lands on both undeveloped street ends of Blanchard. Whether these lands were used for bird watching, contact with the river, or simply the experience of communication with wilderness in the midst of urban development, they became a high---value aspect of public life to residents of Armstrong Point.

By the mid 1980's, in reaction to concerns about various inappropriate uses and abuses of these public lands, the City initiated the process required to protect the lands from further injurious impact. The Armstrong Point Association, since then, has engaged itself with assisting the City with volunteer labour and financial resources in carrying out protection and preservation of Winnipeg's urban forest. (See City Forester Allen's Letter Appendix 11.1.2). Association members have also partnered with the City in applications for Federal funding under Canada's Green Plan. This brought $100,000 to

Winnipeg which was matched by the Province. These resources were directed towards "preservation of the urban forest and urban environment".

Over time, it has been the intent of the APA to replicate that dynamic of partnership in the conservation and restoration of the West Blanchard Site. The Resolution of 1999 assured the APA that this ecological restoration was within reach. To that end, fundraising was undertaken by the community and the City began some conceptual planning.

9. APA position on the green space of West Blanchard

The position of our neighbourhood residents on the use of the West Blanchard street end reflects the way in which that area has been used for centuries; Public access to rare and disappearing green space in the downtown core. For decades prior to recent events and for decades into the future, that area will allow the public to engage with nature as it was centuries ago. We know any park created in that area should retain and reflect use that is consistent with the City of Winnipeg's policy on Preservation of Ecologically Significant Natural Lands.

We believe the green space and the community's best interests are served by the space remaining in public hands thus creating better access to the area through a natural passive park. This is consistent with the intent of the City and the community over the past couple of decades leading up to this point and we are supportive if the SPC-PPD recommendation as it recognizes that need as well as the wishes of the current owners of the adjacent property.

The APA recognizes the owners of 112 West Gate need to continue to have access to their property and changing the driveways location would be an arduous task. While the sale of the right of way was not the APA's preferred approach, we accept the SPC-PPD recommendation to sell them enough land to create a single lane driveway passage next to the public space, and making this land part of their existing lot as a reasonable compromise.

We also agree that the current residents should be afforded enough room to have adequate space between their private home and the public space. We believe the SPC-PPD support of "plan 2" which relocates the 3 foot "control strip" (that 112 West Gate currently owns on the north side of the public area) and reorganizes that square footage into a jut of land beside their home satisfies that request.

The APA recognizes the considerable effort and energy expended by the SPC-PPD and the City Public service in this matter and would like to recommend the EPC accept their conclusions so we can now proceed with the planning of the public area on West Blanchard.

10. Appendices - Additional Information and references.

10.1.1. Letters of Support from Cornish Child Care and Day Nursery Centres

Cornish Child Care Centre Inc.
25 Furby Wpg. Mb.
775-2736



April 29, 2011

To Whom It May Concern:

Cornish Child Care Centre Inc would very much like to express our support for the proposed West Blanchard Park in Armstrong Point as a companion to the East Blanchard Park.

It is so close, that walking a group of two year olds to the park would not present a challenge to them at all. What a great place to have a picnic lunch! What a great place to have a learning circle! So much nature to see – different trees, the river and plants by the river's edge. So much nature to hear – water/ice from the river and birds. So much to see – boats, canoes, waterfowl, logs. It would be so quiet and secluded, it would be entirely possible for our two years to have a nap in such a place.

Although we have a playground, adjacent to the child care centre, there are many opportunies that we would utilize a park within walking distance of the centre. It is often very beneficial to a group children of the same age to gather and play specific games encouraging developmental age appropriate activities. For example, playing hide & seek among the trees with 5 year olds, not only encourages large muscle physical activity, it encourages children to think about their bodies in relation to other children and the physical space their body occupies. But in a group of children, ages 2 – 5 years, the two year olds often get tramped on by the older children. Having a park that is within walking distance would be a wonderful resource for this type of activity.

Indeed, the parents, staff and Board of Directors of Cornish Child Care Centre Inc. would wholeheartedly welcome the development of a wooded park so close in our neighborhood.

Sincerely yours,

Thelma Randall

Thelma Randall
Director

Day Nursery Centre Inc.

Crossways Unit
103-222 Furby Street
Winnipeg, MB
R3C 2A7
Ph: 775-6513
Fax: 775-0647

Gretta Brown Unit
336 Flora Avenue
Winnipeg, MB
R2W 5H1
Ph: 586-3763
Fax: 582-0953

Kennedy Unit
355 Kennedy Street
Winnipeg, MB
R3B 2M9
Ph: 942-6022
Fax: 943-6555

www.daynurserycentre.ca

May 5, 2011

To whom it may concern.

Please accept this letter as support for the Armstrong's Point Associations, appeal to the City of Winnipeg for the development of Blanchard West Street End/West Blanchard Park.

Day Nursery Centre is a non-profit charitable Early Learning and Child Care program which operates three inner city programs. We recognize the vital importance of providing children opportunities to visit and explore nature environments, and strive to do so in our daily program.

Besides the educational benefits, connecting with nature has more benefits than might be obvious. Play and interaction with the natural world has been seen to help calm a person both physically and mentally. In a world where electronics play such a large part in children's lives, staying connected with the outdoors is all the more important to maintain a psychological and spiritual balance. The natural world offers a vitalizing alternative to the activities and distractions of the modern world. Nature prompts hands on, curiosity led explorations and encourages engagement with and respect for the nature world.

The Blanchard Street park space is part of an urban forest and some of the trees are over a hundred years old. We feel very fortunate that even though we are in the inner city, this park is within walking distance of our child care program. Our staff is continually looking at places to take children to connect our children to nature and this is a prime location.

We support Armstrong's Point Associations, appeal to the city, to the city to preserve this city treasure, for the community.

Sincerely

Fernanda Hodgson
Executive Director

10.1.2. Letter of Support from Former Head of Forestry, City of Winnipeg

VIBURNUM TREE EXPERTS
PO BOX 37038 RPO ST. VITAL CENTRE
WINNIPEG, MB R2M 5R3

VIBURNUM
TREE EXPERTS

March 7, 2011

To: City of Winnipeg Planning Department
Re: Armstrong Point Association Involvement with Tree Care and Protection of Trees on Vacant City Lots in Armstrong Point

As the former City of Winnipeg forester I was involved with the Armstrong Point Association in the protection of elms and in fact all tree species not only on many private properties but also on parcels of City owned land in Armstrong Point. I worked with this group and especially with Ms. Christine Common Singh since 1990.Over the years the Armstrong Point Association has been actively protecting and managing various parcels of City owned land in Armstrong Point. There is no question that this group has spent countless hours working with the City forestry branch - which I managed from 1988 to 2002 - with protecting and managing parcels of City land such as the West Blanchard Street End. The cooperative input from the Armstrong Point Association was invaluable in reducing losses of elms to Dutch elm disease as well as encouraging private property owners in the area to protect and take care of their trees especially heritage trees.

Sincerely

Michael Allen
Owner, Viburnum Tree Experts
Consulting Urban Forester and Certified Arborist

CC: Ms. Christine Common Singh

10.1.3. Letter of Support from Provincial MLA Rob Altemeyer

Rob Altemeyer



MLA FOR WOLSELEY INCLUDING WEST BROADWAY, SPENCE AND THE WEST END
Friday, May 06 2011

To Whom It May Concern,

As the MLA for Wolseley, I am pleased to provide this letter of support for the community efforts to retain the riverbank land at the junction of West Gate and Blanchard for public use.

I understand that back in 1999, a resolution was adopted at City Hall which designated the land in question as future park space. Certainly this would be a most welcome asset in my constituency, where public green space is rare. I was also very pleased to bring greetings on behalf of the provincial government last year to the official community celebration of the launch of East Blanchard Park. Completing the park designation for the property on West Gate would create a unique "green corridor" in the heart of the historic Armstrong Point neighbourhood.

Furthermore, local residents have informed me that the land in question is the site of one of the last remnants of ancient river bottom forest that stretches from river to street. As such there may be an opportunity to seek an additional protected areas designation from the provincial government, which as you may know has added many new provincial parks, ecological reserves and other protected areas in recent years.

For all these reasons and more, I hope you are able to assist in this worthy cause and I thank you very much for any support you can provide.

With Sincerest Regards,

Rob Altemeyer
MLA – Wolseley

CONSTITUENCY OFFICE:
Room 202 - 222 Furby St.,
Winnipeg, MB R3C 2A7
Phone 204-775-8575 , Fax 204-779-0326

LEGISLATIVE OFFICE:
234 - 450 Broadway
Winnipeg, MB R3C 0V8
Phone 204-945-5685 , Fax 204-948-2005

10.1.4. Letter of support from West Broadway Development Corporation

West Broadway development Corp.

Renewing our community together

May 5, 2011

Sarah Jane Heke
President
Armstrong Point Resident's Association

Re: Blanchard West Street End Park

Dear Ms. Heke,

We are writing to offer support for the west end of Blanchard Street to be developed into park space. Our Board of Directors passed a motion on May 4th to endorse this letter of support.

West Broadway Development Corporation is a not-for-profit charitable organization with a vision of West Broadway neighbourhood as a safe, healthy and vibrant place to live, work and play. As the closest neighbour to Armstrong's Point we are pleased to support the development of west Blanchard Street as a park space. This space has been intended to be developed as such for many years and the long term vision of the neighbourhood for park use for this space must be upheld.

Additionally, the development of this space as park upholds the goals of the West Broadway Green Space Plan. This plan was drafted with wide input from community members and completed in 2009. In high density neighbourhoods such as West Broadway there is a need for quality green space for residents to enjoy. Green spaces are important to build quality neighbourhoods and improve health and well-being by providing beautiful and inspiring spaces to recreate, relax and enjoy nature in an urban setting. One of the goals of the Green Space Plan is to provide an "Ongoing commitment to creating more accessible green spaces in the neighbourhood". Many West Broadway residents regularly stroll through Armstrong's Point and would benefit greatly from a park at the west end of Blanchard Street.

We urge the Mayor, the Planning and Development Committee and the Planning Department to uphold the vision of the west end of Blanchard Street as park.

Sincerely,

Molly McCracken

Molly McCracken
Executive Director

West Broadway Development Corporation
608 Broadway, Winnipeg, Manitoba R3C 0W8
P: (204) 774-7201 F: (204) 779-2203

10.1.5. University of Winnipeg Centre for Forest Interdisciplinary Research

Tree Inventory Report
Blanchard Avenue, Winnipeg, MB

Prepared by the University of Winnipeg
Centre for Forest Interdisciplinary Research
Winnipeg, Manitoba

May 9, 2011

Project contact: Dr. Richard Westwood, Depts. of Environmental Studies and Biology

Summary

The survey area was located on public property at the west end of Blanchard Avenue in Armstrong Point, Winnipeg, Manitoba. The tree inventory included the number of trees, species, diameter class (in centimetres), tree height (in metres), and an estimation of tree ages. A total of 68 trees were measured in this survey; Manitoba maple was the most common species, followed by green ash and American elm. Several large oak and white spruce trees were also encountered. A wide range of diameters and ages were observed for Manitoba maples and American elms; ranging from approximately 10-75 cm in diameter and 25-140 years of age. Tree health and canopy condition was difficult to ascertain as leaves were not present at the time of sampling. There were several dead oak and elm trees present. The overall condition of the trees on the property in question was moderate, although some of the older trees in the unmanaged naturalized area showed some signs of stress and dieback. There are some fine examples of mature elm, oak, ash and spruce trees on the site. A number of the mature trees are in good condition and may live for another 50 to 75 years or more if the area is left unmanaged and undisturbed. These trees could be considered candidates for the Manitoba Forestry Association Heritage Tree program given their good condition, mature age and historic value to the area. A gravel driveway separates the trees on the property. The driveway appears to have received a new gravel surface recently, some of which has been spread up to and around the base of several of the mature trees. There is a possibility of soil compaction from vehicle traffic if the driveway remains under constant use which will reduce oxygen levels in the soil and lead to premature decline and death of trees whose root zones are underneath the driveway area. In conclusion, the property under review contains some excellent examples of mature native tree species that were once quite common in the City of Winnipeg. Given the scarcity of good quality mature specimens of these tree species remaining in Winnipeg the property should be preserved and managed such that the trees continue to remain healthy and undamaged.

Survey Date: Friday, May 6, 2011.

Survey Area Description

The survey area included the public property (City of Winnipeg right-of-way) at the west end of Blanchard Avenue (Figure 1). The area is bordered by a private property of 112 West Gate on the south side, as well as a one-metre strip of private property on the north side; also belonging to 112 West Gate (Figure 1). A gravel driveway separated the north and south halves of the survey area; the northern half was covered in natural forest and the southern half was cleared and seemed to be maintained by the landowner. The area surveyed extended from the public sidewalk on West Gate to the riparian zone along the Assiniboine River (river bank forest was not surveyed due to high water levels) for a total survey area of approximately 150 m^2 (1600 ft^2).

Data Collection

The tree inventory included the number of trees, species, diameter class (in centimetres), tree height (in metres), and an estimation of tree ages (Table 1). Trunk diameter was measured at 1.3m using a calibrated diameter tape; tree height was measured using a clinometer. An increment borer was used to estimate tree ages for the most common diameter classes for each species (Table 1). In many instances, the trees were too large for the increment borer to reach the centre of the tree (the year of establishment), so tree ages were based on the actual number of rings counted in the field, and were estimated to account for the possible rings missed by the increment borer.



Figure 1. Satellite image of survey area (dotted outline) at the west end of Blanchard Avenue. (Source: Google Earth 2011)

Tree Inventory Results

A total of 68 trees were measured in this survey (Table 1). Manitoba maple (*Acer negundo* L.) was the most common species, followed by green ash (*Fraxinus pennsylvanica* var. *subtegerrima* (Vahl) Fern.) and American elm (*Ulmus Americana* L.) (Table 1). A few large oaks (*Quercus macrocarpa* Michx.) were encountered in the natural forest area north of the driveway, while the spruce (*Picea glauca* (Moench) Voss) and larger elms were only located south of the driveway, in the area maintained by the landowner.

American elms ranged from approximately 14-75 cm in diameter and from 35-140 years of age (Table 1). Only three oaks were encountered, and ranged from 50-65 cm in diameter and were approximately 150 years old (Table 1). The smallest diameter class of green ash, 20-29 cm, was approximately 58 years old. The most common diameter class for green ash was 40-49; trees in this age class were estimated to be a minimum of 140 years old (Table 1). Manitoba maples ranged from approximately 6-79 cm in diameter, and from approximately 25-130 years of age (Table 1). The three white spruce that were encountered were located on the cleared half of the site and were all roughly the same diameter and height and were all estimated to be approximately 100 years old.

Table 1. Tree inventory summary of species, average tree height (m), average diameter class (cm), and estimated tree ages.

Species	Total Trees (N)	Average Height (m)	Diameter Class (cm)	Estimated Age (yrs)
American Elm	9	7.8	14-16	35
		18	30-39	88
		21	40-49	–
		20	60-69	–
		24	70-79	140
Bur Oak	3	27	50-59	150
		27	60-69	150
Green Ash	12	14.5	20-29	58
		18	30-39	–
		21	40-49	140
		17.5	50-59	–
		20	60-69	–
		17	70-79	–
Manitoba Maple	41	8.9	6-10	25
		11.6	14-16	30
		13	18-20	–
		11.7	20-29	35
		16	30-39	–
		12	70-79	130
White Spruce	3	21	40-49	100

Other Observations

Tree health and canopy condition was difficult to ascertain since the leaves were not present at the time of sampling. The overall condition of the trees was fair to moderate, although some of the older trees in the unmanaged naturalized area (of all species) showed some signs of stress and dieback. Only one dead standing tree (green ash) was encountered in the site. The large spruce and elms located on the south side of the site appeared to be in good condition and exhibited few signs of stress at the time of the survey.

There are some fine examples of mature elm, oak, ash and spruce trees on the site. A number of the mature trees are in good condition and may live for another 50 to 75 years or more if the area is left unmanaged and undisturbed. These trees could be considered candidates for the Manitoba Forestry Association Heritage Tree program given their good condition, mature age and historic value to the area. A gravel driveway separates the trees on the property. The driveway appears to have received a new gravel surface recently, some of which has been spread up to and around the base of several of the mature trees. There is a possibility of soil compaction from vehicle traffic if the driveway remains under constant use which will reduce oxygen levels in the soil and lead to premature decline and death of trees whose root zones are underneath the driveway area. In conclusion, the property under review contains some excellent examples of mature native tree species that were once quite common in the City of Winnipeg. Given the scarcity of good quality mature specimens of these tree species remaining in Winnipeg the property should be preserved and managed such that the trees continue to remain healthy and undamaged.

10.1.6. Letter of Support from Landscape Architect C. Cohlmeyer

CYNTHIA COHLMEYER LANDSCAPE ARCHITECT

Review of the *"Landscape Assessment of 112 Westgate and the Blanchard Street R.O.W"*

The following is written at the request of the Armstrong Point Association, in response to "*A Landscape Assessment of 112 Westgate and the Blanchard Street R.O.W.*" by Chris Nelson of the Lombard North Group, dated February 7, 2011.

Regarding the Overview
The assessment states that mature trees play an important role in stabilizing the steep riverbank and in reducing erosion at the location. This is completely true, however, 112 Westgate has not been managed in a manner that would foster sustainable woodlands. The grounds of 112 Westgate, *including the southern half of the right-of-way*, maintained by current and previous residents of 112 Westgate, consist of mainly trees and lawn. Lawn grass takes water and nutrients ahead of trees, and it competes with them. In addition, the removal of natural undergrowth means that there is no ongoing regeneration of trees. There is no guarantee that the current owner, or any future owners, would resist the temptation to clear out the right-of-way should the right-of-way become their unfettered property. In fact, given the prevalent landscape model of lawn grass and trees, removal of the undergrowth is almost predictable.

The assessment also states that the forested right-of-way is a necessary buffer between 112 Westgate and the adjacent school. That seems reasonable, but again, there is no guarantee that, should the land become privately owned, a future owner would not choose to remove the forest, and/or its undergrowth. Past and current management of the south half of the right-of-way suggest that the forest would be altered.

Regarding the Assessment of the Blanchard Street Park Proposal
The author was correct when he suggested that making a typical park on the right-of-way would cause it to lose its character. This property seems more suitable for protection as a natural reserve than as a regularly used public space. The size of the trees, the rareness of this type of habitat in the neighborhood, and its connection to the river make it especially valuable. It serves as a reminder of the historic landscape in a delightful old neighbourhood.

The City of Winnipeg's *Ecologically Significant Natural Lands (ESNL) Strategy* gives a broad definition of natural areas, and the definition includes the following points:

- *land of cultural or historical significance, land that fosters connectivity between natural areas for both wildlife and the public,*
- *land adjacent to waterways. (Riparian or river- bank areas are extremely important for aesthetics, erosion control, water quality, aquifer recharge, aquatic and terrestrial habitat, corridors, greenways and maintaining ecosystem health).*

Page 1 of 2

359 McDERMOT AVENUE WINNIPEG, MANITOBA R3A 0A6 cynthia@cohlarch.ca TEL 204 943-1394 FAX 942-4426

And further:

- *Although the variations in our landscapes in Winnipeg are subtle, the differences can be important in defining a neighbourhood whether linked to a nearby river bottom forest, a healthy riparian environment, a natural prairie or some specimens of heritage trees with nesting eagles. Such natural amenities can provide some of the definition of community in an urban setting.*

The right-of-way could be protected for the above reasons, and at the same time satisfy the wishes of the current resident of 112 Westgate to keep a buffer in place. Should the forest be protected, modest management could make and keep it an attractive part of the neighborhood. It would remain a buffer, it would be protected natural land, and it would not attract regular public use, as would a park.

It should be noted that the two neighbouring property owners have done damage, perhaps unwittingly, to the vegetation in the right-of-way. Inappropriate pruning of the trees on the south side is evident, and the removal of understory there (replacement with lawn) has already been addressed. Members of the Armstrong Point Association stopped the school on the north side from clearing the understory near the river several years ago, but not until much damage was done. Last fall the school piled raked leaves in the forest, and this will suppress or eliminate the natural herbaceous layer under them. The incursion of gravel on the south side of the property will have a similar result. Killing off the native vegetation through such uninformed activities encourages the spread of weed species. This cycle must be stopped, and regular maintenance and public education are necessary if the forest is to remain a community asset.

The Armstrong Point Association has a long association with the forest, and offer to look after it, should it be protected as a Natural Area. Naturalist Services Branch will support them by providing information and opportunities for public education. The volunteer group does not currently have access to the site, and the area requires a significant cleanup -- meaning removal of refuse and dead wood. The invasive European buckthorn on the southern edge of the right-of-way should be eliminated so that it can be replaced with natives such as cranberry, dogwood and nannyberry, to improve diversity. Perhaps the wild lily-of-the-valley, ferns, starry Solomon's seal and other herbs, natural to this forest, can be replaced, especially along the edges of the woodland. Should this be done, the limits of right-of-way could be softened, and the forest will look more like a natural asset than it now does.

In my view, the ecological value of the right-of-way should be formally recognized and legally protected by the City of Winnipeg so that it will remain for the benefit of generations to come.

Prepared by Cynthia Cohlmeyer
April 27, 2011

359 McDERMOT AVENUE WINNIPEG, MANITOBA R3A 0A6 cynthia@cohlarch.ca TEL 204 943-1394 FAX 942-4426

10.1.7. Before and After comparison of 112 West Gate Driveway size and location

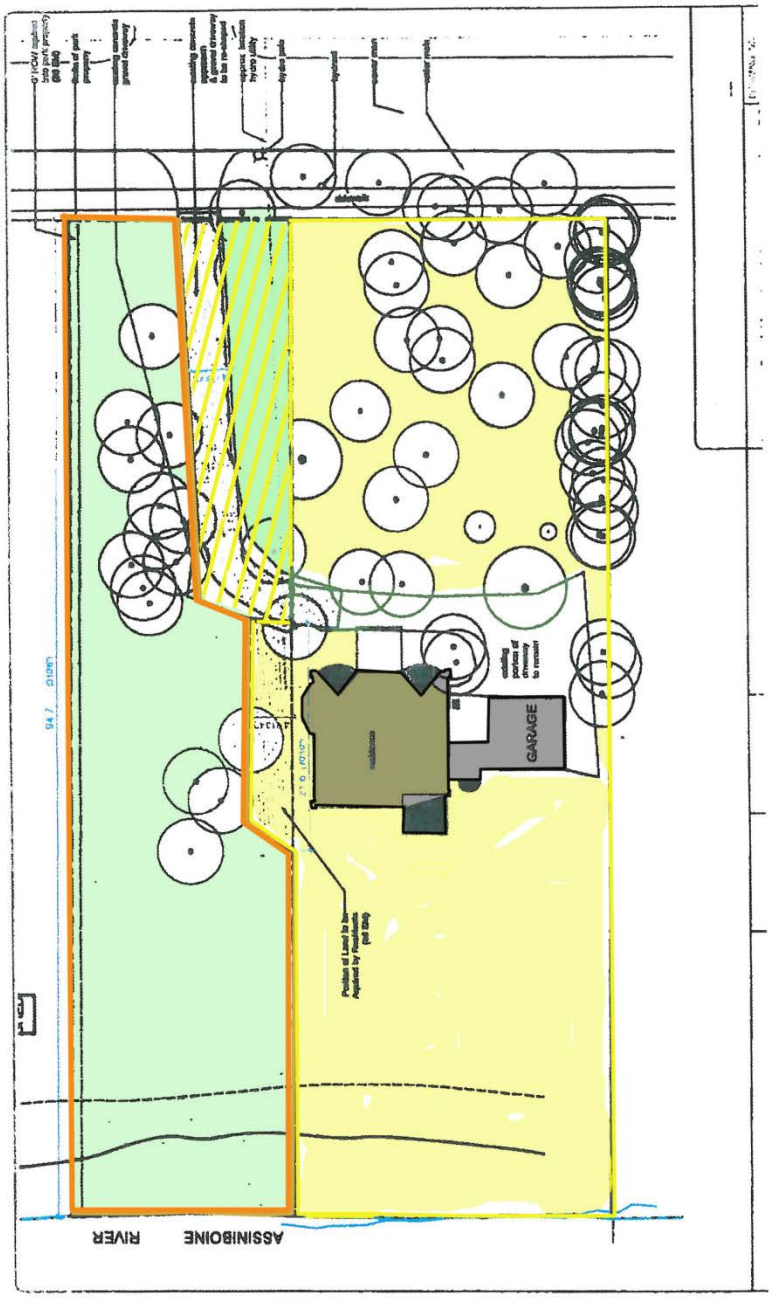
May 2009 photo of East Blanchard Street End showing access way and groundcover



Current Driveway after unauthorized expansion



10.1.8. 2010 Proposed Plan from City Administration that is acceptable to APA.



10.1.9. Letter from APA to City outlining support and concerns for proposed solution



Armstrong's Point Association Inc.

Feb 20, 2010

Brent Olynyk
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

RE: Plans for public property on Blanchard West Street End

I would like thank you for having provided the opportunity to discuss the city's position with respect to the public property adjacent to 112 West Gate. During this meeting you shared some of the plans and discussions that had been proposed to the residents of 112 West Gate and asked if the Armstrong's Point Association could comment on that direction.

We are relieved to see that the City's intent is to preserve this public space for the proposed park. We are also pleased that there is no plan to sell any part of the property to the residents of 112 West Gate. Finally, we are open to some of the suggestions around moving the 3 feet of property on the north side of the public space (which is currently owned by 112 West Gate) to the south side so as to afford them a contiguous piece of land.

As iterated in our letter dated May 3rd, 2007 our primary concerns are the following

- That no sale or reduction of public space would occur
- Access to the shared space is through a non-exclusive easement only
    - We would prefer this easement to be non-transferable but are open to discussions around that condition.
    - If it becomes transferable we ask that it not continue should the existing house be demolished or substantially altered or subdivided
- Any easement will not interfere with the use of this space as a proposed window park and be consistent with any plans for that park
- Any easement to 112 West Gate would be consistent with the use of the property as a single family dwelling and to be used for access only and not parking of vehicles that might impede the public access to the space.

Additionally

- With respect to the idea of moving the 3 feet of private property currently on the north side of the public space
  - That it would be a direct exchange of square footage only.
  - Our preference is to simply move the 3 feet linearly along the edge of the current property line from front to back,
  - We are willing to consider changes which might bring some of that square footage forward to provide greater distance between the home itself and the public space.
- We would welcome working with the residents of 112 West Gate in the design of the public park space so that their concerns could be considered in that process.
- We would like to see any further plans as they are presented to the residents of 112 West Gate to assist in the efficient and acceptable resolution of this issue.

We understand the residents concern over privacy and access to their property and hope to see a satisfactory resolution that does not compromise our position in retaining and enhancing this space for public use.

If you have any questions about our position or wish to discuss this further, please feel free to contact myself at (204) 292-9161 or via email robaer@robandkyla.com.

Thank you for your attention in this regard.
Sincerely,



Robert Stewart
Armstrong's Point Association

10.1.10. Letter of support from Misericordia Health Centre

MISERICORDIA
Health Centre
The future of care

99 Cordish Avenue
Winnipeg, Manitoba
R3C 2W2, Canada

tel. 204-774-5581
www.misericordia.mb.ca

CARING • RESPECT • TRUST

May 5, 2011

Ms. April Kassum
Armstrong's Point Board Member
5 East Gate
Winnipeg, MB

Re: Letter of Support for West Blanchard Park

Please accept this letter as Misericordia Health Centre's offer of support for the creation of a green space to be constructed on West Gate, which will called the West Blanchard Park.

Although we would not be able to appear at the hearing, we hope that this letter will provide the City with evidence of our support. We hope you will be successful in preserving this green space for the ongoing pleasure of residents and neighbours.

Yours truly,

Rosie Jacuzzi

Mrs. Rosie Jacuzzi
President & CEO

[redacted]

10.1.11. Letter to SPC regarding Feb meeting irregularities

Rocky Kravetsky
Lawyer*

POWER BUILDING
428 PORTAGE AVENUE, SUITE 610
WINNIPEG, MANITOBA R3C 0E2

DIRECT PHONE: (204) 949-4474
FAX: (204) 943-5577

rockykravetsky@mymts.net

*MANITOBA AND NORTHWEST TERRITORIES

February 15, 2011

Councillor J. Browaty, Chair
Standing Policy Committee on
Property and Development
The City of Winnipeg
510 Main Street
Winnipeg, Manitoba R3B 1B9

BY EMAIL ATTACHMENT

Dear Sir:

RE: BLANCHARD AVENUE STREET CLOSING
YOUR FILE: DAC 21/99
OUR FILE: 91613

I act for the Armstrong's Point Association Inc. and in that capacity appeared as a delegation before your Committee on February 8, 2011 when this matter was on the agenda.

As you will recall, the matter before the committee was a proposed amendment to a resolution passed by the Committee in 1999 and subsequently adopted by Council. That resolution directed the administration to determine the disposition of the closed ends of Blanchard Street after discussions with the adjoining homeowners and area residents. The 1999 resolution appeared to require the disposition to be decided by the administration to "the mutual satisfaction" of everyone. This would have amounted to each of the adjoining homeowners and area residents having a veto. The City Centre Community Committee recommended that the wording be changed so as to make clear that the ultimate decision as to disposition of the property rested entirely with the City's Real Estate Division. I appeared to address some technical concerns about the wording of the amendment.

Another delegation also appeared, consisting of Mr. MacLean, one of the owners of the property adjoining the west street end and property owners' lawyer, Mr. Ferbers. They filed a brief. Through that and an oral submission they were permitted to address the actual disposition of the street end, rather than the wording of the amendment. Neither I nor any representative of the APA had ever seen the written brief, nor was a copy provided to us at the meeting. Though I asked, I was not permitted to speak in response to this unexpected submission. I say unexpected because pursuant to the 1999 resolution and

the proposed amendment it was the administration and not the Committee that was to decide the actual disposition of the street ends. There had been no advance notice that the Committee would itself be giving any consideration to the disposition of the west street end.

In the result a resolution was passed by your Committee seeking to have options for the disposition of the street end presented to it by the administration. It appears that contrary to the 1999 resolution the Committee now intends to take back from the administration the decision as to disposition of the west street end.

I point out that the administration has been involved for a very long time in studying the issue and in gathering input from the past and present owners of the adjoining property as well as from other neighbourhood stakeholders whereas your Committee has not had any such involvement.

It is a bit of a mystery as to why the Committee would seek to micro manage this particular small bit of City business when it has for years been properly left to the administration to work out the details. Nevertheless, if that is what the City chooses to do I am constrained to point out that the submission received from the MacLeans and their lawyer, which my client has only subsequently been able to review, is incomplete and on many points entirely inaccurate. The administration officials who have worked closely on this would have some idea of the full and true facts but, of course, your Committee chose to hear only one side and only briefly. If the Committee, by proper legal process, becomes the final decision maker as to the disposition of the closed west end of Blanchard it is obligated to provide a forum for a full airing of all of the facts and for full and fair submissions from all interested persons. Again, why it would wish to retrace the steps taken over many years by the officials of the Planning and Property Department and to have to become immersed in the details of this little project is difficult to understand, but if it does take on that task it will be held to a standard of procedural fairness. Therefore, if that is to be the case I look forward to being advised of the basis upon which the Committee proposes to proceed and, as well, of the manner in which the Committee proposes to conduct itself.

Yours truly,

Rocky Kravetsky

cc: Councillor M. Pagtakhan
Councillor P. Havixbeck
Councillor R. Wyatt
Denise A.M. Pambrun, City of Winnipeg Legal Services
Keith Ferbers, Aikins MacAulay & Thorvaldson LLP

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