Agenda - Executive Policy Committee – July 13, 2011

Report - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – July 4, 2011

Item No. 1 Subdivision and Rezoning – 333 Waterfront Drive
(Fort Rouge – East Fort Garry Ward)
File DASZ 8/2011 [c/r DCU 118554/2011D]

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2011, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the plan of subdivision under File DASZ 8/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2011 dated June 8, 2011 for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to comply with the conditions outlined in Schedule B, the report of the Administrative Coordinating Group, dated June 8, 2011.

2. That the Downtown Winnipeg Zoning By-law No. 100/2004 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2011 dated June 8, 2011 to a "D" Downtown Living Sector.

3. That a ten percent (10%) 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 increase in market value of the land and 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 matter is not proceeded with expeditiously and the by-law is not passed 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.

Report - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – July 4, 2011

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

7. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office, provided that the said effective date occurs within one year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. That in the event the necessary City of Winnipeg Mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services and City Solicitor be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Agenda - Executive Policy Committee – July 13, 2011

Report - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – July 4, 2011

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2011, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

RE: **Subdivision and Rezoning – 333 Waterfront Drive**
File DASZ 8/2011

For submission to: **Executive Policy Committee**

Prepared by: **Marc Pittet, Senior Committee Clerk**
Standing Policy Committee on Downtown Development, Heritage and Riverbank Management

Report date: **July 4, 2011**

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2011, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 8/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2011 dated June 8, 2011 for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to comply with the conditions outlined in Schedule B, the report of the Administrative Coordinating Group, dated June 8, 2011.

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10. That the Director of Legal Services and City Solicitor be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management provided the following supporting reason for its recommendation:

1. The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management agreed with the administrative comments contained in the report of the Planning and Land Use Division dated June 29, 2011.

PUBLIC HEARING SUMMARY

File: DASZ 8/2011

Before: Standing Policy Committee on Downtown Development, Heritage and Riverbank Management
Councillor Swandel, Chairperson
Councillor Browaty
Councillor Gerbasi
Councillor Steeves

Public Hearing: July 4, 2011
West Committee Room
Council Building, 510 Main Street

Applicant: Sunstone Boutique Hotels Ltd. (Bill Coady)

Subject:



Premises Affected: 333 Waterfront Drive

Exhibits Filed:
1. Application dated April 4, 2011
2. Notification of Public Hearing dated May 26, 2011
3. Title Searches 2032904, 2032905, 2032926 and 2055106
4. Letter of authorization dated February 28, 2011 from the City of Winnipeg to Sunstone Boutique Hotels Ltd.

5. Surveyor's Building Location sketch dated March 18, 2011
6. Drawings (4) of subject property
7. Communication dated March 9, 2011, from Centreventure Development Corporation in support of the application
8. Plans (3 pages)
9. Report from the Planning and Land Use Division dated June 29, 2011
10. Inspection Report
11. Documentation in support of the application submitted by Bill Coady at the Public Hearing
12. Presentation in opposition to the application submitted by Al Brownridge at the Public Hearing

REPRESENTATIONS:

In Support:

Bill Coady
Michael Evans
Jackie Frost
Ross McGowan

In Opposition:

Donna and Al Brownridge
David Danyluk
Sandra Gessler
Dennis Lewycky
Ellie Martens
Glenn Michalchuk
Richard Milgram
Don and Judy Moschuk
John Perrin
Michael Stevens

For Information:

Shirley Hill
Tran D. Nguyen

For the City:

Mr. D. Joshi, Director, Planning, Property and Development
Mr. J. Zabudney, Supervisor of Sales and Acquisitions, Planning, Property and Development Department
Mr. J. Kiernan, Coordinator Parks, Riverbanks and Community Initiatives, Planning, Property and Development Department
Mr. K. Kowalke, Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 8/2011

ADMINISTRATIVE REPORT

Title: **DASZ 8/11 – 333-339 Waterfront Drive – Public Hearing**

Critical Path: **Standing Policy Committee on Downtown Development, Heritage and Riverbank Management → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	D. Joshi	N/A	P. Sheegl, CAO

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 8/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2011 dated June 8, 2011 for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to comply with the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated June 8, 2011.

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9. That in the event the necessary City of Winnipeg Mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

REASON FOR THE REPORT

An application has been received to subdivide and rezone land at 333-339 Waterfront Drive and an associated application has been received for a conditional use under Zoning By-law 100/2004 for the establishment of a hotel and drinking establishment. The Development Procedures By-Law (5893/92) specifies that the required public hearings shall be combined and heard by the designated committee, which is the Standing Policy Committee for Downtown Development, Heritage and Riverbank Management.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning, Property and Development Department (Planning and Land Use Division) are concurred in, a development permit can be issued, and a long-range waterfront development strategy will be prepared and presented at future meeting of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management.

HISTORY

In 2005, the City's Harbourmaster operations were proposed to be relocated from the Amy Street Intake Structure building to the Redboine Boating Club. The Planning, Property and Development Department indicated it would be seeking proposals for the reuse of the property.

On February 28, 2005, Standing Policy Committee on Downtown Development raised concern about the Downtown Living zoning designation applied to the riverbank properties east of Waterfront Drive under Downtown Winnipeg Zoning By-Law 100/2004 and instructed the Director of Planning, Property, and Development to submit a report to the Standing Policy Committee on Downtown Development relative to initiating an application to rezone properties to Riverbank Sector. That application was heard at a public hearing before the Committee on June 9, 2005 and was approved by Council on June 29, 2005.

In 2007, Planning, Property and Development issued the request for Expressions of Interest for the leasing and development of the Alexander Docks and Harbourmaster Building sites. That document indicated that City would not consider Expressions of Interest that required a rezoning of the riverbank lands.

The Expression of Interest process did not result in a successful proposal and in 2008 CentreVenture was tasked with marketing the sites for development.

On February 15, 2011, a proposed lease with Sunstone was presented at Standing Policy Committee on Downtown Development for endorsement. It was approved subject to the rezoning of the land.

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 9, 2011

Project Name:

DASZ 8/11 – 333-339 Waterfront Drive – Public Hearing

COMMENTS:

There are no financial implications associated with the recommendations contained in this report.

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

CONSULTATION

In preparing this report there was consultation with:

CentreVenture Development Corporation
Forks North Portage Partnership
Economic Development Winnipeg
Exchange District Business Improvement Zone
Residents of the Exchange District (R:ED)

SUBMITTED BY

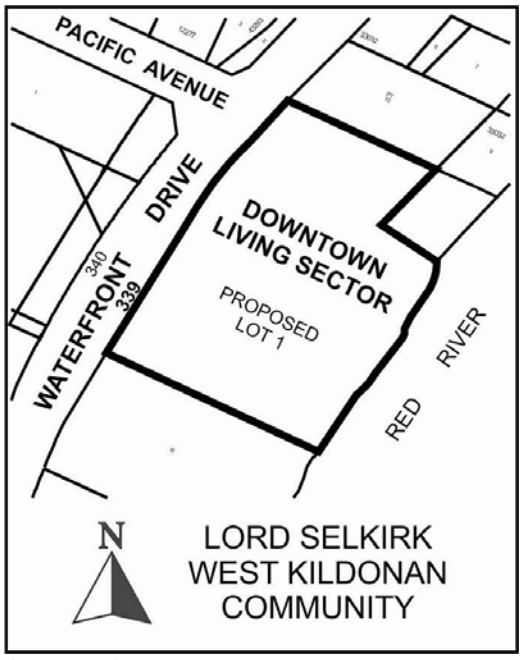
Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: Kurtis Kowalke
Date: *June 29, 2011*
File No.: DASZ 8/11

List of Schedules and Attachments

1. Attachment 1 – Planning Discussion
2. Schedule “A” for File DASZ 8/2011 Plan of Subdivision and Rezoning, dated June 8, 2011.
3. Schedule “B” - Administrative Coordinating Group Servicing Agreement.

Attachment 1 – Planning Discussion

DATE	June 29, 2011
FILE	DASZ 8/2011
RELATED FILES	DCU 11-118554/D, DAZ 226/2005, DCU 05-113525/B, DAV 05-113526/B
COMMUNITY	Lord Selkirk – West Kildonan Community
NEIGHBOURHOOD	3.173
SUBJECT	To subdivide and rezone the subject lands from the existing "R" Riverbank category to a "D" Downtown Living category in order to facilitate a new hotel and drinking/dining establishment
LOCATION:	333-339 Waterfront DR
LEGAL DESCRIPTION:	LOTS A/C PLAN 42974 6/9 ST J LOT E LOT G LOTS J/L LOT N LOTS Q/R PT S EXC PT SHOWN AS LEASE ON MISC PL NO 7806/15 AT 13096047100 PT U EXC PT SHOWN AS LEASE ON MISC PL NO 7806/15 AT 13096047100
APPLICANT:	Bill Coady Sunstone Boutique Hotels Ltd. 475 DOVERCOURT DR WINNIPEG MB R3Y 1G4
OWNER:	THE CITY OF WINNIPEG C/O PLANNING PROPERTY DEVELOPMENT SERV 65 GARRY ST WINNIPEG MB R3C 4K4



RECOMMENDATION:	Approval

SITE DESCRIPTION

The subject site represents the subdivision and consolidation of a number of zoning lots east of Waterfront Drive including 339 Waterfront, which includes Stephen Juba Park and 70 Alexander Avenue, which includes the Alexander Docks, as per the map below. The proposed lot is approximately 6600 square metres (71,000 square feet). The site includes the former Harbourmaster Building and a non-accessory parking lot for which zoning rights have also expired (DCU 05-113525/B, DAV 05-113526/B).

North: Alexander Docks and former Paddlewheel Riverboats staging area and parking, zoned "R" Riverbank

South: Stephen Juba Park, zoned "R" Riverbank

East: Red River

West: residential mixed-use property completed in 2009, zoned "D" Downtown Living



Figure 1: 2009 air photo map of subject parcel and surrounding context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The proponent intends to construct a 67 room hotel and to convert the former Harbourmaster Building to a restaurant.
- The north end of the site will have accessory parking.
- The pathway system in Juba Park will be extended through the site between the hotel and restaurant, and will serve as a link in the North Winnipeg Parkway.

ANALYSIS AND ISSUES

PLAN WINNIPEG

Policy 1A-07 states:

The City shall integrate rivers, parks, and green spaces in the downtown by:

i) enhancing year-round access to the Riverwalk system and to the rivers themselves through the provision of boat launches, docks, the winter Rivertrail system, and other conveniences;

ii) protecting, preserving, and enhancing the natural amenities and linking them where feasible; and

iii) encouraging the private sector to incorporate open space, landscaping, and pedestrian amenities into development projects in the downtown.

CENTREPLAN

The CentrePlan Development Framework (1999) recommended improved waterfront walkways and a "waterfront activity centre" adjacent to the Alexander Docks. There was no elaboration on this concept.

The 2008 CentrePlan update includes "Stephen Juba Park and Alexander Docks" on its list of primary downtown parks and open spaces. It also discusses the opportunity for "complementary commercial opportunities while at the same time enhancing and protecting public access to the waterfront".

ZONING

- **"R" Riverbank Sector** is intended primarily for the use and enjoyment of the public.
    - Uses supportive of and accessory to continuous linear parkway and public gathering nodes are encouraged.
    - This sector permits public or private development that is integrated with the functions of public space, such as accessory restaurants, retail, or services. It also accommodates public recreation and entertainment uses such as recreation centres, performance venues, galleries or museums.
    - Maximum building height is four storeys.

- **"D" Downtown Living Sector** is intended to enhance primarily residential areas. The predominant use of buildings in this sector is expected to be residential.
    - Mixed-use development is encouraged.
    - Complementary uses that support neighbourhood development, such as parks, recreation, local commercial and personal services, are also encouraged.
    - There is no front yard requirement or maximum building height.

Based on the descriptions above, the rezoning of the subject lands to Downtown Living for the purpose of a hotel is not well-aligned with the purpose of that zoning sector. Furthermore, the map below suggests that this application will result in a break in the continuity of our riverbank. However, the issue may be the limitations of the Riverbank zoning regulations themselves. The continuity of our parkway system is not compromised by the change in zoning; in fact, it may be enhanced through this proposal. It could be argued that the proposed development is better aligned with the Riverbank Sector intent: private development that is integrated with the functions of public space, such as accessory restaurants, retail or services. It may be that the list of permitted uses in the Riverbank Sector needs to be re-examined.

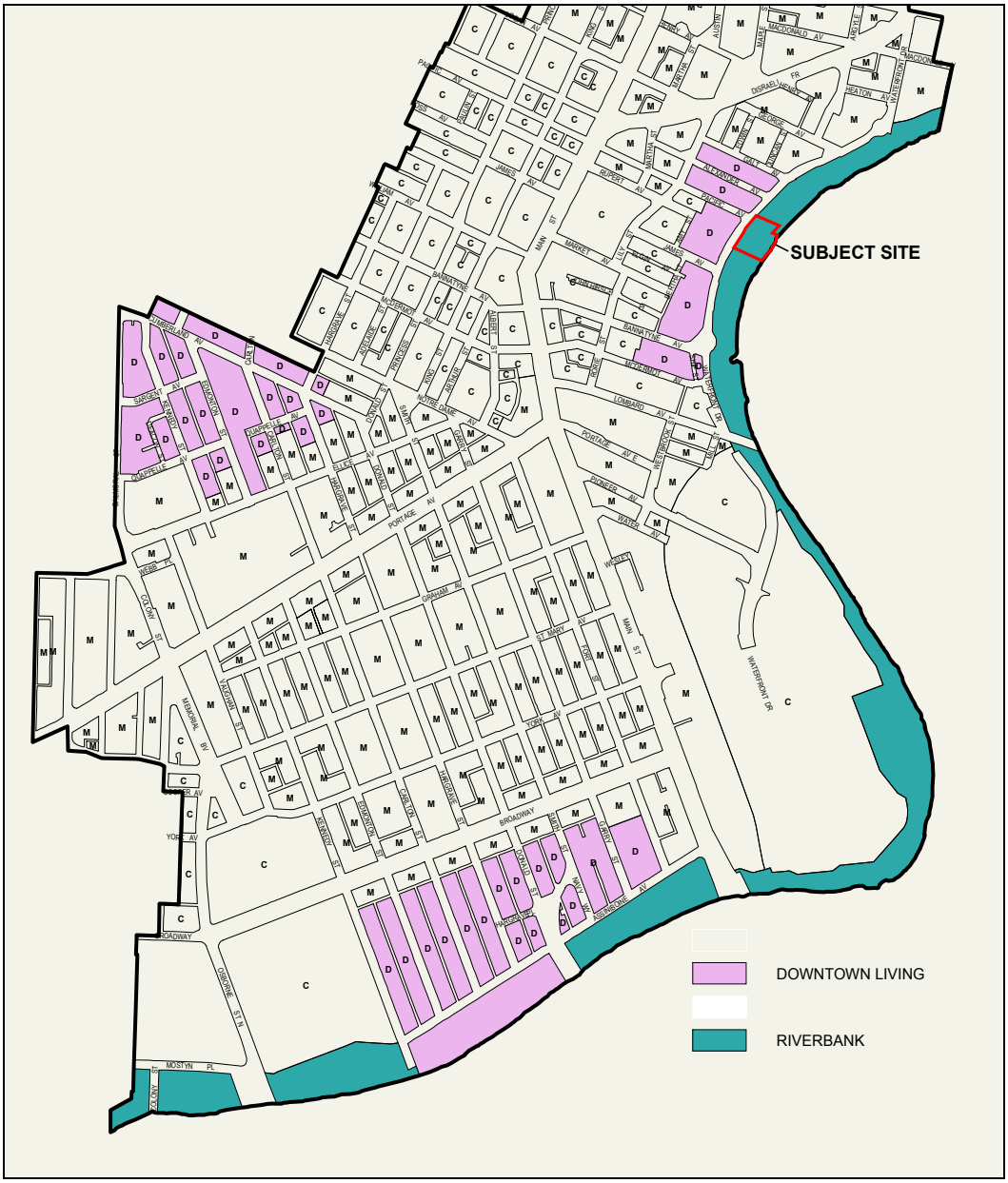


Figure 2: location of Downtown Living and Riverbank zoning sectors

COMPLIANCE WITH OTHER POLICY AND PLANS

For decades, City Council has been committed to the acquisition of riverbank properties for the use and enjoyment of Winnipeg residents and visitors. This commitment continues to be reflected in Council policies (Plan Winnipeg, CentrePlan). These policies comprise a vision for the use and development of the Alexander Docks / Intake Structure properties that includes a linear parkway system, with public access along the riverbanks, integrated with the adjacent neighbourhoods via comfortable streets linked to the rivers at a number of activity nodes. These activity nodes have many forms and intensities and together represent a key focal point for visitors to the Exchange District.

The vision for development opportunities along our riverbank parkway has been less clearly defined. The practice in the last couple of years has been to address their long term use on a piecemeal basis. (e.g. 300 Assiniboine Avenue). The 2005 change of zoning on the east side of Waterfront Drive from “Downtown Living” to “Riverbank” (DAZ 226/05) suggested a much more restrictive approach to riverbank development. However, the current Sunstone proposal illustrates that partnership opportunities can bring amenities and activity to the riverbanks that the City cannot achieve on its own.

While past planning and policy documents such as, *Context Planning for the Alexander Docks Terminal* (1997), *CentrePlan* (1999, 2008), *CentreVenture Waterfront Committee report* (2000), *Waterfront Drive Preliminary Management Strategy* (2001), suggest a much more limited palette of riverbank development, the philosophy of a continuous band of public open park space may not reflect current thinking by decision-makers or parks planning. Instead, there is interest in creating active and dynamic waterfront areas comprised of both private development and public spaces.

In the absence of a planning or policy framework that supports this concept, development decision are made on a piecemeal basis, and there will be a lack of certainty for property owners about the long term vision for the area. For example, the City continues to seek proposals for the lands immediately north of the subject site. Similarly, over the long term, decisions will need to be made on public space re-investments for Juba Park, Bonnycastle Park and Mostyn Park and the potential of partnership opportunities along those riverbank lands.

Moving forward, there is a need to reconcile our zoning regulations and policy framework cited above with the potential of private development along the parkway – partnerships that create destinations and bring services, amenities and resources that make the parkway system a more complete experience. The Complete Communities Direction Strategy may be a vehicle by which we can remove regulatory barriers and clarify and enable the kind of development the City wants to see.

PARKS AND OPEN SPACE

Although the “R” Riverbank zoning designation does not preclude limited forms of private development, there may be a perception that the rezoning and lease of this site removes land from an inventory of sites originally acquired for public open space purposes.

The amount of park space in the downtown is somewhat low for its population compared with all other areas of the city. This may be exacerbated by new residential development projected to be in the range of between 275 and 300 new dwelling units on average per year. This may increase the demand for public amenities including outdoor public spaces. The downtown includes 31 acres of City park space, or 2.1 acres per 1000 residents. The City average is 5.9 acres per 1000 residents. However, the Downtown includes several non-city public open

spaces including the Forks lands, Parks Canada lands, Province of Manitoba lands around the Legislative district, and the future Upper Fort Garry Park. These represent the majority of the public open space in the downtown

Dense urban areas in Winnipeg, like most cities, tends to have a lower proportion of public open space. Best practice in parks planning has been to offset this shortcoming by establishing a higher standard of design, amenities, and upkeep for those public spaces. However, there currently exists no such plan or policy pertaining to public spaces in the downtown.

SITE DESIGN ISSUES

All development in the Downtown is subject to Urban Design review and approval. Per the Downtown Urban Design Guidelines, development is expected to celebrate the best features of the surrounding context. Urban Design Review therefore considers the relationship between the building and the street, as well between the building and the surrounding public spaces. The proposed development was reviewed by the Urban Design Advisory Committee on March 22, 2011, and the committee provided the project endorsement in principle. Final Urban Design Review will occur at the point when final working drawings are submitted for plan examination.

This department is recommending two conditions be placed on the associated Conditional Use approval. The top priority for our riverbanks, as described in all previous policy material, including Plan Winnipeg, is for enhanced public access and enjoyment of the riverbank. To that end, it is essential that pedestrian walkway at the east edge of the site remain publicly accessible regardless of future operating parameters for the restaurant and hotel. Secondly, a condition is recommended to prevent the expansion of buildings beyond what is described in this application. This will ensure that view lines to the riverbank are protected and that an overall sense of openness is preserved.

HERITAGE

The former Harbourmaster Building had a one time been on the Historical Buildings Inventory, but it has since been removed.

The Province of Manitoba Historic Resources Branch has provided correspondence suggesting the possible presence of significant archeological resources at the subject site and has recommended that a Heritage Resources Impact Assessment be undertaken prior to construction. The City of Winnipeg will be in discussions with the Province to determine an appropriate course of action.

LAND USE BY-LAW

While the subject rezoning cannot be appealed, the associated conditional use may be appealed to another hearing at the Appeals Committee in accordance with the Development Procedures By-law.

LAND DEDICATION

When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg. As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes. The amount of lands is not less than 10%. The developer will provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department. If dedication is ‘cash in lieu’ of land, then the developer is required to pay the City its share of the costs of landscaping

and services that it would have expended had a dedication of the land been made, which will equal 10%. ‘Cash in lieu’ of land will be required under this development application.

RECOMMENDATION

- The Planning, Property and Development Department recommends approval because the proposal will result in reuse of the vacant former Harbourmaster Building.
- The proposed restaurant, which is supported by the hotel development, will be a valuable amenity for those enjoying the parkway.
- The proposed hotel will bring a 24 hour presence to the area, increasing the feeling of safety for the nearby Juba Park and pathways.
- The proposed development represents a higher and better use and design standard for this site than the existing parking lot.

Schedule “A” for File No. DASZ 8/11, dated June 8, 2011

By-Law No. _____

File No. **DASZ 8/11**

Atlas Sheet No. **Z25**

N

LORD SELKIRK WEST KILDONAN 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. 100/2004 by rezoning the land located at 333 Waterfront Drive from a “RIVERBANK SECTOR” to a “DOWNTOWN LIVING SECTOR” to allow for the construction of a Hotel and Drinking Establishment as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JUNE 8, 2011

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 333 WATERFRONT DRIVE - DASZ 8/11

Because there is no wastewater sewer within Waterfront Drive, a new wastewater sewer and/or long building service connection will be required to provide wastewater service to the proposed development. If a wastewater sewer can be constructed in Waterfront Drive, a Servicing Agreement will be required. Therefore, it is recommended that the approval of DASZ 8/11 be subject to the following:

A. Flood Protection

All construction being built to Flood-Protection levels.

B. Protection of Branch 1 Aqueduct

No buildings being constructed over or near the aqueduct which traverses the Planned Area.

C. Engineering Report

1. The applicant providing, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer, identifying the wastewater sewer system requirements for the Planned Area, identifying the available capacities, and including an analysis of the effects of the proposed development on the downstream sewer system.

D. Servicing Agreement

If a wastewater sewer is to be constructed in Waterfront Drive, or in any other street right-of-way, the applicant entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, install all wastewater sewers, and on-site and off-site improvements to the wastewater sewer system identified by the engineering report as being required, to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

2. Following completion of construction, the Developer shall, at its cost, have the locations of the survey monuments 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 and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

3. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area for each phase of the development.

4. The Developer shall pay to the city, prior to the release of the subdivision mylars, for each phase, for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area (minimum $1,650.00), 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 8/11
June 8, 2011

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

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

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

/sm