Minute No. 772
Report – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – September 8, 2014

Item No. 1 **Closing – Part of Spence Street between Portage and Ellice Avenues (Daniel McIntyre Ward)**
File DAC 4/2014

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management and adopted the following:

1. That the street closing as shown on Misc. Plan No. 7234/14 be approved.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 7234/14.

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

Report – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – September 8, 2014

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendation of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 8, 2014, 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.

PUBLIC HEARING SUMMARY

File:	DAC 4/2014
Before:	Standing Policy Committee on Downtown Development, Heritage and Riverbank Management Councillor Pagtakhan, Chairperson Councillor Browaty Councillor Gerbasi Councillor Mayes
Public Hearing:	September 8, 2014 Council Building, 510 Main Street
Applicant:	Jeff Frank (HTFC Planning and Design)
Premises Affected:	Part of Spence Street between Portage and Ellice Avenues
Exhibits Filed:	1. Report from the Real Property Officer dated July 30, 2014 2. Inspection Report

REPRESENTATIONS:

In Support:

Jeffrey Frank

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Thorgrimson, Director of Planning, Property and Development
Mr. M. Pittet, Manager of Land Development, Geomatics and Land Information Services, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 4/2014

ADMINISTRATIVE REPORT

Title: **DAC 4/2014: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF SPENCE STREET BETWEEN PORTAGE AND ELLICE AVENUES**

Critical Path: **STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT, HERITAGE AND RIVERBANK MANAGEMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson	n/a	M. Jack A/CAO

RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 7234/14 be approved.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 7234/14.

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

REASON FOR THE REPORT

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

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the street closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the street closing. Approval is subject to the following administrative comments/conditions:

Fire Paramedic Services

The Fire Department requires that a fire lane be provided and maintained along the Spence Street Plaza, from Portage to Ellice Avenues, for emergency access. The fire lane dimensions are to be constructed to a minimum of 6m in width with turning radii no less than 12m to centerline. The existing fire hydrants are also to be accessible and unobstructed for firefighting purposes. The University of Winnipeg and their designers have been accommodating to these requirements in the past, and Fire Paramedic Services expects this to continue for any future modification to the plaza.

Public Works Department

Transportation Engineering Division

Concerns have been raised regarding the street and sidewalk snow clearing and snow hauling for the remaining open section of the Spence Street right of way. The street dead ending will incur extra costs due to the change in clearing methods. The snow will need to be pushed out to Ellice and Portage Avenues to be loaded and hauled. The Public Works Department recommends that the University of Winnipeg be responsible for snow clearing within the proposed leased areas and the remaining open section of the right of way.

Street Lighting

The Lessee (University of Winnipeg) will be required to assume responsibility for the maintenance of the street lighting on the subject land and to notify Manitoba Hydro of the Lessee's responsibility to maintain, or in the alternative, make arrangements with Hydro to have the utility maintain the street lighting on the Lessee's behalf. It is noted that this requirement is identical to the requirement for street lighting maintenance for a previous closing application processed under DAC 10/2008. The Property Management Branch has indicated that the requirement does not appear in the current lease with the University of Winnipeg for Parcel "A", Plan 51436 WLTO closed under this application. The terms and conditions of the new lease agreement are to include this omission.

Traffic Signals

With the information provided at this point, there doesn't appear to be any change to traffic signals infrastructure. Any future changes affecting signals operation or traffic movement will require subsequent review and comment.

Water and Waste Department

There is existing water and sewer infrastructure within the subject closing areas. This includes a 200mm watermain, several fire hydrants, catch basins and leads, a 2100mm storm relief sewer, a 375mm combined sewer and a 300mm combined sewer. Water and Waste requires that the terms and conditions of the lease agreement must protect these utilities by insuring unrestrictive access to them with no permanent structures permitted above them.

Planning, Property and Development: Urban Planning Division

Any physical changes to the subject area, such as landscaping, bollards, paving patterns etc., are subject to Downtown Urban Design Review approval.

Winnipeg Transit

There is currently a Handi-Transit stop on Spence Street. Transit will require an alternate site if the existing location is to be relocated.

Winnipeg Parking Authority

The parking spaces available in this area are 90% disabled parking put in at the request of the University of Winnipeg. The closing of part of Spence Street will require the removal of two (2) pay stations and the associated parking spaces. As both of these pay stations are in a high demand zone, the WPA would be at an annual loss of revenue for the removal of twelve (12) parking spaces at an average amount of $3000 per parking space (based on the current parking rate) plus the removal cost of $335. WPA would require the financial reimbursement for the loss of revenue and associated removal costs. At this time, WPA does not have the authority to remove parking pay stations or parking spots. This removal would require Council authorization.

Manitoba Hydro, Centra Gas and Rogers Communications have identified services within the closing area.

All utilities will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

Any removal or relocation of existing facilities as a result of the proposed street closing will be at the expense of the applicant.

HISTORY

The Planning, Property and Development Department has received a request from HTFC Planning & Design, representing the University of Winnipeg, to close the portions of Spence Street so identified on the attached copy of Misc. Plan No. 7234/14. The closing is required in order to facilitate the continuing redevelopment of the University of Winnipeg campus. The applicant has requested that the City of Winnipeg retain ownership of the street once closed, and that the University of Winnipeg enter into a lease agreement with the City for the closed right of way.

In 2008, the University of Winnipeg made an application to close the central portion of Spence Street under application DAC 10/2008. On July 16, 2008, Council concurred in the recommendation of the Standing Policy Committee on Downtown Development and approved the closing report. Closing Plan No. 51436 was registered in the Winnipeg Land Titles Office in May of 2011. The City is the owner of this property which is being leased to the University of Winnipeg as an outdoor amenity space. The leased property is identified on the attached sketch. The University would like to extend this type of use and current lease arrangement to the other portions of the proposed closings.

The southerly closing boundary extends to the approach of the Canadian Broadcasting Corporation (CBC) parking lot on the west side of the street, approximately 91m south of the southern limit of Plan No. 51436 WLTO. The University's intent is to improve this portion of the street in keeping with the development pattern already established on the Spence Street Pedestrian Plaza. The northerly closing boundary extends to the southern limit of Ellice Avenue. This portion is to be used for parking, drop off and access to an existing loading dock on the east side of the street.

The University of Winnipeg is the owner of the majority of the property adjoining the proposed closings. The CBC also owns property at 300 Spence Street. The applicant has indicated that the University has consulted with the CBC on the proposal. They have no objections. Access to their parking lots will be maintained via approaches on Young Street as well as an approach adjoining the portion of Spence Street remaining open.

A small portion of the closing area at the southwest corner of Spence Street and Ellice Avenue was opened by Plan No. 7933 WLTO in July of 1962 for corner rounding purposes. The balance of the Spence Street closing area was opened by Plan No. 37 WLTO in June of 1874 and is Old System land.

The street must be legally closed before it may be leased. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name.

FINANCIAL IMPACT

Financial Impact Statement **Date:** July 29, 2014

Project Name:

DAC 4/2014: Proposed Closing of Part of Spence Street between Portage and Ellice Avenues

COMMENTS:

All costs associated with the street closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

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

CONSULTATION

In preparing this report there was consultation with:

Internal Consultation:

Planning, Property and Development
Corporate Finance
Public Works
Water and Waste
Transit
Fire Paramedic Services
Winnipeg Parking Authority

External Consultation:

Manitoba Hydro, Centra Gas, MTS Inc., Shaw Cablesystems, Bell Canada, Rogers Communications, Telus and TeraSpan.

Imperial Oil, Fiber, TeraSpan and Norscan did not respond to the request for comment on this proposal.

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: July 30, 2014
File No.

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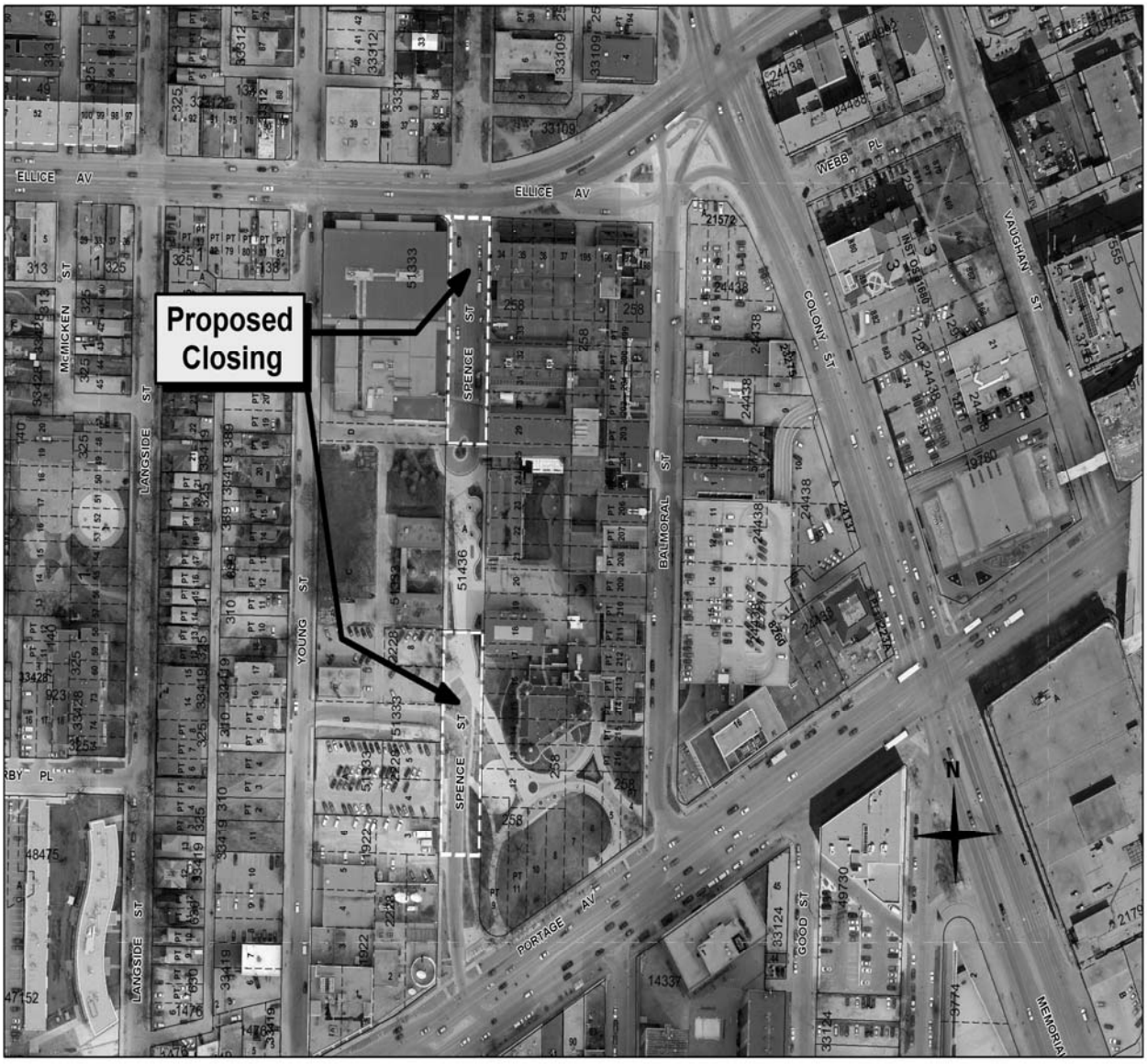
Aerial View of Subject Closing



Miscellaneous Plan

