Minute No. 290
Report – Executive Policy Committee – April 12, 2017

Item No. 2 **Subdivision and Rezoning – 93 St. Anne's Road (St. Vital Ward) File DASZ 45/2016 [c/r DAV 175378/2016D]**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 45/2016 dated March 27, 2017 to an "C1" Commercial (Neighbourhood) District, subject to the following conditions:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. landscaping; and
            g. free-standing signage

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

2. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated January 25, 2017.

Report – Executive Policy Committee – April 12, 2017

COUNCIL DECISION (continued):

3. That the plan of subdivision under File No. DASZ 45/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 45/2016, dated March 27, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

4. That, in lieu of the dedication of land, the Developer shall provide cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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

8. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution of the City of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands provided that the said effective date occurs within one year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

Report – Executive Policy Committee – April 12, 2017

COUNCIL DECISION (continued):

11. 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.

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

Report – Executive Policy Committee – April 12, 2017

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 12, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 3, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 93 St. Anne's Road**
File DASZ 45/2016

For submission to: **Executive Policy Committee**

Prepared by: **Rochelle Viray, Assistant Committee Clerk**
Riel Community Committee

Report date: **April 5, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 3, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 45/2016 dated March 27, 2017 to an "C1" Commercial (Neighbourhood) District, subject to the following conditions:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

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            g. free-standing signage

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

2. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated January 25, 2017.

3. That the plan of subdivision under File No. DASZ 45/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 45/2016, dated March 27, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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8. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution of the City of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands provided that the said effective date occurs within one year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. 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.

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

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. This is the kind of thing we're trying to encourage for infill projects.
2. This is a good thing for the area; business on the main level, residential on upper levels.
3. It is on a St. Anne's bus route.
4. Seems to be very well thought through.

PUBLIC HEARING SUMMARY

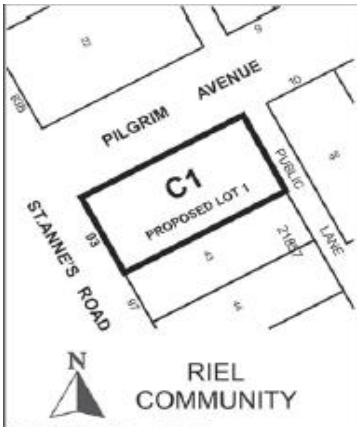
File: DASZ 45/2016

Before: Riel Community Committee
Councillor Allard, Chairperson
Councillor Lukes
Councillor Mayes

Public Hearing: April 3, 2017
Council Building, 510 Main Street

Applicant: Taylor Clackson (BLDG Architecture Office Inc.)

Subject:



APPLICANT : BLDG ARCHITECTURE OFFICE INC.
FILE : DASZ 45/16
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to facilitate the consolidation of lands for the construction of a multi-use (residential/commercial) building. **For information, Ms. S. Jerez, Planner at 204-986-7175.**
DEMANDEUR : BLDG ARCHITECTURE OFFICE INC.
N° DE DOSSIER : DALZ 45/16
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Zoning By-law No. 200/2006* (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie RMF-S (secteur de petites habitations multifamiliales) à la catégorie C1 (secteur commercial de quartier) en vue de faciliter le remembrement des terres et de permettre la construction d'un bâtiment résidentiel et commercial polyvalent. **Pour plus de renseignements, veuillez**

Premises Affected: 93 St. Anne's Road

Exhibits Filed:

1. Application dated January 10, 2017
2. Notification of Public Hearing dated February 15, 2017
3. Manitoba Status of Title 2868701/1
4. Letter of authorization dated November 26, 2016 from Kala Ram Sharma to Trademark Properties Inc. (Greg/Mani) & BLD Architecture
5. Surveyor's Building Location Certificate and sketch dated November 24, 2016
6. Plans (6 pages)
7. Report from the Urban Planning Division dated March 27, 2017
8. Inspection Report

REPRESENTATIONS:

In Support:

Taylor Clackson

In Opposition

Nil

For Information:

Nil

For the City:

G. Jasper, Land Development Engineer, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 45/2016

ADMINISTRATIVE REPORT

Title: DASZ 45/2016 – 93 St. Anne's Rd

Issue: For consideration at the public hearing for a subdivision and rezoning for the establishment of a multi-use building at 93 St. Anne's Rd

Critical Path: Riel Community Committee as per the Development Procedures By-law and The City of Winnipeg Charter

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Simi Jerez	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 45/2016 dated March 27, 2017 to an "C1" Commercial (Neighbourhood) District, subject to the following conditions:

   A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      1. The Owner must submit plans showing the location and design of any and all proposed:

         i) buildings;

         ii) accessory parking areas;

         iii) private approaches;

         iv) garbage enclosures;

         v) fencing;

         vi) landscaping; and

         vii) free-standing signage

      on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial

conformance with the approved plans and maintain the Works to the satisfaction of the Director.

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

REASON FOR THE REPORT

- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the property may be rezoned and consolidated, subject to conditions.

CONSULTATION

In preparing this Report there was consultation with:

- Public Works
- Water and Waste

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Simi Jerez
Date:	March 27, 2017
File No.	DAZ 45/2016

List of Schedules and Attachments

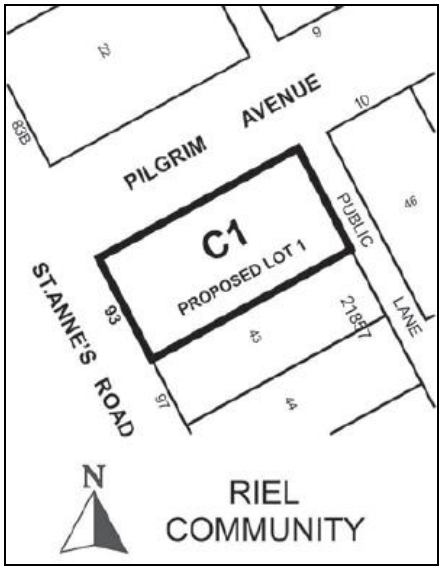
1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 45/2016 Riel Community Committee, dated March 27, 2017
3. Schedule "B" — Report of the Administrative Working Group – January 25, 2017

APPENDIX 'A'

DATE: March 27, 2017
FILE: DASZ 45/2016
RELATED FILES: DAV 16-175378\D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.508 - Glenwood

SUBJECT: To consolidate and rezone two lots from "RMF-S" Residential Multi-Family (Small) District to an "C1" Commercial (Neighbourhood) District.

LOCATION: 93 St. Anne's RD
LEGAL DESCRIPTION: LOT 1/2 BLOCK 2 PLAN 1801 109 ST B



APPLICANT: BLDG Architecture Office Inc. (Taylor Clackson)
694 Osborne St.
Winnipeg , Manitoba R3L 2B9
OWNER: Kala Sharma
80 Braswell Bay
Winnipeg , Manitoba R3X 2B6

RECOMMENDATION: Approval with conditions

HISTORY

N/A

SITE DESCRIPTION

- The subject site is located on St Anne's Road at the southeast corner of the intersection with Pilgrim Avenue, in the Glenwood neighbourhood of the St Vital ward.
- The site is 6,044 sq. ft. and is currently occupied by a 700 sq. ft. one storey single-family home built in 1945.
- The subject site is serviced by a back lane.
- The site is in the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy. The property is zoned RMF-S.
- The proposed development is located on a commercial corridor on St. Anne's Road, an arterial route which is serviced by Winnipeg Transit Route 55 which runs from St. Vital to Downtown. It is approximately 400 meters from St. Mary's Road, where Transit Routes 14 and 54 run from Polo Park to the University of Manitoba, and from Downtown to St. Vital.
- The subject site is one block southwest of Des Meurons Street, which is a designated active transportation route.

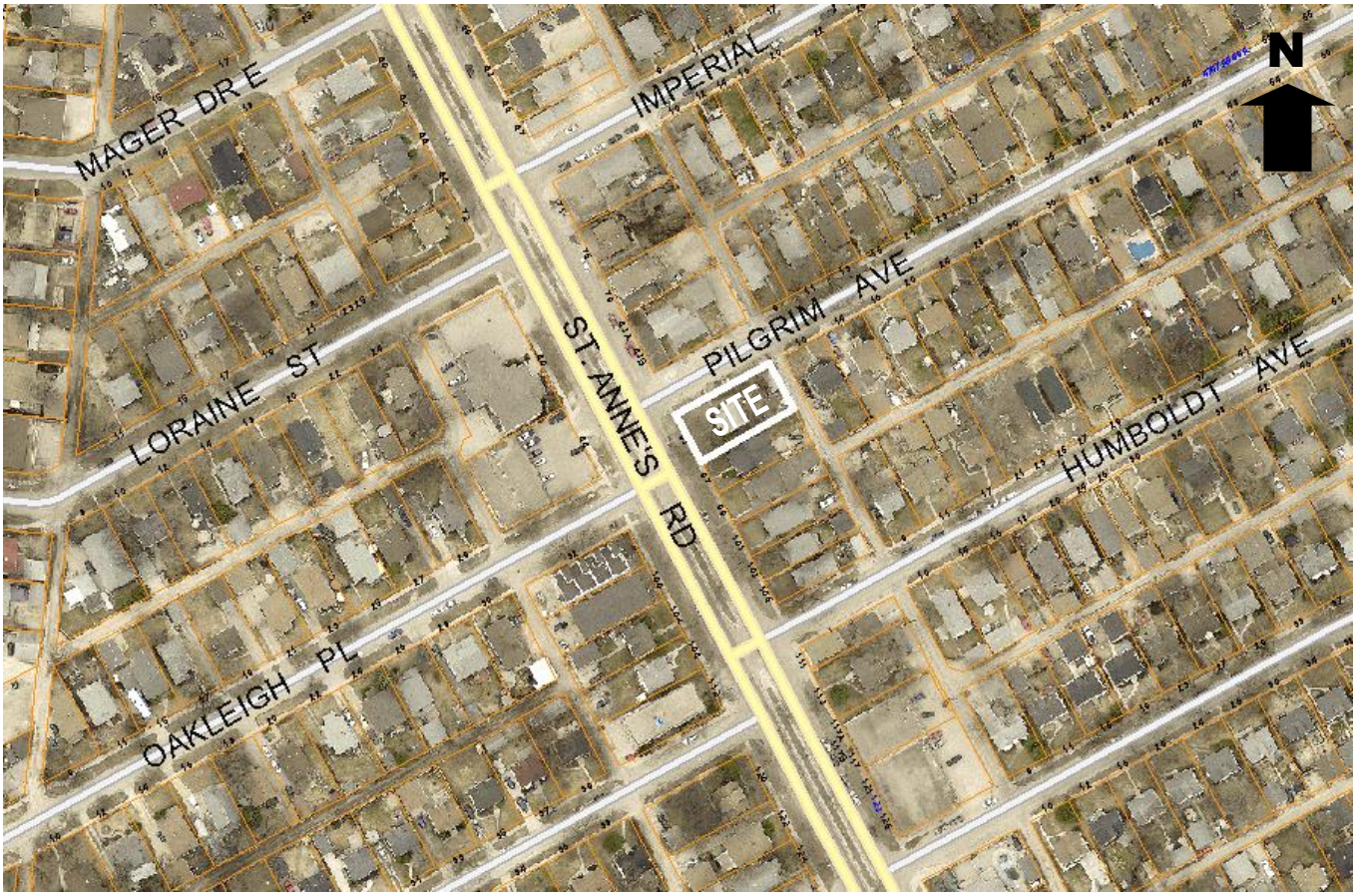


Figure 1: Air photo of the location of subject property and surrounding area (2016)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Pilgrim Avenue; then residential uses mixed with commercial uses zoned C2 (Commercial – Community).

South: Residential uses zoned RMF-S (Residential Multi-Family Small) mixed with commercial uses zoned C1 (Commercial – Neighbourhood).

East: Residential uses zoned R1-M (Residential Single-Family Medium).

West: St. Anne's Road; then commercial uses zoned C2 (Commercial Community) and residential uses zoned RMF-S (Residential Single-Family Medium); then residential uses zoned (Residential Single-Family Medium).



Figure 2: Zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate two zoning parcels and rezone the subject site to accommodate a proposed mixed use development with commercial space and parking at grade with two storeys of residential above.
- The applicant is proposing 1,980 square feet of commercial space facing St. Anne's Road, and five (5) two bedroom units above, ranging from 840 square feet to 1,100 square feet, to be accessed from an entry on Pilgrim Avenue and from the parking area at the rear of the building.

- The applicant is proposing 6 parking stalls, including one accessible parking to be accessed from the back lane.
- The applicant has proposed 4 tenant bicycle parking stalls inside the building, located in the storage and garbage room.
- The building is intended to be 33.8 feet in height and clad with polished stucco and hardie panel siding.
- The applicant has applied for variances related to lot area per dwelling unit (1209.4 square feet per dwelling unit instead of 1250 square feet per dwelling unit); parking (6 stalls instead of the required 9); and for providing no buffering between the rear parking area and adjacent residential zoning district.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- *The Complete Communities Direction Strategy* is one of four direction strategies supporting OurWinnipeg, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- Under the Complete Communities Direction Strategy, the proposed development is located on the St. Anne's Road Regional Mixed Use Corridor. Our Corridors serve a dual function. On one hand, they are our primary city routes, connecting neighbourhoods and transporting people, goods and services. On the other hand, they serve the additional purpose of accommodating a mix of uses, functioning as vibrant urban places for Winnipeggers to live, work and play. The Complete Communities Direction Strategy focuses growth to our Centres and Corridors in a manner that:
    - Provides compact, mixed-use, high-quality urban development;
    - Concentrates people and jobs in areas well served by transit;
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities; and
    - Encourages a built form that supports a pedestrian-friendly environment.
- Key relevant policies guiding development along our Regional Mixed Use Corridors include the following:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Support a range of housing opportunities in terms of type, tenure, unit size.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multistory developments.
    - Encourage the transition of development towards the outer edges of each Centre and Corridor that is sensitive to the scale, massing, height, form and character of the surrounding area.

- Mitigate the potential impacts of new development on neighbouring streets, parks and properties.
- Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.
- Ensure multi-modal connectivity.

TRANSIT-ORIENTED DEVELOPMENT HANDBOOK

- The Complete Communities Direction Strategy advises that corridors should be developed in accordance with transit-oriented development principles.
- The City of Winnipeg has a Transit Oriented Development Handbook to guide such development. It was endorsed in principle by Council on February 22, 2012.
- The TOD Handbook is a high-level framework document that guides and facilitates mixed-use, pedestrian-oriented infill development along rapid transit corridors and high frequency transit corridors.
- While the bulk of the Handbook deals with higher-level issues, there are a number of Principles that can be applied at a site-specific level such as the proposed development. Specifically, it highlights six:
  1. Medium to high density development that is greater than the community average.
  2. A mix of uses.
  3. Compact, high quality pedestrian-oriented environment.
  4. An active, defined centre.
  5. Innovative parking strategies.
  6. Public leadership.
- As the Handbook relates to the proposed development, its direction relating to site design is important to consider. Characteristics of Principle no. 3 include:
  - Entrances oriented to be easily accessible from the public sidewalk.
  - Centrally located, secure, and convenient bicycle parking.
  - High-quality architectural design and detail conveying a sense of place and relating to the street and the pedestrian environment, including active first floor storefront with windows, awnings, architectural features, lighting, and landscaping.

TRANSPORTATION MASTER PLAN

- St. Anne's Road is identified as a potential quality transit corridor in the City of Winnipeg's Transportation Master Plan that can become the focal points for new development and redevelopment.

- The Quality Corridor concept was introduced in Winnipeg between 2007-2009 and refers to high-performance and high-frequency on-street bus routes that are assisted by transit priority measures (diamond lanes, transit priority signals, queue jump lanes, etc.), and whose major stops are upgraded to include heated shelters, real-time bus departure displays, benches, posted route and schedule information, and other amenities.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

"RMF-S" Residential Multi-Family Small

- The RMF-S zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.
- The applicant is proposing a rezoning of the subject site from residential multi-family as RMF districts do not permit commercial uses at grade.

"C1" Commercial Neighbourhood

- The Commercial Neighbourhood (C1) district is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. C1 districts are generally located in Neighbourhood or Community mixed use centres or along Neighbourhood or Community mixed use corridors.
- In C1 and C2 zoning districts, dwelling units must not be located on the first storey of any principal building.
- The first storey of a principal building may only be used for any use in the following use categories:
    - Public and Institutional;
    - Cultural and Entertainment; and
    - Commercial Sales and Service, except the Billboard Signs use sub-category.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The site is located on the St. Anne's Road Regional Mixed Use Corridor under the *Complete Communities Direction Strategy*. As stated above, this policy area supports infill development that provides a mix of employment, a range of higher-density housing types and sizes, as well as commercial uses that support the needs of and respect the context of adjacent communities. Development in this area should support active uses at street level and office and housing on the upper levels of multistory developments.
- The Commercial Neighbourhood zoning district also is meant to accommodate neighbourhood scale retail and service uses compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. The subject site is appropriately located along a mixed use corridors for C1 zoning.

- The proposed development also aligns with the City of Winnipeg's Transit Oriented Development Handbook as it provides high quality architectural design, contributes to a pedestrian environment with an active and permeable first floor storefront, and provides secure and convenient bicycle parking.
- The proposed development supports objectives in the Complete Communities Direction Strategy as it maximizes the use of existing infrastructure, encourages intensification to occur along a corridor, and supports a mix of commercial services and employment uses that serve the local community. It fits within the Complete Communities vision of supporting the viability of existing commercial strip, providing a range of housing options, and contributing to a vibrant and complete community.
- Permitted C1 zoning uses are in keeping with the scale of community businesses in the vicinity.
- The Urban Planning Division supports the proposed rezoning and development as is context sensitive and complementary to the existing scale, character and built form of the neighbourhood.

CONDITIONS OF APPROVAL

- In order to align with Complete Communities policy direction to mitigate the potential impacts of the development on neighbouring streets and properties, the Division is recommending that final plans be submitted to the Director of Planning, Property and Development and the Riel Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Planning and Land Use Division to review final plans to ensure that these plans are compatible with the community in the instance that a different type of development is proposed in the future.

RECOMMENDATIONS

The Urban Planning Division recommends approval with conditions for the following reasons:

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy, adding density to a Regional Mixed Use Corridor in a context-sensitive manner.

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

Report Prepared by: Simi Jerez
PPD File #: DASZ 45/2016

Schedule "A" for File No. DASZ 45/2016, Riel Committee, dated March 27, 2017

By-Law No.

File No. **DASZ 45/16**

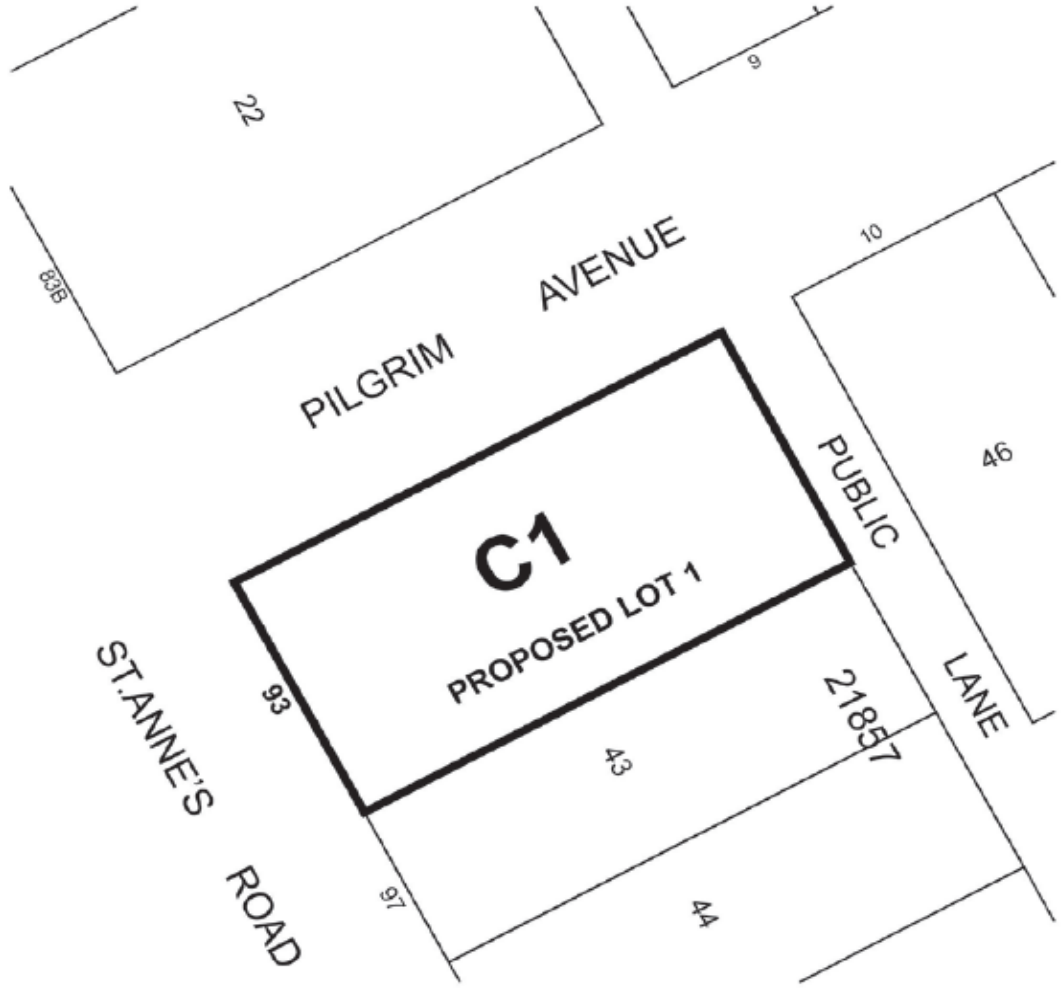
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RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 93 St. Anne's Road from an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to facilitate the consolidation of lands for the construction of a multi-use (residential/commercial) building as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP (ACG) – JAN 25, 2017

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 93 St. Anne's Road – FILE NO. DASZ 45/16

The ACG Group reviewed the above noted application and provided the following comments and recommendations if approved:

1) Plan Considerations

   The Developer shall, at no expense to the City, legally open property required for a 1.37 m widening to the west side of the existing north-south Public Lane right-of-way, along the full length of the Planned Area, abutting the east limit of the subject property, as determined by and to the satisfaction of the Director of Public Works.

2) Site Runoff

   The applicant is advised that the combined domestic/commercial wastewater and land drainage runoff peak flows cannot exceed combined domestic/commercial wastewater and land drainage runoff peak flows of the existing site.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 45/2016
Match 22, 2017

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by M. Gadja"*
M. Gadja, P. Eng.
Water & Waste Department

"*Original Signed by C. Desjardine"*

C.J. Desjardine P. Eng.
Public Works Department