Agenda – Council – January 28, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 18, 2021

Item No. 12 Closing – Ridgewood Avenue, East of Community Row (Charleswood-Tuxedo-Westwood Ward) File DAC 6/2020 [c/r DASZ 22/2020]

STANDING COMMITTEE RECOMMENDATION:

On January 20, 2021, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That subject to Recommendation 2, the proposed street closing shown on Miscellaneous Plan No. 15662 attached as Appendix "B", be approved.

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment, a by-law to facilitate the street closing in accordance with Miscellaneous Plan No. 15662, subject to the developer and/or assignee fulfilling its obligations under the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closing is not proceeded with expeditiously and the by-law:

    A. is not enacted within two (2) years following the date the subject report is approved by Council; and

    B. is not registered in The Property Registry within one (1) year following the date it is enacted 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 referred to in clause A above, and Council approves the extension.

4. 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 Property and Development, Heritage and Downtown Development – January 18, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2021, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 18, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 11, 2021, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

HEARING SUMMARY

File:	DAC 6 2020
Before:	Assiniboia Community Committee Councillor Klein, Chairperson Councillor Gillingham Councillor Lukes
Public Hearing:	January 11, 2021 Council Building, 510 Main Street
Applicant:	Jeff Pratte (Landmark Planning & Design Inc.)
Premises Affected:	Ridgewood Avenue, east of Community Row
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	Leah Cowan, Senior Committee Clerk Assiniboia Community Committee
Report date:	January 12, 2021

Community Committee Recommendation:

On January 11, 2021, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That subject to Recommendation 2, the proposed street closing shown on Miscellaneous Plan No. 15662 attached as Appendix "B", be approved.

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment, a by-law to facilitate the street closing in accordance with Miscellaneous Plan No. 15662, subject to the developer and/or assignee fulfilling its obligations under the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closing is not proceeded with expeditiously and the by-law:

    A. is not enacted within two (2) years following the date the subject report is approved by Council; and

B. is not registered in The Property Registry within one (1) year following the date it is enacted 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 referred to in clause A above, and Council approves the extension.

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

Exhibits Filed:

1. Report from the Real Property Officer dated November 30, 2020
2. Inspection Report

REPRESENTATIONS:

In Support:

Jeff Pratte
Bryan Ward

In Opposition:

Nil

For Information:

Ben McGillivary

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department
R. Galston, Urban Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 6/2020

ADMINISTRATIVE REPORT

Title: Proposed closing of Ridgewood Avenue, east of Community Row – File DAC 6/2020

Critical Path: Assiniboia Community Committee - Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

Landmark Planning & Design Inc., on behalf of Qualico Developments (Winnipeg) Ltd., has applied to close that portion of Ridgewood Avenue, east of Community Row for the purposes of creating a public reserve which will be owned by the City. The re-designation from a public right-of-way to a public reserve will be achieved by subdivision and rezoning application No. DASZ 22/2020.

Before the street can be designated as public reserve, it must be legally closed. The Public Service recommends approval of the proposed closing.

RECOMMENDATIONS

1. That subject to Recommendation 2, the proposed street closing shown on Miscellaneous Plan No. 15662 attached as Appendix "B", be approved.

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment, a by-law to facilitate the street closing in accordance with Miscellaneous Plan No. 15662, subject to the developer and/or assignee fulfilling its obligations under the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closing is not proceeded with expeditiously and the by-law:

    A. is not enacted within two (2) years following the date the subject report is approved by Council; and

B. is not registered in The Property Registry within one (1) year following the date it is enacted 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 referred to in clause A above, and Council approves the extension.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Pursuant to section 12(1)(b) of the Development Procedures By-law No. 104/2020, the relevant Community Committee is the hearing body for a combined hearing where a matter relates to a site located entirely within the geographical boundaries of one community and no part of the site is within the area to which the Downtown Winnipeg Zoning By-law applies.

Pursuant to section 12(2) of the Development Procedures By-law No. 104/2020, a designated employee is authorized to determine that a public hearing in respect of a development application be combined with a development application for the legal closing of a street.

Council approval is required before a street can be legally closed.

IMPLICATIONS OF THE RECOMMENDATIONS

All costs associated with the proposed closing is the responsibility of the developer and/or assignee. There are no financial implications for the City of Winnipeg.

HISTORY/DISCUSSION

Ridgewood Avenue was opened by Plan No. 3390 registered in the Winnipeg Land Titles Office on March 5, 1930.

The subject portion of Ridgewood Avenue proposed to be closed is unimproved. It exists as a natural forest abutting the Harte Trail. It serves no public transportation purpose. The proposed closing and designation as a public reserve aligns with the Winnipeg Climate Action Plan by preserving many mature trees.

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation:

Fire Paramedic Services
Legal Services Department (as to legal issues)
Police Services
Public Works Department
Transit Department

Water and Waste Department

External Consultation:

Manitoba Hydro, Centra Gas, BellMTS, Bell Canada, Shaw Cablesystems, Rogers Communications, Telus Communications, TC Energy, Fibre.Ca Inc., and Crown Pipeline Ltd.

Imperial Oil, and Teraspan Networks did not respond to the request for comment on this application.

OURWINNIPEG POLICY ALIGNMENT

Section 235 of *The City of Winnipeg Charter* states that *"…public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan."*

The subject closing does not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally aligns with their overall vision and key directions.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Closing the street and designating it as a public reserve, preserving the existing natural forest aligns with the Winnipeg Climate Action Plan.

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: Nov 30, 2020
File No.: DAC 6/2020

Attachments:

Appendix "A": Administrative Approval/Comments
Appendix "B": Miscellaneous Plan No. 15662
Appendix "C": Aerial View of Subject Closings

APPENDIX "A" – ADMINISTRATIVE APPROVAL

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the proposed closing of the public right of way.

Administrative Comments

Geomatics Branch

Approval of this application is subject to the following conditions:

- The proposed closing is subject to approval of associated DASZ 22/2020.

- The closing plan mylars, closing By-law, and any associated documents are to be released along with the plan of subdivision mylars for DASZ 22/2020 and any associated documents and subsequently registered in series with and prior to the associated plan of subdivision at the Winnipeg Land Titles Office.

- The applicant or developer is responsible for all costs related to preparation of the necessary closing plan and any associated documents and registration of same at The Winnipeg Land Titles Office.

Water and Waste Department

- **Please NOTE:** The 200mm Wastewater Sewer main that runs down Community Row is only partially fronting the subject lot. There is a 300mm Water main fronting the subject land.

- Any new development or construction within this closed right-of-way, (proposed water/sewer infrastructure, lot grading, etc,), would be subject to review and approval by the Water & Waste Department.

APPENDIX "B" – MISCELLANEOUS PLAN NO. 15662



APPENDIX "C" – AERIAL VIEW OF PROPOSED CLOSING



CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT

NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.

October 14, 2020
SCALE 1:1000