Minute No. 257
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 8, 2016

Item No. 2 Subdivision and Rezoning – 16 and 18 Mager Drive East (St. Vital Ward) File DASZ 42/2015 [c/r DAV 167378/2015D]

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 42/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2015 dated February 3, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 20, 2016.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 42/2015 dated February 3, 2016, to a "RMF-M" Residential Multi-Family Medium District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" Commercial Community, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.
        ii. That, for the development of any building, the maximum height shall be 35 feet.
        iii. That the maximum number of units be limited to ten (10).

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 8, 2016

COUNCIL DECISION (continued):

3. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 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.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect 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.

9. 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.

10. 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.

11. 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 – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 8, 2016

DECISION MAKING HISTORY:

Moved by Councillor Gerbasi,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 18, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Add the following new recommendation 2.a.iii.:

  "2.a.iii. That the maximum number of units be limited to ten (10)."

and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Subdivision Rezoning – 16 and 18 Mager Drive East**
File DASZ 42/2015

For submission to: **The Standing Policy Committee on Property and Development, Heritage and Downtown Development**

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

Report date: **February 19, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, ***as amended,*** and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 42/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2015 dated February 3, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 20, 2016.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 42/2015 dated February 3, 2016, to a "RMF-M" Residential Multi-Family Medium District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" Commercial Community, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That, for the development of any building, the maximum height shall be 35 feet.

iii. That the maximum number of units be limited to ten (10).

3. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 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.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect 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.

9. 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.

10. 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.

11. 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. It is near major traffic areas.
2. The underlying zoning is Multi-Family, so it is not inconsistent with what the City is trying to do, which is densification.

PUBLIC HEARING SUMMARY

File:	DASZ 42/2015
Before:	Riel Community Committee Councillor Lukes, Chairperson Councillor Allard Councillor Mayes
Public Hearing:	February 18, 2016 Council Building, 510 Main Street
Applicant:	Affinity Architecture Inc.
Subject:	



APPLICANT : AFFINITY ARCHITECTURE
FILE : DASZ 42/15
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 an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to facilitate the consolidation of lands for the construction of a multi-family dwelling. **For information, phone Mr. R. Mahé, Planner, at 204-986-8631.**
DEMANDEUR : AFFINITY ARCHITECTURE
N° DE DOSSIER : DALZ 42/15
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 RMF-M (secteur d'habitations multifamiliales moyennes) en vue de faciliter le remembrement des terres pour la construction d'une habitation multifamiliale. **Pour plus de renseignements, communiquez avec M. R. Mahé, urbaniste, au 204-986-8631.**

Premises Affected: 16 and 18 Mager Drive East

Exhibits Filed:

1. Application dated December 9, 2015
2. Notification of Public Hearing dated December 17, 2015
3. Manitoba Status of Title 2781961/1
4. Letter of authorization dated July 22, 2015 from 2H Canada Ltd. to Affinity Architecture
5. Plans (2 pages)
6. Revised Report from the Urban Planning Division dated February 3, 2016
7. Inspection Report

8. Communication dated February 10, 2016 from Ronald Haas in opposition to the application
9. Communication dated February 17, 2016 from Carolyn Gillespie in opposition to the application
10. Communications dated February 7 & 9, 2016 from Antonio Mangalit in opposition to the application
11. Communications dated February 7, 8, 12, 15 & 17, 2016 from Dennis Hadaller in opposition to the application
12. Communication dated February 7, 2016 from Colin Gillespie in opposition to the application
13. Recording of Representations of public hearing held on February 18, 2016

REPRESENTATIONS:

In Support:

Daniel Serhal
Andrew Wilkinson
Sam El Harouni

In Opposition:

Antonio Mangilit
Dennis Blaine Hadaller
Courtney Sims
Colin Gillespie
Carolyn Gillespie
Ronald Haas
Murray Penner

For Information:

Nil

For the City:

R. Mahé, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 42/2015

REVISED ADMINISTRATIVE REPORT

Title: DASZ 42/2015 – 16/18 Mager E

Issue: An application for consideration at the Public Hearing to consolidate the two lots into one and rezone to RMF-M to facilitate the construction of a 12-unit multi-family residential dwelling.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 42/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2015 dated February 3, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 20, 2016.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 42/2015 dated February 3, 2016, to a "RMF-M" Residential Multi-Family Medium District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" Commercial Community,

plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That, for the development of any building, the maximum height shall be 35 feet.

3. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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11. 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

- The applicant is proposing to consolidate the two lots into one and rezone the property to RMF-M for a proposed twelve (12) unit residential multi-family dwelling.
- Subdivisions and re-zonings 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 subject site will be consolidated and rezoned consistent with the map provided in Schedule "A" of this report.

HISTORY

N/A

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Richard Mahé, MCIP
Date:	February 3, 2016
File No.	DASZ 42/2015

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule A — Recommended File No. DASZ 42/2015 Riel Community Committee, dated February 3, 2016
3. Schedule B — Administrative Coordinating Group Report

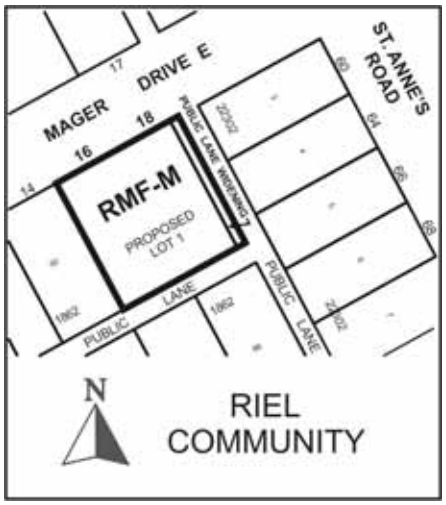
APPENDIX 'A'

DATE: February 3, 2016

FILE: DASZ 42/2015
RELATED FILES: DAV 15-167378\D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.516

SUBJECT: To consolidate two lots into one and rezone to RMF-M to facilitate the construction of a 12-unit residential multi-family dwelling

LOCATION: 16/18 Mager E (see map below)



APPLICANT: Daniel Serhal
4 Fort ST 200
Winnipeg , Manitoba R3C 1C4

OWNER:
894 ST MARY'S RD 102
Winnipeg , Manitoba R2M 3R1

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located at 16 & 18 Mager DR East, in the Varennes neighbourhood of the St Vital ward.
- The site is designated as a Mature Neighbourhood under the Complete Communities Direction Strategy and is zoned RMF-S.
- The total site area for the project is 10,300 square feet and has approximately 100 feet of frontage.
- Currently, there is a one-storey, 1,084 square foot single family home built in 1924 at 16 Mager Drive East and a one-storey, 690 square foot single family home built in 1911 at 18 Mager Drive East.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone 16 and 18 Mager Drive East from RMF-S to an RMF-M zoning district with the purpose of constructing 12 townhouse units.
- Both existing buildings on the site are to be removed.

Public Lane Widening

- As part of this application, the Public Works Department requires a lane widening to accommodate the proposed development (see associate DASZ 42/15).
- As a result, the net lot area for the site is 9,497 square feet (lot area after the ROW opening). This represents a loss of 803 square feet.

Building

- The proposed building will be comprised of two (2) stacked rows of six (6) units in a rowhouse configuration.
- Proposed building height : 35 feet.
- Cladding for the building will be vinyl siding. Colour was not provided at the time of the application.

Site Access and Parking

- Access to the site will be taken from the public lane on the east side of the property.
- The applicant is proposing 17 parking stalls instead of 18 for the project.

Variances

- The applicant is also looking for a number of variances to facilitate their proposed density for the development:
    - for the construction of a multi-family dwelling (12 units) to permit:
        - a front yard of 20 feet (6.1 metres) to the building and 16 feet (4.88 metres) to the decks instead of 26 feet (7.92 metres);
        - an east side yard of 5 feet (1.52 metres) instead of 12 feet (3.66 metres);
        - a west side yard of 4 feet (1.22 metres) instead of 12 feet (3.66 metres);
        - a rear yard of 20 feet (6.1 metres) instead of 25 feet (7.62 metres);
        - a lot area per dwelling unit of 791 square feet (73.49 square metres) instead of 800 square feet (74.32 metres);
        - 17 parking spaces instead of 18 spaces;
        - a pedestrian route that will not be developed in accordance with the pedestrian connection design standards;
    - for the establishment of an accessory parking area to permit:
        - an east side yard of 5 feet (1.52 metres) instead of 8 feet (2.44 metres);
        - a west side yard of 4 feet (1.22 metres) instead of 8 feet (2.44 metres);
        - a continuous fence buffer on the west and south sides instead of a fence buffer having a horizontal length of 48 feet (14.63 metres) followed by a landscaped strip having a length of 16 (4.88 metres);
        - stall dimensions of 7.75 feet x 18 feet (2.36 metres x 5.49 metres) instead of 10 feet x 18 feet (3.05 metres x 5.49 metres).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is located in the Areas of Stability – Mature Communities. Key relevant policies guiding commercial development within Areas of Stability include the following:
  - Key Direction - Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population (p.78).
  - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form (p.80).
  - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments (p.80).
  - Encourage intensification to occur at centres and corridors (p.80).
  - Support complete communities by ensuring diverse and high quality housing stock (p.80).
  - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses (p.80).
  - Facilitate land assembly for infill developments (p.85).

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- There is an associated variance application as part of this rezoning and subdivision application for the following:
  1) for the construction of a multi-family dwelling (12 units) to permit:
     - a front yard of 20 feet (6.1 metres) to the building and 16 feet (4.88 metres) to the decks instead of 26 feet (7.92 metres);
     - an east side yard of 5 feet (1.52 metres) instead of 12 feet (3.66 metres);
     - a west side yard of 4 feet (1.22 metres) instead of 12 feet (3.66 metres);
     - a rear yard of 20 feet (6.1 metres) instead of 25 feet (7.62 metres);
     - a lot area per dwelling unit of 791 square feet (73.49 square metres) instead of 800 square feet (74.32 metres);
     - 17 parking spaces instead of 18 spaces;
     - a pedestrian route that will not be developed in accordance with the pedestrian connection design standards;

  2) for the establishment of an accessory parking area to permit:
     - an east side yard of 5 feet (1.52 metres) instead of 8 feet (2.44 metres);
     - a west side yard of 4 feet (1.22 metres) instead of 8 feet (2.44 metres);

- a continuous fence buffer on the west and south sides instead of a fence buffer having a horizontal length of 48 feet (14.63 metres) followed by a landscaped strip having a length of 16 (4.88 metres);
- stall dimensions of 7.75 feet x 18 feet (2.36 metres x 5.49 metres) instead of 10 feet x 18 feet (3.05 metres x 5.49 metres).

- The variance report will address each variance individually.

PUBLIC WORKS

- The Public Works Department is supportive of the project subject to the following:

  Plan Considerations

  1) The Developer shall, at no expense to the City, transfer and legally open, property required for a 2.375m widening of the existing north-south public lane, along the full length of the existing north-south public lane, abutting the east limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

  2) The Developer shall, at no expense to the City, transfer to the City and legally open property required, from the southeast corner of the Planned Area, for a 3.0m x 3.0m corner cut where the existing north-south public lane intersects with the existing east-west public lane abutting the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

  Servicing Requirements

  1) Pavements

     - The Developer shall, at no expense to the City, construct Portland cement concrete pavement to 6.0m wide by 150mm thick and all related works, in the existing north-south public lane abutting the east limit of the Planned Area, between Mager Drive East and the existing east-west public lane abutting the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

  2) Sidewalk

     - The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, on the south side of Mager Drive East from the west limit of the Planned Area to St. Anne's Road, as determined by and to the satisfaction of the Director of Public Works.

- The current site plan does not take into account the 3.0m x 3.0m corner cut required as part of Public Works comments regarding Plan Considerations. This corner cut is required to help facilitate the turning radii for garbage collection vehicles.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The subject site is located within 200 feet of two (2) Regional Mixed Use Corridors (St. Anne's Road and St. Mary's Road), which are characterized by multi-family, single family and commercial land uses. The zoning districts along Mager Drive East are all RMF-S. Though, this project would be the first multi-family development on the street, it is certainly the intent that this street be developed over time to higher density uses, such as this project.
- Consequently, this proposed multi-family development largely aligns with the policy direction of redevelopment within our Mature Communities as identified above. Further, this type of development fits the current context of what is permitted on Mager Drive East and fits in with the larger vision of the type of development that will occur along our Regional Mixed Use Corridors.

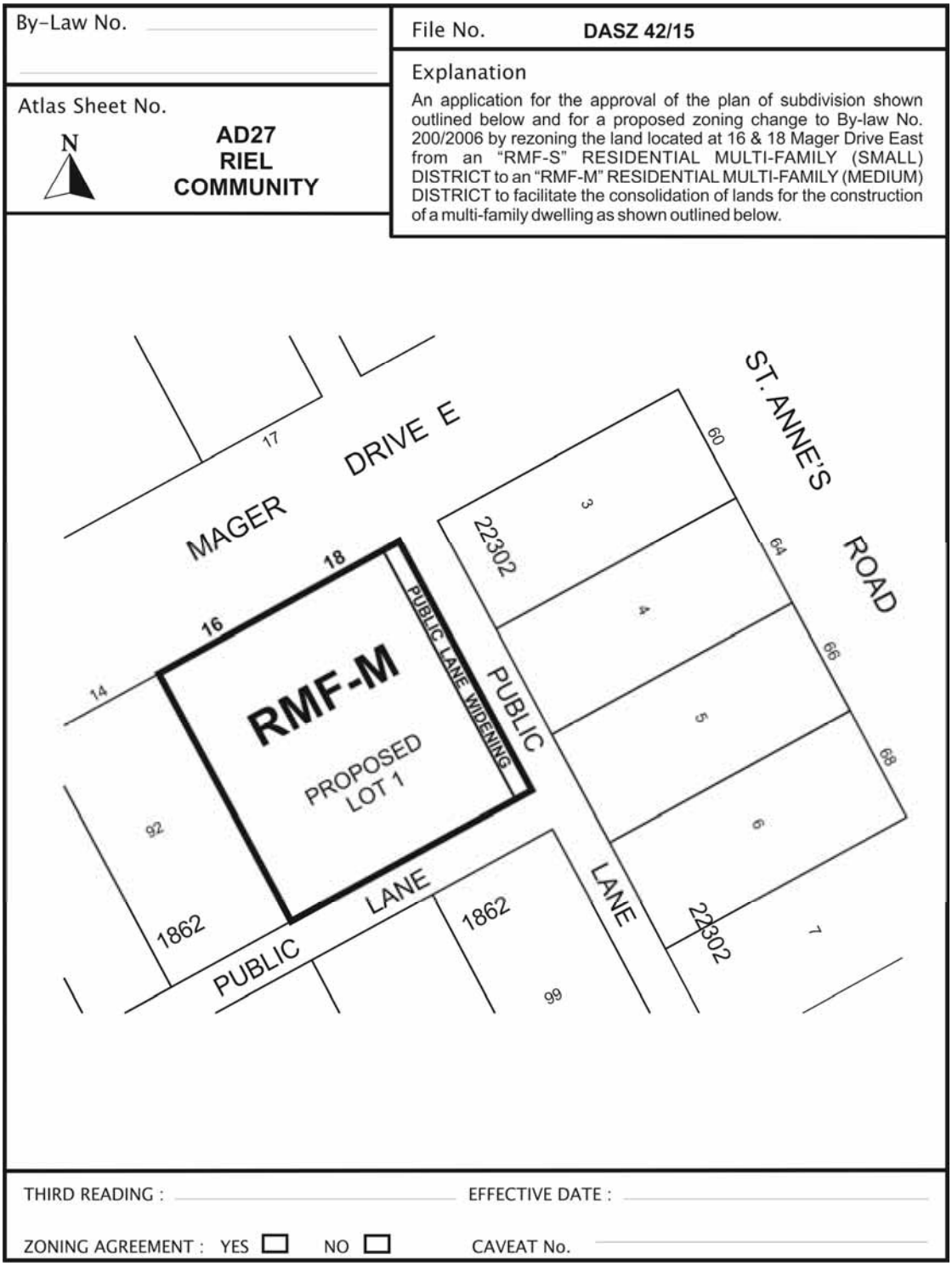
RECOMMENDATION
The Urban Planning Division recommends approval for the following reasons:

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy; and
- The proposed development is compatible with the existing neighbourhood and surrounding land uses.

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

Report Prepared By: Richard Mahé, MCIP
PPD File # DASZ 42/2015

Schedule "A" for File No. DASZ 42/2015, Riel Committee, dated February 3, 2016



SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Jan. 20, 2016

RE: PROPOSED SUBDIVISION OF LAND LOCATED AT 16 & 18 MAGER DRIVE EAST – DASZ 42/2015

It is recommended that the approval of DASZ 42/2015, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following:

A. PLAN CONSIDERATIONS

1) The Developer shall, at no expense to the City, transfer and legally open, property required for a 2.375m widening of the existing north-south public lane, along the full length of the existing north-south public lane, abutting the east limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, transfer to the City and legally open property required, from the southeast corner of the Planned Area, for a 3.0m x 3.0m corner cut where the existing north-south public lane intersects with the existing east-west public lane abutting the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

B. SERVICING REQUIREMENTS

1) Pavements

The Developer shall, at no expense to the City, construct Portland cement concrete pavement to 6.0m wide by 150mm thick and all related works, in the existing north-south public lane abutting the east limit of the Planned Area, between Mager Drive East and the existing east-west public lane abutting the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2) Sidewalk

The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, on the south side of Mager Drive East from the west limit of the Planned Area to St. Anne's Road, as determined by and to the satisfaction of the Director of Public Works.

3) Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction,

including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

4) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

C. COSTS AND FEES

1) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2) Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of

progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3) Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1650.00 plus GST to help 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 42/2015
February 1, 2016, 2015

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

"*Original Signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department

GJ/gj