Agenda – Council – January 25, 2018

Report – Executive Policy Committee – January 10, 2018

Item No. 2 Subdivision and Rezoning – 813 Rathgar Avenue (Fort Rouge - East Fort Garry Ward) File DASZ 23/2017 [c/r DAV 153750/2017D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 10, 2018, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the plan of subdivision proposed under file DASZ 23/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for file DASZ 23/2017 dated December 7, 2017, with minor changes as may be required, and registration in the Winnipeg Land Titles Office:

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 23/2017 dated December 7, 2017 to a "RMF-S" Residential Multi-Family (Small) District, subject to the following conditions:

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

        i. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

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

Report – Executive Policy Committee – January 10, 2018

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted 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 this two (2) year period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and the 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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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 registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) 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 (1) 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.

Agenda – Council – January 25, 2018

Report – Executive Policy Committee – January 10, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 10, 2018, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2017, the City Centre 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 – 813 Rathgar Avenue**
File DASZ 23/2017

For submission to: **Executive Policy Committee**

Prepared by: **Kate McMillan, Senior Committee Clerk**
City Centre Community Committee

Report date: **December 15, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2017, the City Centre 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 plan of subdivision proposed under file DASZ 23/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for file DASZ 23/2017 dated December 7, 2017, with minor changes as may be required, and registration in the Winnipeg Land Titles Office:

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 23/2017 dated December 7, 2017 to a "RMF-S" Residential Multi-Family (Small) District, subject to the following conditions:

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

        i. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted 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 this two (2) year period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and the 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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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 registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) 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 (1) 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.

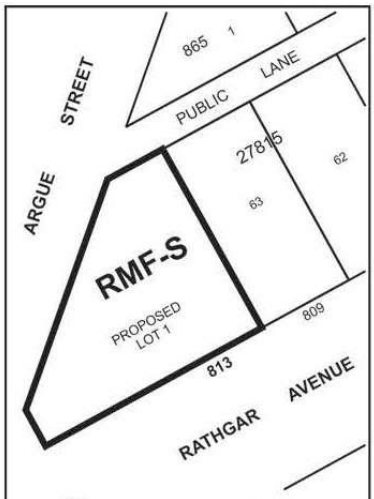
11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. It’s an infill project of an appropriate scale very close to a rapid transit station. In between it’s single family and then higher, larger density so it seems like a good fit and it’s an empty spot perfect for a little infill project.

PUBLIC HEARING SUMMARY

File:	DASZ 23/2017
Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gerbasi Councillor Gilroy
Public Hearing:	December 14, 2017 Council Building, 510 Main Street
Applicant:	Mistecture Architecture and Interiors Inc. (Hijab Mitra)
Subject:	



APPLICANT : MISTECTURE ARCHITECTURE AND INTERIORS INC.
FILE : DASZ 23/17
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 "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to facilitate the consolidation of lands for the construction of a multi-family dwelling use. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 813 Rathgar Avenue

Exhibits Filed:

1. Application dated October 11, 2017
2. Notification of Public Hearing dated November 1, 2017
3. Manitoba Status of Title 2880709/1
4. Letter of authorization dated July 21, 2017 from Dr. Jaswinder Dev, Owner, Dr. A.S. Dhillon Inc., to Mistecture Architecture and Interiors Inc.
5. Surveyor's Building Location Certificate and sketch dated February 14, 2017 (2 pages)
6. Plans (8 pages)
7. Report from the Urban Planning Division dated December 7, 2017
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Heather Gold
Nikhil Manikonda

In Opposition

Nil

For Information:

Nil

For the City:

M. Robinson, Senior Planner, Planning, Property and Development Department
D. Harris, Planner, Planning, Property and Development Department
A. Ross, Planner, Planning, Property and Development Department

Exhibit " 7 " referred to in File DASZ 23/2017

ADMINISTRATIVE REPORT

Title: DASZ 23/17 813 Rathgar Ave.

Issue: For consideration at the public hearing for a subdivision and rezoning for DASZ 23/17 at 813 Rathgar Ave. to rezone the subject property to an "RMF-S" District

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

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Dylan Harris (MCP)	B. Smith, (RPP)	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under file DASZ 23/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for file DASZ 23/2017 dated December 7, 2017, with minor changes as may be required, and registration in the Winnipeg Land Titles Office:

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 23/2017 dated December 7, 2017 to a "RMF-S" Residential Multi-Family (Small) District, subject to the following conditions:

   A) That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following condition:

      i) That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

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5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted 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 this two (2) year period and the extension is subsequently approved by Council.

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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.

REASON FOR THE REPORT

- The applicant is proposing to rezone the subject property from a “R1-M” Residential Single Family Medium district to a “RMF-S” Residential Multi-Family Small district for the establishment of a four (4) unit multi-family townhouse development at 813 Rathgar Ave.
- Subdivision 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 land will be **subdivided** and **rezoned**.

CONSULTATION

In preparing this report there was consultation with:

The City of Winnipeg Administrative Coordinating Group (ACG)

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Dylan Harris, MCP
Date:	December 7, 2017
File No.	DASZ 23 /17

APPENDIX 'A'

DATE: December 7, 2017

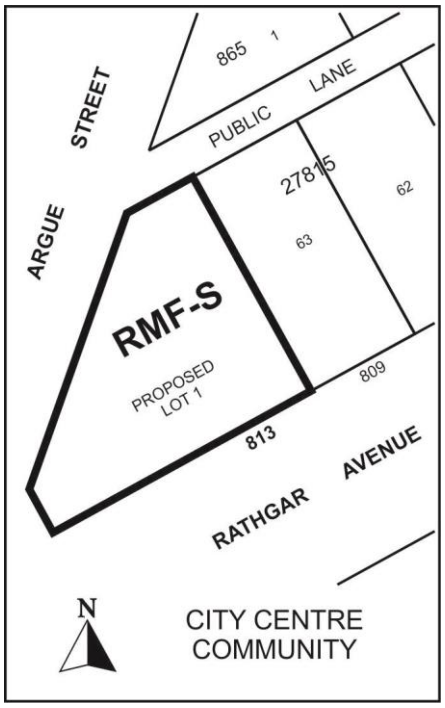
FILE: **DASZ 23/17**

RELATED FILES: DAV 17-153750D

COMMUNITY: City Centre Committee

NEIGHBOURHOOD #: 1.665 Lord Roberts

SUBJECT: To rezone the subject land from R1-M to RMF-S to permit the establishment of a four (4) unit multi-family townhouse development.



LOCATION: 813 Rathgar Ave.

LEGAL DESCRIPTION: Lot 71, Block 2, Plan 865, Lots 22/23 in Parish of St. Boniface; Lot 64, Plan 27815; Lots 21/23 in Parish of St. Boniface.

APPLICANT: Nikhil Manikonda, Mistecture Architecture and Interiors Inc.
Unit 1-1749 Portage Avenue
Winnipeg , Manitoba R3L 1G8

OWNER: Dr. D.S. Dhillon Inc.
813 RATHGAR AVE
Winnipeg , Manitoba R3L 1G8

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located on the north east corner of Rathgar Ave and Argue St, in the Lord Roberts neighbourhood of the Fort Rouge - East Fort Garry ward.
- The site is located in a Mature Community as designated in the *Complete Communities Direction Strategy.*
- The property is 6607 sq. ft. in area and is zoned “R1-M” Residential Single-Family Medium district.
- The subject property is triangular in shape with a maximum depth of 88 feet and maximum width of 105 feet.
- A vacant single family dwelling is currently located on the subject property.
- The subject property is approximately 235 metres from the Fort Rouge Yards rapid transit station.

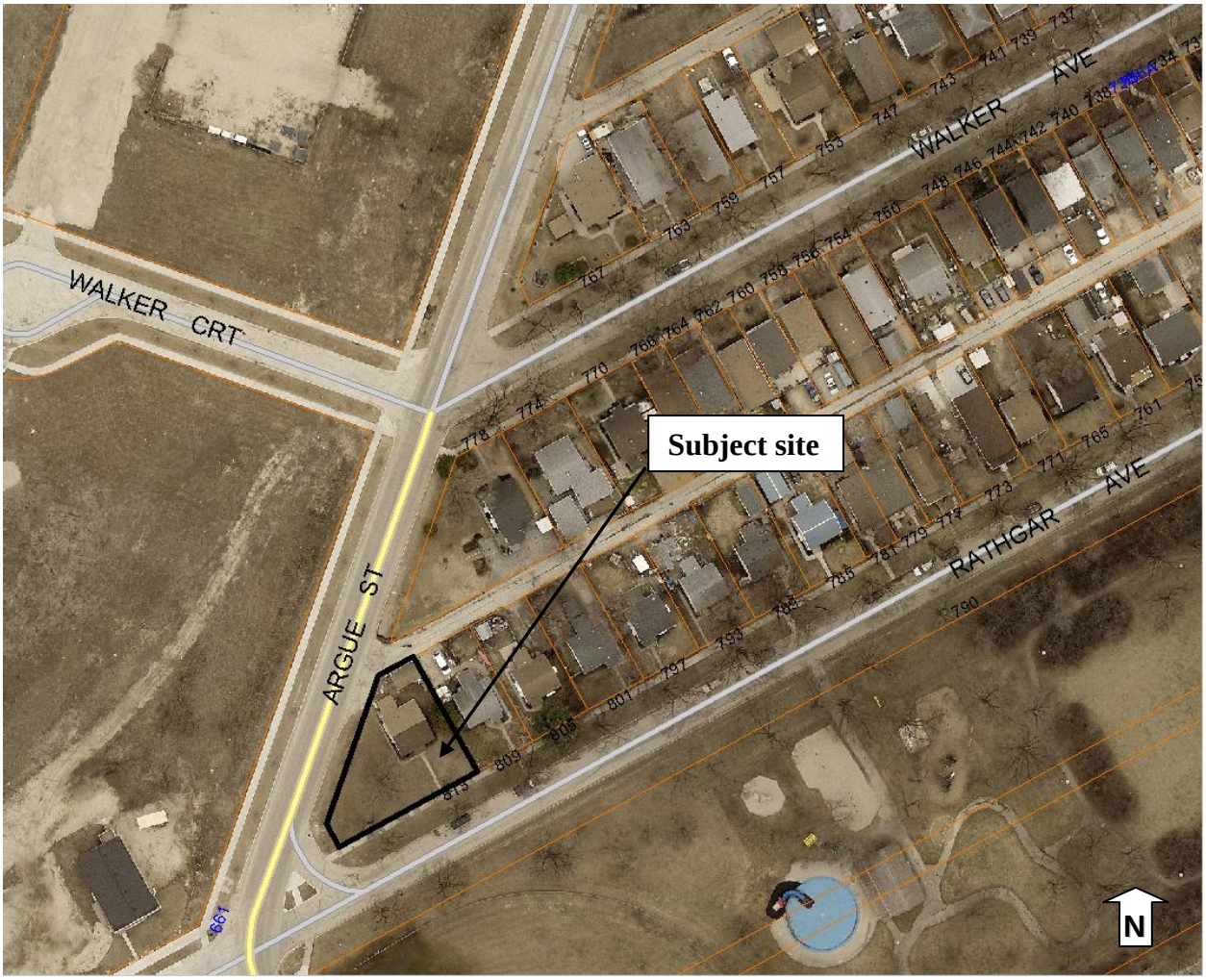


Figure 1: Subject site and surrounding area (flown 2016)

SURROUNDING LAND USE AND ZONING

East of Argue St. the subject area is characterized by predominantly single family residential uses. West of Argue St. the Fort Rouge Yards Major Redevelopment site is being developed as a Transit Oriented Development (TOD). The subject site is 235 metres from a rapid transit station. Directly adjacent land uses include:

North: A rear lane then single family uses zoned "R1-M" Residential Single Family Medium district.

South: Rathgar Ave. then McKittrick Park zoned "PR-1" Parks and Recreation Neighbourhood district.

East: Single family uses zoned "R1-M" Residential Single Family Medium district.

West: Argue St. then multi-family uses zoned "RMU" Residential Mixed Use district under the Yards at Fort Rouge Planned Development Overlay.

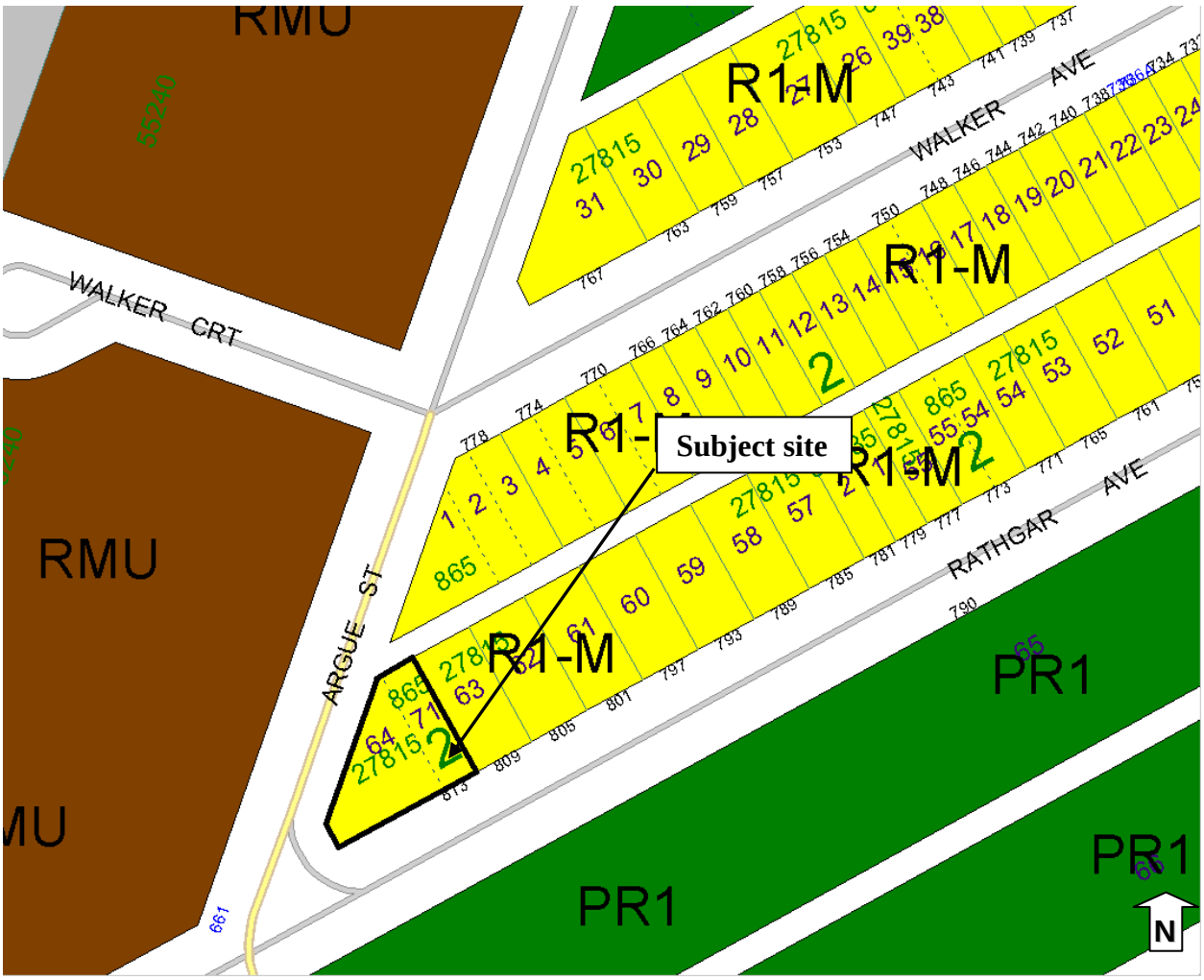


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the two underlying lots at 813 Rathgar Ave. and rezone the subject property from “R1-M” Residential Single Family Medium to the “RMF-S” Residential Multi-Family Small district.
- The existing single family dwelling on site is set to be demolished and a new four (4) unit multi-family townhouse development is being proposed for construction on the subject site.
- The proposed site plan and renderings for 813 Rathgar Ave. were originally submitted to the Urban Planning Division for review as a five (5) unit townhouse. The Urban Planning Division provided feedback indicating their support for a four (4) unit building on site. The applicant was receptive of the Division’s feedback and has revised their proposal to reflect the subject four unit townhouse design.
- The applicant worked in collaboration with the Urban Planning Division on the current site plan and elevations prior to submitting their formal application. The proposed design

has taken cues from the existing neighbourhood context, blending traditional and contemporary architecture.

- The proposed development is a two storey, four unit townhouse with individual, street oriented entrances to each unit. The building has a tiered setback, which ensures front yard compatibility with neighbourhing uses while providing some additional visual interest. There are second floor balconies on the middle two units. The building has a pitched roof and uses masonry accents to produce an aesthetic that is compatible with the character of existing buildings in the Lord Roberts neighbourhood. Plan Approval is a condition of approval, which enables final review of proposed façade materials, landscaping detail and fencing location prior to the issuance of building permits.
- One motor vehicle parking space per unit will be provided on the subject property. There will also be 4 bicycle parking spaces incorporated into the development.
- A corresponding application for variances (DAV 17-153750D) is required to enable the proposed development.
- Variances have been requested for reduced lot area, reduced west corner side yard, insufficient landscaping, reduced front yard, parking supply, no accessible parking, no visitor parking, no east side yard for parking stall, parking stall length to a rear lane and locating a parking space within 10 feet of a window to a habitable room, parking stall buffering and parking stall dimension adjacent to a fence.
- The subject property is a corner lot that is triangular in shape. This lot geometry poses design challenges when undertaking the kind of context sensitive infill development that is supported by the Urban Planning Division at this location. Although there are numerous variances required to enable the proposed development, the proposed four (4) unit townhouse is compatible with the area context and is aligned with the vision for Mature Community infill development in the *Complete Communities* direction strategy.

REASON FOR APPLICATION

- Multiple family uses are not permitted in the “R1-M” Residential Single Family district.
- Given the subject property is a corner lot and is adjacent to a high density TOD neighbourhood, the Urban Planning Division is supportive of increased density at 813 Rathgar Ave.
- Based on the area of the subject property and the predominantly single family residential character east of the subject property, the “RMF-S” Residential Multi-Family Small district is the most suitable zone to enable the proposed four (4) unit multi-family townhouse development.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

- The subject property is located in the Areas of Stability - Mature Community policy area.
- *Complete Communities* states Mature Communities “present some of the best opportunities to accommodate infill development, to increase housing choice and to maximize the use of existing infrastructure.”

- Areas of Stability / Mature Communities Direction 1 in *Complete Communities* states the public service should "encourage conservation and upgrading of existing housing in mature areas and expand housing opportunities through infill development."
- Although the subject property is within the Mature Community policy area, it is directly adjacent to the Fort Rouge Yards Major Redevelopment site.
- Transformative Areas – Major Redevelopment Sites Direction 2 directs the public service to plan in a fashion that will "capitalize on the proximity of Major Redevelopment Sites to rapid transit and high frequency transit."
- More specifically Direction 2 directs the public service to "promote development in accordance with Transit Oriented Development principles."

The proposed four (4) unit residential building will add modest density to this Mature Neighbourhood in a context sensitive manner that is consistent with the direction established for Mature Communities as identified in the *Complete Communities* direction strategy.

A four (4) unit townhouse at this location is also complimentary to the ongoing development of the Fort Rouge Yards as a transit oriented neighbourhood. Adding four (4) units at this location within 235 metres of a rapid transit station is consistent with the principles of Transit Oriented Development and is consistent with the policies for Major Redevelopment Sites as identified in the *Complete Communities* direction strategy.

ZONING BY-LAW 200/2006

The proposed rezoning to "RMF-S" Residential Multi-Family Small will enable the construction of a four (4) unit multi-family townhouse development.

Zoning By-law 200/2006 describes the RMF zone as "intended to accommodate the development of multi-family units in areas with medium to high residential densities." Further, the by-law establishes the densities at which multi-family development can occur. Given the site area and the neighbourhood context, it was determined RMF-S, the lowest density multi-family district was most appropriate for the proposed development.

The RMF-S zoning district enables multiple family residential development to a density of one (1) unit per 1250 sq. ft. of site area. The subject property is 6607 sq. ft. allowing a maximum of five (5) units on site. Due to the geometry of the site and taking into account parking requirements and the RMF-S dimensional standards, it was determined four (4) units was appropriate at this location and is compatible with the existing neighbourhood context.

The RMF-S zone has the same maximum height of 35 feet as permitted in the adjacent "R1-M" Residential Single-Family Medium district. The RMF-S zone also has similar yard requirements to the R1-M zone. By choosing the RMF-S district, the proposed development is governed by dimensional standards which ensure compatibility with adjacent single family uses.

Lastly, by rezoning 813 Rathgar Ave to the RMF-S district that is within 250 metres (approximately a three (3) minute walk) of a rapid transit station, this project is adding transit oriented residential development to the Lord Roberts neighbourhood. This TOD development will provide residents with greater transportation mode choice while helping the City to achieve a more sustainable form of residential development.

For these reasons, the Urban Planning Division recommends **approval** of DASZ 23/17 at 813 Rathgar Ave. to rezone the subject property to "RMF-S" Residential Multi-Family Small district.

ADDITIONAL CONSIDERATIONS

- At the Administrative Coordinating Group (ACG) meeting on November 22, 2017 the Public Works Department informed the Urban Planning Division they would be requesting land to install a sidewalk along the western edge of the property, adjacent to Argue St. Based on the most recent information, Public Works will be proceeding with this request as part of the subject DASZ application.
- This sidewalk will be the first piece in establishing a continuous sidewalk connection on the east side of Argue St. which connects McKittrick Park located directly south of 813 Rathgar Ave to the Lord Robert Community Centre two blocks south.
- This sidewalk will be installed to a "back of curb" standard and can be accommodated without impacting the applicant's proposed site plan.

Conditions of approval

Plan approval

The site plan submitted to the City shows the general layout of buildings and parking on site. The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property for approval, prior to the issuance of any permits for the property.

By requiring plan approval as a condition of approval, the Urban Planning Division will have the opportunity to review final plans illustrating detailed designs, including the location of landscaping features, fencing and architectural materials prior to the issuance of building permits. This will ensure the proposed development is contextually suitable of high quality and built according to plan.

RECOMMENDATIONS

The Planning and Land Use Division recommend approval for the following reasons:

- The rezoning will result in a general improvement in the appearance and function of the property, providing new housing options in this Mature Community.
- The rezoning is consistent with the *Complete Communities* direction strategy and will contribute to the establishment of transit oriented residential development in the area.

RECOMMENDATIONS

The Urban Planning Division recommends this application be **approved** and the subject property be rezoned to the RMF-S – Residential Multi-Family Small district.

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

Report Prepared by: Dylan Harris, MCP
PPD File # DASZ 23/17 – 813 Rathgar Ave.

Schedule "A" for File DASZ 23/17, City Centre Community Committee, December 7, 2017

By-Law No. _____

File No. **DASZ 23/17**

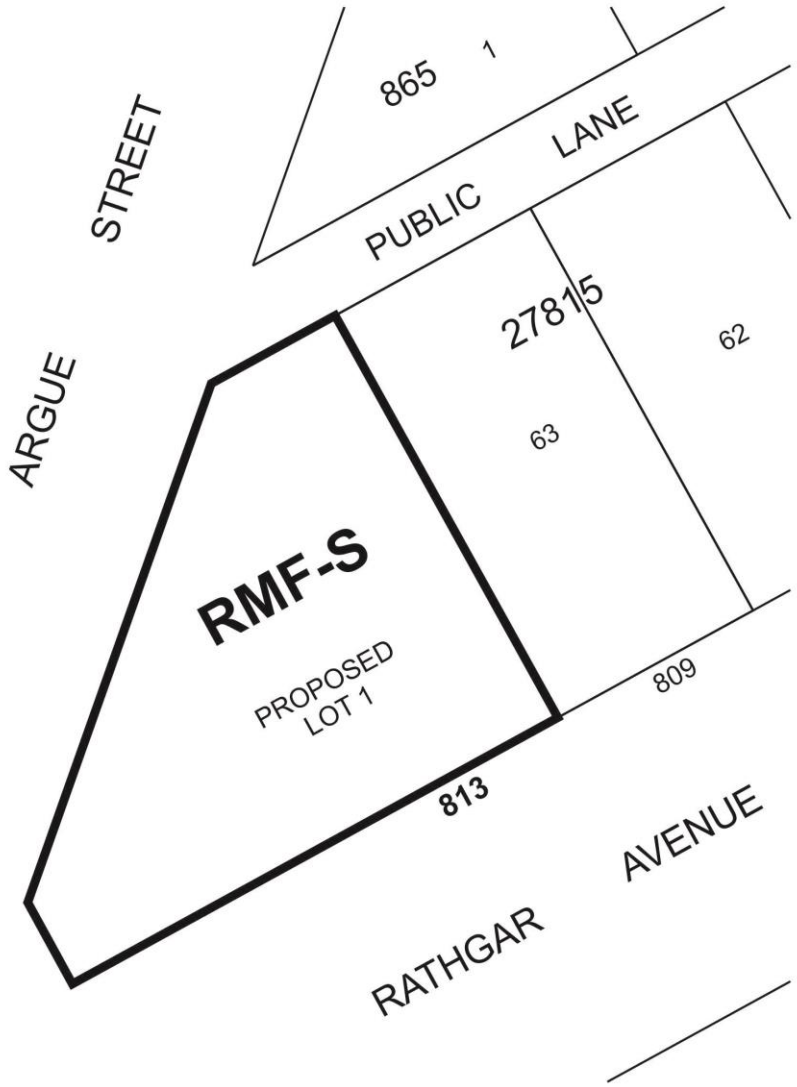
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AD24
CITY CENTRE
COMMUNITY

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 813 Rathgar Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to facilitate the consolidation of lands for the construction of a multi-family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – November 22, 2017

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 813 RATHGAR AVENUE – DASZ 23/2017

It is recommended that the approval of DASZ 23/2017, if granted, be subject to the applicant entering into a Servicing Agreement to address the following items:

A. PLAN CONSIDERATIONS

The Developer shall legally open, at no cost to the City, property required for a 0.687m widening to the public lane right-of-way along the full length of the subject property abutting the public lane, to the satisfaction of the Director of Public Works.

B. SERVICING CONSIDERATIONS

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

C. AGREEMENT CONDITIONS

SECTION I – SERVICING

Sidewalk

The Developer shall, at no cost to the City, construct a 1.8m wide Portland cement concrete sidewalk and all related works, back of curb, within Argue Street, abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

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.

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.

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.

SECTION II – 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, $2138.00 plus applicable 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 23/2017
December 6, 2017

(Original Signed By G.V. Jasper P.Eng.)

G.V. Jasper, P. Eng.,
Land Development Branch

(Original Signed By M. Gajda, P.Eng.)

M. Gajda, P. Eng.
Water & Waste Department

(Original Signed By C.J. Desjardine, M.Sc., P.Eng.)

C.J. Desjardine, M.Sc., P. Eng.
Public Works Department, Transportation Division

GVJ/gj