Minute No. 259
Report – Executive Policy Committee – April 9, 2019

Item No. 1 **Subdivision and Rezoning – 609 and 711 Leola Street; 710 Roanoke Street (Transcona Ward) File DASZ 7/2018 [c/r DAV 152089/2018D]**

COUNCIL DECISION:

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

1. That the subdivision under Development Application No. DASZ 7/2018 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated March 7th, 2019, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated February 15th, 2019, and attached as Schedule "B" to this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "RMF-S" Residential Multi-Family (Small) District as shown on the map dated March 7th, 2019, and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with 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. driveways;
            d. garbage enclosures;
            e. fencing;
            f. landscaping;
            g. bicycle parking; and

Report – Executive Policy Committee – April 9, 2019

COUNCIL DECISION (continued):

h. free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the East Kildonan - Transcona Community Committee 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.

3. That the City enter into, execute and deliver with the Developer

A. a Servicing Agreement in accordance with Recommendation 1; and

B. a Zoning Agreement in accordance with Recommendation 2,

and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 7/2018 as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

Report – Executive Policy Committee – April 9, 2019

COUNCIL DECISION (continued):

8. That the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

9. That the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

10. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with Recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

11. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

12. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 7/2018.

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

Report – Executive Policy Committee – April 9, 2019

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 9, 2019, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 19, 2019, the East Kildonan-Transcona 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 – 609 and 711 Leola Street;**
710 Roanoke Street
File DASZ 7/2018

For submission to: **Executive Policy Committee**

Prepared by: **Pieter Prinsloo, Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **March 20, 2019**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 19, 2019, the East Kildonan-Transcona 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 subdivision under Development Application No. DASZ 7/2018 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated March 7th, 2019, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated February 15th, 2019, and attached as Schedule "B" to this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "RMF-S" Residential Multi-Family (Small) District as shown on the map dated March 7th, 2019, and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with 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. driveways;

d. garbage enclosures;
e. fencing;
f. landscaping;
g. bicycle parking; and
h. free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the East Kildonan - Transcona Community Committee 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.

3. That the City enter into, execute and deliver with the Developer

A. a Servicing Agreement in accordance with Recommendation 1; and

B. a Zoning Agreement in accordance with Recommendation 2,

and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 7/2018 as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

8. That the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

9. That the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

10. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with Recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

11. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

12. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 7/2018.

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

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This is a piece of property that's been an institutional part of Transcona life for many residents, particularly the Assumption Hall seen many, many, Transconans pass through its doors over the years, not so many in the past years much to the chagrin of many, the one challenge that we have is that from a community change is tough and I am sure that we will hear people come forward after the fact with some challenges but the public service does have proof of signage, notifications were put out, open houses were held, leaflets dropped in the local area, it does appear everything possible was done to inform the local community of this matter.

2. I am supportive of this change.

PUBLIC HEARING SUMMARY

File: DASZ 7/2018

Before: East Kildonan-Transcona Community Committee
Councillor Browaty, Chairperson
Councillor Nason
Councillor Schreyer

Public Hearing: March 19, 2019
Council Building, 510 Main Street

Applicant: Gordon Gray, Discovery Homes

Subject:



APPLICANT: Discovery Homes
FILE: DASZ 7/2018
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, into three (3) lots to allow the construction of a multi-family dwelling use and the maintenance of a Place of Worship use and an Amusement Enterprise, Indoor use. **For information, phone Mr. Glen Doney, Planner at 204-986-2688.**

Premises Affected: 609 and 711 Leola Street; 710 Roanoke Street

Exhibits Filed:

1. Application dated September 10, 2018
2. Notification of Public Hearing dated October 31, 2018
3. Manitoba Status of Titles 2421112/1, 2421118/1, 2434721/1, 2363383/1, 2364746/1
4. Certificate of Titles 988890, 971064
5. Letter of authorization dated July 10, 2018 from La Paroisse Catholique de L'Assomption de Transcona to Discovery Homes
6. Letter of authorization dated July 24, 2018 from Alfred Gobeil and Lorraine Gobeil, Le Club Social de L'Assomption de Transcona Inc., to Discovery Homes
7. Letter of authorization dated August 20, 2018 from Richard Frechette, La Corporation Archiepiscopale Catholique Romaine de St. Boniface, to Discovery Homes
8. Surveyor's Building Location Certificate and sketch dated July 25, 2018
9. Municipal Wastewater Servicing Report for 609 Leola Street submitted by the Applicant
10. Drawing List, Site Plans, and Site Elevations package submitted by the Applicant, dated August 2, 2018
11. Drawing List, Site Plans, and Site Elevations package submitted by the Applicant, dated January 8, 2019
12. Plans (1 page)
13. Report from the Urban Planning Division dated March 7, 2019
14. Inspection Report
15. Presentation/Photos in support of the application submitted by the Applicant
16. Communication dated March 19, 2019, from Louise Hedman with respect to the application
17. Recording of Representations

REPRESENTATIONS:

In Support:

Richard Frechette
Gordon Gray
Barbara Myers
Raymond Simard
Murray Sloane

In Opposition

Nil

For Information:

Nil

For the City:

G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "13" referred to in File DASZ 7/2018

ADMINISTRATIVE REPORT

Title: DASZ 7/2018 – Southwest of Leola and Harvard East

Issue: Proposed Plan of Subdivision and Rezoning to Accommodate 30 Proposed Dwelling Units in Three Proposed Buildings and Related Works

Critical Path: East Kildonan – Transcona Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown 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, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 7/2018 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated March 7th, 2019, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

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         a) buildings;

b) accessory parking areas;
c) driveways;
d) garbage enclosures;
e) fencing;
f) landscaping;
g) bicycle parking; and
h) free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the East Kildonan - Transcona Community Committee 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.

3. That the City enter into, execute and deliver with the Developer

   A. a Servicing Agreement in accordance with Recommendation 1; and

   B. a Zoning Agreement in accordance with Recommendation 2,

   and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

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12. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 7/2018.

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

REASONS FOR REPORT

This report describes the proposed plan of subdivision and rezoning, and the proposed development, and makes recommendations based on their compliance with *OurWinnipeg* and *Complete Communities.*

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, the proposed plan of subdivision and rezoning can proceed.

CONSULTATION

The City's Administrative Coordinating Group was consulted in the preparation of this report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Glen Doney
Date: March 7th, 2019
File No. DASZ 7/2018

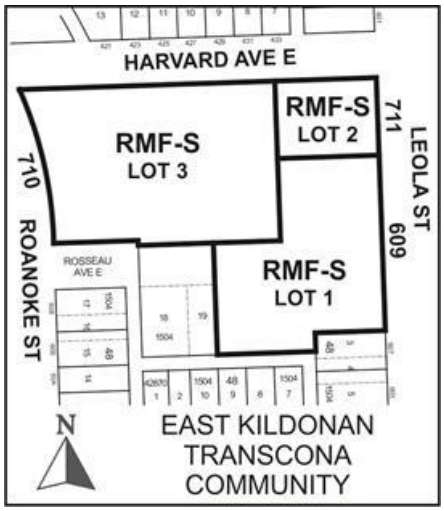
Attachments

- **Appendix "A," Planning Discussion**
- **Schedule "A," of File DASZ 7/2018, East Kildonan – Transcona Community Committee, dated March 7th, 2019**
- **Schedule "B,"** Report of the Administrative Coordinating Group dated February 15th, 2019.
-

APPENDIX "A," PLANNING DISCUSSION

DATE:	March 7th, 2019
FILE:	**DASZ 7/2018**
RELATED FILES:	DAV 18-152089D
COMMUNITY:	East Kildonan – Transcona
NEIGHBOURHOOD #:	4.406 (Kern Park)
SUBJECT:	Proposed Plan of Subdivision and Rezoning to Accommodate 30 Proposed Dwelling Units in Three Proposed Buildings and Related Works
LOCATION:	Southwest of Harvard Ave. East and Leola St.

LEGAL DESCRIPTION: Lots 1 – 23 of Block 1, Lots 1 & 2 & 20 – 22 of Block 48, Plan 1504; Closed Public Street and Closed Public Lanes



APPLICANT: Discovery Homes (Gordon Gray)
434 Archibald Street
Winnipeg, MB
R2J 0X5

OWNERS: La Corporation Archiepiscopale Catholique Romaine de St Boniface
Le Club Social de L'assumption de Transcona Inc.

La Paroisse Catholique de Notre Dame de L'assumption de Transcona

RECOMMENDATION: Approval Subject to Conditions

SITE DESCRIPTION

The subject site, identified on Figures 1 and 2:

- is at the southwest corner of Leola and Harvard Avenue East;
- is also at the southeast corner of Harvard Avenue East and Roanoke Street;
- is in the Kern Park Neighbourhood and the Transcona Ward;
- is 3.3 acres;
- is comprised of
  - three parcels of land owned by La Corporation Archiepiscopale Catholique Romaine de St Boniface,
  - two parcels of land owned by Le Club Social de L'assumption de Transcona Inc. and

- two parcels of land owned by La Paroisse Catholique de Notre Dame de L'assumption de Transcona;

- contains a parish hall, two places-of-worship and a building in-use as an indoor amusement enterprise (an air rifle club);
- is in a “R1-M” Residential Single-Family (Medium) District and an Urban Infill Area of Zoning By-law 200/2006; and
- is in a Mature Communities Policy Area of *OurWinnipeg* and *Complete Communities.*

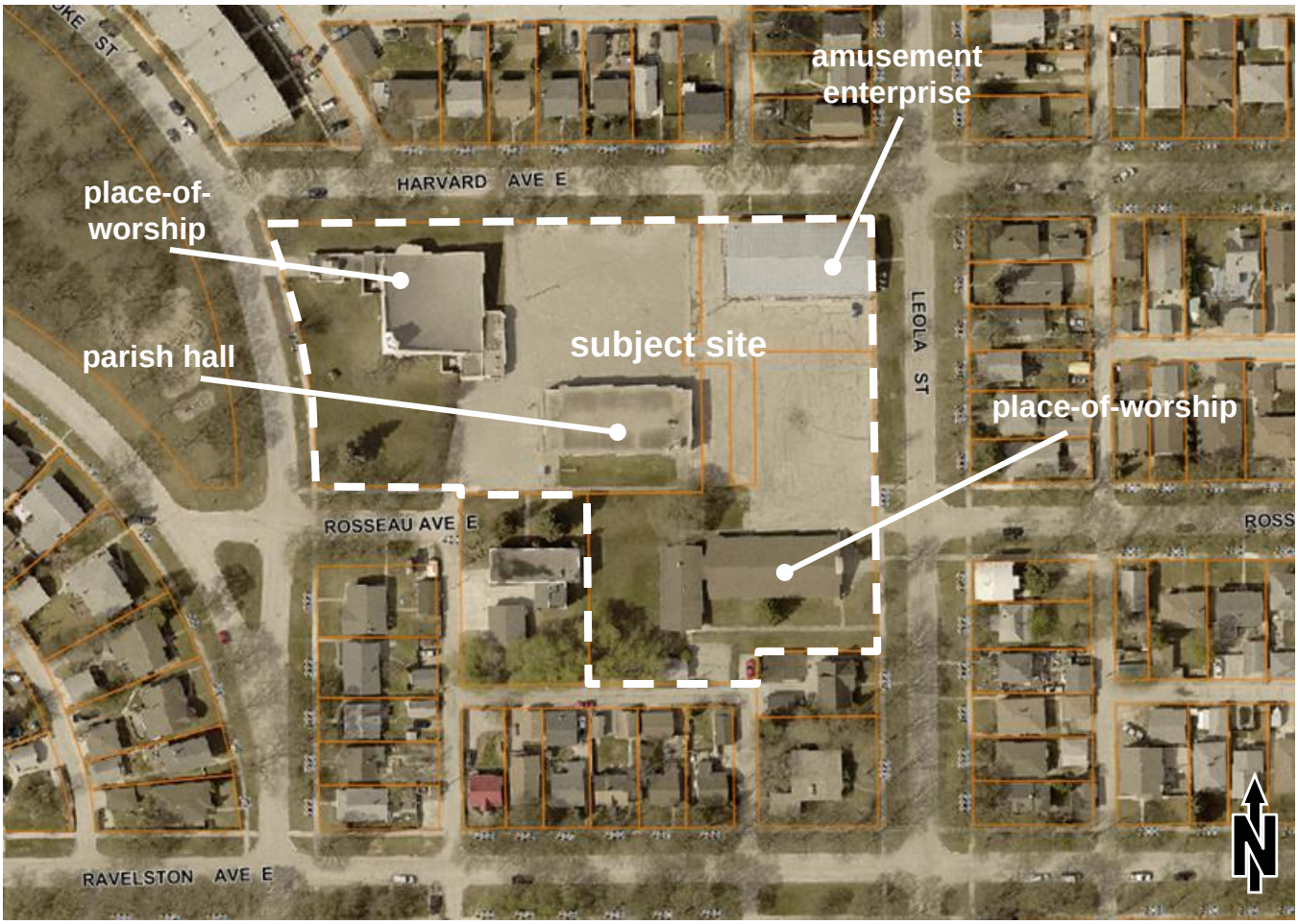


Figure 1: 2018 Aerial Photography and Assessment Parcels

SURROUNDING LAND USE AND ZONING

The area in which the site is located is shown on Figures 1 and 2.

North: Harvard Avenue East then
- a multi-family dwelling in a "RMF-M" Residential Multi-Family (Medium) District and
- single-family dwellings in a"R1-M" Residential Single-Family (Medium) District.

East: Leola Street then single-family dwellings in a "R1-M" District.

South: Rosseau Avenue East then single-family dwellings in a "R1-M" District, an assisted living facility in a "R1-M" district, a public lane then single-family dwellings in a "R1-M" District and a single-family dwelling in a "R1-M" District.

West: Roanoke Street then a park in a "PR1" Parks and Recreation 1 (Neighbourhood) District.

Also of note are:

- that public transit service is on Kildare Avenue East, to the north, and Regent Avenue East to the south; and

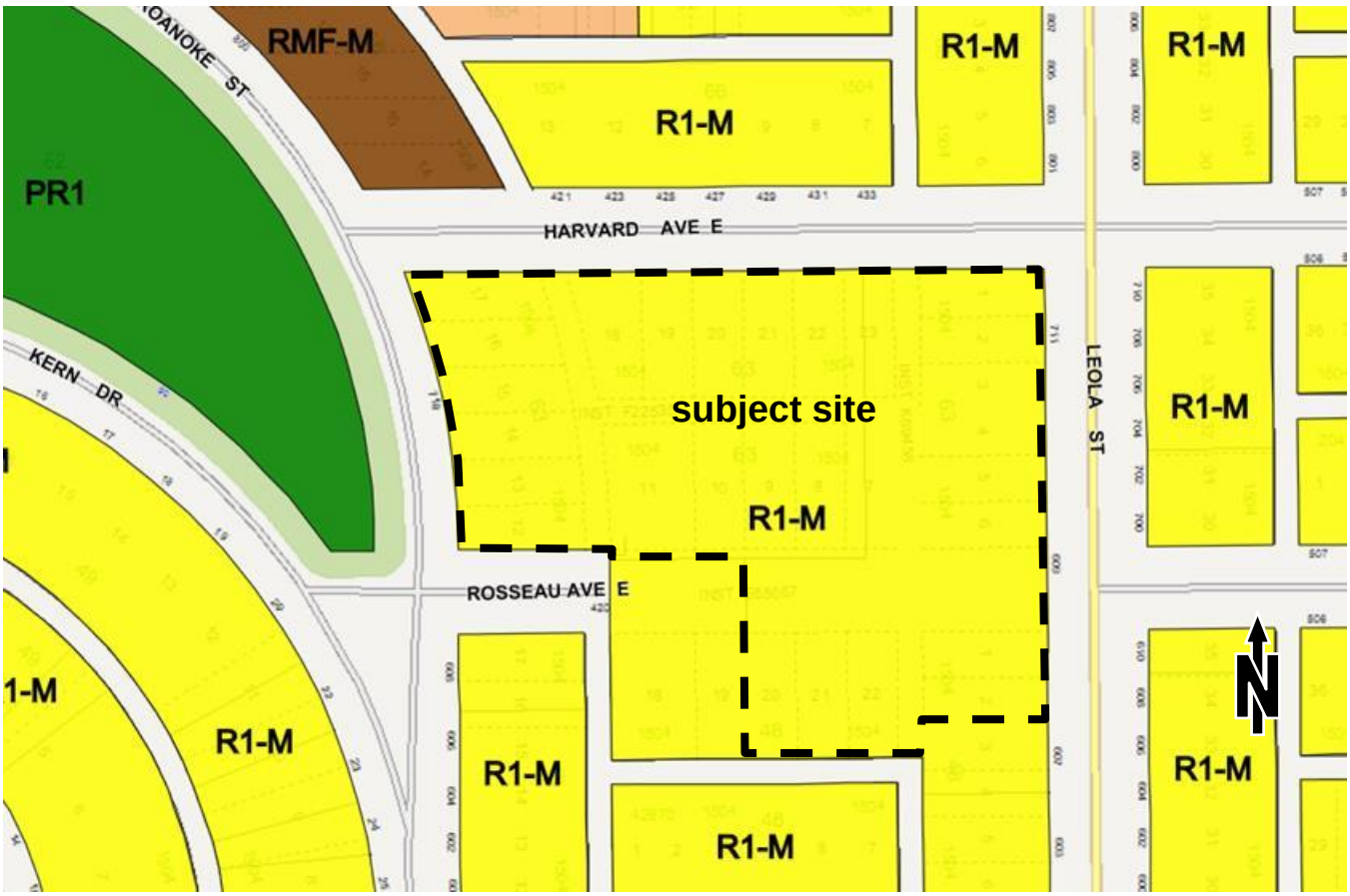


Figure 2: Existing Zoning

- that the full-range of municipal infrastructure is in the streets abutting the site.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed plan of subdivision and rezoning would create three lots zoned "RMF-S" Residential Single-Family (Small) from the subject site.

On the proposed southerly lot (proposed Lot 1), the applicants intend to:

- remove the existing place-of-worship (the one that is closest to Leola Street);
- construct three multi-family dwellings, containing a total of 30 dwelling units and
  - each being three storeys, less than 35 feet in height and containing six two-bedroom dwelling units and four one-bedroom dwelling units;
- construct surface parking containing 43 accessory parking spaces;
- construct walkways, fencing, and a garbage enclosure;
- erect bicycle racks outside; and
- establish landscaping.

The proposed northeasterly lot (proposed Lot 2) would encompass the existing amusement enterprise, an existing surface parking area containing 15 parking spaces and a planned driveway that would connect the development proposed on proposed Lot 1 to Harvard Avenue East. The long-term goal is to replace the existing structures and use on proposed Lot 2 with a multi-family dwelling similar to the ones that are currently intended to be built on proposed Lot 1.

The proposed northwesterly lot (proposed Lot 3) would encompass the place-of-worship that is close to Roanoke Street, the parish hall and the surface parking area that is accessory to these uses.

The maximum height limit of principal buildings in the "RMF-S" District is the same as in the "R1-M" District – 35 feet. The maximum density in the "RMF-S" District is 1250 square feet of lot area per dwelling unit (34.8 dwelling units per acre of lot area), whereas, in the "R1-M" District, it is 3500 square feet of lot area per dwelling unit (12.4 dwelling units per acre of lot area).

Variances, and a parking management plan, are also needed to accommodate the proposal. An administrative report on the variance application (File DAV 18-152089D) has been submitted and the parking management application is to be submitted soon.

One of the proposed variances is to permit the existing amusement enterprise, indoor, to remain on the site, on proposed Lot 2, for a period not exceeding five years (as required by *The City of Winnipeg Charter*).

Lastly of note are:

- that a draft application of an earlier version of the proposal was submitted to the City; and

- that the proponents held an open house in March 2018.

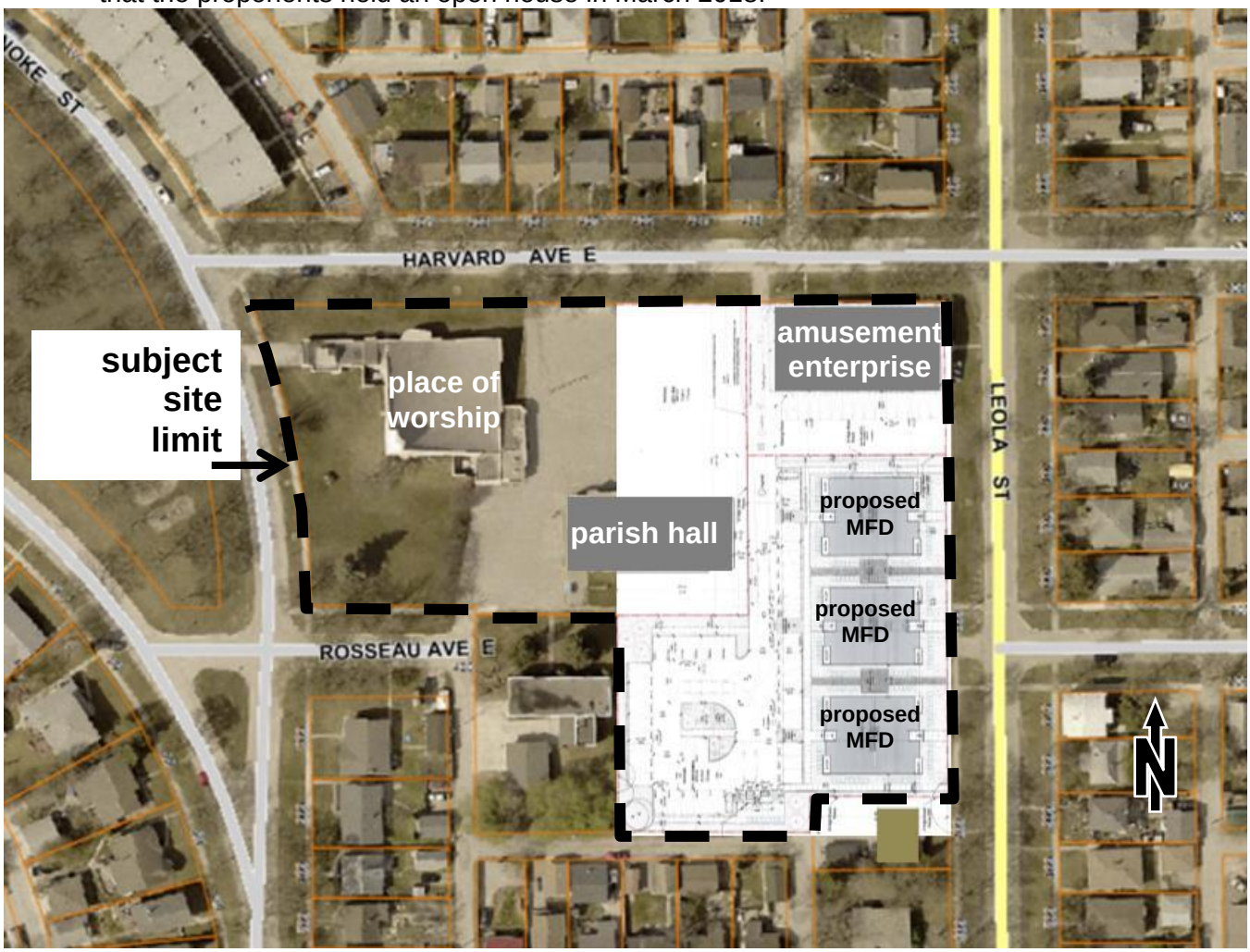


Figure 3: Existing Buildings and Proposed Multi-Family Dwellings (MFDs)

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES

OurWinnipeg is the City's development plan and *Complete Communities* is a Direction Strategy that contains additional policies on land use and development.

As previously stated, the subject site is in a Mature Communities Policy Area. The Key Direction of *OurWinnipeg* and *Complete Communities* that pertains to the Mature Communities Policy Area is in the Areas of Stability sections of these documents. It states:

Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.

The proposed development and the proposed plan of subdivision and rezoning comply with this Key Direction because:

- the proposed development would add to the supply of new dwelling units to the area;
- the site of the proposed development is in an area with the full range of municipal infrastructure, public transit service and other services; and
- a zoning agreement, requiring approval of plans of the proposed development by the East Kildonan – Transcona Community Committee and the Director of Planning Property and Development, can be a condition of approval and subsequently used to ensure the proposed development would enhance the quality of the neighbourhood.

The broad scope of this Key Direction indicates that the proposal complies with *OurWinnipeg* and *Complete* in general.

The policies of *Complete Communities* that pertain to the Mature Communities Policy Area and to the subject site in particular, state:

Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.

Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.

Encourage intensification to occur at centres and along corridors.

Support Complete Communities by ensuring diverse and high quality housing stock.

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.

The proposed development complies with these policies because:

- it would only add 30 dwelling units to the area;
- the proposed multi-family dwellings would be only three storeys and less than 35 feet in height;
- it would add to the supply of new one- and two-bedroom dwelling units to the area; and
- as previously stated, a zoning agreement, requiring approval of plans of the proposed development by the East Kildonan – Transcona Community Committee and the Director of Planning Property and Development, can be a condition of approval and subsequently used to ensure the proposed development would enhance the quality of the neighbourhood.

REASONS FOR THE RECOMMENDATIONS

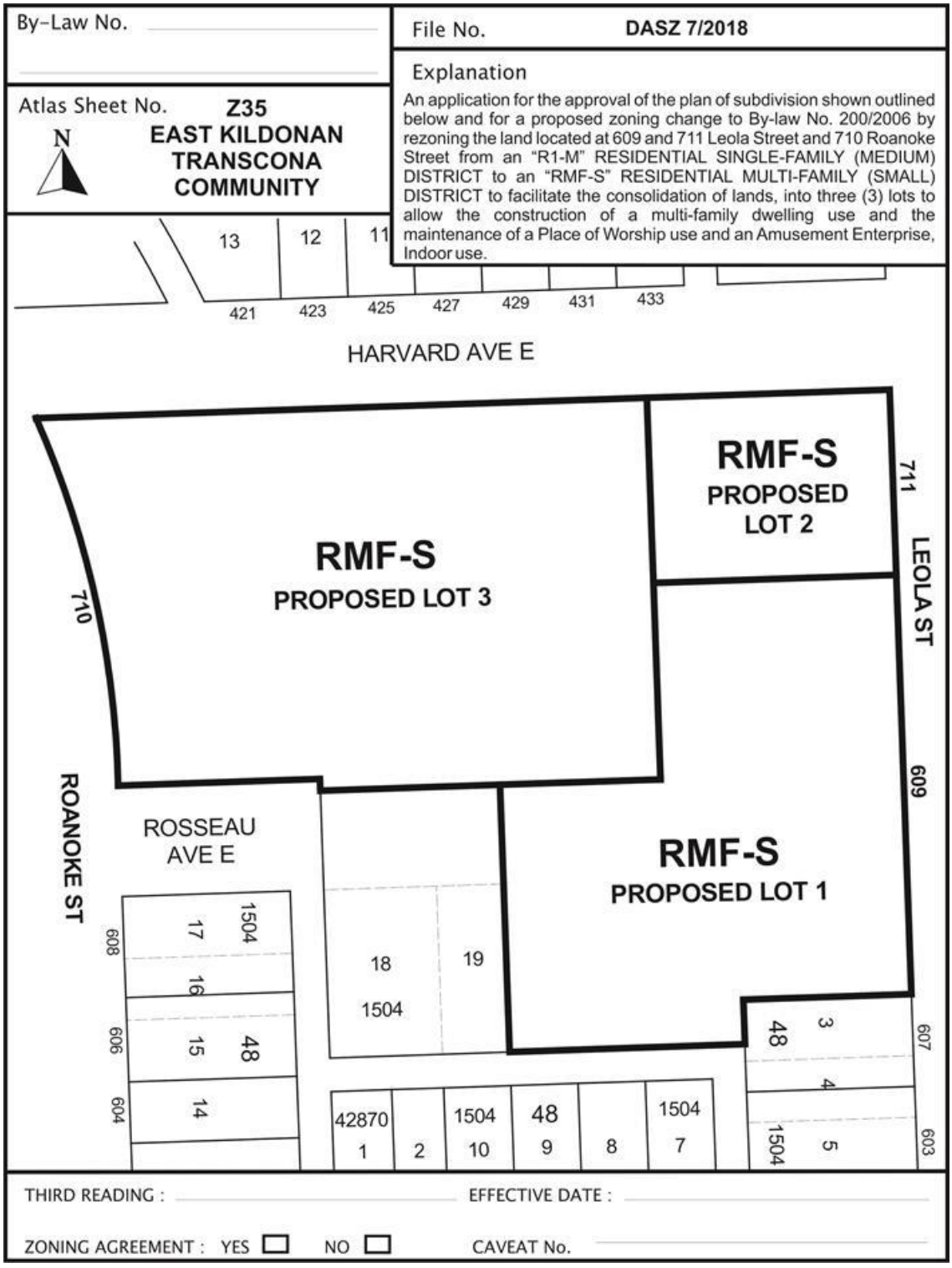
As described above, the proposed plan of subdivision and the proposed rezoning would comply with *OurWinnipeg* and *Complete Communities* if the proposed rezoning is approved subject to a zoning agreement being entered into that requires plans of the proposed development to be submitted to the East Kildonan – Transcona Community Committee and the Director of Planning Property and Development for their approval.

Therefore, the Urban Planning and Design Division recommends approval of DASZ 7/2018 provided the aforementioned zoning agreement is entered into and registered as a caveat on the title to the subject site. We recommend that this zoning agreement apply to all of the proposed lots because all of them are to be rezoned to “RMF-S” Residential Multi-Family (Small).

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

Report Prepared by:
Glen Doney
PPD File #:
DASZ 7/2018

SCHEDULE "A" OF FILE DASZ 7/2018, East Kildonan – Transcona Community Committee, dated March 7th, 2019



SCHEDULE "B"
Report of the Administrative Co-Ordinating Group, dated February 15, 2019

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 609 & 711 LEOLA STREET & ROANOKE STREET EAST KILDONAN- TRANSCONA COMMUNITY - FILE NO. DASZ 7/2018

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 7/2018. The applicant should take into consideration the following servicing and design requirements and enter into a servicing agreement in the redevelopment of the site:

1) Water Assessment

Our preliminary assessment indicates that there is not adequate fire flow for wood-framed construction and no sprinkler system.

The Developer shall either:

a) Propose building construction upgrades to demonstrate compliance with fire flow requirements (http://winnipeg.ca/waterandwaste/dept/waterdemand.stm) at the building permit stage. In order to achieve adequate fire flow, measures such as splitting the building area with a firewall, adding a sprinkler system and/or upgrading to non-combustible construction are needed; or

b) Reduce the proposed density and adjust their proposed site plan to match existing service levels

2) Private Approach

The proposed private approach is non-conforming under the Private Access By-Law. The Public Works Department does not have authority to approve non-conforming private approaches and those applications need to be heard by the appropriate Standing Policy Committee.

3) Sidewalks

The Developer shall, at no expense to the City, construct 1.5m wide by 100mm thick Portland cement concrete sidewalks and all related works, on the standard alignment, 0.3m off of the property line, on the south side of Harvard Avenue East

between Leola Street and Roanoke Street and the west of Leola Street between Rosseau Avenue East and Harvard Avenue East, as determined by and to the satisfaction of the Director of Public Works.

4) Cross-Access Easement Agreement

The Developer and all successors in title to the lots in the subdivision shall enter into, and register at the Winnipeg Land Titles Office (WLTO) under Section 76 of the Real Property Act and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure vehicular access to every lot at all times, via streets or internal roads.

The cross-access agreement shall be reviewed and approved by the Public Works Department prior to registration at WLTO.

5) 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.

6) 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.

7) 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.

8) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

9) 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.

10) 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.

11) Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, an administration fee of $2138.00 per acre 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 7/2018
February 15, 2019

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

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

"Original Signed By C.J. Desjardine"

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

Exhibit "12" referred to in File DASZ 7/2018

