ATTACHMENT B

TABLE: 1 Detailed Review of ADMINISTRATION REPORT DATED OCTOBER 29, 2020

Parker Lands Secondary Plan (SP 1/2018)

	City Statement	APPLICANT COMMENTS
	ANALYSIS	
	The Public Service has identified issues with the Plan, some of which are minor in nature, while others are more substantive.	
	1 ISSUE 1	
	The Plan Area does not meet the land use mix criteria or locational attributes to warrant development consistent with the 'Urban Neighbourhood' TOD Type (as described in the Winnipeg TOD Handbook).	
	Land Use Mix and Accessibility: Amenities	***RAIL LINES!***
	The CNR Rivers Main line represents a major barrier for accessing amenities north of the Plan Area. [emphasis mine]. 4th PARAGRAPH, PAGE 11. Assuming that such a connection could be established, the 'Urban Neighbourhood TOD' Type would be considered appropriate for the subject land. 3rd PARAGRAPH, PAGE 13.	**I. APPLICANT COMMENTS** The applicant is unable to fully and properly respond because the City has refused to allow the applicant to use relevant internal City documents in this process. On November 13, 2018 during the Public Hearing for File DASZ 12/2018 the Public Service confirmed that the railways will not deal with Private Developers regarding rail crossings. Thus, the obligation is on the Public Service to contact CN to make such a crossing happen. (see pages 98 and 99, *Public Hearing Transcript DASZ Application*).

	Due to the physical constraints of the Parker Lands, the proposed Urban Neighbourhood TOD Type is not supported. 4th PARAGRAPH, PAGE 13. **Without a walkable connection to the existing amenities north of the rail line, and/or other residential neighbourhoods, such as the Beaumont Neighbourhood**, the Urban Neighbourhood TOD portion of the Parker Lands is isolated. This isolation from existing amenities and neighbourhoods makes it unlikely for the proposed TOD area to develop land uses that would qualify as being the same as the 'Urban Centre' TOD Type, but at a slightly lower density. [emphasis mine] 4th PARAGRAPH, PAGE 15. **Based on the limited access to amenities and adjacent neighbourhoods**, development of the Parker Lands should be consistent with the 'Neighbourhood – Medium Density' TOD as characterized in the *TOD Handbook.* [emphasis mine] 5th PARAGRAPH, PAGE 15.	City of Winnipeg Planner Michael Robinson confirmed at the Public Hearing on November 13, 2018 that he had no communication with CN on this matter; had made no attempts to communicate with CN on this matter; and made no commitment to any future attempts at communicating with CN on this matter. (see pages 98 and 99, *Public Hearing Transcript DASZ Application*). On October 26, 2020 the Applicant asked if the Public Service held any communication with CN regarding a pedestrian/cycling connection from the site across the railroad tracks to Grant Park. The Applicants points to **II. Applicant Comments** where we substantiate with facts, overlooked by the Public Service, to cast doubt on the need for a multi-modal connection to the amenities [grocery store] on the northside of the rail tracks.

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The Plan Area does not meet the land use mix criteria or locational attributes to warrant development consistent with the 'Urban Neighbourhood' TOD Type (as described in the Winnipeg TOD Handbook).

Land Use Mix and Accessibility: Amenities ***GROCERIES!***

For instance, while the distance to these regional amenities/centres may be within the first 400m to 800m from the SWBRT station, **the 'walking' distance from the highest residential density of the Plan Area to the Sobey's is 2.6 kilometres.**

[emphasis mine]

2nd PARAGRAPH, PAGE 21.

CONCLUSION
The Plan Area does not meet the criteria for 'Urban Neighbourhood' TOD Type development due to limited potential land use mix resulting from **the isolation of the Parker lands from amenities and adjacent neighbourhoods**.

[emphasis mine]

4th PARAGRAPH, PAGE 15.

II. APPLICANT COMMENTS

This is information that is misleading Council.

The Applicant has pointed out this disingenuous statement to the Public Service on multiple occasions including September 19, 2018, yet this incorrect statement persists to mislead Council.

The City Planner's position on accessibility is in direct contrast to Council's goal of improving access for all residents and specifically residents along the Southwest Rapid Transit Corridor.

This statement refutes the value of transit and the $500M spent to improve access for residents of this neighborhood to access services throughout the city.

Public transit and active transportation infrastructure are meant to support the transportation choices of residents within Parker Lands and the surrounding communities.

Most concerning is the purposeful decision by the Mr. Platt to identify the one amenity (a grocery store on

	Based on the limited access to amenities and adjacent neighbourhoods, development of the Parker Lands should be consistent with the 'Neighbourhood – Medium Density' TOD as characterized in the *TOD Handbook.* [emphasis mine] 5th PARAGRAPH, PAGE 15.	Taylor) that is the not the closest option for Parker Lands residents, and the transportation choice that is the longest [walking]. This illustrates the unfair and bias treatment towards the Developer and his consulting team as there are other grocery stores in closer proximity: ▪ Piazza di Nardi is about 1.1 km away from the low-density area and 1.4 km from the high-density area. ▪ Safeway at 1305 Pembina is 1.8 km away from the densest part of the site. Comparatively, the following are much longer walking distances for local residents in Winnipeg neighbourhoods to reach a grocery store: ➢ River Heights resident at the corner of Queenston and Kingsway [Queenston School]: ▪ Safeway 2025 Corydon Avenue is 2.4 km. ▪ Safeway 612 Ness Ave is 2.5 km. ▪ Co-op Grant Park Mall is 2.8 km. ➢ Lindenwoods resident on Royal York Drive: ▪ Co-op Store Seasons of Tuxedo is 2.3 km. ▪ Safeway 1609 Kenaston Blvd is 2.6 km. ▪ Sobeys on Taylor Avenue is 2.7 km.

		➢ Sage Creek resident on Red Sky DR has walking distance of 2.3 km to the Sobeys Sage Creek. ➢ North St. Boniface resident on Rue Messager has a walking distance of 2.1 km to the No Frills on Marion Street. And there are other modes of transportation as Mr. Platt does not take into account that residents will actually use the Beaumont Rapid Transit Station for transit service and take a bus to the nearest large format grocery store at 1305 Pembina where Winnipeg Transit's on-line Navigo indicates [*see ATTACHMENT C Winnipeg Transit Planner]* the following travel times: ▪ **13 minutes** with four (4) other options of 14 -19 minutes on a Tuesday morning, noon time arrival. ▪ **13 minutes** with three (3) other options of 13 - 14 minutes on a Tuesday afternoon, 530 pm time arrival. ▪ **12 minutes** with three (3) other options of 14-16 minutes on a Saturday morning, noon time arrival. Mr. Platt additionally does not consider that residents will actually use locally available sources for acquiring food, as grocery stores in Fulton Grove are permitted: *Policy 3.5.2.1 specifically allows for commercial, institutional and educational uses within the first 400 metres of the Rapid Transit Station –*

see Mr. Platt's October 16, 2020 communication.

The proposed TOD District permits a number of commercial uses. see 9th PARAGRAPH, PAGE 20

The accompanying PDO submitted by the Applicant states that commercial uses are limited to streets with a right-of-way width of 72 feet or greater. (see 1st PARAGRAPH, PAGE 21. Fulton Grove Subdivision (DASZ 12/2018))

The Applicant points to the *Winnipeg Zoning By-law 200/2006 Section 90 Retail Sales Uses* where the TOD Zone [and C2 Zone] permits retail sales to a maximum of 40,000 square feet.

- Save-On-Foods store sizes range in size of 40,000 – 60,000 square feet, see *ATTACHMENT D – Save on Foods media release*.
- FreshCo store sizes are approximately 45,000 square feet, see *ATTACHMENT E – Sobeys Media Report.*

Accessing groceries in Fulton Grove by walking 400 to 600 metres will be possible for residents, but only if the TOD PDO Zone is approved.

3	**ISSUE 1**	
The Plan Area does not meet the land use mix criteria or locational attributes to warrant development consistent with the 'Urban Neighbourhood' TOD Type (as described in the Winnipeg TOD Handbook).		
Land Use Mix and Accessibility: Amenities	***CLASS B COMMERCIAL!***	
	Without Class B Commercial integrated into the land use mix or *good access to other regional and sub-regional centres,* it would be inappropriate to designate the TOD portion of the Plan for development consistent with the 'Urban Neighbourhood TOD Type', [emphasis mine] 3RD PARAGRAPH, PAGE 13. *CONCLUSION* The Plan Area does not meet the criteria for 'Urban Neighbourhood' TOD Type development **due to limited potential land use mix** resulting from the isolation of the Parker lands from amenities and adjacent neighbourhoods. [emphasis mine] 4th PARAGRAPH, PAGE 15.	**III. APPLICANT COMMENTS** This is information that is misleading Council. Fulton Grove is proposing to have Class B commercial, meeting the requirements of the Urban Neighbourhood TOD Type. Mr. Platt is confusing how Class B commercial is defined. The Applicant points to the *ATTACHMENT I BOMA Canada Office Building Classification Guide:* building classification in real estate are based-on quality of the buildings core and shell, fixtures, etc. *Class B buildings compete for a wide range of users at average rental rates for their market area.* *Criteria:* ▪ *A grade below Class A.* ▪ *Slightly older buildings – Good management, quality tenants.* ▪ *Building finishes – Fair to good.* ▪ *Good quality systems – Not at Class A level.*

		▪ *Can be targeted by investors planning renovations to restore them to Class A.* ▪ *Well maintained – Functional.* ▪ *Average rental rates.* *Class B - Can be located outside of the CBD or within the district of class A buildings. Their location is less identifiable. (see page 10, BOMA Canada Office Building Classification.)* Mr. Platt is discounting Class B commercial being encouraged in Fulton Grove as such a land-use is enabled and permitted in the Parker Lands Secondary Plan and Parker Lands TOD PDO zoning: *Policy 3.5.2.1 specifically allows for commercial, institutional and educational uses within the first 400 metres of the Rapid Transit Station*. (see Mr. Platt's October 16, 2020 communication) *The proposed TOD District permits a number of commercial uses. (see 9th PARAGRAPH, PAGE 20 Fulton Grove Subdivision (DASZ 12/2018 Administration Report November 2, 2020))* *The accompanying PDO submitted by the Applicant states that commercial uses are limited to streets with a right-of-way width of 72 feet or greater. (see 1st PARAGRAPH, PAGE*

		21. Fulton Grove Subdivision (DASZ 12/2018 Administration Report November 2, 2020)) The Applicant points to the *Winnipeg Zoning By-law 200/2006 Section 90 Retail Sales Uses* where the TOD Zone [and C2 Zone] permits retail sales to a maximum of 40,000 square feet. ▪ Save-On-Foods store sizes range in size of 40,000 – 60,000 square feet, see *ATTACHMENT D – Save on Foods media release*. ▪ FreshCo store sizes are approximately 45,000 square feet, *ATTACHMENT E – Sobeys Media Report*. The Applicant points to the *Fulton Grove Subdivision DASZ 12/2018 Administration Report November 2, 2020* where the Public Service continues to recommend a reduction of the permitted grocery store sizes, from 40,000 square feet to 5,000 square feet, effectively reducing the size of the Class B commercial space in Fulton Grove. The Applicant further points to the *Fulton Grove Subdivision DASZ 12/2018 Administration Report November 2, 2020* where the Public Service states, falsely, that commercial will occur through the entire development under the TOD PDO. There is apparently too much commercial for the author of *DASZ 12/2018 Administration Report* and not enough according to Mr. Platt.

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The Plan Area does not meet the land use mix criteria or locational attributes to warrant development consistent with the 'Urban Neighbourhood' TOD Type (as described in the Winnipeg TOD Handbook).

Land Use Mix and Accessibility: Adjacent Neighbourhoods *RINGS v. CORRIDORS*

Context

The TOD Handbook characterizes the 'Urban Neighbourhood' TOD Type as the next ring of development from downtown (Urban Centre TOD) and having the same land uses as the urban centre, but at a slightly lower density (section 4.E).

Neighbourhoods surrounding the downtown, such as Osborne Village, are considered as being located in ***the next ring of development*** **from downtown.**

[emphasis mine]

1ST PARAGRAPH, PAGE 15.

The Parker Lands are no closer than 4km from downtown and are not located in ***the next ring of development*** **from downtown.**

[emphasis mine]

4th PARAGRAPH, PAGE 15.

IV. APPLICANT COMMENTS

These are false and misleading statements.

High density development has historically located along transportation corridors in Winnipeg, not in radiating circles out from the Downtown.

Corridor expansion has always been accompanied by high density development. It is a misnomer that Winnipeg developed in concentric circles with high density decanting to lower density in an orderly, phased fashion from downtown outward. Rather, growth has occurred around corridors throughout various parts of the city over the last century.

- 1900 – 1946 Streetcar Era, when dense, compact development occurred along linear streetcar networks given rise to the 'apartment streets' such as South Osborne Street.
- 1947 – 1970 expansion of key circulation corridors such as Portage Avenue (west), Main Street (north), Henderson Highway, St. Mary's Road and St. Anne's Road in St. Vital, and Pembina Highway in Fort

		Garry with density being located along these key bus and car routes. ▪ 1971 – 2009 during this era there is a significant shift from high-density corridor tower development to low density suburban multi-family (rental and condo) development. Suburban subdivision planning started to integrate multi-family apartment buildings into their developments along interior streets or in centres adjacent to small suburban shopping centres. A few examples include Moray Village in St James, Southdale shopping centre, Fort Richmond Plaza, and Waverley West Town Centre. The above eras can be witnessed today across Winnipeg with density at locations such as Pembina and Chancellor, North Henderson Hwy, Portage Avenue at Mount Royal, Archibald and Fermor, etc. A registered professional planner has completed an entire report on this entitled *A Historical Analysis of Residential Development Densities in Winnipeg* as ATTACHMENT K.

5 ISSUE 1

The Plan Area does not meet the land use mix criteria or locational attributes to warrant development consistent with the 'Urban Neighbourhood' TOD Type (as described in the Winnipeg TOD Handbook).

Land Use Mix and Accessibility: Adjacent Neighbourhoods ***BEAUMONT!***

	Therefore, justifying the application of the 'Urban Neighbourhood of the 'Urban Neighbourhood' TOD Type **cannot rely on accessibility of the TOD from adjacent neighbourhoods**. [emphasis mine] 1st PARAGRAPH, PAGE 15. **Without a walkable connection to the existing amenities north of the rail line, and/or other residential neighbourhoods, such as the Beaumont Neighbourhood**, the Urban Neighbourhood TOD portion of the Parker Lands is isolated. This isolation from existing amenities and neighbourhoods makes it unlikely for the proposed TOD area to develop land uses that would qualify as being the same as the 'Urban Centre' TOD Type, but at a slightly lower density. 4th PARAGRAPH, PAGE 15. *CONCLUSION* The Plan Area does not meet the criteria for 'Urban Neighbourhood' TOD Type development due to limited	**V. APPLICANT COMMENTS** This is disinformation and false statements. The Applicant has pointed out this disingenuous statement to the Public Service on multiple occasions including September 19, 2018, yet this incorrect statement persists to mislead Council. This assertion ignores that if cars can travel through the hydro-electric corridor and the SWBRT, then people can cross as well. If that were not the case, no one from the Beaumont neighbourhood would be able to access the new BRT Station - which is located on the opposite side of the so-called 'barriers'. **If these statements were accurate, this would mean that nearly every BRT Station on the SWBRT is functionally obsolete:** ▪ Beaumont Station is functionally obsolete as the same barriers, Parker Avenue, the Hydro Corridors

	potential land use mix resulting from the isolation of the Parker lands from amenities and adjacent neighbourhoods. 4th PARAGRAPH, PAGE 15.	and the SWBRT, endure between the existing 2,310 residents of Beaumont and the BRT Station. ▪ Seel Station is functionally obsolete with a Hydro Corridor and SWBRT between the existing residents of Beaumont and the BRT Station. ▪ Plaza Station is functionally obsolete as the MRS Bishop Grandin Crossing is physically separated from the BRT Station by a Hydro Corridor, the SWBRT and Rail Tracks. ▪ Clarence Station is functionally obsolete with Hydro Corridor and SWBRT between the existing 2,500 residents of the Maybank Neighbourhood and the BRT Station. ▪ Chancellor, Southpark and Markham Stations are all functionally obsolete as the entire Waverley Heights Neighbourhood of 5,180 residents are not able to access any BRT Stations due to barriers such as train tracks and the SWBRT that are between the residents the stations. Yet, *Winnipeg Transit Navigo* indicates a typical house in Beaumont can walk through the Beaumont Station 'barriers' within minutes to reach the Beaumont BRT Station. These same walkable connections will be used by residents of Fulton Grove going in the other direction to access Beaumont Neighbourhood. The Applicant points to the City spending $650 M to provide improved access to this site, Beaumont and all the surrounding neighbourhoods:

		▪ approx. $ 150 M to construct the Waverley underpass which improves connectivity from the neighborhood to Grant Avenue, Taylor Avenue and Pembina Highway businesses, amenities and services. ▪ approx. $ 500 M to complete Phase 2 of the Southwest Rapid Transit Corridor (including active transportation – walking paths and bike lanes) to allow residents access to areas along the corridor stretching from Downtown to the University of Manitoba, and all points in between. The new information SUBMITTED 29 OCTOBER 2018 includes a Plan of Subdivision clearly shows the eastern portion of Fulton Grove extending past the eastern terminus of Hurst Way. The concept plan that the Public Service provided on October 29, 2018 clearly shows ten (10) pathway connections to the multi-use path south of the development, along the north side of Hurst Way that connects to the BRT Station east of the Hurst Way terminus. This means that a pedestrian / cyclist does not require to cross Hurst Way to reach the Beaumont Neighbourhood and only needs to cross the SWBRT, the Hydro Corridor and Parker Avenue – same as Beaumont residents accessing the Beaumont Station. Same as residents in existing neighbourhoods are accessing the

		SWBRT stations and the amenities of nearby neighbourhoods. The distance shown on *Figure 10 – Distance to Beaumont Neighbourhood* from the Planning Report (between the south end of Fulton Grove and the north end of Beaumont), is shown as 280 metres. Such a distance **translates to approximately a 3-minute walk** to cross the barriers**.** Fulton Grove walking distances to the following in Beaumont Neighbourhood are: ▪ General Byng School [K-9], 12 minutes [950 m]. ▪ Fort Garry Community Centre is 10 minutes. ▪ Beaumont Park is 10 minutes. ▪ Parker Tot Lot Community Gardens is 6 minutes. ▪ Brenda Leipsic Dog Park is 3-5 minutes. These are reasonable walking distances: Pembina Trails School Division Students in kindergarten to Grade 6 are eligible for transportation to their catchment school, if their home address is more than 1.6 km walking distance from their catchment school (see *ATTACHMENT M – Pembina Trails School Division Bus Transport Policy*).

6 ISSUE 2

The Plan does not provide sufficient detail to allow for the Public Service to effectively evaluate future development proposals in the 'Urban Neighbourhood Policy Area' portion of the Plan Area.

BACKGROUND

One Policy Area? v. Multiple Policy Areas?

LACK OF CLARITY!

	If enacted as Provincial Legislation in its current form, Bill 48 will require that Councillors provide a written rationale for their decisions based on established policy. This means that the policies provided in a secondary plan need to clearly communicate where a given type of development may be acceptable or not acceptable, within the plan area, and at what intensity. 1st PARAGRAPH, PAGE 17. The Public Service recommends that the proposed 'Urban Neighbourhood Policy Area' within the Applicant's submitted **Plan be divided into three (3) sub-areas** to more clearly articulate the types and intensities of development appropriate at which locations of the Plan Area. [emphasis mine] 2nd PARAGRAPHS, PAGE 17.	**VI. APPLICANT COMMENTS** This is a false statement. The Applicant has pointed out this disingenuous statement to the Public Service on multiple occasions including September 19, 2018, yet Mr. Platt continues to suggest the quality of the format, that issues with information presentation, etc. are inherently flawed in this secondary plan document. **Council has repeatedly been able to provide written rationales for rejecting the associated DASZ for this matter, in-lieu of any secondary plan.** Michael Robinson/Braden Smith Administrative Report for DASZ 12/2018 dated November 1, 2018 make no claims the Secondary Plan did not allow them to evaluate the proposal, nor allow them the ability to provide a written rationale on this matter.

	Therefore, it is important that the Plan provides clear policies by which to evaluate future development applications. 5th PARAGRAPHS, PAGE 17. *CONCLUSION* It is recommended that the proposed 'Urban Neighbourhood Policy Area' be divided into at least three (3) sub-areas to more clearly articulate the types and intensities of development appropriate at which locations of the Plan Area. The Plan will need to be altered accordingly. 4th PARAGRAPHS, PAGE 21. The Plan does not provide clear policies to properly evaluate development proposals, or adequately support the written rationale for decisions made on the future development proposals (ie. PDO Amendments) within the Plan Area. 3rd PARAGRAPH PAGE 21.	The Applicant makes no claims Messrs. Robinson and Smith's ***faulty assessment*** is linked to 'content' of the Secondary Plan of having only one policy area. 78 % of the Parker Lands Secondary Plan reflects the direction and language of the Public Service. Attached is a colour-coded Secondary Plan that indicates areas of input, review, comments and changes by the Public Service over the years on the final Plan. The Planning profession does not mandate the content, format, organization or structure of general plans, topical plans, secondary plans, or zoning codes. And, the Planning Profession does not have a standard template or structure for the organization or format of development plans, topical plans, secondary plans, or zoning codes. At best, there are guidelines available by the American Planning Association, but no universal standard for defining what is considered a 'proper' format/organization. Some municipalities such as the Cities of Victoria and Regina will indicate in their comprehensive general plans (Official Plans, Development Plans, etc.) what the content or matters to be addressed in the secondary plans, but not the organization, format or structure. No such guideline for format/organization is in Winnipeg's Development Plan or the *City of Winnipeg Charter Act*.

		Third, the Parker Lands Secondary Plan format and organization was baselined against existing City of Winnipeg secondary plans, as well as a cross jurisdictional analysis of secondary plans from Manitoba, Canada, and the United States of America (see *ATTACHMENT F - Cross Jurisdictional Review Secondary Plans LIST* and *ATTACHMENT G – Compare and Contrast the Organization and Format Parker Lands Secondary Plans to Winnipeg's Secondary Plans, 2000 – 2020).* ➢ + 25 non-statutory and statutory plans in Winnipeg. ➢ + 25 non-statutory and statutory plans in Manitoba. ➢ + 65 non-statutory and statutory plans from Canada. ➢ + 20 non-statutory and statutory plans from the United States of America. The organization and format of secondary plans (also called specific plans, area specific plans, area structure plans, local area plans, etc.) differ between and within jurisdictions including the City of Winnipeg. However, there are many common features found in secondary plans including but not limited to: • Introduction - statement regarding the purpose of the plan.

		• Planning Area - description of the sub-area(s) effected by the plan. • Vision/Goal - outline of the vision or goal of the plan. • Policies - policy statements. • Maps - maps illustrating the subject planning area and the policy areas. • Administration – an administration component for the planning document. The organization and format of the Parker Area Plans was purposefully aligned with the following City of Winnipeg secondary plans: ▪ Precinct Q Ridgewood South. ▪ Precinct J Dawson Trail. ▪ Precinct K South Royalwoods. ▪ Waverley West West Neighbourhood. ▪ Precinct I Transcona North. Attached is an analysis that compares and contrasts the organization and format of the Parker Lands Secondary Plans to Winnipeg's thirty (32) other Secondary Plans approved in the 21st Century was initially done in 2016 and recently expanded and updated to include the secondary plans approved by Council between 2018 and 2020. The Parker Lands Secondary Plan, when compared and contrasted with the organization and format of Winnipeg's other thirty-two (32) secondary plans,

		appears to be the same or near similar, placing amongst the majority of secondary plans. Strikingly, the Parker Lands Secondary Plan matches strongly to the secondary plans adopted in 2019 and 2020, with relatively minor differences in such items as: • Font colour; • having sections entitled 'definition' and 'maps'; • combining all infrastructure under one section instead of splitting into two; and • separating sub-sections ''Implementation' and 'Time Frame' into two (2) instead of one sub-section. The Planning Profession provides no indication there is an inherent benefit in having a single policy area v. multiple policy area, nor has Mr. Platt has been able to point to any advantage of this beyond his own personal preference, which is contrary to the opinion of the planner who helped the City of Winnipeg compose the TOD Handbook to use a single TOD typology. In short, there is nothing remarkable, unique, or different about the format, organization, or content of the Parker Lands Secondary Plan when matched to the other thirty-two (32) secondary plans in Winnipeg. Nor is there anything to suggest there is a fundamental flaw in having a format with a single policy area for Fulton Grove will somehow prevent a future Council

		being un-able to provide written rationale for future decisions. In fact, many areas of Winnipeg are not even covered by a Secondary Plan though one is assured Council will be able to find its voice to express a rational for its decisions on development applications. **the proposed 'Urban Neighbourhood Policy Area' be divided into at least three (3) sub-areas**. 4th PARAGRAPHS, PAGE 21. Mr. Platt is confusing secondary plans with zoning by-laws: the former is a policy document regardless of status as 'statutory' or 'non-statutory', and the latter is a regulatory tool. Under the *Charter*, Division 1 authorizes council to do plans. Division 2 is the framework for land-use zoning. Mr. Platt is making a Division 1 Plan into a Division 2 zoning. Mr. Platt filed an affidavit in a court action in 2018 that says the Parker Lands is a good candidate site for "Transit-Oriented Development" (page 4, para 11, *Affidavit of James Platt (Mandamus)*). Mr. Platt's own position in May 2017 during his review of the draft secondary plan content referred to a possibly of using the 'Urban Neighborhood' TOD type (see page 9 of *May 24, 2017 Markup of Draft Plan*). This May 2017 recommendation from Mr. Platt followed years of discussions with City planners about

		using the 'Urban Neighborhood' TOD type as part of the policy for the site (pages 28 and 29 of *markup of 11th Draft version of Secondary Plan report, Mar. 29, 2016*). The Applicant and their professional consulting team engaged internationally renowned experts in TOD including the planner who invented 'TOD', and the planner who advised the City on the TOD Handbook: The Applicant has confirmation that the proper application of TOD is to use **one typology, not multiple typologies** as being suggested here. In April 2018, after the Public Service refused the DASZ 12/2018 application for subdivision and rezoning, legal counsel for the Applicants sent a letter to the Public Service stating that although it disagreed with this approach to zoning classifications that the Applicant would use conventional zoning districts of RMU, RMF, etc. in order to advance File DASZ 12/2018 to a public hearing. This offer was an attempt to get resolution to an interminable planning process to advance File DASZ 12/2018 towards a public hearing. **This offer was *not* accepted by the Public Service in May 2018.** Ms. Sara Rentz, Legal Services, City of Winnipeg provided a letter indicating the zoning as submitted would be accepted for processing.

		Mr. Platt's position of three (3) sub-policy areas is reflected in the Platt/Smith Report of July 31, 2018 that contains three (3) different recommendations for the appropriate TOD typology for the residential area of the Secondary Plan. • Recommendation # 1 – Neighborhood – Medium Density (one Policy area). • Recommendation # 2 – Urban Neighborhood Policy Area (three Policy areas). • Recommendation # 3 – Neighborhood – Medium Density (three Policy areas) The above three statements directly contradict each other. Each statement outlines a different TOD typology recommendation. Recommendation # 2 is consistent with comments/recommendations contained in the Urban Planning group's pre-application letter response received by the Applicant on May 5, 2017. Recommendation # 1 and # 3 describes a TOD with lower densities. Recommendation # 1 and # 3 has Mr. Platt confusing secondary plans with zoning by-laws, and mistakenly trying to convert the Parker Lands Secondary Plan into to a zoning by-law with exhaustive lists of permitted and prohibited land-uses, and fine grain zones instead of broad policy areas. Under the *Charter*, Division 1

		authorizes council to do plans. Division 2 is the framework for land-use zoning. See ***VII. Applicants Comment***. Recommendation # 1 – Neighborhood – Medium Density (one Policy area) contradicts Mr. Platt's assertion that multiple sub-areas are needed to properly evaluate a development application. Mr. Platt's confusing and contradictory statements on the TOD typology is indicative of significant errors, omissions, etc., and most importantly is a sign of opacity, refuting one of the reasons for the authors' urging rejection of the Applicant's Secondary Plan.

7 ISSUE 2

The Plan does not provide sufficient detail to allow for the Public Service to effectively evaluate future development proposals in the 'Urban Neighbourhood Policy Area' portion of the Plan Area.

DISCUSSION ***Commercial Everywhere!***

	Policy 3.5.2.1 specifically allows for commercial, institutional and educational uses within the first 400 metres of the Rapid Transit Station. However, it does not restrict these uses from being considered outside of the first 400 metres. 3rd PARAGRAPH, PAGE 18.	**VII. APPLICANT COMMENTS** This is a false and misleading statement. The Applicant has pointed out this disingenuous statement to the Public Service on multiple occasions, yet Mr. Platt continues to suggest the quality of the format, that issues with information presentation, etc. are inherently flawed in this secondary plan As pointed out by Mr. Platt, there is **no policy** in the Secondary Plan **enabling** commercial, institutional and educational uses outside the first 400 metres of the Rapid Transit Station. As such, there is no ability to have commercial, institutional and educational uses outside the first 400 metres of a Rapid Transit Station. Mr. Platt is confusing secondary plans with zoning by-laws: the former is a policy document regardless of status as 'statutory' or 'non-statutory', and the latter is a regulatory tool. Under the *Charter*, Division 1 authorizes council to do plans. Division 2 is the

		framework for land-use zoning. Mr. Platt is making a Division 1 Plan into a Division 2 zoning. Secondary plans [also called area plans, specific area plans, local area plans] statutory or non-statutory, provide policy statements guiding land-use and development in a limited area; and are the long-range blueprints directing the municipalities' decision making towards an expressed future idealistic vision or goal for a neighbourhood or a specific region within the municipality. Secondary plans are by their nature, visionary documents conveying visions and goals in policies and objectives, but sometimes only illustrating a future vision in maps and figures, that **enable an outcome**. Whereas, zoning by-laws [also called ordinances or codes or land-use by-laws] are specific, measurable regulations for the use and development of land that **prevent an outcome**. Secondary plans [and general plans or community wide plans or topical plans] are statements of a municipalities' vision and intent respecting an ideal future, and provide a framework towards that outcome. Their relationship with zoning is that zoning by-laws provide the essential mechanisms for implementing the visionary policies set out in the

		secondary plans and strive to prevent certain outcomes from occurring. Zoning is the process of dividing all land within a municipality into 'zones' such as: agriculture, parks, commercial, residential, and industrial; and each having numerously delineated sub-categories such as 'light industrial' and 'heavy industrial'. Zoning by-laws provide an exhaustive list of defined land-uses that are categorized in a land-use table in a binary choice, either allowed or prohibited in each zone. Zoning by-laws have a series of regulations that: may specify a variety of outright and conditional uses of land; provide the rules for the size of land; bulk dimensions and placement of buildings on land; and the form and scale of buildings all asserted in imperial or metric measurements. The type of zone covering a piece of land usually determines all the regulations being applied to that piece of land including all the allowed or prohibited land-uses as outlined in the land-use table. Secondary plans do not have exhaustive lists of land-uses. Secondary plans do not have land-use tables indicating what land-uses are allowed and what land-uses are prohibited in each land-use zone. What Mr.

		Platt is suggesting here is to convert the Parker Lands Secondary Plan into a zoning by-law. And finally, it should be noted in the colour coded version of the Parker Lands Secondary Plan, that indicates areas of input, review, comments and changes by the Public Service over the years on the final Plan, this is one of the policy sections Mr. Platt reviewed, changed and previously indicated acceptance.

8 ISSUE 2

The Plan does not provide sufficient detail to allow for the Public Service to effectively evaluate future development proposals in the 'Urban Neighbourhood Policy Area' portion of the Plan Area.

DISCUSSION — *BUILDING TYPE ≠ DENSITY*

Policy 3.5.2.2 permits **all residential building types** to be established anywhere within the 'Urban Neighbourhood Policy Area'.
4th PARAGRAPH, PAGE 18.

This policy does not provide sufficient clarity that would **prohibit single family dwellings** from being considered in the first 180 metres of the Rapid Transit Station or high rise multi-family apartments being considered 800 metres from the Rapid Transit Station.

1st PARAGRAPH, PAGE 19.

[emphasis mine]

In order for the Plan to provide clear policy direction, the Plan should divide the proposed 'Urban Neighbourhood Policy Area' into at least three (3) policy areas: One each for high, medium and low density neighbourhood development. Policies exclusive to each of the three policy areas would clearly communicate the type of development that may be acceptable or not acceptable, and at what intensity.

1st PARAGRAPH, PAGE 21.

VIII. APPLICANT COMMENTS

This is a false statement misleading Council.

The Applicant has pointed this out to the Public Service on multiple occasions, yet this incorrect statement persists to mislead Council.

The September 19, 2018 review of Messrs. James Platt and Braden Smith July 31, 2018 City Administrative Report under ***Issue #2*** points out this erroneous claim.

Mr. Platt contradicts himself with the Platt/Smith Administration Report of July 31, 2018 with the following statement:

> "It could also be argued that policy 3.3.2.6 (residential density shall radiate out from the Transit Station) would only allow for low density [sic] residential uses to be developed farther away from the station, and high density [sic] residential uses to be development [sic] closer to the station" (see page 25).

		A reasonable person reading such a policy as 3.3.2.6 understands that residential density will be highest around the station, decanting out to the western side. Single family dwellings on the east side near the station would not meet such a policy. Mr. Platt did not advise the City Centre Community Committee that specific land-use and development details are enshrined in the DASZ subdivision and rezoning development application (14:41 of *video transcript of Nov. 13 City Centre Community Committee*). The two applications, the Secondary Plan and the DASZ, are to inform each other. (See *Transcript of James Platt presentation to City Centre Community Committee November 13, 2018).* The Secondary Plan Application being addressed first, followed immediately by the zoning application. Mr. Platt does not take into account the Plan of Subdivision in DASZ 12/2018 submitted October 29, 2018 that creates blocks in the high-density areas and smaller, individual lots for the low-density areas to the west, which will act to designate where density is to occur on the site. The individual lots are designed in size specifically to accommodate only low-density residential development (see the Fulton Grove Proposed Plan of Subdivision – Lot Plan and Block Plan).

		The blocks in the high-density residential area has the smallest block [Block 20] being 0.655 acres with the other ten blocks being greater than 1.0 acre in size. (see the Fulton Grove Proposed Plan of Subdivision – Lot Plan and Block Plan). The new information submitted OCTOBER 29, 2018 includes a revision to the Parker Lands PDO that states: *7. The minimum residential density for the entire Planned Area of PDO-2 PARKER LANDS shall be **1300 dwelling units.*** Single family dwellings on the east side near the station will not meet such a regulation. The Parker Lands Planned Development Overlay (PDO) and Subdivision Plan submitted for File DASZ 12/2018 on October 29, 2018 ensures that the residential density radiates out from the transit station with the lowest residential density being the farthest from the transit station as per policy 3.3.2.6. of the Parker Lands Secondary Plan. Also, Mr. Platt is mixing up the assignment of density with a specific built form: density and building typologies are not perfectly aligned. The *Transit-Oriented Development Handbook* places density near the stations instead of building types. This recognizes that building types are not mutually exclusive indicators of density. For example, a detached

		dwelling of two stories typically associated with 'single-family' may have a single unit or up to eight units (see *ATTACHMENT L -Best practices for ending exclusive single-family zoning).* It is entirely appropriate to allow a variety of building types within Fulton Grove, whilst the Secondary Plan guides density downward when moving away from the station. The location of density forms policies in the plan. Policy 3.3.2.6 says "Residential densities SHALL radiate out from the Rapid Transit Station with 'density' being in an inverse relationship to 'distance'; as the distance from the Rapid Transit Station increases, the density SHALL decrease." This policy would not allow for highest densities on the west and lowest densities on the east. It should be noted that a previous Density Map with radiating/'heat blurred' boundaries was sent to the City Planner (in the Mar. 23, 2017 draft version of the plan) only to have it rejected as 'too difficult' to interpret, though the proponent felt that it allowed for more flexibility of building-to-building densities. As a result, the current Density Map in the Secondary Plan is used. along with an updated accompanying policy was submitted to simplify and avoid any confusion. And, Mr. Platt is confusing secondary plans with zoning by-laws, and mistakenly trying to convert the Parker Lands Secondary Plan into to a zoning by-law with

		exhaustive lists of permitted and prohibited land-uses, and fine grain zones instead of broad policy areas. Under the *Charter*, Division 1 authorizes council to do plans. Division 2 is the framework for land-use zoning. Mr. Platt is making a Division 1 Plan into a Division 2 zoning. See ***VII. Applicants Comment***. It should be noted in the colour coded version of the Parker Lands Secondary Plan, that indicates areas of input, review, comments and changes by the Public Service over the years on the final Plan, this is one of the policy sections Mr. Platt reviewed, changed and previously indicated acceptance.

9 ISSUE 2

The Plan does not provide sufficient detail to allow for the Public Service to effectively evaluate future development proposals in the 'Urban Neighbourhood Policy Area' portion of the Plan Area.

DISCUSSION ***BANS RESIDENTIAL!***

It could be argued that other policies of the Plan prevent all types of residential development from occurring anywhere in the 'Urban Neighbourhood Policy Area' by requiring the highest density to be located closer to the SWBRT station. **For instance**, Policy 3.3.2.6 states:

Residential densities shall radiate out from the Rapid Transit Station with 'density' being in an inverse relationship to 'distance'; as the distance from the Rapid Transit Station increases, the density shall decrease

[emphasis mine]

2nd PARAGRAPH, PAGE 19.

IX. APPLICANT COMMENTS

This is a false statement misleading Council.

Mr. Platt has failed to provide any policy statement that says residential development is prohibited from Fulton Grove.

Mr. Platt points to Policy 3.3.2.6 as ***the best example*** of a policy that bans residential land-uses in Fulton Grove.

Policy 3.3.2.6 clearly does NOT say 'there shall be no residential development on these lands'.

A reasonable person reading such a policy understands there is no ban of residential land-uses from occurring in Fulton Grove.

And finally, it should be noted in the colour coded version of the Parker Lands Secondary Plan, that indicates areas of input, review, comments and changes by the Public Service over the years on the final Plan, this is one of the policy sections Mr. Platt reviewed, changed and previously indicated acceptance.

10 ISSUE 3		
The Plan requires editing and re-organization, including the addition of important content and policies, in order to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.		
	BACKGROUND	***LACK OF CLARITY!***
	As a land use plan policy document, the Plan will reflect Council's expectations for the development within the Plan Area. Accordingly, the Public Service is of the opinion that the document should be organized to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated. Such clarity assists the evaluation of future development applications. 3rd PARAGRAPH, PAGE 22.	**X. APPLICANT COMMENTS** This is a false and misleading statement. The Applicant has pointed out this disingenuous statement to the Public Service and Mr. Platt on multiple occasions including September 19, 2018, yet Mr. Platt continues to suggest the quality of the format, that issues with information presentation, etc. are inherently flawed in this secondary plan. See **VIII APPLICANTS COMMENTS**

11 ISSUE 3

The Plan requires editing and re-organization, including the addition of important content and policies, in order to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.

DISCUSSION

The following provides a list of items that the Public Service would like to have addressed before the Plan is considered for endorsement by Council

11a	Numerous statements throughout the Plan describe the context of the Plan Area. These items should be consolidated into a single section closer to the beginning of the Plan rather than spread throughout the document. 6th PARAGRAPH, PAGE 22.	**XI. APPLICANT COMMENTS** This is information that is misleading Council. The Applicant has previously pointed out there is no standard for the location or length of a description of a planning area to exist in a planning document. This entire statement reflects Mr. Platt's personal preference, not an industry or professional standard or even a City of Winnipeg standard for secondary plans. The American Planning Association *Plan Making: A Primer. American Planning Association PAS QuickNotes No. 17. 2018* acknowledges ***there is no industry standard for planning documents for their format or organization***.

		The Planning profession ***does not mandate the content, format, organization or structure of general plans, topical plans, secondary plans, or zoning codes***. The Planning Profession ***does not have a standard template or structure for the organization or format of development plans, topical plans, secondary plans, or zoning codes***. At best, there are guidelines available by the American Planning Association, but no universal standard for defining what is considered a 'proper' format/organization. The Parker Lands Secondary Plan locates the 'Plan Area' description under the 'Introduction'. Seven (7) other City of Winnipeg secondary plans share this type of format / organization, notably, the last seven (7) secondary plans approved between February 2016 and July 2020.
11b	While the 'vision' for the Plan, provided in section 2.1 includes reference to TOD, the Public Service **feels that it is appropriate** that TOD also be reflected in the overall objectives of the Plan provided in section 2.2. as a solution to improve connectivity to the site. [emphasis mine] 1st PARAGRAPH, PAGE 23.	**XII. APPLICANT COMMENTS** *Section 2.0 Objectives* dedicates an entire sub-section, 2.2 to 'Connections' speaks to people and transportation connections; and sub-section 2.3 'Sustainability, Environmental, and Economic' speaks to people and alternative modes of transportation, reducing vehicle miles travelled to work, etc., all of which are the descriptors of TOD. These objectives are solely for Fulton Gove are not just TOD but multi-modal

		connections: walking and cycling are also expected and facilitated. This entire statement reflects Mr. Platt's personal preference – **he feels what is appropriate -** not an industry or professional standard or even a City of Winnipeg standard for secondary plans And finally, it should be noted in the colour coded version of the Parker Lands Secondary Plan, that indicates areas of input, review, comments and changes by the Public Service over the years on the final Plan, this is one of the policy sections Mr. Platt reviewed, changed and previously indicated acceptance.
11c	The Constraints section (1.2.10.2) of the Plan suggests the only limitation to development of the Plan Area is a lack of vehicular transportation connections. This section includes a list of recent transportation infrastructure projects which may improve transportation connections to the Plan Area, however it ignores other relevant constraints to development of the Plan Area. These include: o Impact of CN Mail Line on residential development o Impact of CN Mail line on access to amenities on the opposite side of the rail line. o Impact of Hydro Corridors on development and connections. o Potential for contaminated sites on City-owned land in the eastern portion of the Plan Area (As suggested in section 1.2.8)	**XIII. APPLICANT COMMENTS** This is a misleading statement. The Applicant has previously pointed this out to Mr. Platt. This entire statement reflects Mr. Platt's personal preference, not an industry or professional standard or even a City of Winnipeg standard for secondary plans. This sub, sub-section is not used in the administration of a plan nor forms any of the guiding policy statements of a plan for evaluating a future development proposal,

	o Potential geotechnical considerations related to construction on compacted fill. 2nd PARAGRAPH, PAGE 23.	thus is not considered a 'critical' or core element of a secondary plan document. The same information as the Parker Lands Secondary Plan that is being demanded here is absent from several other City of Winnipeg Secondary Plans. ▪ The *North St. Boniface Secondary Plan By-law 30/2017* prepared by the City of Winnipeg Planning Department and, adopted by Council on July 19, 2018, has the CN Main Line [CN Redditt] and the CN Sprague transecting the Planning Area, with the CP Rail Line on the north boundary. ▪ The *North St. Boniface Secondary Plan* makes **no mention** of these three (3) rail lines as a constraint, makes **no mention** of these three (3) rail lines as a feature within this planning area; furthermore, this Secondary Plan has **little-to-no policies** related to development near rail lines. Yet, the *North St. Boniface Secondary Plan* was given a positive recommendation from the Public Service and adopted by Council. ▪ The Public Markets MRS D BYLAW adopted July 2020 has a contaminated site on the Province of Manitoba's **Designated Impact Site** under the *Contaminated Sites Remediation Act as per File Number 20253,* ***MANITOBA DESIGNATED***

		IMPACTED SITES LIST, yet this is not listed as constraint. ▪ The Public Markets MRS D BYLAW approved July 2020 is located next to CP Emerson and CN Sprague Rail Lines, yet these are not listed as constraints. ▪ The Bishop Grandin Sugar Beets MRS H POLICY approved May 2014 is physically separated from the BRT Station by a Hydro Corridor and Rail Tracks, yet these are not listed as constraints. ▪ Railside Forks MRS POLICY adopted December 2017 is located next to the CN Mainline, yet this is not listed as a constraint. 'Opportunities and Constraints' is a sub, sub-section that many secondary plans do not even include within their document. Yet the Parker Lands Secondary Plan is being deemed 'insufficient', and being required to provide a more extensive list compared to other secondary plans adopted by the City of Winnipeg with constraints of higher magnitudes.

11d	The content of the 'Objectives' section (2.2 Objectives) contains three overall vision statements. These items should be moved to section 2.1 (Vision) accordingly. The objectives currently included in at least 11 sections under Part 3 (Land-Use Concept) should be reflected in the overall objectives of the Plan provided in section 2.2 (Objectives) **to provide an overall summary of objectives**. [emphasis mine] 3rd PARAGRAPH, PAGE 23.	**XIV. APPLICANT COMMENTS** This is false and misleading statement. The Applicant has previously pointed this out to Mr. Platt who has suggested the 'objectives are scattered through-out' and is suggesting all the policy objectives be centrally located. Mr. Platt appeared before the Standing Policy Committee on Property and Development, Heritage, and Downtown Development Regular Meeting on May 21, 2020 and stated: "Some of the issues relate to the way the document is organized. For instance, **objectives are scattered throughout**". [emphasis mine] (7:52:41 of *video transcript of May 21, 2020 Standing Policy Committee on Property and Development, Heritage, and Downtown Development*). The *North St. Boniface Secondary Plan By-law 30/2017* prepared by the City of Winnipeg Planning Department, and adopted by Council on July 19, 2018, has a near identical organization and format as the Parker Lands Secondary Plan with the 'objectives scattered throughout' instead of centrally located under one 'objective' (see *ATTACHMENT J - North St. Boniface Secondary v. Parker Lands Secondary Plan Table of Contents).*

		This entire statement reflects Mr. Platt's personal preference, not an industry or professional standard or even a City of Winnipeg standard for secondary plans. And, in fact is contrary to the City of Winnipeg and Mr. Platt's own actions on the recent [2020] Secondary Plans authored by the Planning Department.
11e	Figures 12 & 21 – Graphics need to be updated to reflect the related engineering report(s). 4th PARAGRAPH, PAGE 23.	**XV. APPLICANT COMMENTS** This is false and misleading statement. Mr. Platt appeared before the Standing Policy Committee on Property and Development, Heritage, and Downtown Development Regular on May 21, 2020 and stated: "Updates to figures that need to reflect the engineering studies." (7:52:52 of *video transcript of May 21, 2020 Standing Policy Committee on Property and Development, Heritage, and Downtown Development*). Mr. Platt previously stated at the November 13, 2018 City Centre Community Committee that the new information submitted October, 2018 **on dry ponds would need to be 'somehow covered in the Secondary Plan'.** (*Transcript of James Platt presentation to City Centre Community Committee, November 13, 2018*).

		Mr. Platt is previously on record advising the Applicant that detailed engineering does not belong in a secondary plan. (Email dated November 2, 2016 from Mr. Platt relaying to the Applicant that the initial engineering report by its consultant contained 'much greater detail than what would normally be required for a Secondary Plan.'). A letter from InfraCor submitted October 26, 2020 confirms that the Stormwater Management for this **project does not require dry ponds**, if increased pipe sizes are used in the underground infrastructure. This is directly a result of the increased flow allowance for the land drainage release rate confirmed in emails exchanged between December 2019 and March 2020.
11f	In October, 2018, the remaining portions of the original forest in the Urban Neighbourhood Policy Area were cleared. References to this forest found throughout the Plan need to be updated accordingly. This includes content found in sections: o 1.2.7.1 (Existing Forest) o 3.8 (Natural Lands Policy Area); and o 2.2.3 (Sustainability: Environmental, Social and Economic). 5th PARAGRAPH, PAGE 23.	**XVI. APPLICANT COMMENTS** This is a false and misleading statement. Mr. Platt appeared before the Standing Policy Committee on Property and Development, Heritage, and Downtown Development Regular Meeting on May 21, 2020 and stated: "Apart from editing and re-arranging, the plan is missing some important context. Some minor, some major, some needs to be created. For instance, the discussion in the plan right now assumes there is a sizable

		forest, which there is not. **The polices in the plan have not been adapted in lieu of the forest not being there**." [emphasis mine]. (7:53:00 of *video transcript of May 21, 2020 Standing Policy Committee on Property and Development, Heritage, and Downtown Development*). First, none of the land-use maps in the Secondary Plan identify a specific location or indicate any woodlots being retained on the lands associated with Fulton Grove: a symbol is used to indicate 'Green and Open Space' on the Fulton Grove lands (see *Figure 18: Land Policy Map*). Under subsection 3.8.2 *Green and Opens Spaces*, the Parker Lands Secondary Plan provides 22 policies with Policy 2) indicating that a centrally located *Green and Open Space* will be located within Fulton Grove. The breadth of *Green and Open Space* includes vegetation, meaning such land-uses as tree stands are enabled to occur within Fulton Grove. Second, under subsection 1.2.7, the Parker Lands Secondary Plan acknowledges the Fulton Grove land owners removing existing trees from their lands; and the City of Winnipeg also removing an oak forest from their lands within the Parker Lands Planning Area. Third, Mr. Platt seems to be confused between the boundaries of the Parker Lands Secondary Plan File SP

		1/2018 and the Fulton Grove File DASZ 12/2018, they are not the same. As such, he would understand that a forest of trees remains within the Parker Lands Planning Area, outside of Fulton Grove, as accounted for in the Secondary Plan. And finally, The Applicant has made every effort to advance File SP 1/2018 with File DASZ 12/2018 over the last several years while the area in and around the planning area has not remained static. The Bishop Grandin Sugar Beets MRS H POLICY approved May 2014 has not been revoked due to its failure to recognize the recently named *Blue Line* for the SWBRT.
11g	Policy 3.5.2.1 of the Plan provides that *community and neighbourhood-scale commercial, institutional and educational uses* may be established within the first 400m from the transit station. While it is acknowledged that DASZ 12/2018 provides clarity that limits commercial uses to rights-of-ways with widths of 70 feet or greater, the Public Service would like to see this reflected in the Plan for clarity to allow for clarity for evaluating development proposals (ex. amendments to the PDO) which may be received in the future. 6th PARAGRAPH, PAGE 23.	**XVII. APPLICANT COMMENTS** This is information that is misleading to Council. As pointed out by Mr. Platt, there is **no policy** in the Secondary Plan **enabling** commercial, institutional and educational uses outside the first 400 metres of the Rapid Transit Station. As such, there is no ability to have commercial, institutional and educational uses outside the first 400 metres of a Rapid Transit Station.

		Mr. Platt is confusing secondary plans with zoning by-laws: one is a policy document regardless of status as 'statutory' or 'non-statutory', and the latter is a regulatory tool. Under the *Charter*, Division 1 authorizes council to do plans. Division 2 is the framework for land-use zoning. Secondary plans [also called area plans, specific area plans, local area plans] statutory or non-statutory, provide policy statements guiding land-use and development in a limited area; and are the long-range blueprints directing the municipalities' decision making towards an expressed future idealistic vision or goal for a neighbourhood or a specific region within the municipality. Secondary plans are by their nature, visionary documents conveying visions and goals in policies and objectives, but sometimes only illustrating a future vision in maps and figures, that **enable an outcome**. Whereas, zoning by-laws [also called ordinances or codes or land-use by-laws] are specific, measurable regulations for the use and development of land that **prevent an outcome**. Secondary plans [and general plans or community wide plans or topical plans] are statements of a municipalities' vision and intent respecting an ideal future, and provide a framework towards that outcome. Their relationship with zoning is that zoning

		by-laws provide the essential mechanisms for implementing the visionary policies set out in the secondary plans and strive to prevent certain outcomes from occurring. Zoning is the process of dividing all land within a municipality into 'zones' such as: agriculture, parks, commercial, residential, and industrial; and each having numerously delineated sub-categories such as 'light industrial' and 'heavy industrial'. Zoning by-laws provide an exhaustive list of defined land-uses that are categorized in a land-use table in a binary choice, either allowed or prohibited in each zone. Zoning by-laws have a series of regulations that: may specify a variety of outright and conditional uses of land; provide the rules for the size of land; bulk dimensions and placement of buildings on land; and the form and scale of buildings all asserted in imperial or metric measurements. The type of zone covering a piece of land usually determines all the regulations being applied to that piece of land including all the allowed or prohibited land-uses as outlined in the land-use table. Secondary plans do not have exhaustive lists of land-uses. Secondary plans do not have land-use tables indicating what land-uses are allowed and what land-

		uses are prohibited in each land-use zone. What Mr. Platt is suggesting here is to convert the Parker Lands Secondary Plan into a zoning by-law.
11h	Policy 3.5.2.3 states: Nothing in the policies of this plan shall preclude 'home occupations'; secondary suites or live-work land uses from being allowed in single-family or multiple family type dwellings. **The zoning by-law does not currently allow for multi-family dwellings to contain secondary suites. This policy needs to be rewritten accordingly.** [emphasis mine] 7th PARAGRAPH, PAGE 23.	**XVIII. APPLICANT COMMENTS** This is information that is misleading to Council. Mr. Platt is confusing secondary plans with zoning by-laws, and mistakenly trying to convert the Parker Lands Secondary Plan into a document submissive to a zoning by-law. Under the *Charter*, Division 1 authorizes council to do plans. Division 2 is the framework for a land-use zoning. Mr. Platt is making a Division 1 Plan into a Division 2 zoning. General development plans and secondary plans are the higher order, upper rings of the land-use planning hierarchy of documents. Zoning by-laws are a lower-order, bottom rings of the planning hierarchy. Secondary plans [and general plans or community wide plans or topical plans] are statements of a municipalities' vision and intent respecting an ideal future, and provide a framework that **enable an outcome.**

		Zoning is changed by the municipality to align the lower order land-use regulations with the vision outlined in the land-use policies in the higher order documents. Or zoning is changed by a landowner seeking to expand their land-use rights via a discretionary approval that is aligned with the vision outlined in the land-use policies of Secondary Plans and General Plans. Simply put, Zoning By-law do not dictate the higher level, Secondary and General Plans. Mr. Platt has confused this relationship.
11i	Policy 3.6.2.1 prohibits residential land uses in the Limited Use Policy Area. However, there are a couple of existing lots zoned residential at the southern portion of the Plan area fronting onto Parker Avenue and Heatherdale Avenue that should be permitted to develop as residential uses. 7th PARAGRAPH, PAGE 23.	**XIX. APPLICANT COMMENTS** This is false and this information is misleading to Council. Mr. Platt is confusing secondary plans with zoning by-laws. Under the *Charter*, Division 1 authorizes council to do plans. Division 2 is the framework for land-use zoning. Mr. Platt is making a Division 1 Plan into a Division 2 zoning. The Applicant has made every effort to ensure the existing land-use rights of their holdings, and all other land owners in the area, are acknowledged and identified in the Parker Lands Secondary Plan as per section 5.4.

		Secondary plans policies do not extinguish existing land-use rights provided under a Zoning By-law; do not terminate land-use entitlements; nor change the existing land-use zoning by-laws. All zoning by-laws remain unchanged when a new general development or secondary plan is adopted until a process is undertaken to specifically change the land-use zoning in a manner prescribed in the *Charter.* The process to change the zoning of land is prescribed in the *City of Winnipeg Charter,* which also provides under *§241* for the protection of developments existing before the adoption of the zoning by-law through 'non-conforming rights', meaning only future land-use intensifications are affected with the new zoning regulations and not existing land-uses. File DASZ 12/2018 makes no changes to any zoning beyond the boundaries of the Applicant's lands. Any lands outside of File DASZ 12/2018 may continue to develop with their entitlements as provided under the *Winnipeg Zoning by-law.* As such, any properties with existing residential zoning will be allowed to develop with residential land-uses in the future.

11j	Policy 3.6.2.6 encourages non-accessory motor vehicle parking to be developed with gravel surfacing. Gravel surfacing may be allowed in certain circumstances; however, it should not be encouraged. 1st PARAGRAPH, PAGE 24.	**XX. APPLICANT COMMENTS** This is information that is misleading to Council. Mr. Platt is confusing secondary plans with zoning by-laws. Under the *Charter*, Division 1 authorizes council to do plans. Division 2 is the framework for land-use zoning. Mr. Platt is making a Division 1 Plan into a Division 2 zoning. Any requirements regarding surfacing is regulated under the zoning by-law. The secondary plan only enables the possibility of a variance to be granted for gravel surfacing but does not guarantee such an approval. And the City of Winnipeg has granted variances for sub-standard [gravel] surfaced parking areas, where warranted. This policy only applies to the 'Limited Use Policy' Area where gravel surface parking areas were observed at 1056 and 1060 and Parker Avenue [designated as 'Limited Policy Areas'].

11k	The Rapid Transit Station Node Policy Area is a node, not an area. All references to the 'Rapid Transit Station Node Policy Area' should be changed to 'Rapid Transit Policy Node'. Similarly, references to 'Green and Open Spaces' should be changed to 'Green and Open Space Nodes' and 'Natural Lands Policy Area' should be changed to 'Natural Lands' the term is used to describe a type of ground cover/environment to which policies apply, as opposed to a defined 'policy area' on the map. 2nd PARAGRAPH, PAGE 24.	**XXI. APPLICANT COMMENTS** This is information that is misleading to Council. This entire statement reflects Mr. Platt's personal preference, not an industry or professional standard or even a City of Winnipeg standard for secondary plans. Secondary plans do not have a standard lexicon: there are different words being used for the same headings through-out these planning documents. For example, 'Purpose of Plan' is also called: General Intent', 'Plan Need', 'Purpose', 'Purpose and Interpretation', and etc. across several of Winnipeg's secondary plans. In fact, there is no industry or professional planning standard or widely accepted term for the mid-level, local area plan that falls under the broader, city-wide comprehensive plan that are referred to in Winnipeg as 'secondary plan. This can be seen in practice as American and Canadian jurisdictions use a variety of terms for local area plans including: Secondary Plan, Small Area Plan, Neighbourhood Plan, Concept Plan, Local Area Plan, Area Structure Plan, Area Redevelopment Plan, Sector Plan, Neighbourhood Structure Plan, Neighbourhood Area Structure Plan, Community Plans, etc.

		None of these wordsmithing changes to sub-section names **bear any weight on the policy contents of the Secondary Plan**.
11L	The Plan contains redundant policies. For instance, policies 3.7.2 (2), (5) and (9) all relate to accommodating seasonal uses and special events in the Rapid Transit Station Node Policy Area: 3.7.2 (2) Flexible Public Space designed for a diversity of temporary/seasonal uses and events shall be encouraged. 3.7.2 (5) Public spaces of appropriate size and design may be created to accommodate seasonal uses and special events. 3.7.2 (9) Design should allow for temporary uses such as a farmers' market, fundraising/special event and seasonal sales should also be allowed in this policy area. There is no need to include all three of these policies as they essentially provide for the establishment of the same uses. These policies should be rewritten as a single policy. 3rd PARAGRAPH, PAGE 24.	**XXII. APPLICANT COMMENTS** This is information that is misleading to Council. This contradicts Mr. Platt's position on seeking multiple policy areas to somehow enhance clarity: here he is seeking to collapse into one policy, various policies that touch on different aspects of public space [facility, function and use] purposefully broken into separate polices statements for better clarity. Mr. Platt appears to want to break up one policy area into multiple policy areas and collapse multiple policy statements into one. This entire action reflects Mr. Platt's personal preference, not an industry or professional standard or even a City of Winnipeg standard for secondary plans.
11m	A number of policies are grammatically confusing and require edits. It is understood that these are minor issues; however, the Public Service would like them addressed in order to potentially support future development applications. Examples include, but are not limited to:	**XXIII. APPLICANT COMMENTS** This is a false statement and information that is misleading to Council.

	4.1.2 (2) Efficiently and effectively the Planned Areas' transportation network shall connect pedestrian, cycling, public transit and vehicular modes of travel by: 4.2.2(1)(d) Should the required regional land drainage facilities to adequately service the Planned Area is not yet get constructed, interim, land drainage flows from the site shall be accommodated through on-site storage based upon utility servicing studies and analysis, all to the satisfaction The City of Winnipeg. 4th PARAGRAPH, PAGE 24.	First, Mr. Platt does not quote the entire policy statement, instead using only fragments of 4.1.2 (2). Second, **78 % of the Parker Lands Secondary Plan reflects the direction and language of the Public Service** including these two policies Mr. Platt is using as an example here for what he terms as 'questionable' grammar. Third, this entire statement reflects Mr. Platt's personal preference, not an industry or professional standard, a City of Winnipeg standard for secondary plans, or even the rules provided in common grammar books such as the *Oxford English Grammar*, and MS Words 'grammar check'.
11n	A policy is needed to ensure that all streets are designed to be wide enough and have appropriate turning radius to accommodate Winnipeg School Division buses for transportation of students. 4th PARAGRAPH, PAGE 24.	**XXIV. APPLICANT COMMENTS** This is a false statement and information that is misleading to Council. Homeowners in Winnipeg are more likely wanting their streets being able to accommodate the turning radius of a fire apparatus. Yet, recently approved Secondary Plans in Winnipeg all lack policies related to School Bus turning radius and fire apparatus turning radius, etc.

		Mr. Platt fails to recognize that the design and construction of public roads across Winnipeg – including areas without Secondary Plans – are guided and regulated by professional engineers using *Transportation Standards Manuals*. As such, there is no need for policies regarding the construction of roads to accommodate fire apparatus or school buses.
11o	Polices are required to support objectives found throughout the various sections of Part 3 (Land-Use Concept). As an example, section 4.2.2 (Water, Waste Water and Land Drainage) provides an objective to only allow development when it is supported by a full-range of municipal services: To ensure new land-uses within the Planning Area are serviced with the full range of municipal services, meaning with paved streets with curbs, piped municipal water, piped waste water and piped land drainage facilities with sufficient capacities that are provided in an environmentally sound and economically fashioned manner, meeting the sustainability principles of this plan. 6th PARAGRAPH, PAGE 24. However, the Plan does not contain policies which support of this objective. The following policies need to be included in the Plan in support of the objectives found under section 4.2.2:	**XXV. APPLICANT COMMENTS** This is a false statement and information that is misleading to Council. Mr. Platt is confusing secondary plans with the General Development Plan [*OurWinnipeg*]. General development plans are the highest order, at the upper rung of the land-use planning hierarchy of documents. Secondary Plans are a lower-order, middle ring of the planning hierarchy. The policies of *OurWinnipeg* apply regardless if the Secondary Plan un-necessarily repeats the same policies. Secondary Plans that are 'opting out' of the full range of municipal services such as the *Wilkes South Secondary Plan* need to have policies indicating the level of

	o All development in the Plan Area will be serviced with a full range of municipal services as defined by OurWinnipeg. o All development will be serviced by piped water o All development will be serviced by piped sanitary sewer o All development will be serviced by piped drainage 1st PARAGRAPH, PAGE 25.	services being accepted other than the General Plan's overarching policies. It should be noted that **78 % of the Parker Lands Secondary Plan reflects the direction and language of the Public Service** including this area Mr. Platt is using as an example as being 'deficient' in policies.
11p	Policies that bind decisions of Council need to be removed. For example Action 5.1.1 (2) states: The City shall support the rezoning of some, or all of, the Parker Lands by the creation of a Planned Development Overlay (PDO) District should a proponent put forward and application for such a zoning tool. The decision to support an individual rezoning application will always remain at discretion of Council. Statements such as the one found in section 5.1.1 (2) need to be altered to reflect this. 2nd PARAGRAPH, PAGE 25.	**XXVI. APPLICANT COMMENTS** This is a false statement and information that is misleading to Council. Mr. Platt is confusing the secondary plan with the *Charter,* and the City of Winnipeg Public Service with Council. The process for Council to change the zoning of land is prescribed in the *City of Winnipeg Charter.* The Parker Lands Secondary Plan does not attempt to alter or create a different approval process for Council to approve zoning as prescribed by the *Charter*. And, Council has shown its discretion multiple times on this matter by rejecting File DASZ 12/2018 that proposes a PDO.

		Furthermore, the *Charter* clearly states under §235 that **Council is not bound by a Secondary Plan** to undertake a proposal such as a rezoning: *Compliance with plan by-laws* *235 The passing of a Plan Winnipeg by-law or a secondary plan by-law does not require council, any person, or any department or agency of the government, to undertake a proposal contained in the by-law, but public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan.* There is no need for secondary plans to include the processes and powers legislated and expressed in the *Charter.*
11q	Proposed policies 5.5.2.4 (Urban Design Guidelines) and 5.4 (Implementation - Development Applications) **facilitate future land use conflict by permitting new industrial development to establish on lands currently zoned 'industrial' and designated in the Plan as 'Urban Neighbourhood Policy Are**a': 5.5.2.4 (Urban Design Guidelines) The Parker Lands Urban Design Guidelines shall not apply or affect the ability of land owners exercising their existing land-use rights for developing lands currently zoned for	**XXVII. APPLICANT COMMENTS** The applicant is unable to fully and properly respond because the City has refused to allow the applicant to use relevant internal City documents in this process. The Applicant has pointed out this disingenuous statement to the Public Service and Mr. Platt on multiple occasions including September 19, 2018, yet Mr. Platt continues to suggest the recognition of the

	Industrial land-uses. 5.4 (Implementation: Development Applications) Until such time as the Zoning By-law regulations are changed in a Development Application, nothing in this Plan shall preclude current uses in the Planned Area from continuing as they existed prior to the Plan, with all the zoning land-use rights inherent in the lands, and for as long as the land owner wishes. [emphasis mine] 3rd PARAGRAPH, PAGE 25.	existing land uses rights as Industrial, as was confirmed by the Court of Queen's Bench in 2017, is an issue. Mr. Platt appeared before the Standing Policy Committee on Property and Development, Heritage, and Downtown Development Regular Meeting on May 21, 2020 and stated: "Apart from editing and re-arranging, the plan is **missing some important context**. Some minor, some major, some needs to be created. (7:53:00 of *video transcript of May 21, 2020 Standing Policy Committee on Property and Development, Heritage, and Downtown Development*). Messrs. James Platt and Braden Smith July 31, 2018 Administrative Report indicates the '**missing content'** is related to **industrial land-uses**. "The Plan facilitates the potential for future land use conflict by permitting both industrial and high density [sic] residential uses to be established in the Neighborhood Policy Area." (See page 28) **This statement from Messrs. James Platt and Braden Smith is false**. The 'Urban Neighborhood Policy Area' outlined in the proposed Secondary Plan for the area coinciding with

		the Fulton Grove development ***does not*** allow for industrial land-uses. The Applicant has made every effort to ensure the existing land-use rights of their holdings, and all other land owners in the area, are acknowledged and identified in the Parker Lands Secondary Plan as per section 5.4. Secondary plans policies do not extinguish existing land-use rights provided under a Zoning By-law; do not terminate land-use entitlements; nor change the existing land-use zoning by-laws. All zoning by-laws remain unchanged when a new general development or secondary plan is adopted until a process is undertaken to specifically change the land-use zoning in a manner prescribed in the *Charter.* General development plans and secondary plans are implemented in the land-use planning hierarchy of documents through zoning regulations. Zoning can be changed by the municipality to align the land-use regulations with the vision outlined in the land-use policies; or changed by a landowner seeking to expand their land-use rights via a discretionary approval that is aligned with the vision outlined in the land-use policies. The existing land-use rights provided by a zoning by-law are not extinguished under the adoption of a secondary plan (statutory or non-statutory) including the

		Complete Communities By-law or the *OurWinnipeg* Development Plan. The process to change the zoning of land is prescribed in the *City of Winnipeg Charter,* which also provides under *§241* for the protection of developments existing before the adoption of the zoning by-law through 'non-conforming rights', meaning only future land-use intensifications are affected with the new zoning regulations and not existing land-uses. The existing industrial land-use rights for the Parker Lands were confirmed by the Manitoba Court of Appeal (See paragraph 2 of Page 2 of the August 30, 2017 Court of Appeal decision). The existing land-use rights of the Parker Lands are intact until the Zoning By-law changes the allowable land-use rights on a piece of land. The Applicant has made every effort to change the existing industrial land-use zoning with File DASZ 12/2018 to align with the vision outline in the Parker Lands Secondary Plan, while the City of Winnipeg has made no such efforts to change the existing industrial zoning for their Parker Stormwater Retention Basin lands that abuts the east side of the Applicant's lands identified for the Fulton Grove residential development. Until the Zoning By-law changes the land-use rights, the existing land-use rights are intact for all land owners

		[including lands not owned by the Applicant such as the City of Winnipeg owned lands] within the area covered by the Parker Lands Secondary Plan. This fact is acknowledged in the Parker Lands Secondary Plan. Mr. Platt falsely advises the City Centre Community Committee that the Applicant purposely created a 'loophole' to enable both industrial and mixed-use development by the wording in the policies. (See *Transcript of Platt presentation to City Centre Community Committee, November 13, 2018* and *James Platt oral presentation to City Centre Community Committee, November 13, 2018*). Mr. Platt's use of the term 'loophole' is inflammatory and is meant to discredit the Applicant. Mr. Platt failed to notify any Committees of Council that the City owns the lands zoned 'industrial' abutting Fulton Grove that are not subject to any rezonings. Messrs. Platt and Smith statements seek to effectively take away existing land-use rights though the Parker Lands Secondary Plan, whereas changes in land-use rights are only affected through changes to the Zoning By-law.
11r	Most of the policy sections in Part 3 introduce the policies as design and location considerations rather than policies. This wording downgrades important policy language to that of a 'consideration' rather than a 'policy requirement'. The	**XXVIII. APPLICANT COMMENTS** This is information that is misleading to Council.

	preamble portion of each policy area in Part 3 (Land-Use Concept) needs to be reworked accordingly. 5th PARAGRAPH PAGE 25.	Mr. Platt is confusing the secondary plan with the actual design guidelines. Other members of the Winnipeg Public Service have actually understood this and provided versions of the *Urban Design Guidelines* for the development. Secondly, Mr. Platt is confusing the pre-amble, introductory remark under a sub-section as an actual policy. The actual policies have numbers beside them such as 1), 2), 3), etc. and are worded as such. The exact same type of numbering scheme [Section 1.0; Sub-sections 1.2, 1.3, 1.4; Sub, sub-sections 1.2.1, 1.2.2, 1.2.3, etc.] of the Parker Lands Secondary Plan is observed on thirty (30) other secondary plan documents. The exact same format of having a pre-amble to introduce the polices is in a number of secondary plans including *Precinct G North McPhillips* BYLAW approved January 2019. This entire statement reflects Mr. Platt's personal preference, not an industry or professional standard, or even a City of Winnipeg standard for secondary plans.

11s	Many of the definitions provided in section 6 – Definitions, include definitions for words that are either not used in the document (ex. 'Expressway'), or are already defined in the Zoning By-law (ex. 'Residential Use'). **The Public Service recommends removing the 'Definitions' section and including clarification of term meanings in the text as appropriate.** [emphasis mine] 6th PARAGRAPH PAGE 25.	**XXIX. APPLICANT COMMENTS** This is a false statement and information that is misleading to Council. Nineteen (19) Secondary Plan approved since 2005 in Winnipeg have a glossary or definition section at the back of the document, not in the text as deemed 'appropriate' by Mr. Platt. These plans include: ▪ Railside Forks POLICY December 2017 ▪ Precinct R Red River Ex POLICY November 2016 Precinct G North McPhillips BYLAW approved January 2019 provides a definition for 'Expressway'. This entire action reflects Mr. Platt's personal preference for defining what is 'appropriate', not an industry or professional standard or even a City of Winnipeg standard for secondary plans.

12 Recommendation

The Public Service recommends that the proposed Parker Lands Secondary Plan not be approved as a land use plan until the following issues identified by the Public Service have been addressed:

1. The Plan Area does not meet the land use mix criteria or locational attributes to warrant development consistent with the 'Urban Neighbourhood' TOD Type (as described in the Winnipeg TOD Handbook). 1st PARAGRAPH, PAGE 27.	**XXX. APPLICANT COMMENTS** This is information that is misleading to Council. The applicant is unable to fully and properly respond because the City has refused to allow the applicant to use relevant internal City documents in this process. This section indicates that the Public Service should take into account the documents listed in paragraph 71 of the October 5, 2020 decision as instructed by Justice Grammond. This paragraph states that the Public Service will revise the administrative reports to take into account the information described in paragraph 71. The Applicants September 19, 2018 report of the July 31, 2018 City Administrative Report under ***Issue #1*** points out the erroneous use of "Neighbourhood Medium Density". Further to this report, the Applicant points the Public Service to the TOD Handbook. In the TOD Handbook the following definitions are found for "Neighbourhood Medium Density" TOD and for "Urban Neighbourhood" TOD.

	• "Neighbourhood Medium Density" has a Transit Frequency of **15-30 minutes** and a Land-Use Mix of "**Limited multi-family, with the majority of residential being single family, duplexes, accessory dwelling units, and ground-related units."** [emphasis mine] (see page 45 *Transit-Oriented Development Handbook*). • "Urban Neighbourhood" has a Transit Frequency of **5-15 minutes** and a Land-Use Mix of "**Mid-rise residential, condos, ground-related units**, and mixed-use structures, with ground floor retail or office use required." (see page 41 *Transit-Oriented Development Handbook*). The Beaumont BRT Station has a Transit Frequency of **5-15 minutes** as per Winnipeg Transit. This station is on the Blue Line. Winnipeg Transit reorganized the bus routes in November 2019 to incorporate the rapid transit corridor as its hub and spoke configuration. Additional details can be found on the Transit departments webpage. **The Fulton Grove concept plan clearly indicates the Land-Use Mix is aligned with "Urban Neighbourhood".** The Applicants points to the Administrative Report for File DASZ 12/2018 dated November 2, 2020, 3RD PARAGRAPH, PAGE 21:

	*This is **how density works** in **other Major Redevelopment Sites** such as Bishop Grandin Crossing, which has zoning districts allowing **higher densities** closer to the transit station and **medium densities** as you move further away from the station*. [emphasis mine] Yet, the Winnipeg Public Service continually applies a TOD Typology of **low-to-medium density** for the Parker Lands, despite being an MRS Site along the same rapid transit line as Bishop Grandin Crossing, which is physically separated from the BRT Station by a Hydro Corridor and Rail Tracks. *Section 03-3 of Complete Communities – Key Directions*, Major Redevelopment Sites "will provide for complete communities with significant levels of mixed use, **high density development** with strong urban design and attractive parks, places and open spaces." [emphasis mine]. Independent consultants' reports all confirm that as density levels increase on the site, the economic and environmental returns on transit infrastructure increases (Altus – *An Economic Benefits Analysis*; Ortech – *GHG Reductions of High-Density Residential Developments*).

	A nationally recognized registered professional planning consultant independently verified and confirmed the appropriate levels of density for this site. The *Winnipeg Residential Land and Infill Strategy* (2009) suggested that the Parker Lands site would be most efficiently developed to a **mid/high net density scenario** to justify infrastructure and transportation interventions (p. 100). Yet, the Public Service continues to suggest **low-to-medium densities** on this site, contrary to the policy statement in *Section 03-3 of Complete Communities – Key Directions.*

13 Recommendation

The Public Service recommends that the proposed Parker Lands Secondary Plan not be approved as a land use plan until the following issues identified by the Public Service have been addressed:

2. The Plan does not provide sufficient detail to allow for the public service to effectively evaluate future development proposals in the 'Urban Neighbourhood Policy Area' portion of the Plan Area. 2nd PARAGRAPH, PAGE 27.	**XXXI. APPLICANT COMMENTS** This is a false statement. The September 19, 2018 review of the July 31, 2018 Messrs. James Platt and Braden Smith Administrative Report under ***Issue #2*** points out this erroneous claim. The Applicant also has communications from Mr. Platt advising the Applicant to take out details from the Plan, including the same detail he later advised is 'missing' and therefore the rationale to not approve the Plan (see *May 24, 2017 Markup Draft plan*). Additionally, the Applicant points out that File DASZ 12/2018 has been with the City of Winnipeg since early 2018, thus is not a future proposal. File DASZ 12/2018 has been assessed by the City of Winnipeg as per the Michael Robinson/Braden Smith Administrative Report for DASZ 12/2018 dated November 1, 2018. And File DASZ 12/2018 has been assessed again, as per City email of October, 2020. We have a comprehensive analysis of the *Appendix/Attachment 5 Errors and Omissions document*

	provided in the Michael Robinson/Braden Smith Administrative Report for DASZ 12/2018 that details their ***faulty assessment*** of the PDO and the associated DASZ: Robinson/Smith made no claims the Secondary Plan did not allow them to evaluate the proposal, and the Applicant makes no claims the City Planners' faulty assessment is linked to 'content' of the Secondary Plan.

14 Recommendation

The Public Service recommends that the proposed Parker Lands Secondary Plan not be approved as a land use plan until the following issues identified by the Public Service have been addressed:

3. The Plan requires editing and re-organization, including the addition of important content and policies, in order to clearly communicate the vision, objectives and policies against which future development proposals will be evaluated. 3rd PARAGRAPH, PAGE 27.	**XXXII. APPLICANT COMMENTS** This is a false statement. Point 3. regarding 'information presentation' and 'format/organization issues' and 'reorganization' indicates that the Public Service should take into account the documents listed in paragraph 71 of the October 5, 2020 decision as instructed by Justice Grammond. This paragraph states that the Public Service will revise the administrative reports to take into account the information described in paragraph 71. The September 19, 2018 review of the July 31, 2018 City Administrative Report points out this is an unjustified statement creating a false narrative to mislead council and the public that the Applicant's

	Secondary Plan was uncharacteristic of such plans, out of the scope of normal plans, and flawed to the extent to deny proper and due process to the Applicant. **78 % of the Parker Lands Secondary Plan reflects the direction and language of the Public Service.** Attached is a colour-coded Secondary Plan that indicates areas of input, review, comments and changes by the Public Service over the years on the final Plan. **Mr. Platt has made this statement populated with moving targets over the years**. Mr. Platt has not provided a complete list of all the missing content or identify all the specific issues with the organization or format. Instead, Mr. Platt has made several public comments on this topic during appearances at public meetings of Council committees including March 2020 when he highlighted 'the significant issue' – some of these are now being replaced by different issues identified today. Mr. Platt previously indicated the following "issues', this is not an exhaustive list but only a sample: ▪ the identification of the Applicants' lands as being zoned industrial under the Section entitled 'Planning Area'.

	▪ Including the existing zoning within the Secondary Plan document. ▪ Issues in the background and engineering reports [but never identified]. ▪ 6970 dwelling units, unabated and unimpeded, being applied for. [false] ▪ The forested area not identified in the Fulton Grove lands, even after it was removed. [false]. ▪ The Concept Plan being changed after the October, 2016 Open House without public engagement. [false] ▪ Tall buildings not being located next to Hurst Way. [misinformation] ▪ Community commercial being allowed at a scale considered as a 'Regional Mixed Use', i.e. Polo Park, Seasons of Tuxedo, etc.[false] ▪ Wal-Mart is located in 'Taylor Festival' and Sobey's is located in the 'Grant Park Pavilion. [false] ▪ The Plan does not include a 'Railway Corridor Policy Area' section with related policies [false, it does, Section 3.10]. ▪ Potential geotechnical consideration on the water table impact on underground parking not being listed in the 'Constraints' section {note: no longer on the list}. ▪ Proposed policy 5.5.2.4 contradicts the policy wording of section 1.1.2 [false, 1.1.2 does not exist].

	For example, in this report the missing content is a now **lack of policies for school bus turning**. Yet, recently approved Secondary Plans in Winnipeg **all lack policies related to School Bus turning radius.** In the previous 4 years of Mr. Platt's involvement with this plan, **this item was never identified as an 'issue'**. Each communication with Mr. Platt has yielded a different list of 'content' and 'editing issues' leading to an interminable planning process. When one of Mr. Platt's perceived issues is challenged as rightfully being faulty, that issue is dropped by Mr. Platt to be replaced by a new perceived 'issue' with 'content', 'organization', 'editing',' format' – all subjective terms, open ended terms – as the headline. The inclusion of these types of statements in Mr. Platt's reports, communications to Council and to the public can only be attributed to an attempt to create a narrative that this plan is 'full of errors' and not ready for 'prime time'. Mr. Platt's July 31, 2018 Administrative Report identified five (5) major issue and recommended rejection based on five (5) points. The Secondary Plan document has not changed in two (2) years, yet the number of major issues and reasons for rejection have been reduced to three (3).

	The Applicant has debunked every single perceived issue provided by Mr. Platt, this being the third time in writing and not counting the previously raised dozens of 'issues' raised during the drafting of the plan over several years. Messrs. James Platt and Braden Smith state in the July 31, 2018 Administration Report: "The Public Service's review of the Plan identified over **200 issues** (not including issues raised with the background and engineering studies)" [emphasis mine] (page 14) Messrs. James Platt and Braden Smith state in the July 31, 2018 Administration Report: "The Public Service review of the Plan identified **approx. 250 separate issues** that require some form of alteration or addition to be made to the Plan. Some are minor text wordings, while others are more substantial and will require significant effort to resolve. It is unfeasible for this report to specifically mention all approx. 250 issues identified by the Public Service." [emphasis mine] (page 30) Ms. Sara Rentz, Legal Services, City of Winnipeg December 12, 2019 indicated:

	"While I am advised that there are some **200+ modifications / corrections / amendments** to be made, the **majority** of these are relatively **minor in nature** (typos, organization, layout, etc.) and **can be done at our end quite easily**." [emphasis mine]. The Applicants have yet to be given a list of **200+ modifications / corrections / amendments –** and the lists continue unceasing, everchanging when a so-called issue is invalidated. The Parker Lands Secondary Plan format and organization was baselined against existing City of Winnipeg secondary plans, as well as a cross jurisdictional analysis of secondary plans from Manitoba, Canada, and the United States of America. Attached is an analysis that compares and contrasts the organization and format of the Parker Lands Secondary Plans to Winnipeg's thirty (32) other Secondary Plans approved in the 21st Century was initially done in 2016 and recently expanded and updated to include the secondary plans approved by Council between 2018 and 2020. The Parker Lands Secondary Plan, when compared and contrasted with the organization and format of Winnipeg's other thirty-two (32) secondary plans,

	appears to be the same or near similar, placing amongst the majority of secondary plans. Strikingly, the Parker Lands Secondary Plan matches strongly to the secondary plans adopted in 2019 and 2020, with relatively minor differences in such items as: • Font colour; • having sections entitled 'definition' and 'maps'; • combining all infrastructure under one section instead of splitting into two; and • separating sub-sections ''Implementation' and 'Time Frame' into two (2) instead of one sub-section. In short, there is nothing remarkable, unique, or different about the format, organization or content of the Parker Lands Secondary Plan when matched to the other thirty-two (32) secondary plans in Winnipeg. Many if not all of Mr. Platt's issues appear to be personal preferences: not an industry or professional standard or even a City of Winnipeg standard for secondary plans. Mr. Platt is incorrectly labelling his personal preferences for format, wording, and organization as 'issues'. This has purposely created a narrative that this plan is so flawed to the extent that it should never **even be considered** by Council, the first such extraordinary

	action by the Public Service in more than +20 years in adopting 32 other secondary plans. A reasonable person can conclude that the Applicant will never be able to meet Mr. Platt's everchanging, perpetual personal preferences – inclinations that are not based or reflective on any professional or industry standards, or any City of Winnipeg standards for planning documents. Mr. Platt's everchanging perpetual personal preferences that fall under broad, sweeping, non-specific labels of 'issues' with 'format', 'organization', 'editing', 'content', etc. has expedited the rejection of this planning document. The issues that have been actually identified by Mr. Platt, have all be found to be baseless. However, these continual claims of 'issues' have progressed Mr. Platt's expressed goal to take over the document and only advance the matter when he deems fit, as per the Recommendations contained in the July 31, 2018 Administrative Report SP 1/2018. Thus, preventing the Applicants from advancing their development concept for their lands under the associated File DASZ 12/2018.