November 6, 2020

Standing Policy Committee on Property and Development,
Heritage, and Downtown Development
City Hall
Council Building
510 Main St.
Winnipeg, MB R3B 1B9

Dear Members of the Committee:

RE: *Parker Lands Secondary Plan (SP 1/2018)*
Review of ADMINISTRATION REPORT DATED OCTOBER 29, 2020

The purpose of this Report is to provide a synopsis on the detailed review of Administration Report dated October 29, 2020 for File SP 12/2018 ***Parker Lands Secondary Plan.***

The Courts afforded this review and submission directly to Standing Policy Committee under 2020 MBQB 141 ***6165347 Manitoba Inc. et al. v. The City of Winnipeg, et. al.***

The key takeaways to the Applicants review of the Public Service administrative report are as follows.

The Public Service:

1. Is not taking into account all the information detailed in paragraph 71 of Justice Grammond's October 5, 2020 decision.
2. Is withholding information that resolves issues they have identified as a reason for rejection.
3. Is not considering their own internal documents concerning their handling of the Secondary Plan application and present a misleading picture of the Public Service's conduct and handling of these applications.
4. Issues for rejection are either without foundation in fact or are related to the above points.
5. Issues, nearly all of them, appear to be an individual planner within the Public Service that has everchanging, perpetual personal preferences – preferences that are not reflective or based in any professional or industry standards, or City of Winnipeg standards for planning documents.

This review of the Administration Reports focuses on the ***significant*** omissions, misstatements and factually incorrect evidence the Administration is putting forth as their publicly available professional opinions on this specific development and the planning documents associated with this development, namely, the *Parker Lands Secondary Plan* and the *Parker Lands PDO-2*.

This review does not include, at this time, an analysis of the minor errors or spelling, grammar etc. contained within Administrative Reports.

Internal City of Winnipeg documents are available which would provide a different context to the administrative report on the Secondary Plan application but these documents cannot yet be used in this process by the applicant because they were made available to the applicant in the misfeasance lawsuit brought by the applicant against the City and four senior members of the Planning, Property & Development Department. The applicant has requested the City's consent to have documents made available for the applicant's use in this process to allow members of Council a proper context to their review of this administrative report but the City's lawyers refused. In simple words, important information is available but cannot yet be used without the City's consent. The applicant feels this information is relevant to the recommendations contained within the Public Service's administrative reports. The applicant will provide these internal documents in the event that it becomes able to do so in advance of November 16, 2020.

Attachment A is a summary of Attachment B. Attachment A focuses on the three (3) 'key' reasons for the recommendation of rejection by the Public Service. The applicants position is that these reasons for rejections are unfounded especially if Council had an opportunity to view the withheld information ordered by Judge Grammond and the information the Public Service refuses to disclose to Council and the public at large.

Attachment B is a table that provides a detailed review, paragraph-by-paragraph of the Administrative Report on this matter. Supplementary documents are included to substantiate findings and statements. The administrative reports key reasons, for rejection are either without foundation in fact, and/or are related to information withheld or not available to Council.

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, CNU-A

LIST OF ATTACHMENTS

ATTACHMENT A – Applicant Report, Review of ADMINISTRATION REPORT File SP 1/2018 dated October 29, 2020.

ATTACHMENT B – TABLE 1: Detailed Review of ADMINISTRATION REPORT DATED OCTOBER 29, 2020.

ATTACHMENT C – Winnipeg Transit Planner, Grocery Store Travel Times.

ATTACHMENT D – Save on Foods media release.

ATTACHMENT E – Sobeys Media Report.

ATTACHMENT F – Cross Jurisdictional Review Secondary Plans LIST.

ATTACHMENT G – *Compare and Contrast the Organization and Format Parker Lands Secondary Plans to Winnipeg's Secondary Plans, 2000 – 2020.*

ATTACHMENT H – [Parts 1, 2 & 3] – *Compare, Contrast, and Quantify the City Planners' Contributions to the Content of the Parker Lands Secondary Plans.*

ATTACHMENT I – *BOMA Canada Office Building Classification Guide.*

ATTACHMENT J – *North St. Boniface Secondary v. Parker Lands Secondary Plan Table of Contents.*

ATTACHMENT K – *A Historical Analysis of Residential Development Densities in Winnipeg.*

ATTACHMENT L – *Best practices for ending exclusive single-family zoning.*

ATTACHMENT M – Pembina Trails School Division Transport Policy.

NOTE: References are made to the attachments in *Attachment A – Report* and/or *Attachment B - Table.*

ATTACHMENT A: Applicant Report on the Detailed Review of ADMINISTRATION REPORT File SP 1/2018 dated October 29, 2020.

SIGNIFICANT #1 The Baseless Issues

Rejection Reason 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.]

Rejection Reason 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.]

Mr. Platt (the author of the administrative report) has repeatedly made these broad, sweeping statements, populated with moving targets over the years, as two (2) of the three (3) reasons now for rejecting the Parker Lands Secondary Plan (see 2nd and 3rd PARAGRAPHS, PAGE 27).

These statements are 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.

Mr. Platt has never provided the Applicant a complete list or identified all the specific issues with the organization, content, or format. Instead, Mr. Platt has made several public comments on these topics during appearances at public meetings of Council committees - including March 2020, when he highlights 'the key issues' – swapping some of these 'key issues' now with new, different 'key issues'.

Mr. Platt previously indicated the following 'issues', this is not an exhaustive list, but only a sample of the debunked past issues:

- 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]
- Out of date Policy Maps not accounting for the tree removal [false].
- Concept Plan being changed after the October, 2016 Open House without public engagement. [false]
- Taller 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, this latest report indicates the missing content is a now **lack of policies for school bus turning radius**. Recently approved Secondary Plans in Winnipeg **lack policies related to School Bus turning radius.** In four (4) years of Mr. Platt's involvement with this plan, **insufficient policies for school bus turning was never identified as an 'issue'**. Mr. Platt fails to recognize here that the design and construction of public roads across Winnipeg – including areas without Secondary Plans – are guided and planned by professional engineers using

Transportation Standards Manuals etc..[1] As such, there is no need for policies regarding the construction of roads to accommodate school buses. Yet, the absence of such a policy in the Secondary Plan is considered an 'issue', and a basis for recommending rejection of the Parker Lands Secondary Plan because the Plan is unable to ***clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.***

Another identified 'issues' includes the 'Opportunities and Constraints' sub, sub-section. Mr. Platt feels it is appropriate to include the CN tracks and potential contaminated lands under this section. The City of Winnipeg owns the land that may be contaminated and if that is an issue then the City should provide the applicant with the appropriate wording to address this situation. The same information as the Parker Lands Secondary Plan that is being demanded here is absent from several other City of Winnipeg Secondary Plans:

- *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.
- *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, yet this is not listed as constraints.

'Opportunities and Constraints' is a sub, sub-section that many secondary plans do not even include within their documents. 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, thus is not considered a 'critical' or core element of a secondary plan document.Yet, the Parker Lands Secondary Plan sub, sub-section is being deemed 'insufficient' and an 'issue',

[1] *City of Winnipeg Transportation Standards Manual, 2012* was developed by the City of Winnipeg Public Works Department and is an update to the City of Winnipeg Transportation Standards Manual, 1991.

and required to provide a more extensive list compared to other secondary plans approved by the City of Winnipeg with planning areas having constraints of higher magnitudes.

A third identified 'issue' is the definition section at the rear of the document. Mr. Platt's inclination is for the words to be defined within the text where the term appears instead of collected at the back under a single 'definitions' section. Nineteen (19) [60%] of secondary plans 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.

Forty (40) percent of the secondary plans approved since 2005 in Winnipeg do not even have definitions: this does not form any of the guiding policy statements of a plan for evaluating a future development proposal. Yet, the Parker Lands Secondary Plan having such a definition section at the back is being deemed an 'issue' that this Secondary Plan does not ***clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.***

A fourth identified 'issue' are synonyms in the document. Mr. Platt favours a different name for Section 3.7: *all references to the 'Rapid Transit Station Node Policy Area' should be changed to 'Rapid Transit Policy Node'*. (2nd PARAGRAPH, PAGE 24).

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 approved secondary plans, this does not invalidate the documents.

None of Mr. Platt's noun choices for sections, sub-sections, sub sub-sections **bear any weight on the policy contents of a secondary plan**. **The word choices used have the same or nearly the same meaning as the identified preferred word**. There is no professional or industry standard for the naming of sub-sections such as this. Yet this detailed level of vocabulary in the use of synonyms is identified as an 'issue' for the Parker Lands Secondary Plan for being deemed un-able to ***clearly communicate the vision, objectives and policies against which future development proposals will be evaluated.***

And a fifth issue is related to the dry ponds:

> *Figures 12 & 21 – Graphics need to be updated to reflect the related engineering report(s). 4th PARAGRAPH, PAGE 23.*

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.

These five (5) 'issues' are only a sample of the 32 issues [falling well short of the 200-250 issues spoken often by Messrs. James Platt and Braden Smith] that are reviewed in ATTACHMENT B – TABLE 1: Detailed Review of ADMINISTRATION REPORT DATED NOVEMBER 2, 2020, where the so-called issues are found to be baseless and defective by using factual evidence.

Communication with Mr. Platt yields different sets of issues for 'content' and 'editing', etc. escalating to an interminable planning process. When one of the perceived issues is rightfully confronted as being faulty, that item is dropped to be replaced by a new perceived 'issue' with 'content', 'organization', 'editing',' format' – all subjective, open ended terms – as the attention-grabbing headline.

The Applicant has debunked these perceived issues provided by Mr. Platt, this being the fourth time in writing. This is not counting the previous dozens of times when 'issues' were raised during the incessant drafting of the plan dating back six (6) years.

Messrs. James Platt and Braden Smith state in their 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 their 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 list continues unceasing, everchanging when a so-called issue is invalidated.

Mr. Platt's July 31, 2018 Administrative Report identified five (5) major points for recommending rejection. The Secondary Plan document has not changed in +two (2) years, but the number of major points for rejection have been reduced to three (3) but the list of 'issues' continues.

Conceivably, Mr. Platt will be able to continue to claim, dubiously, thousands of 'issues' when such 'issues' are similar to the **school bus turning radius**: Parker Lands Secondary Plan lacks policies on snow clearing and ice control on streets, insect control, building and plumbing codes, cell tower antenna, day cares, sport services, property taxation, utility dividends, open government, newspaper vending machines, etc. But, neither do the other thirty-two (32) secondary plans approved by Council.

The inclusion of these questionable statements in Mr. Platt's reports, communications to Council and to the public, can only be attributed to creating and maintaining a narrative that this plan is 'full of errors' and 'not ready for prime time'.

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*)**.**

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, initially done in 2016 and recently expanded and updated to include the secondary plans approved by Council between 2018 and 2020 (see *ATTACHMENT G - Compare and Contrast the Organization and Format Parker Lands Secondary Plans to Winnipeg's Secondary Plans, 2000 – 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 Parker Lands Secondary Plan content was also examined in the *ATTACHMENT H - Compare, Contrast, and Quantify the City Planners' Contributions to the Content of the Parker Lands Secondary Plans.* This study compares and contrasts the content of the final version of the Parker Lands Secondary Plan submitted in 2018 to the City of Winnipeg, with all previous versions of this secondary planning document that was reviewed, commented upon, and approved by the City of Winnipeg Planners assigned to this matter.

⇒ **78% of the final document has been reviewed, commented, modified, revised and approved by the City of Winnipeg's Planners**.

The Applicants planning consultants did the prudent and responsible action, and sought peer review on their work from a leading North American consultant with extensive municipal planning expertise.

In short, there is nothing remarkable, unique, or different about the format, organization or content of the Parker Lands Secondary Plan when compared to the other thirty-two (32) secondary plans in Winnipeg.

Mr. Platt is incorrectly labelling his fickle personal preferences for format, synonyms, and organization as 'issues' – including the same sections and text he has previously **commented, modified, revised and approved**.

Mr. Platt is placing a premium on his personal preference for nouns, and the absence of needless policies as absolutely vital ***to clearly communicate the vision, objectives and policies*** of the Secondary Plan when in reality, **these items bear no weight on the vision, objectives or the policies**. Mr. Platt admitted as much in his October 16, 2020 communication stating:

> *Public Service could 'clean up' the Plan accordingly and provide proponent with revised draft version of the Plan for comment/discussion**. Discussions could then focus on the larger and more important issues** (ie Density, uses, park space, etc)* [sic]. [emphasis mine] *(see Format/Organization, Way Forward October 16, 2020).*

This has purposely created a narrative in the public and amongst Council that this plan is so flawed to the extent that it should never even be considered by Council, the first such extraordinary, unprecedented action by the Public Service in more than +20 years in approving 32 other secondary plans.

Summary

A reasonable person can only 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 personal preferences that fall under broad, non-specific labels of 'issues' with 'format', 'organization', 'editing', 'content', etc. has underpinned 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 solely 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.

SIGNIFICANT #2 Distorted Connections & Commercial

Rejection Reason 3. 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.

Mr. Platt identifies four (4) inadequacies of the Fulton Grove development that are crucial for rejecting the ***Urban Neighbourhood TOD Type as described in the Winnipeg TOD Handbook.*** These deficiencies are:

1. Rail Tracks: Nonexistence connection to commercial amenities to the north.
2. Groceries: Inability for a future resident to get groceries.
3. Class B: Absence of Class B Commercial Space within Fulton Grove.
4. Beaumont: Deficiency of pedestrian connections to Beaumont Neighbourhood.

All of these inadequacies are baseless and found defective by using factual evidence.

1. Rail Tracks: Nonexistence Connection to Commercial Amenities to the North from Fulton Grove.

The applicant is unable to properly respond this misleading statement 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*).

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 following points, substantiated with facts overlooked by the Public Service, cast doubts on the need for a multi-modal connection to the amenities [grocery store] on the northside of the rail tracks.

2. Groceries: Inability for a future resident to get groceries.

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 Mr. Platt to identify the one amenity, a grocery store on Taylor Ave. on the northside of the rail tracks, that is the not the closest travel 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 known 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 national chain 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 walking distance of 2.3 km to the Sobeys Sage Creek.

- North St. Boniface resident on Rue Messager walking distance of 2.1 km to the No Frills on Marion Street.

Mr. Platt also does not take into account that residents living in a TOD development, will actually use the Beaumont Station for transit service, and take a bus to the nearest 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.

Larsen & Gilliland (2008) find that on average, bus commuters usually travel 10-15 minutes to go to the grocery store[2]. The transit travel times for Fulton Grove residents to attend a national chain grocery store is on average and reasonable.

Mr. Platt, additionally, does not take into account that the Fulton Grove residents may be able to access a national chain grocery store in Fulton Grove as such a land-use is enabled and permitted in the Parker Lands Secondary Plan and the 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 James Platt's October 16, 2020 communication).*

[2] Larsen, K. and Gilliland, J. 2008. Mapping the evolution of "food deserts" in a Canadian city: Supermarket accessibility in London, Ontario, 1961-2005. *International Journal of Health Geographics* 7(16).

***The proposed TOD District permits a number of commercial uses**. [emphasis mine] (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**. [emphasis mine] (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 (see *Attachment E – FreshCo Media Reports*).

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. 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 grocery stores allowed in Fulton Grove, eliminating the possibility of a national chain grocery store.

3. Class B: Absence of Class B Commercial Space within Fulton Grove.

This is information that is misleading Council.

Mr. Platt is confusing on how Class B commercial is defined. The Applicant points to *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).*

Fulton Grove is proposing to have Class B commercial, meeting the requirements of the Urban Neighbourhood TOD Type.

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. James Platt's October 16, 2020 communication).*
>
> ***The proposed TOD District permits a number of commercial uses**. [emphasis mine] (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**. [emphasis mine] (see 1st PARAGRAPH, PAGE 21. Fulton Grove Subdivision DASZ 12/2018 Administration Report November 2, 2020).*

The Applicant points to the *Fulton Grove Subdivision DASZ 12/2018 Administration Report November 2, 2020* where the Public Service continually recommends a reduction of the permitted commercial 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 across the entire planning area under the TOD PDO. There is apparently too much commercial for the author of DASZ 12/2018 Administration Report, and no commercial according to the author of SP 1/2018 Administration Report.

4. Beaumont: Deficiency of pedestrian connections to Beaumont Neighbourhood.

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' from the Beaumont Neighbourhood.

Should Mr. Platt's statements be 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 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 Plaza 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 (see *Attachment C Winnipeg Transit Planner*).

The new information submitted October 29, 2018 includes a Plan of Subdivision that shows the eastern portion of Fulton Grove extending past the eastern terminus of Hurst Way.

Information submitted October 29, 2018 includes a concept plan that shows ten (10) pathway connections to the multi-use path south of the development, along the north side of Hurst Way that connects the Low-Density Mixed Housing Area on the western side of Fulton Grove to the BRT Station east of the Hurst Way terminus. The concept plan and the subdivision plan show that residents in the Low-Density Mixed Housing Area do not need to cross Hurst Way.

This means that pedestrians / cyclists can reach the Beaumont Neighbourhood by crossing the SWBRT, the Hydro Corridor and Parker Avenue – the same barriers the Beaumont residents cross to access the Beaumont Station (see *Attachment C Winnipeg Transit Planner*). The same or similar barriers residents in existing neighbourhoods are accessing the SWBRT stations and amenities of nearby neighbourhoods across South Winnipeg.

This new information submitted October 29, 2018 has been discounted by Mr. Platt who does not consider that the residents in the Low-Density Mixed Housing Area in Fulton Grove will have access to safe pedestrian and cycling routes to the BRT Station, and then access the same routes as the Beaumont Neighbourhood residents take to get to the Beaumont Station.

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 5-minute walk to cross the barriers (see *Attachment C Winnipeg Transit Planner*).

Fulton Grove walking distances to access General Byng School [K-9] is 12 minutes [950 metres], Fort Garry Community Centre is 10 minutes, Beaumont Park is 10 minutes, Parker Tot Lot Community Gardens is 6 minutes, and 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*).

Summary

Mr. Platt's assertion that Fulton Grove does *not meet the land use mix criteria or locational attributes to warrant development consistent with the 'Urban Neighbourhood' TOD Type,* are baseless and found defective by using factual evidence:

- Groceries can be acquired by a reasonable 12-minute transit ride to an existing store, as can many other commercial amenities along the Pembina Hwy strip south of Jubilee.
- Class B commercial is encouraged and permitted within Fulton Grove under the Parker Lands Secondary Plan and the Parker Lands TOD PDO, in limited areas, but sufficient in quality and size to accommodate a variety of commercial uses within easy walking distance of residents.
- Beaumont neighbourhood amenities are reasonable walking distances and can be accessed within minutes of walking, without crossing Hurst Way, as easily as residents in existing neighbourhoods including Beaumont can cross the same 'barriers' to reach the BRT stations on the Blue Line.