From: **Andrew Marquess** andrew.marquess@gemequities.ca
Subject: FW: Parker Lands Secondary Plan & Fulton Grove Subdivision (Our File Nos. P.3/2018(1) & DASZ 12/2018)
Date: October 11, 2020 at 10:37 AM
To: Andrew Marquess andrew.marquess@gemequities.ca



From: Rentz, Sarah <SRentz@winnipeg.ca>
Sent: December 12, 2019 4:13 PM
To: Dave Hill <dhill@hillcounsel.com>
Cc: Kevin Toyne <ktoyne@hillcounsel.com>; Pledger, Ashley <APledger@winnipeg.ca>; Duncan, Justin <JDuncan@winnipeg.ca>; Medeiros, Amanda <AMedeiros@winnipeg.ca>; Dick, Harold <HDick@winnipeg.ca>
Subject: Parker Lands Secondary Plan & Fulton Grove Subdivision (Our File Nos. P.3/2018(1) & DASZ 12/2018)

Hi Dave,

Further to our telephone conversation of October 15, 2019, I have now had a chance to review with my client department. 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.

The major issues which remain to be resolved are as follows:

Parker Lands Secondary Plan (SP 1/2018)

1. Density:
    a. Proponent has asked for *Urban Neighbourhood TOD* type (maximum density of 100 units per acre, or 6,970 total units for the subject site)

    b. Public Service proposes that *Neighbourhood Medium Density TOD* type is more appropriate (maximum density of 50 units per acre, or 1,600 total units for the subject site)

    c. **Way Forward**:

        i. The materials presented on the Proponent's website included a graphic suggesting a pedestrian crossing over the tracks to the regional amenities north of the CNR Main Line. This rail crossing is not currently mentioned or otherwise reflected in the Plan in any way. The inclusion of a pedestrian crossing in the Plan could be explored, and potentially included in the Plan.

        ii. Inclusion of pedestrian connection to Grant Park Pavillions would improve connectivity (access) to other sub-regional centres. This could allow for the commercial mix across the CNR Mainline to be accessible from the subject area. Improved access to the amenities at the Grant Park Pavillions could justify increased residential densities of the subject land.

2. Detail:
    a. The Plan does not contain sufficient detail which would permit the City to

a. The Plan does not contain sufficient detail which would permit the City to properly evaluate future proposals, with the following specific examples:

    i. Policy 3.5.2.2 permits all residential building types to be established anywhere within the 'Urban Neighbourhood Policy Area'. 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.

    ii. 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.

b. Residential net density of between 40 to 100 units/acre applies throughout the Urban Neighbourhood Policy Area of the Plan.

c. The subdivision / rezoning proposal (DASZ 12/2018) includes a graphic which places highest density residential development (11 to 13 storey buildings) along the railway tracks to the north and away from the SWBRT station . The buildings closest to the SWBRT station are identified as only 6 storeys. The proposed density arrangement does not conform with the TOD Handbook or the Plan which require that the highest densities be nearest the SWBRT Station.

d. **Way Forward**:

    i. Divide the proposed 'Urban Neighbourhood Policy Area' into at least three (3) policy areas: One each for high, medium and low density neighbourhood development. Unique policies would be included each of the three (3) policy areas to better articulate and define the types and intensities of development what would be permitted and not permitted for each.

    ii. This approach was considered in previous draft versions of the Plan submitted by the proponent for review and comment, as well as was presented at the two (2) Open House events, but was abandoned by the proponent in the most recent version of the Plan.

3. Format/Organization:
    a. A large portion of the issues with the Plan identified by the Public Service relate to the manner in which the information is presented.

    b. **Way Forward**:

        i. Public Service could 'clean up' the Plan accordingly and provide proponent with revised draft version of the Plan for comment/discussion.

        ii. Discussions could then focus on the larger and more important issues

(ie Density, uses, park space, etc).

Fulton Grove Subdivision (DASZ 12/2018)

1. Density
    a. The applicant indicated in their letter of intent that they intend to build 1,913 dwelling units, which is consistent with an “Urban Neighbourhood” typology in the TOD Handbook. The Public Service indicated in the administrative report that based on the site characteristics, the site is more consistent with a “Neighbourhood Medium Density” type in the TOD handbook, which can accommodate between 650-1600 dwelling units.

    b. In light of this, there is a difference of 313 dwelling units between what the applicant is proposing and what the Public Service supports.

    c. **Way Forward:**

        i. The Public Service is of the opinion that if there was a **pedestrian/cycling connection from the site across the railroad tracks to Grant Park**, the site could accommodate 1,913 dwelling units. Where the connection would be constructed and how it would be paid for would have to be determined.

2. Zoning
    a. The zoning that the applicant applied for (TOD District) allows for 6,970 dwelling units. The PDO-2 which they submitted reduces the residential density to 100 dwelling units per acre, but still greatly exceeds the 1,910 units that they requested in their letter of intent. The proposed zoning district and PDO-2 also have a number of other legal and logistical issues that were outlined in Appendix 5 of the administrative report.

    b. **Way Forward**

        i. Divide the site into 3 areas, zoned based on the proposed density, heights, and desired form. The three proposed zoning categories for these areas are RMU, RMF-M, and RMF-S.

3. PDO
    a. The Public Service had prepared a draft PDO-1 in collaboration with the applicant at an earlier stage in the process.

    b. The PDO-2 lacks key detail required to properly asses future development applications.

    c. The proposed PDO2 allows for secondary suites in Two-family dwellings and Multi-family dwellings in contradiction with the Winnipeg Zoning By-law’s definition of a secondary suite. The proposed PDO2 also does not address or propose different regulations between an attached and detached secondary suite.

d. Process surrounding plan approvals should be addressed in the Development Procedures By-law, not the PDO.

e. **Way Forward**

i. Substitute the former PDO-1 (with minor tweaking) for the PDO-2 submitted with the application.

ii. Add dimensions to front yard setbacks and minimum side and rear yards.

iii. TOD requires minimum building heights of 30ft, so need to confirm height of all proposed buildings.

iv. Clarify dimensional standards for accessory structures for single- and two-family dwellings.

v. Clarify regulations surrounding secondary suites.

vi. Remove verbiage surrounding plan approvals.

4. Back Lanes
   a. The applicant is proposing front drives for several blocks within the Lower Density Residential Area.

   b. Public Service does not support front drives – with the exception of blocks that back onto the railroad tracks to the north or Hurst Way to the south.

   c. **Way Forward**

      i. Replace front drives with back lanes within the Lower Density Area for all blocks not backing onto the railway or Hurst Way.

5. Public Reserve
   a. The applicant has proposed a linear park network.

   b. The Public Service recommends a centrally located park site

   c. **Way Forward**

      i. Applicant and Public Service work together to identify a mutual agreeable location for the public reserve land.

6. Stormwater Retention
   a. On-site stormwater retention was not included in the version of the Plan of Subdivision submitted with the original application and reviewed by the Public Service for the Public Hearing.

   b. **Way Forward**

      i. Applicant and Public Service work together to identify a mutually

f. Applicant and Public Service work together to identify a mutually agreeable solution for stormwater retention.

Please let me know if you require elaboration on any of the above points.

Thank you,

Sarah Rentz
Solicitor
Legal Services
City of Winnipeg

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From: **Brian J. Meronek, Q.C.** bmeronek@ddwestllp.com
Subject: RE: Upcoming SPC Meeting/Hearing and Deemed Undertaking Rule
Date: October 27, 2020 at 9:35 AM
To: Kevin Toyne ktoyne@hillcounsel.com, Li, Vivian VLi@winnipeg.ca
Cc: Kerry MacDonald kmacdonald@hillcounsel.com, Dave Hill dhill@hillcounsel.com

QB

Kevin;
The City says no.
Brian.

Brian J. Meronek, Q.C.
Barrister & Solicitor

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From: Kevin Toyne <ktoyne@hillcounsel.com>
Sent: October-26-20 1:52 PM
To: Li, Vivian <VLi@winnipeg.ca>; Brian J. Meronek, Q.C. <bmeronek@ddwestllp.com>
Cc: Kerry MacDonald <kmacdonald@hillcounsel.com>; Dave Hill <dhill@hillcounsel.com>
Subject: Upcoming SPC Meeting/Hearing and Deemed Undertaking Rule

Vivian and Brian,

Can you please let me know if the City is prepared to consent pursuant to Rule 30.1(4) to our clients using evidence obtained during the discovery process for the purposes of revising and responding to the secondary plan and DASZ administrative reports and during the presentations to elected officials at SPC and beyond?

Thank you,

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Litigation Counsel

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