ATTACHMENT B

TABLE 1: Detailed Review of ADMINISTRATION REPORT DATED NOVEMBER 2, 2020

Fulton Grove Subdivision (DASZ 12/2018)

	City Statement	APPLICANT COMMENTS
	ANALYSIS AND ISSUES	
1	**A. Policies**	
	OURWINNIPEG/ COMPLETE COMMUNITIES	
	The subject property is identified as a Major Redevelopment Site in the City's *Complete Communities Direction Strategy*. 1st PARAGRAPH, PAGE 14. The density range for the Neighbourhood Medium Density' TOD typology is between 20-50 dwelling units per net acre. At this range, the site would accommodate approximately 650 to 1,600 dwelling units – not the 1,918 dwelling units shown in the concept plan and PDO-2. 6th PARAGRAPH, PAGE 19.	**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. The Applicant points to the report provided to the City of Winnipeg on September 19, 2018, constituting the applicants' review of the July 31, 2018 City Administrative Report. *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 former Chief City Planner of Toronto, in her peer review of the plan, was concerned that the suggested densities by City Planners would be too low to support public transit infrastructure. 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.*

2 A. Policies

WINNNIPEG TOD HANDBOOK

The overall residential density proposed in the concept plan is 1,918 dwelling units. This calculates to an overall net density of approximately 60 units per net acre. This density is within the range of the **Urban Neighbourhood typology** (40-100 units per net acre).

3rd PARAGRAPH, PAGE 19.

As discussed in detail in the associated Secondary Plan report (SPA 1/2018 – Issue #1), the subject site does not meet the criteria for the '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.

5th PARAGRAPH, PAGE 19.

The density range for the Neighbourhood Medium Density' TOD typology is between 20-50 dwelling units per net acre. At this range, the site would accommodate approximately 650 to 1,600 dwelling units – not the 1,918 dwelling units shown in the concept plan and PDO-2.

6th PARAGRAPH, PAGE 19.

II. 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 points to the report provided to the City of Winnipeg on September 19, 2018, constituting the applicants' review of the July 31, 2018 City Administrative Report

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".

Determining the appropriate TOD Type for this site is an important element to consider as approximately $500 million in rapid transit investment has been committed and one of the outcomes of this public transit investment was the anticipated residential development that would occur which supports the viability of the transit corridor.

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. The planning consultants also engaged with a nationally known urban economist and environmental consultants who have similar experience in this area to inform their planning work. Peer review outcomes and economic and environmental studies were completed and forwarded to the City Planners to provide a comprehensive overview of factors to determine appropriate TOD Types and density classifications for the site. The City Planning group instructed the Applicant to stop producing these reports which is now consistent with the Administration's goal of being the sole authority on determining the policies, guidelines and planning principles allowed on this individual site. 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 s**uch 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. A more detailed analysis of the Public Service's erroneous use of the TOD Handbook relating to this development is included within the review of the associated Secondary Plan administrative report (SP 1/2018) dated October 29, 2020.

3	B. ZONING	
	In this instance, the Applicant has drafted a PDO-2 and selected the zoning without consultation with the Winnipeg Public Service. 3rd PARAGRAPH, PAGE 20.	**III. APPLICANT COMMENTS** This is a false statement. 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 Applicants sought feedback on the Parker Lands PDO from Messrs. Michael Robinson and John Kiernan. The Applicant specifically petitioned Mr. Kiernan as the Director of the Planning, Property and Development Department on April 2, 2018 to instruct his staff to collaborate with the Applicant on zoning matters including the finalizing of the Parker Lands PDO. The City of Winnipeg Planners effectively ceased communication with the Applicant regarding the PDO, the Secondary Plan and the Development when the mandamus was filed with the Court of Queen's Bench in June, 2018. This was despite Mr. James Platt communicating on April 6, 2018 that feedback would be provided in advance of the Administrative Reports being submitted to Council and the Applicants attempts on September 19, 2018 and October 29, 2018 to engage the City of Winnipeg.

4	**C. CONTENT ISSUES** **Zoning District**	
	When applied across the entire 47 acre subject site, the "TOD" zoning district could yield a total of 6,970 dwelling units. 2nd PARAGRAPH, PAGE 21.	**IV. APPLICANT COMMENTS** This is information that is misleading Council. The Applicant has pointed out this disingenuous statement to the Public Service on multiple occasions, yet this incorrect statement persists to mislead Council. The Public Service on a number of occasions falsely stated and continues to suggest the Applicant and this development will be 6970 dwelling units, unabated and unimpeded. The new information SUBMITTED 29 OCTOBER 2018 includes a revision to the Parker Lands Concept Plan for Fulton Grove showing 1918 units. The Proposed Concept Plan SUBMITTED 29 OCTOBER 2018 for DASZ 12/2018 has less than the maximum 1920 dwelling units expressed in the Parker Lands PDO. The new information SUBMITTED 29 OCTOBER 2018 includes a Plan of Subdivision – Lot Plan for DASZ 12/2018 that outlines Lots 1 – 187 with dimensions sized appropriately for single and semi-detached dwellings.

		The proposed plan of subdivision lot sizes physically constrains the density on the lands from occurring as continually being suggested by the Winnipeg Public Service. DAZ 214/2016 - *Text Amendment – Winnipeg Zoning By-law 200/2006* to incorporate a new "TOD" Transit-Oriented Development zoning district in *Winnipeg Zoning By-law 200/2006* states on page 10: *The Public Service acknowledges that this scale of development* [allowed under the TOD Zone] *may not be appropriate for all transit station areas. However,* ***it is possible to use secondary plans, planned development overlays or zoning agreements to tailor the density down*** *to fit the individual context through the development application process [emphasis mine]* It is entirely normal for a Developer to seek and be approved for a zoning district that has inherently no restrictions on density. Also, it is common practice for the City of Winnipeg to apply regulatory tools at the time of a rezoning to ensure capacity restrictions on density are legally enforceable as suggested by the Administration Report for incorporating the new "TOD" Transit-Oriented Development zoning district into *Winnipeg Zoning By-law 200/2006*.

Examples of subdivision and rezoning with restrictions on the zoning applied for;

- Tuxedo Yards / Seasons of Tuxedo rezoning to C4 Commercial Regional District Zone: a zoning district with no restrictions on floor area sizes for retail.
    - Council at the time of the subdivision and rezoning application, restricted through enforceable agreements the total of all retail land-uses to 1.5 million square feet.
- A more recent example is **PDO-2 INKSBROOK EMPLOYMENT LANDS** where the City Planners insisted on a cap on total gross floor area of retail not exceeding 15 percent of the total gross floor area of all principal uses.

We are proposing the same mechanism in the Parker Lands PDO to place restrictions on the number of dwellings units, as suggested by the Administration in DAZ 214/2016 - *Text Amendment – Winnipeg Zoning By-law 200/2006.*

The City routinely applies legally enforceable restrictions to cap the density on the development associated with the requested zoning district. This is such a common occurrence at the City of Winnipeg that the continued suggestion by the City Planners that the Applicant here is seeking 6970 dwelling units or the proposed zoning will allow 6970 dwelling units, unabated and unimpeded, is ***factually incorrect***.

5	**C. CONTENT ISSUES**	
	Zoning District	
	Height and Density	
	The PDO-2 reduces the overall residential density to a minimum of 1,300 and a maximum of 1,920 units. **However, density limits set out in a PDO-2 are not 'fixed' and can be exceeded through an approved variance application**; and given the proposed zoning district in this case is TOD, **there is the potential for very large density variances allowing for densities on the site far exceeding the Plan's intent**. This is one of **the key reasons** the Public Service does not recommend the TOD district and instead recommends the Applicant 'right-size' their proposed zoning districts to reflect the Plan's intended densities and heights, based on area. **[emphasis mine]** 3RD PARAGRAPH, PAGE 21.	**V. 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. The Public Service on a number of occasions falsely stated, and continues to suggest, the Applicant and this development will be 6970 dwelling units, unabated and unimpeded. The Public Service on a number of occasions falsely stated, and continues to suggest, the Parker Lands PDO-2 zoning lacks any restrictions or any oversight when compared to other zoning districts, that once approved, this development will magically conjure up 6970 dwelling units on the ground without any regulatory oversight. The Public Service is omitting significant information: **density cannot be 'fixed' permanently under any**

		Zoning District, PDO or RMF, nor does additional density simply appear on the ground. Every land owner in Winnipeg is afforded the right under the *Charter* to seek variances of the Zoning By-law for relief of regulations including density. All Winnipeg Councils, current and future, are afforded the right under the *Charter* to consider such requests and either grant or reject. The process for seeking variances, as laid out under all versions of the *Charter,* indicates a transparent, multi-layer public process with oversight from different tribunals. The *Charter* limits the ability of the Public Service to refuse development applications, including for increasing density, from being made or considered by decision makers. The decision-making process for development application, including variances, provides no guaranteed outcome for any applicant. The *Charter* ensures the same process is afforded to all land owners, and the same process is provided to all decision makers (current and future) to review, consider and decide; and the same oversight is provided for all zoning districts:

		❖ There is nothing inherent in the 'RMU' - Residential Mixed-Use, 'RMF-M' - Residential Multiple Family Medium or the 'RMF-S'- Residential Multiple Family Small, the three (3) zones the Public Service recommends, that will address their persistent and inflammatory 'concern' regarding potential variances. ❖ There is nothing in any version of the *Charter* that affords the City of Winnipeg Public Service the right to **fix density limits that cannot be exceeded through an approved variance application** for 'RMU' - Residential Mixed-Use, 'RMF-M' - Residential Multiple Family Medium or the 'RMF-S'- Residential Multiple Family Small. ❖ There is nothing in any version of the *Charter* that affords the City of Winnipeg Public Service greater oversight over one zoning district (i.e. RMF) compared to another zoning district (i.e. TOD PDO). ❖ There is nothing in any version of the *Charter* that affords the City of Winnipeg Public Service greater oversight over one particular Applicant compared to another land owner or applicant. ❖ There is nothing in any version of the *Charter* that affords the City of Winnipeg Public Service greater abilities to restrict the rights of future Councils from considering amendments to regulations over the current Council: a future Council can replace or amend Plan Winnipeg, replace or amend Secondary Plans, discharge or

amend Zoning By-laws, discharge or amend Zoning Caveats, and grant or reject variances.

- There is nothing in any version of the *Charter* that affords the City of Winnipeg the legal ability to permanently place a 'hard cap' on density – to fix density – on a property that prevents a landowner the ability to seek relief from such regulations, or prevents the current or a future Council from considering such requests.

This means that a variance to increase density can also be sought by any land owner under the RMF and RMU zones, the same as under a TOD PDO zone; and current and future decision makers have the same rights to either approve or reject, all as provided under the *Charter*.

For the Winnipeg Public Service to persistently suggest that different zoning districts provide different oversight – that one zoning district can 'fix density' permanently - when it comes to variances and amendments, applicants and decision makers, is ***factually incorrect***.

6	**C. CONTENT ISSUES**	
	Zoning District	
	Height and Density	
	For example, 'RMU' Residential Mixed-Use, 'RMF-M' Residential Multiple Family Medium and 'RMF-S' Residential Multiple Family Small, the three Public Service recommended developable multiple family zoning districts, have dwelling density maximums roughly reflecting high, medium and low density. If these zoning districts were applied to the site in the appropriate respective geographic areas**, the City would have appropriate oversight over dwelling density limits, matching the proposed Secondary Plan**. 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] 5th and 6th PARAGRAPHS, PAGE 21.	**VI. APPLICANT COMMENTS** ***"the City would have appropriate oversight over dwelling density limits, matching the proposed Secondary Plan."*** This is a false and misleading statement. 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. There is nothing in any version of the *Charter* that affords the City of Winnipeg greater oversight over one zoning district (i.e. RMF) compared to another zoning district (i.e. TOD PDO). Or provides greater oversight over a specific Applicant vs. a different applicant. See **III. APPLICANTS COMMENTS** We are proposing the same mechanism as other PDOs to be in the Parker Lands PDO to place restrictions on the number of dwellings units, as suggested by the

		Administration in DAZ 214/2016 - *Text Amendment – Winnipeg Zoning By-law 200/2006.* And Mr. Platt confirms in the Platt/Smith Administration Report of July 31, 2018 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). [emphasis mine]. The TOD PDO, the concept plan and the plan of subdivision are all aligned to this policy to direct high density to the east side near the BRT Station and lower densities to the west side. see **VIII. APPLICANT COMMENTS.** The author of this report is not taking into account the plan of subdivision submitted October 29, 2018, and the secondary plan as additional layers of municipal oversight. Simply put, the TOD PDO is not a single entity providing the sole oversight directing this development.

7	**C. CONTENT ISSUES**	
	Land Use	
	Commercial Uses	
	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. While the intent of this provision is to limit commercial uses to the commercial zone only, **any provision of a PDO can be varied; effectively opening the door to commercial uses anywhere on the Parker Lands site.** [emphasis mine] 1st PARAGRAPH, PAGE 21.	**VII. APPLICANT COMMENTS** This is a false and misleading statement. See **III. APPLICANT COMMENTS** The Public Service is omitting significant information: as pointed out by Mr. Platt in previous communications, 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, unless an amendment is made to the policies of the Secondary Plan and the amendment is accepted by Council. The author of this report is not taking into account the plan of subdivision submitted October 29, 2018, and the secondary plan as additional layers of municipal oversight. Simply put, the TOD PDO is not a single entity providing the sole oversight directing this development.

8	**C. CONTENT ISSUES**	
	Land Use	
	Residential uses	
	The City wants to see that the regulatory framework provides some **assurance that higher densities will be achieved closest to the Beaumont Rapid Transit Station**. The PDO goes against this objective by allowing single-family and two-family housing in that area. [emphasis mine] 1st PARAGRAPH, PAGE 21.	**VIII. APPLICANT COMMENTS** This is a false and misleading statement. The Public Service is omitting significant information, namely, the policies of the Secondary Plan. Mr. Platt confirms within the Platt/Smith Administration Report of July 31, 2018 for SP 1/2018 that: "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). 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.

		The Public Service also 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 occurring on the site. The individual lots in the low-density areas 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 Public Service also does not take into account 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.*** The author of this report is not taking into account the plan of subdivision submitted October 29, 2018, and the secondary plan as additional layers of municipal oversight. Simply put, the TOD PDO is not a single entity providing the sole oversight directing this development

9	**C. CONTENT ISSUES**	
	Parking	
	The Applicant is proposing a minimum parking ratio of 0.75 per dwelling unit for multiple-family residential development and a maximum ratio of 1.125. 2nd PARAGRAPH, PAGE 21. **The Applicant has not provided rationale as to why they are proposing a lower ratio than what has been previously approved for Major Redevelopment Sites and why the subject site warrants a lower base parking requirement.** [emphasis mine] 1st PARAGRAPH, PAGE 22.	**IX. APPLICANT COMMENTS** This is a false and misleading statement. *Winnipeg Zoning By-law 200/2006* typically requires 1.5 parking stalls per dwelling unit for multiple family dwellings. (see *Parking Category 3, TABLE 5-9: General Accessory Parking Requirements.)* The City of Winnipeg Planners recommend for TOD that parking be 0.75 parking stalls per unit: *The proposed amendment would reduce minimum parking allocations by 50% for TOD districts. (*see page 10, *Administration Report dated October 26, 2016 for File DAZ 214/2016 - Text Amendment – Winnipeg Zoning By-law 200/2006).* *Winnipeg By-law 200/2006* parking requirements for the TOD Zone is 50% of the typical requirement, or 0.75 parking stalls per dwelling unit under *Section 171 – Adjustments to Parking, subsection 6*. 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)). The Parker Lands PDO is 50% [0.75 stalls per unit] of the typical 1.5 parking stalls per unit requirement **as recommended by the City of Winnipeg Planners.** All the other MRS sites proceeded prior to Administration Report dated October 26, 2016 for File DAZ 214/2016 which recommends the lower parking ratio of 0.75 parking stalls per unit for TOD: • Schedule P – The Yards at Fort Rouge Planned Development Overlay 1 (PDO-1 The Yards at Fort Rouge) April 25, 2012. • Schedule R – The Taylor Redevelopment Area Planned Development Overlay 2 (PDO-2 Taylor Redevelopment Area) adopted April 30, 2014. • Schedule U – Bishop Grandin Crossing Planned Development Overlay 1 (PDO-1 Bishop Grandin Crossing) adopted February 25, 2015.

10 CONTENT ISSUES

Commercial Uses at Grade

In the TOD District, dwelling units must not be located on the first storey of any principal building (Winnipeg Zoning By-Law No. 200/2006, Use Specific Standard 67.1). This provision exists to ensure that multiple-family buildings in the TOD District are mixed-use.

2nd PARAGRAPH, PAGE 23.

The proposed PDO-2 submitted by the Applicant is silent on this issue for multifamily buildings. This creates a situation where every multi-family building proposed on the subject site which is *not* mixed use (20 + buildings) will require a conditional use approval to permit a building without commercial on the ground floor.

3rd PARAGRAPH, PAGE 23.

X. APPLICANT COMMENTS

This is a false statement re: 3rd PARAGRAPH, PAGE 23 misleading Council.

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

The Applicant points to Administration Report dated October 26, 2016 for *File DAZ 214/2016 - Text Amendment – Winnipeg Zoning By-law 200/2006* to incorporate a new "TOD" Transit-Oriented Development zoning district in Winnipeg Zoning By-law 200/2006 states on page 11:

> *The proposed use table (see Schedule "A") permits multi-family above the first floor **plus a wide array of commercial, service, employment, and public uses.*** [emphasis mine].

Winnipeg Zoning By-law 200/2006 **does not require commercial on the ground floor of buildings** in the TOD Zone or the C2 Zone.

		Winnipeg Zoning By-law 200/2006, under Section 67.1 **requires land-uses other than dwelling units on the ground floor**, said land-uses are not solely commercial. • Dwelling units on the ground floor will require a conditional use. • Ground Floors may be used for *Public and Institutional; Cultural and Entertainment; Commercial Sales and Service;* and any parking facility appropriately screened. • *Commercial Sales and Service* absent from the ground floor **does not require** conditional uses. The City of Winnipeg, as a matter of practice, has permitted lobbies, common rooms, amenity spaces, utility rooms, garbage rooms, parking, bike rooms, etc. that are associated with residential buildings to be permitted on the ground floor without a conditional use. The Applicant points the Winnipeg Public Service and Council to *Winnipeg Zoning By-law 200/2006*, under Section 67.1, specifically to the absence of any wording that regulates a landowner to install commercial service on the ground floor buildings: ***Dwelling, multi-family***

		67.1 (1) In TOD, C1 and C2 zoning districts, ***dwelling units must not be located on the first story of any principal building.*** [emphasis mine] *(1.1)* ***The first story of a principal building may only be used for any use in the following use categories****:* *(a) Public and Institutional;* *(b) Cultural and Entertainment; and* *(c) Commercial Sales and Service, except the Billboard Signs use sub-category.* *(1.2) Any parking facility located below the second story of a principal building must be screened in its entirety from all adjacent streets by a use referred to in subsection (1.1).* [emphasis mine]

11	**C. CONTENT ISSUES**	
	Setbacks	
	Interior side yards	
	The Development Plan Concept (see Attachment 1: Submission received from the Applicant on October 29, 2018) shows large setbacks between apartment buildings with ample open space between them. However, the Applicant's PDO-2 requires a maximum interior side yard setback of 10 feet for all buildings between 1-4 storeys and a maximum setback of 20 feet for buildings over 5 storeys. This creates a situation in which the Development Plan Concept, which visually shows what is intended to be built in terms of yards, is not reflected by the Applicant's PDO-2 which governs what may be built. 3rd PARAGRAPH, PAGE 23.	**XI. 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. First, the author of the Administrative Report fails to inform the Committee that in *Winnipeg Zoning By-law 200/2006* the requirements for the TOD, RMU, RMF-M, and RMF-L Zoning Districts **all have the same maximum setback of 20 feet for interior side yards.** Second, the concept plan submitted with the DASZ application on October 29, 2018 does not indicate the yard measurements of any of the multi-family buildings. Yet, the author of this Administration Report has the same extraordinary ability to distinguish dimensions on concept drawings when none are given by 'eyeballing it' as Messrs. Robinson and Smith who said in their 2018 Report: "Based on the plans submitted, it appears as if every apartment building and townhouse

		building will require a variance because they will not meet these setbacks." (See page 21 *Administration Report File DASZ 12/2108*). Third, the author of this Administrative Report fails to mention that Council has routinely concurred with the Public Service to approve residential subdivisions and rezonings **without any building plans or design drawings for structures**: • On June 26, 2020, Council approved File DASZ 43/2019 Waverley West 'B' (Phase One) with a positive recommendation from the Planning Department to create 163 lots on 88 acres with a predominant use of land a mix of single-family, two-family, and multi-family residential dwellings. ***No building plans or design drawings were submitted with this application*** despite requirements for front yard setbacks, and minimum side and rear yards. (see page 33, *Administrative Report DASZ 43/2019 – Waverley West 'B' (Phase One)*). Fourth, the author of this Administrative Report fails to inform Council the City of Winnipeg as a matter of practice requires applicants to provide the exact building dimensions on drawings at the time of construction permit applications when any building requiring yard variances – **irrespective of the RMU, RMF-M, RMF-L, or TOD Zoning Districts** – the applicants

		can avail themselves to the process for variances as provided for and outlined in the *Charter.* And, the author of this Administrative Report fails to inform Council a zoning district of RMF, RMU, etc. vs TOD does not mean that either the dimensional setbacks on each single building will be provided on a concept plan at this stage of a multi-lot development, nor absolutely guarantees that a future variance application will not be sought by any applicant at the construction phase.
12	**C. CONTENT ISSUES**	
	Summary	
	The Applicant indicated that in April 2018, the Applicant's legal counsel sent a letter to the Public Service stating that the Applicant was prepared to file a new application to apply conventional zoning districts to the site as requested 9th PARAGRAPH, PAGE 23. by the Public service, rather than the unsupported TOD zoning district. **However, no such new application was submitted to the City.** [emphasis mine]	**XII. APPLICANT COMMENTS** This is information that is misleading 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. 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,

	1st PARAGRAPH, PAGE 24.	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.
13	**C. CONTENT ISSUES**	
	Summary	
	Residential Density	
13a	Over and above the inconsistency in residential density between the proposed zoning district (6,970 units) and the proposed PDO (1,920 units) is a concern about the appropriateness of either of these densities at this location because of the site's lack of connectivity to amenities north of the railway line and the adjacent neighbourhood development south of the Hydro and Southwest Rapid Transit corridors. 2nd PARAGRAPH, PAGE 24.	**XIII. APPLICANT COMMENTS** This is information that is misleading Council. The Applicant has previously pointed out repeatedly this false and misleading statement that the Applicant is seeking 6970 units; or that the proposed subdivision and zoning, and secondary plan will allow 6970 units, unabated and unimpeded. See **III. APPLICANT COMMENTS**

13b	The density proposed by the Applicant may be supportable if the site was connected by a pedestrian/cycling bridge across the CN rail line to adjacent amenities to the north. With that said, although it is highlighted on their Development Plan Concept (see Attachment 1: Submission received from the Applicant on October 29, 2018), the Applicant has not formally proposed a connection nor provided any indication of the feasibility of this connection with this application. Such a connection would have to be investigated by the Applicant and the City in collaboration with CN for feasibility before it could be formally proposed as a solution to improve connectivity to the site. 7th PARAGRAPH, PAGE 24.	**XIV. 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*). 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.

14	**C. CONTENT ISSUES**	
	Summary	
	Back Lanes	
	The Public Service is recommending that all blocks in the Low-Density Mixed Housing Area have back lanes, with the exception of the blocks that back onto the railroad tracks on the north and Hurst Way on the south. The reason for this in threefold:	**XV. APPLICANT COMMENTS** This is information that is misleading to Council. The point being raised here regarding sidewalks being interrupted by front driveways in the Fulton Grove subdivision and rezoning indicates 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 scenario the Public Service is stating here regarding issues of driveways crossing sidewalks simply is not pervasive within the Fulton Grove Low-Density Mixed Housing Area, and this is not due to the lack of sidewalks since all streets in this area have sidewalks. The Applicant has completed a block-by-block, driveway-by-driveway, lot-by-lot, analysis of the Plan of Subdivision and the Concept Plan submitted 29 October
	1. Snow Clearing The Public Works Department has indicated that front driveways with the proposed density (the width of the lots proportional to the number of driveways per lot) will create snow storage issues.	
	2. Walkability Front driveways accessing single family dwellings exist in a variety of neighbourhood contexts, however when combined with streets that have public sidewalks, the driveways break up the public sidewalk and are thus not ideal for pedestrian movement through a neighbourhood. This number of curb cuts decreases safety, reduces pedestrian comfort, and limits accessibility for all individuals to utilize the pedestrian environment as fully as possible.	

	3. Aesthetics The image below (Figure 7) was taken in Waverley West Town Centre on Park West Drive. It shows a street with front drives on one side and back lane lots on the other side.	2020 that shows the creation of the low-density lots on the west side, and sidewalks on all the streets in the Low-Density Mixed Housing Area. (See ATTACHMENT C - *Side Walk, Public Road and Block Analysis Fulton Grove Subdivision)*. **Each residential street in Low-Density Mixed Housing Area has one entire side of the street with a sidewalk.** Only six (6) out of the 187 lots [3.2% of the lots] have a driveway crossing a sidewalk in a location no sidewalk exists on the opposite side of the public road unimpeded. All streets in the Low-Density Mixed Housing Area have sidewalks. The Applicant has purposefully designed the plan of subdivision with a residential lot arrangement to avoid driveway conflicts with sidewalks, with exception of houses backing onto the rail tracks. On November 13, 2018 during the Public Hearing for DASZ 12/2018 at the City Centre Community Committee, Planner Michael Robinson stated: **"**The same higher proportion of driveways means that the sidewalk is more fragmented. It may have to be closer to the street, and every driveway creates a potential vehicle pedestrian pathway. **Would you feel safe with your child walking on the sidewalk by**

themselves?" [emphasis mine] (see page 68, *Public Hearing Transcript DASZ Application*)

Front driveways dominate the majority of residential subdivisions in Winnipeg.

If the Public Service felt that neighbourhoods with front driveways posed a risk to a child's safety, was concerned about snow clearing, walkability and aesthetics, then the Public Service should not have recommended continual approval of these types of subdivisions and should have discouraged these types of building typologies in residential subdivisions.

However, the Public Service has done the exact opposite. They are continuing to recommend and approve residential subdivisions without, or with limited, public back lanes including double loaded streets:

- On September 2, 2020, the Riel Community Committee concurred in the recommendation of the Public Service to approve File DASZ 9/2020 Area around Warde Avenue / Robert Bockstael Drive / MB Power Transmission to create 125 residential lots for single- and two-family houses on 12.923 acres.
    - This development had;
        - 24 lots [19 %] with public back lanes

		▪ 101 residential lots [80%] **without public back lanes.** ▪ On July 23, 2020 Council concurred in the recommendation of the Winnipeg Public Service to approve File DASZ 7/2020 North of Transcona Boulevard and West of Edward Schreyer Parkway to create 293 residential lots for single- and two-family houses on approximately 33 acres of land. ○ This development had; ▪ 12 lots [4 %] with public back lanes ▪ 281 residential lots [95%] **without public back lanes** ▪ On June 26, 2020, Council concurred in the recommendation of the Winnipeg Public Service to approve File DASZ 43/2019 Waverley West 'B' (Phase One) to create 163 lots on 88 acres with a predominant use of land a mix of single-family, two-family, and multi-family residential dwellings. ○ This development had; ▪ 42 lots [25 %] with public back lanes ▪ 121 residential lots [75%] **without public back lanes** ▪ On February 27, 2020, Council concurred in the recommendation of the Winnipeg Public Service to

		approve File DAS 36/2019 Sage Creek / Robert Bockstael Drive, Stoneknife Crescent, Birdsong Lane, Lloyd McKinnon Way, Snowy Owl Crescent. ○ This development had; ▪ 0 lots [0 %] with public back lanes ▪ 151 residential lots [100%] **without public back lanes** ▪ On January 30, 2020, Council concurred in the recommendation of the Winnipeg Public Service to approve File DASZ 24/2019 – North of Murray Avenue, East of McPhillips Street to create 220 residential lots for single-family and two-family dwellings as the predominant land-use on 65 acres. of land with only 60 lots [27%] on public lanes and **155 residential lots without public lanes.** ○ This development had; ▪ 60 lots [28 %] with public back lanes ▪ 155 residential lots [72%] **without public back lanes.** Comparatively, Fulton Grove has only six (6) out of the 187 lots [3.2% of the lots] have a driveway crossing a sidewalk in a location no sidewalk exists on the opposite side of the public road unimpeded. All streets in the Low-Density Mixed Housing Area have sidewalks.

15 C. CONTENT ISSUES

Summary

Pedestrian and Cycling Network

As mentioned, the October 29, 2018 changes submitted by the Applicant also deleted six sidewalks in the Lower Density Mixed Housing Residential Area. The Public Service is not supportive of this reduction of sidewalks.

3rd PARAGRAPH, PAGE 27.

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

8. Multi-use Pathways/Sidewalks

Page 35-36

SUMMARY

- The Low-Density Mixed Housing Area does not meet the higher expectations for walkability in a TOD development. All streets in this area should have sidewalks, and all streets, with the exception of blocks that back onto the railroad or Hurst Way, should provide back lane access.

4th bulleted point, PAGE 28.

XVI. APPLICANT COMMENTS

This is information misleading Council.

The Applicant did not delete sidewalks from any of the re-configured roads. **All residential streets have at least one sidewalk.**

The Applicant points the Winnipeg Public Service and Council to the Plan of Subdivision and the Concept Plan submitted October 29, 2018 that shows the creation of the low density lots on the west side and sidewalks on all streets.

The Applicant has completed a block-by-block, driveway-by-driveway analysis of the Plan of Subdivision and the Concept Plan submitted October 29, 2018 that shows the creation of the low-density lots on the west side, and sidewalks on all the streets in the Low-Density Mixed Housing Area. (See ATTACHMENT C - *Side Walk, Public Road and Block Analysis Fulton Grove Subdivision)*.

On October 26, 2020, the Applicant requested the City of Winnipeg provide such details, as in the normal

	course of business, the specifics regarding sidewalk and pathways. ***Will the Public Service identify the type [AT vs. sidewalk] for all the pathway connections?*** (see page 37. *Section 8, XXI Applicants Comments October 26, 2020).* **File DASZ 24/2019**: The Applicant points the Public Service and Council to this File approved on January 30, 2020 (see *ATTACHMENT D – File DASZ 24/2019 January 30, 2020 Council Minutes*). Council concurred in the recommendation of the Winnipeg Public Service to approve File DASZ 24/2019 – North of Murray Avenue, East of McPhillips Street to create 220 residential lots for single-family and two-family dwellings as the predominant land-use on 65 acres. of land. The Public Service provided a drawing showing sidewalks on pathways and streets, and recommended the following conditions on page 47 File DASZ 24/2019: *7) Sidewalks/Pathways* *(a) The Developer shall, at no expense to the City, construct 3.5m wide asphalt multi-use pathways and/or 1.5m wide by 100mm thick Portland cement concrete sidewalks and all related works, on the*

	standard alignment, 0.3m from the property line, along both sides of all streets within the Planned Area with rights-of-way measuring 22.0m in width or greater, as conceptually shown on the attached Schedule "C", to the satisfaction of the Director of Public Works. *(b) The Developer shall, at no expense to the City, construct 100mm thick Portland cement concrete sidewalks, 1.5m in width, and all related works, on the standard alignment, 0.3m from the property line, as conceptually shown on the attached Schedule "C", as determined by and to the satisfaction of the Director of Public Works.* The Public Service has consistently failed to provide any details or construction specifics regarding sidewalks in the ACG Report, whilst claiming ''walkability' is a concern and failed to provide the required details on sidewalks similar to other residential developments despite a request to do so by the Applicant.

16 F. OPEN SPACE

	The Public Service recommends a centrally located park site large enough to accommodate a range of park uses. This issue is addressed in the attached Report of the Administrative Coordinating Group (Schedule "B"). 5th PARAGRAPH, PAGE 27. **SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP** 1) Location of Public Reserves (Park Space) The plan submitted indicates a multiple of small public reserve areas throughout the site. The Public Service does not support the park configuration as proposed as it does not meet the required dedication amount, or the needs of the community. It is recommended that the plan be revised to provide a larger centrally located park. PAGE 30.	▪ **APPLICANT COMMENTS** This is a false statement. 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 Applicants point to Mr. Platt's affidavit filed 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)*). The Applicant points to Administration Report dated October 26, 2016 for *File DAZ 214/2016 - Text Amendment – Winnipeg Zoning By-law 200/2006* to incorporate a new "TOD" Transit-Oriented Development zoning district in Winnipeg Zoning By-law 200/2006 states on page 11: *Large sports fields could also detract from the continuous urban form expected of TOD.* Council agreed with the Public Service in 2016 and set limits on playing field sizes in TOD under Section 68 of the *Winnipeg Zoning By-law*.

		▪ *The use may contain a maximum of 2 athletic playing fields.* ▪ *The use may not contain a swimming pool.* ▪ *Any skateboard park must be limited to 5,000 square feet of gross area.* The 'centrally located park site' statement indicates the Public Service should take into account the documents listed in paragraph 71 of the October 5, 2020 decision as instructed by Justice Grammond. Paragraph 71 states that the Public Service will revise the administrative reports to address and take into account the information described in paragraph 71. Additionally, the Administration statements contains factually incorrect regarding land dedication. First, the concept plan and subdivision plan that the Public Service was provided on October 29, 2018 for the +/- 47 acres, clearly shows the centrally located park space enlarged over the previous plans: ▪ **Public Reserve A – Linear Park** with walking paths and open field abutting rail lines, **1.86 acres.** ▪ **Public Reserve B - Neighbourhood Park** with playground, **0.86 acres**. ▪ **Public Reserve C - Community Park** with Central Gathering Spaces, connected green spaces, **1.86 acres.**

		▪ **Public Reserve D – Linear Park** with pathway connecting to multi-use pathway on north side of Hurst Way, **0.103 acres**. **Total Public Reserve Dedicated = 4.683 acres** Land dedication is 8 % of land +/- 47 acre Planning Area **= 3.76 acres required land dedication.** **The Applicant is over dedicating Public Reserve.** Second, 'central' is defined in the Merriam-Webster Dictionary as: • *situated at, in, or near the center.* • *easily accessible from outlying districts.* The Applicant undertook an analysis to illustrate that the proposed park spaces in the subdivision plan and the concept plan for Fulton Grove development are ***centrally located*** (see *ATTACHMENT E - Centralized Park Locations with Dimensions).* ▪ **Public Reserve B - Neighbourhood Park** is aligned with the center point of the Low-Density Mixed Housing Area. This park is equidistant from all four vertices. It is equidistant from the two opposite

		sides and also equidistant from the other two opposite sides. ▪ **Public Reserve C - Community Park** is aligned with the center point of the entire Planned Area. This park is equidistant from all four vertices. It is equidistant from the two opposite sides and also equidistant from the other two opposite sides. Public Reserves B & C are 'centrally' located. Public Reserves B & C have multiple access points to nearby public streets to allow easy access from the residential districts as per *ATTACHMENT E - Centralized Park Locations with Dimensions).* Third, The Fulton Grove concept plan indicates urban parks and open spaces, and programmable spaces for active and passive uses as per the *Transit-Oriented Development Handbook* guidelines on "Urban Neighbourhood": ▪ **Neighbourhood Park** with playground of 0.86 acres. ▪ **Community Park** with Central Gathering Spaces, connected green spaces, 1.86 acres. ▪ **High-Quality Public Realm** with Connected Green Spaces, Pocket Parks, Linear Parks and Gathering Spaces

The parks and open spaces have been peer reviewed by a nationally recognized planning expert.

And, what exactly is the intended 'range of uses' besides playgrounds, fields, gathering spaces, walking paths and treed areas.

The distances to the next available park spaces, which have ***not*** been acknowledged or provided in any Administration Reports, are easy walking distances and provide a wide range of uses:

- **Parker Storm Retention Basin** - located abutting Fulton Grove to the east on lands expropriated by the City of Winnipeg for the Storm Retention Basin zoned industrial. According to the City of Winnipeg, Water and Waste webpage the Parker Storm Retention Basin will have the following features:

  - Shade Canopies
    - Benches
    - Interpretive Signages
  - Butterfly Habitat
    - Native Milkweed Planting
    - Flowering Native Perennial
  - Granular Park Path
  - Elm/Aspen/Oak Tree Planting
  - Rolling Landform
  - Informal Mown Grass Path Around SRB.
  - Native Wetland Shoreline Planting

- Native Upland Tall and Medium Grass Planting.
- An improved habitat for butterflies and other pollinator species.

- **Brenda Leipsic Dog Park** – located directly south across Hurst Way from Fulton Grove is a 6.8-hectare triangular section of grass, forest and walking trails that will have picnic tables, shelter and information signage as per the *Friends of Brenda Leipsic Dog Park website*.
- **Parker Tot Lot / Fort Garry Community Centre – Victoria Site / Beaumont Park** have community gardens, playing fields, ball diamonds, playgrounds, and outdoor hockey rinks, all within a 6 to 10-minute walk from Fulton Grove as per the *City of Winnipeg Parks and Open Space webpage*.
- **General Byng School, K to 9** has play grounds, soccer fields, ball diamonds, outdoor basketball hoops all within a 12-minute walk from Fulton Grove.
- **Ralph Cantafio Soccer Complex** is within a 10-12-minute walk from Fulton Grove.

Comparatively, Winnipeg Council has approved (in concurrence with the Public Service) larger residential subdivisions with no 'centrally' located park spaces within the development, and in the absence of any nearby dog parks, forests, community gardens, playing fields, hockey rinks or community centres.

		Examples of such instances are: ▪ On July 17, 2013 Winnipeg Council approved DASZ 11/2013 for 675 single family lots and five blocks for duplex or townhouse units on 154 acres of land between Devonshire DR, Transcona Blvd, Peguis ST and the Edward Schreyer Parkway with 1.24 acres of park land at the NW corner of Peguis St and Ravelston Av W to be zoned PR1 for passive open space, and a 0.75-acre park at the east end of the proposed retention pond, and a linear park system. ▪ There are no dog parks, community gardens, forest areas, ball diamonds, soccer fields or community centres within an easy walking distance [Park City Community Centre is a 20 - 30-minute walk away]. ▪ On July 23, 2020, Council concurred in the recommendation of the Winnipeg Public Service to approve File DASZ 7/2020 to modify this development, but no additional or modifications made to include a large, centrally located park space that can accommodate multiple use capabilities.

17 SUMMARY

17A

As per the Council motion in 2009, **the *Complete Communities Direction Strategy*, and the *Winnipeg Zoning By-law*,** an approved Secondary Plan is needed prior to this application proceeding. The Public Service is recommending that the Secondary Plan, as submitted, should not be approved. Consequently, the DASZ application should not be approved. [emphasis mine]

1st bulleted point, PAGE 28

XVII. APPLICANT COMMENTS

This is a false statement.

The only reason a secondary plan is required here is due to Council's Directive in 2009.

This fact has been established by the Courts as per 2018 MBQB 153 ***6165347 Manitoba Inc. et al. v. The City of Winnipeg et al.***

17B

The proposed TOD zoning district does not align with the associated Development Plan Concept submitted with their DASZ application. [emphasis mine]

The Public Service believes that the subject site should be divided into 3 main development areas with appropriately matched associated zoning districts, aligning with our Secondary Plan comments on the same issue. [emphasis mine]

2nd bulleted point, PAGE 28

XVIII. APPLICANT COMMENTS

This is a false statement.

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 Public Service on a number of occasions has falsely stated and continues to suggest the PDO does not align with the Development Plan Concept as submitted.

	The Applicant has pointed this out to the Public Service on multiple occasions, yet this false statement persists to mislead Council. The new information submitted OCTOBER 29, 2018 includes a revision to the Parker Lands PDO that states: *8. The maximum residential density for the entire Planned Area of PDO-2 PARKER LANDS shall be **1920 dwelling units.*** The new information SUBMITTED 29 OCTOBER 2018 includes a revision to the Parker Lands Concept Plan for Fulton Grove showing **1918 units**. The new information SUBMITTED 29 OCTOBER 2018 includes a plan of subdivision for 187 lots with dimensions fitting only low-density dwelling structures The Proposed Concept Plan SUBMITTED 29 OCTOBER 2018 for DASZ 12/2018 has **less than the maximum 1920 dwelling unit expressed in the Parker Lands PDO**. The Public Service on a number of occasions falsely stated and continues to suggest the Applicant and this development will be 6970 dwelling units, unabated and unimpeded. This falseness is addressed under **IV. APPLICANT COMMENTS.** Comments regarding the (3) zoning districts having different or more rigours controls to prevent variances then other zoning districts is false, See **III. APPLICANT COMMENTS.**

17C	The Applicant's PDO needs adjustment in order to provide clarity for future development proposals coming forward for approval in the development area. 3rd bulleted point, PAGE 28.	**XIX. APPLICANT COMMENTS** See **III. To XII. APPLICANTS COMMENTS**
17D	The Low-Density Mixed Housing Area does not meet the higher expectations for walkability in a TOD development. **All streets in this area should have sidewalks**, and all streets, with the exception of blocks that back onto the railroad or Hurst Way, should provide back lane access. [emphasis mine] 4th bulleted point, PAGE 28.	**XX. APPLICANT COMMENTS** This is a false statement. 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 Applicant has purposefully designed the plan of subdivision with a lot scheme to have only single-loaded front driveways on one side of the street instead of double loaded front driveways with the exception of houses backing onto Hurst Way and rail tracks. This allows locating sidewalks with the least number of driveways crossing the sidewalk, only six (6) out of the 187 lots [3.2% of the lots] have a driveway crossing a sidewalk in a location no sidewalk exists on the opposite side of the public road unimpeded. All streets in the Low-Density Mixed Housing Area have sidewalks. **See XIII. APPLICANT COMMENTS** The concept plan that the Public Service was provided on October 29, 2018 illustrates at least one-sidewalk or

	pathway per side of each public road in the low-density residential area: **all streets in the Low-Density Mixed Housing Area have sidewalks.** On October 26, 2020, the Applicant requested the City of Winnipeg provide such details, as in the normal course of business, the specifics regarding sidewalk and pathways. ***Will the Public Service identify the type [AT vs. sidewalk] for all the pathway connections?*** (see page 37. *Section 8, XXI Applicants Comments October 26, 2020).* The Public Service has provided this information to other residential developments such as **File DASZ 24/2019** where the Winnipeg Public Service provided details including maps, locational descriptions and construction specifics of all pathway connections along residential streets in the due course of processing that development application. (see *ATTACHMENT D – File DASZ 24/2019 January 30, 2020 Council Minutes*). Yet, the Public Service has consistently failed to provide such specifics regarding sidewalks in the Schedule B of the Administration Report, whilst claiming ‘‘walkability’ is a concern and recommending rejection on the very basis of their disinclination to provide the required information needed in their Administration Report for Council’s consideration,

18	SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP	
	General Comments	
	2) Land Drainage There is a controlled amount of runoff allowed from the area which requires on site stormwater management. The Applicant has proposed the use of dry ponds for this purpose. The plan should be amended to delineate the proposed location of the storage area(s). Dry ponds will not be counted as Park Dedication. PAGE 30.	**XXI. APPLICANT COMMENTS** This Point raised regarding dry ponds indicates the Public Service is not addressing or taking into account certain documents and information, as instructed by Justice Grammond in paragraph 71 of the October 5, 2020 decision being the increased flow allowance for the land drainage release rate, confirmed in emails exchanged between December 2019 and March 2020. 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. One item InfraCor notes is that a vegetative trap low within the site accommodating surface water for a short duration from storms greater than a 1 in 5-year event will provide cost savings in lieu of an increased diameter of underground pipes and asks that this flexibility be considered. *When the proposed minor storage area in the vegetative trap low is simulated with storms greater than the 1:5-year event, we observe drawdown times, typically, of less than one*

		*hour. There is no impediment to planting of grass, trees, and shrubs in these areas, but the landscape designer would need to be aware that the areas is be subject to brief, periodic flooding during major rain events. (*see *ATTACHMENT* F - *InfraCor Letter dated October 20, 2020*). We have asked for dialogue on this with the Public Service.