Minutes – Executive Policy Committee – September 21, 2021

REPORTS

Item No. 11 Subdivision and Rezoning – 1011 Pembina Highway (River Heights-Fort Garry Ward) File DASZ 22/2021 [c/r DAV 150275/2021D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and recommended to Council:

1. That the subdivision under Development Application No. DASZ 22/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 3, 2021 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated August 6, 2021.

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMU" Residential Mixed Use District as shown on the map dated September 3, 2021 and attached as Schedule "A" to this report, subject to the following conditions:

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

        i. That, the developer shall, at no expense to the City, provide safety measures from the CNR Letellier Subdivision consisting of any one of the following three measures:

            a. Substantial conformance to plans submitted

                1. That the rail mitigation measures (berm, setback, fencing) shall be built in substantial conformance with the plans in Appendix C, labelled as G01, A01, A02, G02 ("2- Fence & Berm Detail 2") and G03."

                OR

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

b. Berm, fencing, and setback

1. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire mutual property line of the development site and the CNR Letellier Subdivision. The berm shall be compacted to 95% modified proctor. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

2. A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm, built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

3. A uniform fence 1.83 metres in height within private property along the entire west property line abutting the CNR Letellier Subdivision and to the west of the berm referred to in condition 3.A.i. 2.a, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

4. A minimum setback of 15 metres to any portion of a habitable room or space within a building from the western property line, which abuts the CNR Letellier Subdivision.

OR

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

c. Crash wall and setback

1. A 2.13 metre in height crash wall, measured from the top of the rail elevation, that faces the CNR Letellier Subdivision. The crash wall shall be constructed entirely within the developer's property along the entire length of the mutual property line of the development site and the CNR Letellier Subdivision. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

2. The Developer shall build the crash wall to the satisfaction of the Director of Planning, Property and Development. The Developer must proceed in accordance with in section 3.6.1.3 of the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), including, without limitation, undertaking and submitting the detailed written study referred to in that section of the Guidelines for approval of the Director of Planning, Property and Development before building the crash wall.

3. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the crash wall as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

4. A minimum setback or 15 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

A. The minimum setback in (d) above may be measured as a combination of the horizontal and vertical distances equal to 15 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

ii. The Developer shall, at no expense to the City, construct within the Planned Area abutting the Canadian National Railway Letellier Subdivision, a uniform fence 2.0 m in height, as determined by and to the satisfaction of the Director of Public Works.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

a. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

iii. The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the Canadian National Railway Letellier Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

iv. That the Owner must submit plans showing the location and design of any and all proposed:

a. buildings
b. accessory parking areas
c. garbage enclosures
d. exterior lighting
e. fencing
f. landscaping

on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 3.A. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

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

4. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 22/2021, as determined by the City's Director of Planning, Property and Development.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

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

7. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

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

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 7 and 8 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

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

12. That the variance order for File No. DAV 21-150275\D shall not come into force and effect until the coming into force and effect of the zoning by-law for the subject land under File DASZ 22/2021.

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the City Centre Community Committee be concurred in and forwarded to Council.

Yea:	Bowman, Allard, Browaty, Gillingham, Gilroy, Mayes, Rollins	7
Nay:		0

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On September 3, 2021, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

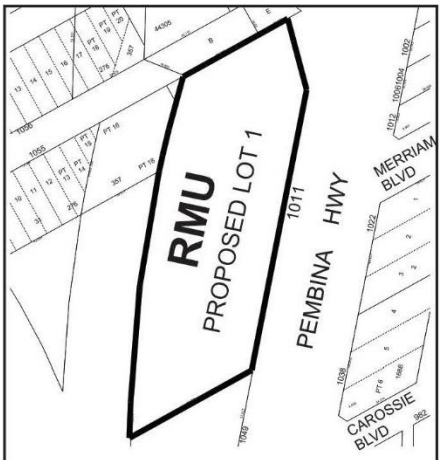
File: DASZ 22/2021

Before: City Centre Community Committee
Councillor Gilroy, Chairperson
Councillor Rollins
Councillor Orlikow

Public Hearing: September 3, 2021
Council Building, 510 Main Street

Applicant: Pre-Con Builders Ltd. (Robin Lee)

Subject:



APPLICANT : Pre-Con Builders Ltd. (Robin Lee)
FILE : DASZ 22/2021
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "M1" MANUFACTURING LIGHT DISTRICT and a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the consolidation of the land for the construction of a mixed use (residential/commercial) development.
For information, phone A. Ross, Planner at 204-986-5235.

Premises Affected: 1011 Pembina Highway

For submission to: Executive Policy Committee

Prepared by: Kate McMillan, Senior Committee Clerk
City Centre Community Committee

Report date: September 3, 2021

Community Committee Recommendation:

On September 3, 2021, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the subdivision under Development Application No. DASZ 22/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 3, 2021 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated August 6, 2021.

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMU" Residential Mixed Use District as shown on the map dated September 3, 2021 and attached as Schedule "A" to this report, subject to the following conditions:

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

        i. That, the developer shall, at no expense to the City, provide safety measures from the CNR Letellier Subdivision consisting of any one of the following three measures:

            a. Substantial conformance to plans submitted

                1. That the rail mitigation measures (berm, setback, fencing) shall be built in substantial conformance with the plans in Appendix C, labelled as G01, A01, A02, G02 ("2- Fence & Berm Detail 2") and G03."

                OR

            b. Berm, fencing, and setback

                1. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire mutual property line of the development site and the CNR Letellier Subdivision. The

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2. A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm, built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

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OR

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ii. The Developer shall, at no expense to the City, construct within the Planned Area abutting the Canadian National Railway Letellier Subdivision, a uniform fence 2.0 m in height, as determined by and to the satisfaction of the Director of Public Works.

a. Said fence is intended to ensure that “pedestrian trespass” to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

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iv. That the Owner must submit plans showing the location and design of any and all proposed:

a. buildings;
b. accessory parking areas;
c. garbage enclosures;

d. exterior lighting;
e. fencing; and
f. landscaping

on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 3.A. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

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

4. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 22/2021, as determined by the City's Director of Planning, Property and Development.

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

12. That the variance order for File No. DAV 21-150275\D shall not come into force and effect until the coming into force and effect of the zoning by-law for the subject land under File DASZ 22/2021.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. The lack of opposition is impressive. The Beaumont neighborhood has undergone quite a transformational change with the Parker Lands and the BRT and now the Pemby and there was good reach out and consultation with the neighborhood.

2. The buffering of 400 metres makes this an ideal location to join with the neighborhood on the backside.

3. I do really appreciate the amenities including the connectivity to the BRT and the AT and incorporating that functionality into the building itself, including a pet washing station.

4. The landscaping and adding the trees at this site will be a vast improvement. No offence to the Pemby but that time is done. That’s not really what we want to show people on our major regional streets ie a beer trailer and a hotel that’s looking tired.

5. The accessibility aspects of it all, the communal parts and the patio space on ground level is fantastic.

6. The shadow studies were quite comprehensive so that was helpful and we’ve addressed some of the rail line safety issues so I think this is a vast improvement for the City and the area.

Exhibits Filed:

1. Application dated May 17, 2021
2. Notification of Public Hearing dated July 7, 2021
3. Manitoba Status of Title 2826838/1
4. Letter of authorization dated September 15, 2021 from Sabino Tummillo, Pembina Hotels (2014) Ltd., to 10077570 Manitoba Ltd.
5. Letter of authorization from James O'Brien, 10077570 Manitoba Ltd., to Pre-Con Builders Ltd.
6. Surveyor's Staking Certificate Showing Certain Features and Sketch dated between January 25, 2021 and January 28, 2021
7. Drawing of subject property (9 pages)
8. Sewer Report dated March 25, 2021
9. Plans (9 pages)
10. Report from the Urban Planning Division dated August 26, 2021
11. Inspection Report
12. Presentation in support of the application, submitted by the Applicant on September 2, 2021
13. Recording of Representations

REPRESENTATIONS:

In Support:

Chris Gibson
Robin Lee

In Opposition:

Nil

For Information:

Nil

For the City:

A. Ross, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 22/2021

ADMINISTRATIVE REPORT

Title: DASZ 22/2021 – 1011 Pembina Highway

Issue: For consideration at the public hearing for a Subdivision and Rezoning to permit the construction of a 12-storey mixed use building with 226 dwelling units and commercial space on the ground floor.

Critical Path: City Centre Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council.

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Ross, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 22/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 3, 2021 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.
2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated August 6, 2021.
3. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "RMU" Residential Mixed Use District as shown on the map dated September 3, 2021 and attached as Schedule "A" to this report, subject to the following conditions:
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                a. That the rail mitigation measures (berm, setback, fencing) shall be built in substantial conformance with the plans in

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2. Berm, fencing, and setback

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    OR

3. Crash wall and setback

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development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

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

12. That the variance order for File No. DAV 21-150275\D shall not come into force and effect until the coming into force and effect of the zoning by-law for the subject land under File

DASZ 22/2021.

REASON FOR THE REPORT

- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subdivision and rezoning for DASZ 22/2021 – 1011 Pembina Highway will be approved.

HISTORY

- N/A

CONSULTATION

- Relevant City departments per the Administrative Coordinating Group.

SUBMITTED BY

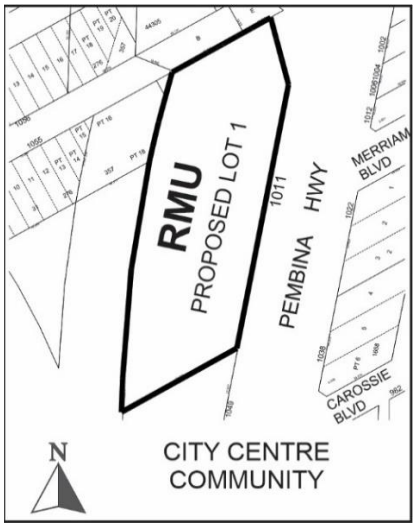
Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Andrew Ross, RPP, MCIP
Date: August 26, 2021
File No: DASZ 22/2021

DATE:	August 26, 2021
FILE:	**DASZ 22/21**
RELATED FILES:	DAV 21-150275\D
COMMUNITY:	City Centre Committee
NEIGHBOURHOOD #:	1.602 - Beaumont

SUBJECT: For a subdivision and rezoning to permit the construction of a 12-storey mixed use building with 226 dwelling units and commercial space on the ground floor.

LOCATION: 1011 Pembina HWY

LEGAL DESCRIPTION: PT RL 13 ST B N 310F LYING BET E LIMIT OF RED RIVER VALLEY ROW PL 360 & W LIMIT OF PEMBINA HW PL 549



APPLICANT: Robin Lee (Pre-Con Builders)
405 Fort Whyte Way Unit 100
Oak Bluff, MB R4G 0B1

OWNER: PEMBINA HOTEL (2014) LTD.
1011 Pembina Hwy
Winnipeg, MB R3T 1Z6

APPENDICES: A: Applicant's Accessible and Inclusive Design Strategy
B: Engineer stamped drawing – Train Collision Consideration
C: Shadow Study

SITE DESCRIPTION

The subject property is located on the west side of Pembina Highway, just south of the Jubilee Overpass, in the Beaumont neighbourhood of the River Heights - Fort Garry ward.

The site is designated Reginal Mixed Use Corridor under the *Complete Communities Direction Strategy.* The property is currently split-zoned a combination of “C2” – Commercial Community district and “M1” - Light Manufacturing district.

The property is 91,720 sq. ft. (2.1 acres) in size. It currently contains a hotel (“The Pemby”) and surface parking.

The property is within walking distance of Jubilee Rapid Transit Station to the north (approximately 500m.) and of the Windermere transit stop to the south (approximately 300 m.).



Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2018)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Vacant commercial property zoned “C2” – Commercial Community then Jubilee Overpass.

South: Restaurant uses zoned “C2” – Commercial Community.

East: Pembina Highway, then commercial development zoned “C2” – Commercial Community.

West: CN Railway uses zoned “M1” - Light Manufacturing.

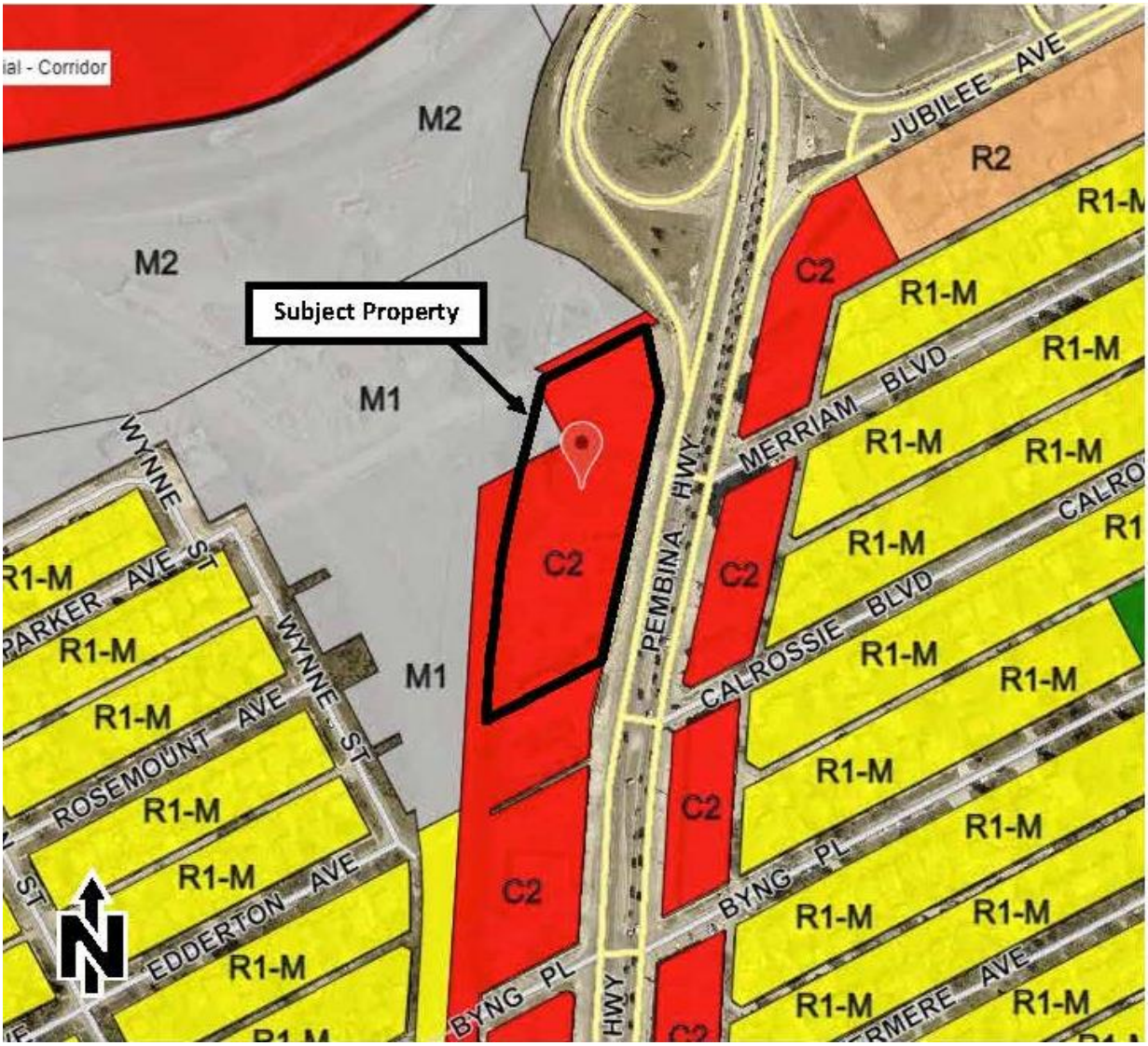


Figure 2: Zoning of the site and surrounding area.

Currently, zoning districts do not align with property lines, as seen on Figures 1 and 2. The subject subdivision and rezoning will bring zoning districts and property lines for the subject property into alignment.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to demolish the existing onsite commercial building ("The Pemby" Hotel) and construct a 12-storey mixed use building with 226 dwelling units, and 7,050 sq. ft. of commercial space on the ground floor.
- Twelve underlying lots are sought to be consolidated, and the new property rezoned to "RMU" – Residential Mixed Use.
- The proposal will provide 240 parking stalls (177 in a parking structure and 63 on-surface). This exceeds the Winnipeg Zoning By-Law requirement of 230 stalls; no variance is required.
- The proposal includes 40 bicycle parking stalls, exceeding the Winnipeg Zoning By-Law requirement of 36 stalls; no variance is required.
- The proposal includes a resident amenity space on the second floor, as well as a resident pet spa and bike room facing Pembina Highway on the ground floor. The bike room will include a pathway connection to the City's Southwest Transitway Active Transportation route.
- 12 units will be designed with some level of accessibility - with 2 built to Accessible/Universal standards and 10 built as 'Adaptable or Flexible' (see Appendix A for more information).
- The vast majority of parking will be inside the building or behind, hidden from view of streets.
- The proposal requires variances, which are analyzed in the Administrative Report for Associated File DAV 150275C.

ANALYSIS AND ISSUES

COLLABORATIVE PLANNING

The applicant worked with the Urban Planning Division to make adjustments to the project. Specifically, the following elements were incorporated into the design as a result of the collaborative planning process leading up to receipt of the application:

At the request of the Division, the applicant:

- Located the building close to Pembina with parking underground and/or behind, mostly hidden from view of streets and sidewalks.
- Reduced the number of vehicular approaches from Pembina from what is there currently, to reduce fragmentation of the public sidewalk and increase pedestrian safety.
- Provided 'active uses' up to the street (i.e. not parking or a parking screening wall).
- Visually 'broke up' the building with a left to right design rhythm to avoid long wall effect.
- Ensured that the side facades are similarly vibrant to the front façade – given the side facades in this location will be very visible from the public realm.
- Provided mixed use (residential and commercial) in order to align with the vision for Regional Mixed Use Corridors articulated in the *Complete Communities Direction Strategy*.

- Did not exceed a maximum density of ~400 sq. ft. of lot area per dwelling unit, in order to not compete with the two nearby rapid transit stations which are the areas in this vicinity targeted for highest densities.
- Located a major building entrance/exit at the north, for seamless pedestrian and bike connection to Jubilee Rapid Transit Station.
- For the residential components of the building, provided a min. of 10 ft. front yard to provide some relief from Pembina.
- Submitted an engineer's report confirming rail safety given the property backs onto the CN Letellier principal branch line.

OURWINNIPEG

Direction 9 of *OurWinnipeg* states:

- *Collaborate with developers, community organizations and other partners to foster an age-friendly and accessible urban environment.*

That Direction sets out the following Enabling Strategy:

- *With guidance from Complete Communities, encourage age-friendly and accessible new development in existing neighbourhoods.*

The proposed development provides the following features which help enable access for Winnipeggers with different levels of mobility:

- 12 units will be designed with some level of accessibility:
    - 2 units will be built to full Accessible/Universal standards.
    - 10 units will be built as 'Adaptable/ Flexible'.
- Pedestrian entrances and paths of travel will all be barrier free.
- There will be elevator access to all floors.
- More information can be found in Appendix A: Applicant's Accessible and Inclusive Design Strategy.

Residential development that supports universal accessibility allows for 'aging-in-place' – an option for residents to remain in their neighbourhood of choice as they move through different stages of life related to age and ability.

COMPLETE COMMUNITIES DIRECTION STRATEGY

The subject site is located on a Regional Mixed Use Corridor. The Key Direction of the *Complete Communities* Corridor Policy Area states:

- *By intensifying development with a mix of uses, Corridors will become destinations while continuing to serve as primary transportation routes for residents.*

The Directions for Corridors are:

- *Focus a broad mix of residential, employment and retail development within strategic locations along Corridors.*
- *Where appropriate, develop Corridors in accordance with Transit Oriented Development principles.*

The proposed development serves as an example of intensification of one of the City's major corridors, at a key intersection, and adjacent to high frequency transit service. The site is also within walkable proximity (approximately 500 metres) of a rapid transit station (Jubilee Station).

The proposal meets the above policies of *Complete Communities.*

WINNIPEG ZONING BY-LAW 200/06

Rezoning and subdivision

As noted above, the proposed development meets *Complete Communities* policies for this location on Pembina Highway, which is of one of the City's major corridors.

Section 03–2d of Complete communities - Regional Mixed Use Corridors targets key intersections for focused intensification (see Figure 3, right, from the *Complete Communities Direction Strategy*).

The property is located at a key intersection – the Pembina / Jubilee interchange, is adjacent to high frequency transit, and as noted is within walkable proximity of rapid transit.

Higher density residential and mixed use development reinforces the vitality of corridors by adding people to frequent local shop and services. It also supports the city's transit system and helps combat sprawl.

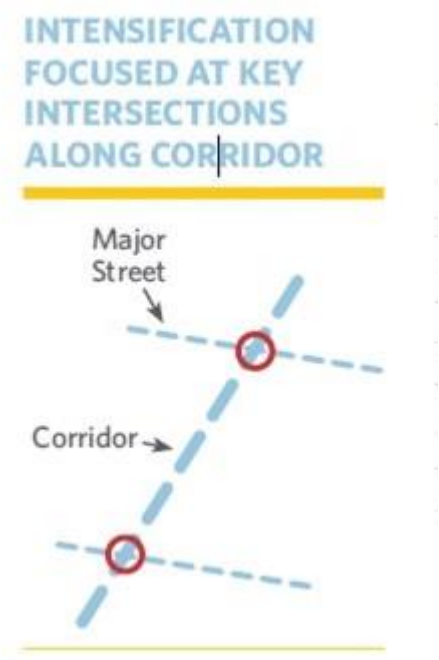


Figure 3: Regional Mixed Use Corridors

Variances and conditional use

There are 7 Variances. These are analyzed in the Administrative Report for Associated File DAV 21-150275\D.

PARKING

As noted, the proposal will provide 240 parking stalls, exceeding the Winnipeg Zoning By-Law requirement of 230 stalls, and 40 bicycle parking stalls, exceeding the Winnipeg Zoning By-Law requirement of 36 stalls.

BUILDING HEIGHT

The applicant provided the Division with rationale for the requested 12-storey, 120 ft. height with indication that unlike other sites on this Regional Mixed Use Corridor, this site has very few sensitive land uses nearby.

Upon review, the Division found that:

- There is no residential development within 200 ft. of this site. Rather, there are only non-sensitive land uses adjacent to this site including:
    - Vacant commercial and Jubilee overpass to the north.

    - Commercial development to the south.
    - Pembina Highway then commercial development to the east, and
    - Railway to the west.
- To review impacts in more detail, the Division requested a shadow study (see Appendix C). The study found that:
    - Few shadow impacts will occur to residential properties.
    - There are no residential impacts on the west, north or south.
    - There is minor impact on the east after 7PM in springtime. However the study shows few dwellings affected on that side given some of the residential properties have been converted to surface parking lots.
    - The Division finds the impacts from shadow to be acceptable when balanced with City policy priority for significant density along the Pembina Regional Mixed Use Corridor, and at key intersections such as this.
- The site is within walkable distance of the Jubilee Rapid Transit Station, and the proposed development is being designed to connect directly to the City's Active Transportation route along the SWRT corridor (The Blue Line). These transportation connections lend some additional support for height and density.
- At the Division's request the applicant designed the building with a high degree of physical articulation of the wall planes for visual interest, and provided street level visualizations (see pp. 7-15 of the plans, attached).

KEY DEPARTMENTAL AND SERVICING CONSIDERATIONS

WATER AND WASTE DEPARTMENT

There is adequate servicing for the proposed development on the assumption that all land drainage flows will be redirected to the 450mm land drainage sewer in Pembina Highway. Additional review will be required by their Department should the plans of development change during the design process.

WINNIPEG TRANSIT

Under the approved Winnipeg Transit Master Plan, Rapid Transit service will not significantly change. Service on Pembina Highway will remain at a high level of service, designated as a Class 2 Frequent Transit corridor within the Primary Transit Network.

PUBLIC WORKS DEPARTMENT

The Developer shall construct within the Planned Area abutting the Canadian National Railway Letellier Subdivision, a uniform fence 2.0 m in height, as determined by and to the satisfaction of the Director of Public Works. This fence is intended to prevent pedestrian trespass onto the tracks. This condition is included in the Zoning Agreement.

RAIL PROXIMITY

As noted above, the property backs onto the CN Letellier Principal Branch Line.

For applications involving a rezoning and/or subdivision, the Urban Planning and Design Division recommends that new development of sensitive uses (such as residential uses) adjacent to rail operations incorporate the mitigation measures identified in *The Guidelines for New Development in Proximity to Railway Operations* (2013) report, which was prepared for the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada.

Recommended setbacks are associated with the type of rail line neighbouring the development. In this case, the neighbouring line is a Principal Branch Line for CN. The recommended setback from Principal Branch Lines is 15 metres including a 2.0 metre (6.5 feet) high berm. Alternatively, the applicant can provide alternate mitigation measures, such as a crash wall.

In this instance, the applicant has put forward a proposal that is substantially consistent with the typical setback and berming requirements for Principal Branch lines. The development will include an 80.3 ft. setback from the rear property line to residential portions of the building. Parking does not require a setback per the FCM Guidelines. The development will also include a berm and sound attenuation fence at the rear property line. However, the northwest portion of the residential building is less than 15 metres from the property line and the berm is proposed to be built along the parkade wall. Through the review of the proposal, a concern raised by CN was the safety of the west building wall in the event of a trail derailment. The applicant hired Lavergne and Draward Associates Inc. to undertake a review, which came back favourable (see Appendix B: Train Collision Considerations).

The Public Service is recommending that the applicant adhere to the rail mitigation measures proposed, but have also provided the option of adhering to the standard berm, fencing and setback, or crash wall mitigation measures.

PUBLIC CONSULTATION

At the request of the Division, the applicant conducted public consultation, and provided the following information (summarized by the Division):

ADVERTISEMENT

Flyers were delivered to approximately 200 households in proximity to the subject site, and advertising was placed in the Sou'wester local newspaper with a circulation of approximately 41,800.

WEBPAGE

A webpage was created to collect responses form participants.

METHOD

Virtual Open Houses (Zoom):

- April 25, 2021 at 7pm
- April 26, 2021 at 7pm
- Comments/ questions/ discussion in Open House sessions and/or the RSVP form on webpage.

COMMON THEMES

The applicant intends to provide results of consultation at the public hearing. The results were not available at the time of this report.

PLAN APPROVAL

Plan approval is recommended in order to provide the Division the opportunity to review site and design details prior to issuance of building permits.

SUMMARY

The Urban Planning Division supports the subdivision and rezoning, because the development:

- Supports accessibility and aging-in-place in alignment with policy goals of *OurWinnipeg.*
- Promotes the enhancement of an existing Regional Mixed Use Corridor through intensification.
- Is located at a key intersection.
- Pembina Highway contains high frequency transit service and the property is within walking distance of Jubilee Rapid Transit Station.
- Connects to the City's Active Transportation route along the SWRT corridor (The Blue Line).
- Was significantly adjusted to best meet design priorities of the Urban Planning Division and reflected in the *Complete Communities Direction Strategy.*
- Meets rail safety standards per a submitted engineering report.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Andrew Ross RPP, MCIP
DASZ 22/21 – 1011 Pembina Highway

Schedule “A” for File No. DASZ 22/21, City Centre Community Committee, September 3, 2021

By-Law No. _____

File No. **DASZ 22/2021**

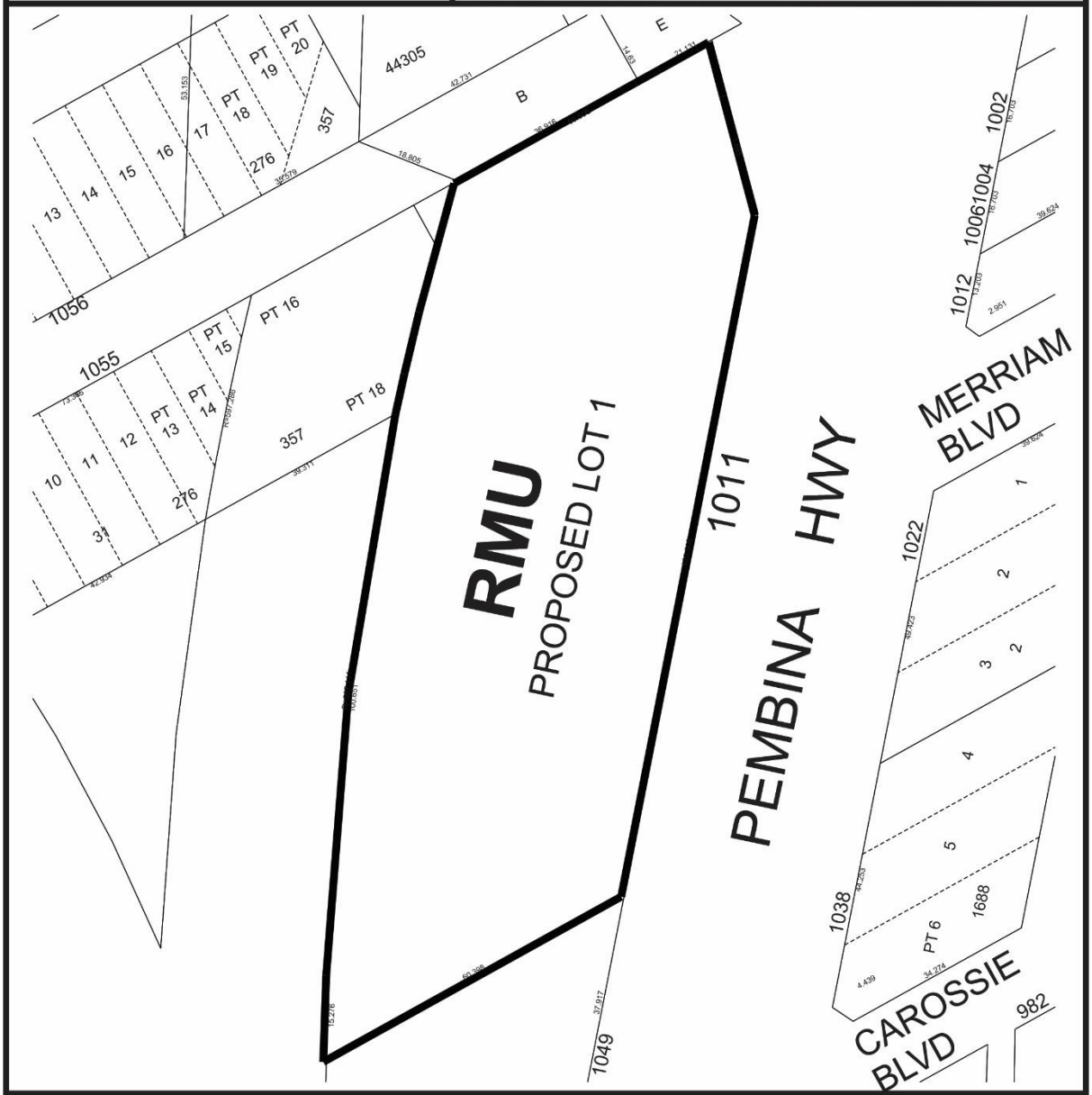
Atlas Sheet No. **AE23**

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CITY CENTRE COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1011 Pembina Highway from an “M1” MANUFACTURING LIGHT DISTRICT and a “C2” COMMERCIAL COMMUNITY DISTRICT to an “RMU” RESIDENTIAL MIXED USE DISTRICT to facilitate the consolidation of the land for the construction of a mixed use (residential/commercial) development.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1011 PEMBINA HIGHWAY

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 22/2021. The Developer should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

Section I – General Comments

1) The Water and Waste Department has advised that there is adequate servicing for the proposed development based on the development plans provided and the assumption that all land drainage flows will be redirected to the 450mm land drainage sewer in Pembina Highway. Additional review will be required by their Department should the plans of development change during the design process.

2) The Public Works Department has advised that private approaches require separate application to their Department. Please contact Public Works at PWDPrivateAccess@winnipeg.ca to discuss further. Please note that no median opening will be provided to serve the private approach on Pembina Highway.

3) Winnipeg Transit has advised that under the approved Winnipeg Transit Master Plan, Rapid Transit service will not significantly change. Service on Pembina Highway will remain at a high level of service, designated as a Class 2 Frequent Transit corridor within the Primary Transit Network. The location of bus stops along Pembina Highway may change, and the bus stop adjacent to this site may be relocated. A bus stop will remain within an approximate 300 m walking distance of this site.

Section II – Servicing Considerations

a) The Developer shall, at no expense to the City, construct within the Planned Area abutting the Canadian National Railway Letellier Subdivision, a uniform fence 2.0 m in height, as determined by and to the satisfaction of the Director of Public Works.

   a. Said fence is intended to ensure that “pedestrian trespass” to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

b) The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the Canadian National Railway Letellier Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 22/2021
August 6, 2021

"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

"*Original Signed by K. Sturgeon"*
K. Sturgeon, P. Eng.
Winnipeg Transit Service Development Division
Winnipeg Transit

"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

Appendix A: Applicant's Accessible and Inclusive Design Strategy

BLDG
architecture office inc.

694 Osborne Street
Winnipeg, Manitoba
Canada, R3L 2B9

Karen Shanski
MAA, SAA, OAA
karen@bldgoffice.com
www.bldgoffice.com
204.417.6884

August 11, 2021

To whom it may concern:

Re: 1011 Pembina Highway Apartments: Accessible and Inclusive Design Strategy

Please accept this letter to confirm the accessible and inclusive design proposal for the proposed Mixed Use Apartment Building proposed at 1011 Pembina Highway in Winnipeg, Manitoba. The following has been prepared to provide a review and confirm the accessibility requirements, accessibility strategy, and inclusive design features for the site and interior spaces.

1011 Pembina Apartments is being designed to provide a total of 12 Accessible Suites which equals 5% of the total 224 suites for rent. The type of suites will be 50% 2 bedroom 2 bathroom units and 50% 1 bedroom 1 bathroom units.

Out of the 12 suites identified, 2 will be designed to Accessible/Universal standards, & 10 will be Adaptable or Flexible units.

The building including all Common Areas and Amenity are accessible as regulated locally by the Manitoba Building Code including the amendments to the 2010 National Building Code with respect to Section 3.8 Accessibility.

Accessibility features from the Manitoba Building Code include:

- *Pedestrian entrances* to be barrier free and shall lead from outdoors at either sidewalk level or a ramp.
- Barrier-free path of travel to be 1100mm
- Detectable warning surfaces provided where there is a change in elevation greater than 225mm
- Interior building signage and accessibility signs as indicated in the MBC

ACCESSIBILITY STRATEGY

The accessibility strategy for the mixed-use apartment building will be to incorporate these features to the entire site including outdoor features, through the building to all levels, and into the suites. On the following pages I have outlined more specifically the design features which will be incorporated into the final construction documents.

Sincerely,

Karen Shanski - MAA, SAA, OAA, MRAIC

Outdoor Space & Approach:

Parking will be provided near primary resident entrances to provide ease of use, circulation and convenient entry to the building and the main elevator core. Drop-off and pick-up will also be provided to the main lobby area to provide convenient access. Parking areas will be well lit including entries to the building and underground parkade.

A large accessible outdoor rooftop garden has been incorporated to the main design of the development, to provide convenient social spaces and access to healthy outdoor activity and social spaces. Walkways and landscaping at grade will be provided throughout the site that meet current barrier-free standards and provide accessible pathways to the adjacent AT pathway. Varied surface textures will be incorporated to provide users cues to their location throughout. The landscaping will incorporate seating in areas along pathways and sidewalks. A variety of planting in the northern park will provide shade, interest, and stimuli for residents.

Entries will be clearly signed, marked, and identified easily in the massing of the building. Protective canopies will be incorporated into the design to provide protection while entering the building, including vestibules with turning 1500mm turning radius' between doors.

Building & Common Areas:

The main lobby will be designed to be accessible from multiple sides of the building to allow easy entry points from the Pembina Highway and upper parking areas. Entry will be sloped up to avoid stairs or ramps and provide entry at grade. The lobbies will incorporate seating and waiting areas for drop-off/pick-up.

Barrier free entries including guardrails at door will be in place to assist entry to the building. Clear signage will be provided throughout the building including the parking level, lobbies, and elevators.

Corridors will be well lit and provide ample width for all residents. Corridors on each level include a naturally lit, easy to locate elevator lobby that is generous enough to provide a place for social encounters and views to the neighbourhood.

Accessible Suites:

Accessible suites will be located throughout the building to provide access in a way that does not separate or make the units seem isolated or different from other standard units. A portion of the accessible units have been located closer to the elevator lobbies to ease the circulation to and from the vertical circulation and adjacent parkade.

An emphasis in the design of the units is to create an accessible unit that does not look or feel different from the standard units, to keep the unit attractive to people of all levels of ability. Adaptable suites are included in the design to allow people to age-in-place within the building and in their community.

Accessible suites have been designed to allow people of different ability levels to use the suite to the greatest extent. Juliette balconies for residents to access fresh air, light, and a connection to the outdoors from the suite. Windows with lower sills accommodate views and operation for ease of access.

ACCESSIBLE/UNIVERSAL SUITE DESIGN FEATURES (2 TOTAL)

SUITE FEATURES

- 6' turning space in all rooms
- All doors have 36" openings
- Interior plugs, switches and controls mounted at accessible level

KITCHEN

- Workspace includes a variety of counter heights
- Wheel-up sink
- Appliances selected & installed for accessibility
    - o Refrigerator option: single door or french doors
    - o Cooktop with front controls and knee space
    - o Wall Oven at accessible height with shelf below
    - o Dishwasher will be elevated off floor

BATHROOMS

- Wheel-in shower
- Barrier free tub/shower combo in second bathroom in the 2-bedroom unit
- Wheel-up sink
- Laundry Elevated side-by-side in-suite front load clothes washer and dryer

FLOORING

- Luxury vinyl plank flooring throughout

ADAPTABLE/FLEXIBLE SUITE DESIGN FEATURES (10 TOTAL)

SUITE FEATURES

- 6' turning space in all rooms
- All doors have 36" openings
- Interior plugs, switches and controls mounted at accessible level

KITCHEN

- Workspace includes a pull-out shelf for variable counter height
- Option for installation of wheel-up sink

BATHROOMS

- Wheel-in shower
- Barrier free tub/shower combo in second bathroom
- Laundry: elevated side-by-side in-suite front load clothes washer and dryer
- Option for installation of wheel-up sink

FLOORING

- Luxury vinyl plank flooring throughout
- No step at balcony threshold

Appendix B: Train Collision Consideration

LAVERGNE DRAWARD & ASSOCIATES INC.
STRUCTURAL ENGINEERS

Project No. 21407
August 9, 2021

Mr. Carlos Benevides
Project Manager
Pre-Con Builders Ltd.
100 – 405 Fort Whyte Way
Oak Bluff, MB.
R4G 0B1

Dear Mr., Benevides:

Re: 1011 Pembina Highway Apartments – Train Collision Consideration

As requested, Lavergne Draward and Associates Inc. (LDA) has reviewed the potential effect on a train derailment and collision with the proposed structure at 1011 Pembina Highway, in Winnipeg, Manitoba. It is out understanding the following question has been posed by the authority having jurisdiction:

> *"Can you confirm whether your engineer reviewed the westernmost parkade wall (where the berm is proposed to be built against) for structural integrity if a train hit the berm and if this would result in an impact to the residential structure. If not, this should be reviewed."*

LDA has provided a review of potential force that would result from a collision of a derailed train at the Western most side of the parkade wall in accordance with the document published by AECOM titled "Submission Guidelines for Crash Walls". Upon completion of the of the velocity calculations for this specific track and proposed building location it has been confirmed that the expected velocity would be 0 m/s and therefore would result in no impact and zero force.

Due to the above LDA can confirm that the parkade wall will be designed to handle all lateral earth pressures applied from the berm but no additional force from a train derailment is expected as per the above noted CN and C.O.W. accepted document.

Please note our review has used the following values / assumptions where necessary:

- Distance from centre of rail to building = +- 109'
- Grade slope from track to building is negligible
- Maximum track speed of 30 mph

We trust the above meets with your satisfaction, however, should you have any questions please do not hesitate to call.

Sincerely,

Lavergne Draward and Associates Inc.

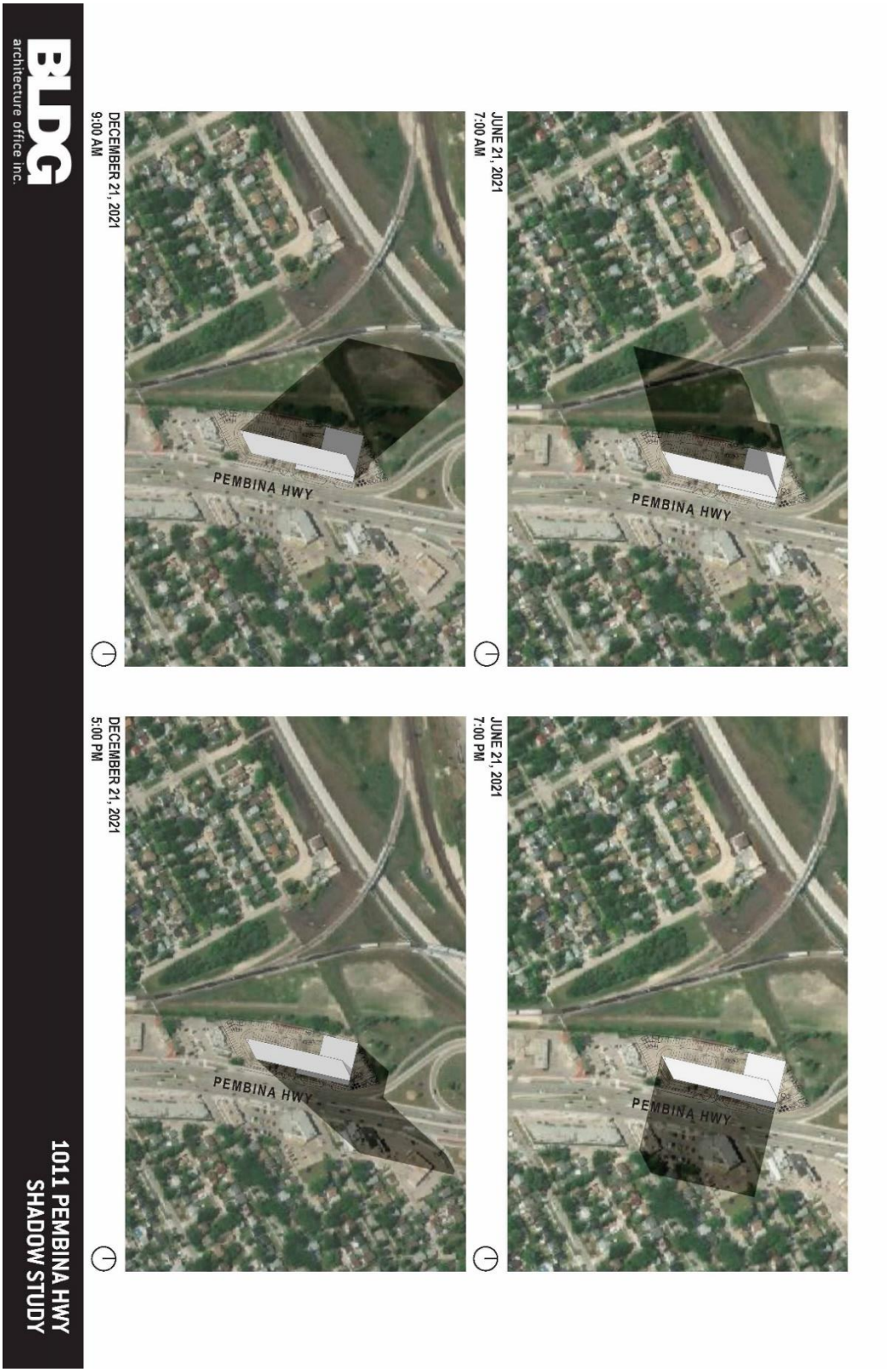
Per: Talin Gregory, P.Eng.
Principal

APEGM
Certificate of Authorization
Lavergne Draward & Associates Inc.
No. 1912 Date: 08.09.2021

PROVINCE OF MANITOBA
08.09.2021
T.D. GREGORY
Member
• 34982
REGISTERED PROFESSIONAL ENGINEER

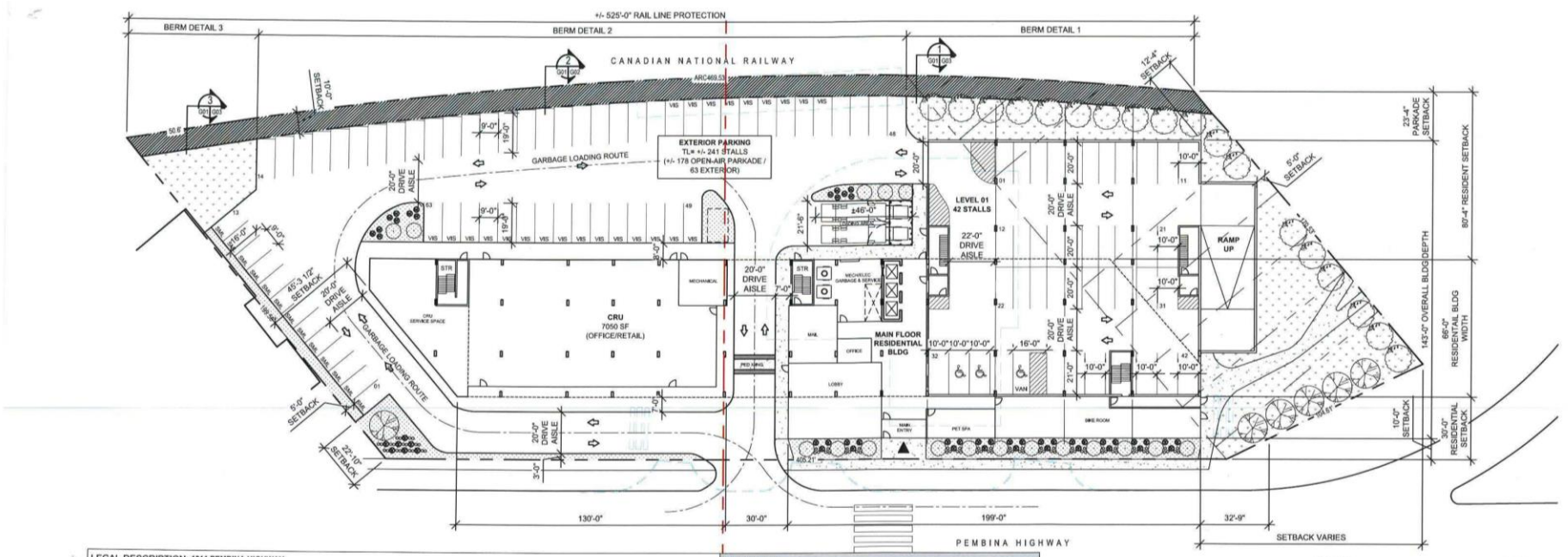
CONTACT T: (204)947-2222 W: www.ldaeng.ca
LOCATE 200- 193 DUMOULIN ST. WINNIPEG, MANITOBA, R2H 0E4

Appendix C: Applicant's Shadow Study



Appendix D: Rail Mitigation Measures

Exhibit “9” referred to in File DASZ 22/2021



LEGAL DESCRIPTION: **1011 PEMBINA HIGHWAY**			
MULTI-FAMILY BUILDING INFORMATION			
MIXED-USE RESIDENTIAL WITH COVERED PARKING			
BUILDING DIMENSIONS	402'-0" X VARIES		
BUILDING HEIGHT	T.O. ROOF STRUCTURE	120'-0"	
BUILDING AREA	PODIUM: TBC / RESIDENTIAL: 24,300 SF		
TOTAL DWELLING UNITS	226 UNITS		
PARKING INFORMATION			
PARKING CATEGORY (TABLE 5-9)	3 - MULTI-FAMILY		
REQUIRED SPACES PER DWELLING UNIT	1.5 X UNITS - URBAN INFILL REDUCTION + TRANSIT LINE REDUCTION = 0.8 X UNITS		
REQUIRED BICYCLE PARKING	1 PER 10 REQUIRED PARKING SPACES - PROVIDED		
REQUIRED GUEST PARKING	10% OF REQUIRED PARKING SPACES		
SURFACING	ASPHALT		
PARKING SPACE DIMENSIONS	INDOOR/COVERED TYPICAL = 10'-0" X 20 FT		
	OUTDOOR TYPICAL = 9'-0" X 19 FT		
	SMALL CAR = 8 X 16 FT		
	ACCESSIBLE = 10 x 20 FT		
	OUTDOOR VAN ACCESSIBLE= 16 x 20 FT		
TOTAL PARKING SPACES	REQUIRED	PROVIDED	ZONING VARIANCE REQUIRED
	181	241	YES (PARKING MANAGEMENT)
		178 OPEN-AIR PARKADE / 63 EXTERIOR	INCLUDES CAR SHARE
ACCESSIBLE SPACES	6	8 (3 VAN ACCESS)	
BIKE PARKING SPACES	24	40	

LANDSCAPING		
STREET EDGE LANDSCAPING	REQUIRED	PROVIDED
STREET EDGE TREES	11.96	12
STREET EDGE SHRUBS	53.85	54
BUILDING FOUNDATION LANDSCAPING	REQUIRED	PROVIDED
SHRUBS	35.9	36
PARKING LOT LANDSCAPING		
GROSS PARKING AREA	28,392.7SF	
LANDSCAPED AREA REQUIRED	5% OF GROSS = 1,419.6SF	
PARKING LOT PLANTINGS	REQUIRED	PROVIDED
TREES	4.7	5
SHRUBS	14.2	15
ADDITIONAL LANDSCAPING	REQUIRED	PROVIDED
TREES	N/A	23
SHRUBS	N/A	27

LANDSCAPE LEGEND:
- SHRUB TYPE 02 - KARL FOERSTER REED GRASS
- SHRUB TYPE 02 - RUSSIAN SAGE
- DECIDUOUS TREE TYPE 01 - HARVEST GOLD LINDEN
- DECIDUOUS TREE TYPE 02 - AMUR MAPLE
- DECIDUOUS TREE TYPE 03 - TOWER POPLAR
- PROPERTY LINES
- EXISTING SITE CONSTRUCTION (BUILDINGS, APPROACHES, SIGNAGE)
- LINE OF BUILDING OVERHEAD
- REFUSE COLLECTION ROUTE
- PROJECT PHASING LINE
- AREA OF RAIL LINE PROTECTION

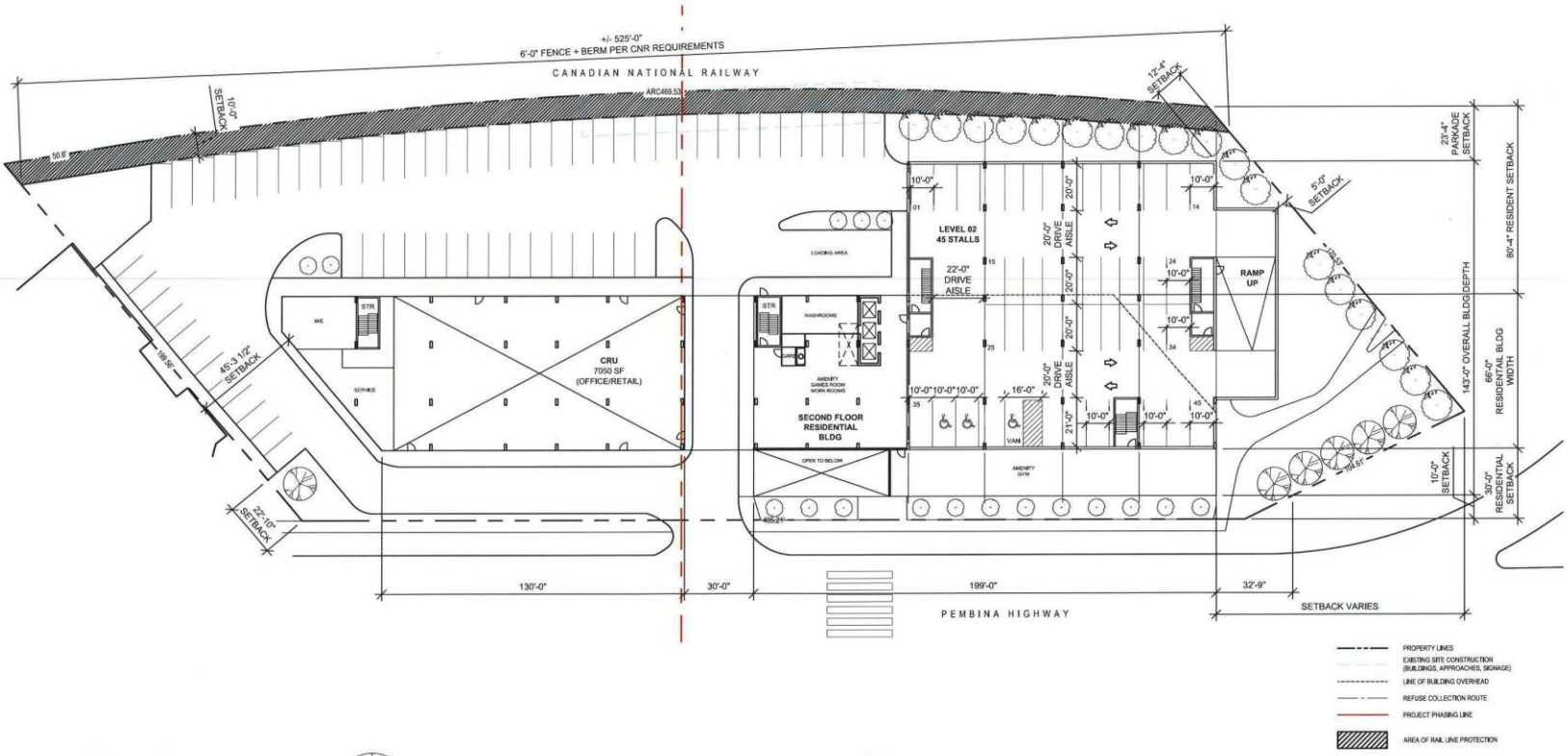
1 G01 SITE PLAN NTS N

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PROJECT
PEMBINA HWY APARTMENTS
PRELIMINARY SITE PLAN & PROJECT INFO
1011 PEMBINA HIGHWAY, WINNIPEG MB
DRAWN TC REVD KS PROJECT NO. 2020_35
DATE 04 MAY 2021 DRAWING NO. G01
SCALE AS NOTED



1 - A01 SECOND FLOOR PLAN

NTS

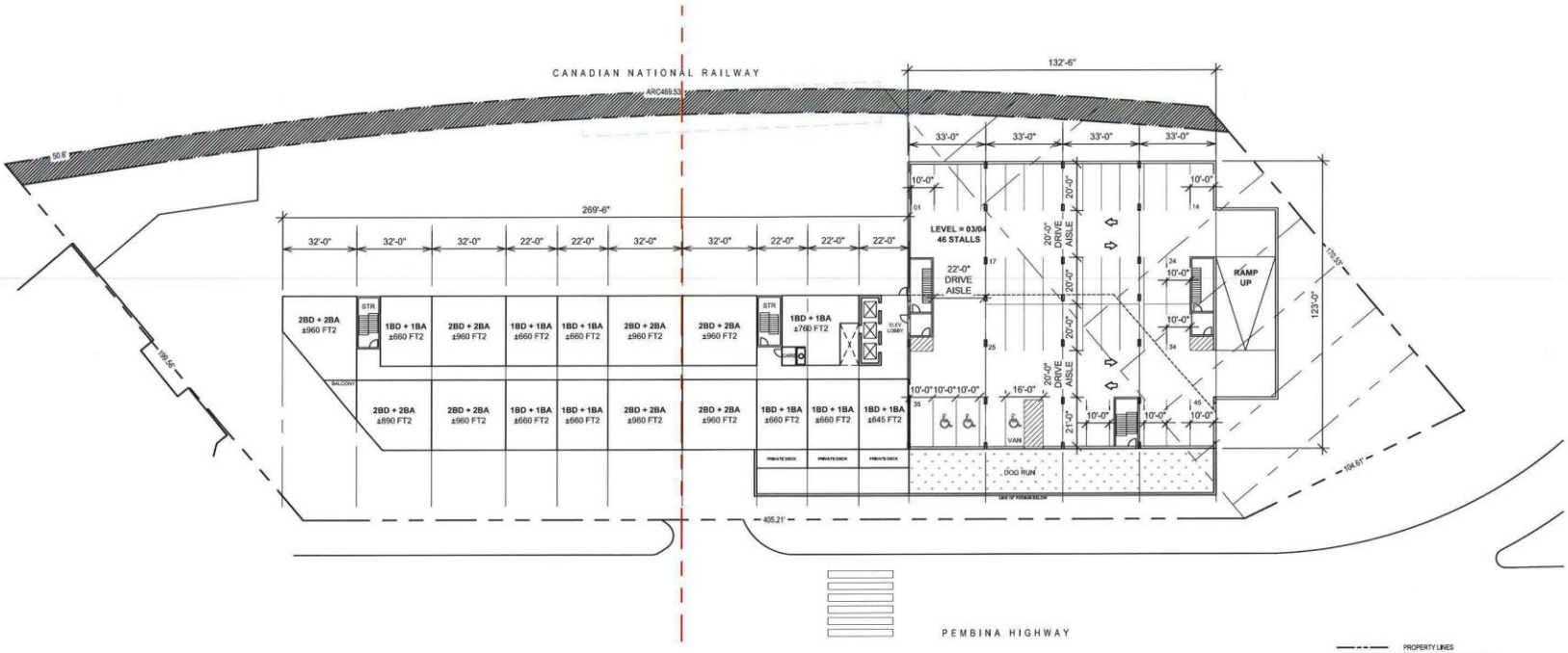
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PROJECT
PEMBINA HWY APARTMENTS
SECOND FLOOR PLAN
1011 PEMBINA HIGHWAY, WINNIPEG MB

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SCALE AS NOTED



1 / A02 THIRD / FOURTH FLOOR PLAN

NTS

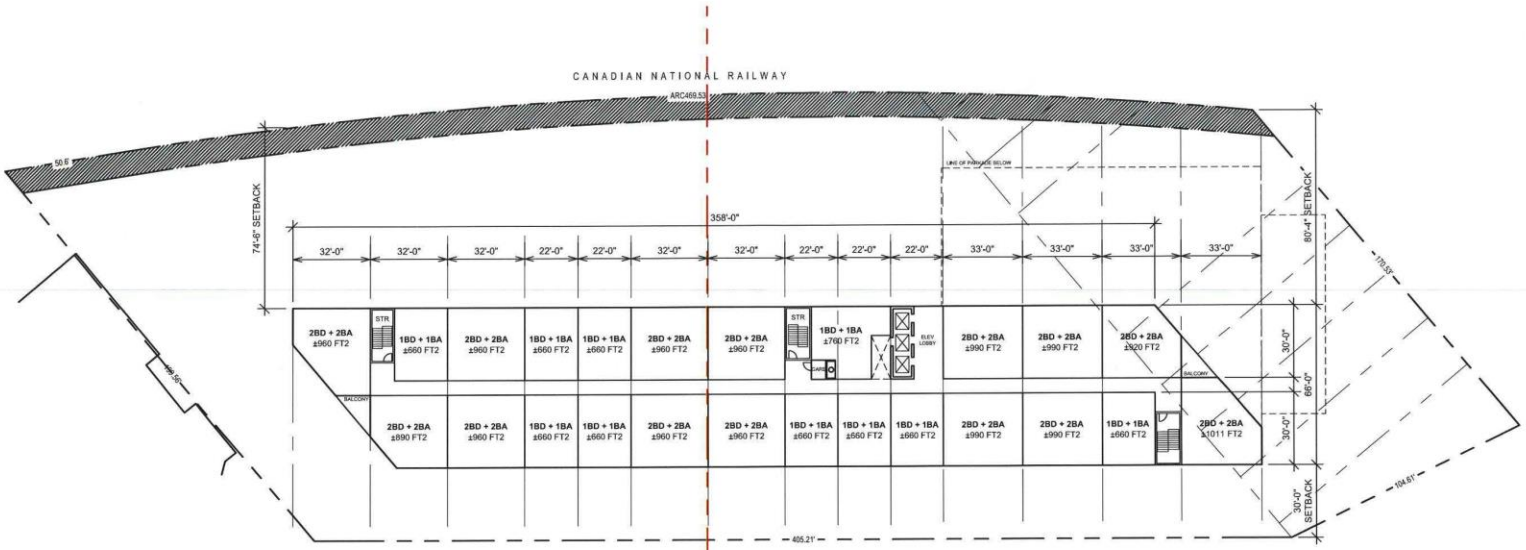
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PROJECT
PEMBINA HWY APARTMENTS
THIRD / FOURTH FLOOR PLAN
1011 PEMBINA HIGHWAY, WINNIPEG MB

DRAWN TC REVD KS PROJECT NO. 2020_35
DATE 04 MAY 2021 DRAWING NO. **A02**
SCALE AS NOTED



PROPERTY LINES
EXISTING SITE CONSTRUCTION (BUILDINGS, APPROACHES, SIGNAGE)
LINE OF BUILDING OVERHEAD
REFUSE COLLECTION ROUTE
PROJECT PHASING LINE
AREA OF RAIL LINE PROTECTION

1 / A03 TYPICAL RESIDENTIAL PLAN

NTS

N

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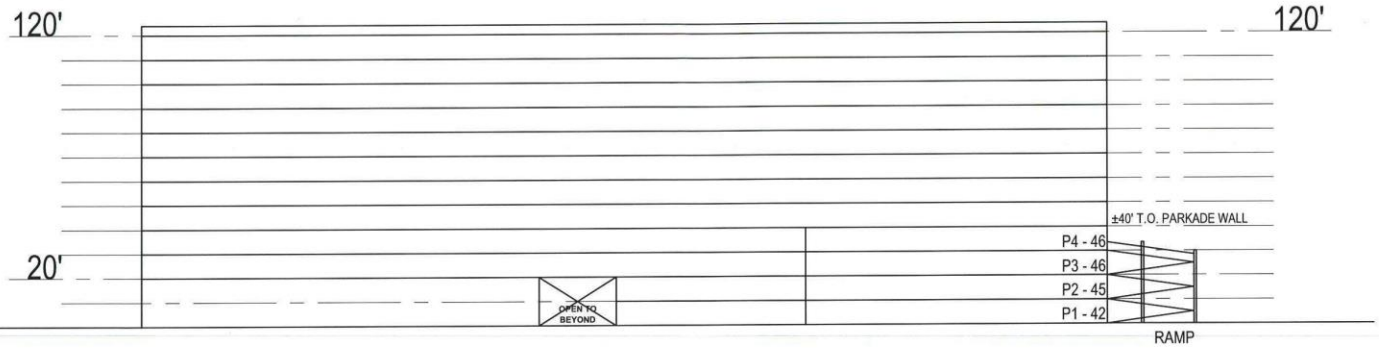
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PROJECT
PEMBINA HWY APARTMENTS
TYPICAL RESIDENTIAL PLAN
1011 PEMBINA HIGHWAY, WINNIPEG MB

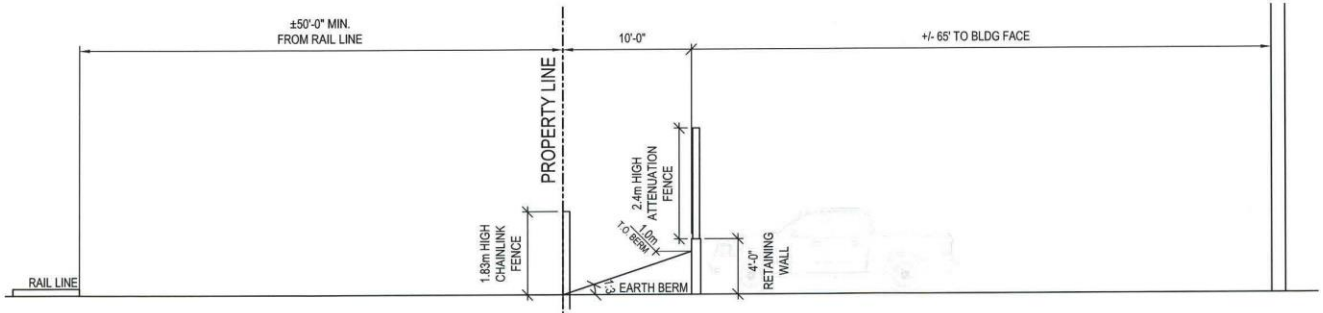
DRAWN TC REVD KS PROJECT NO. 2020_35
DATE 04 MAY 2021 DRAWING NO. A03
SCALE AS NOTED

x17 UNITS X 2 FLOORS
+ x24 UNITS X 8 FLOORS
= **226 TOTAL**
PARKING REQ'D: (0.8X226) = 181 / PARKING PROVIDED: 242

UNIT SPLIT: 138 2BR / 88 1BR



1 / - G02 SCHEMATIC BUILDING SECTION
NTS



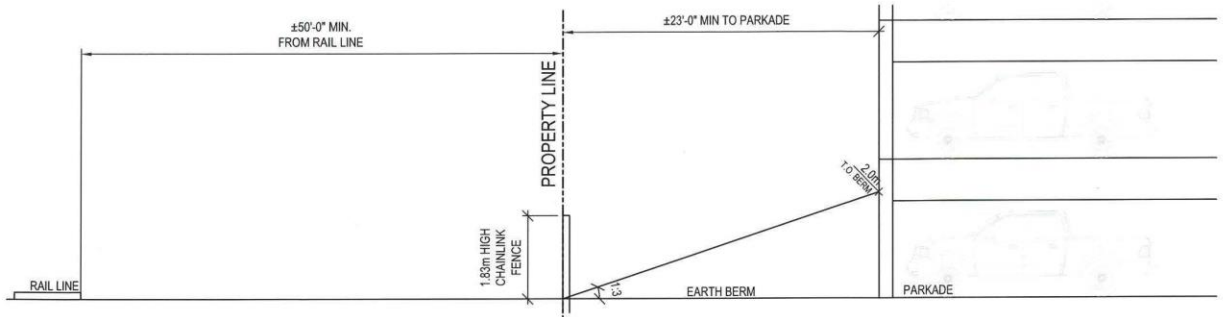
2 / G01 G02 FENCE & BERM DETAIL 2
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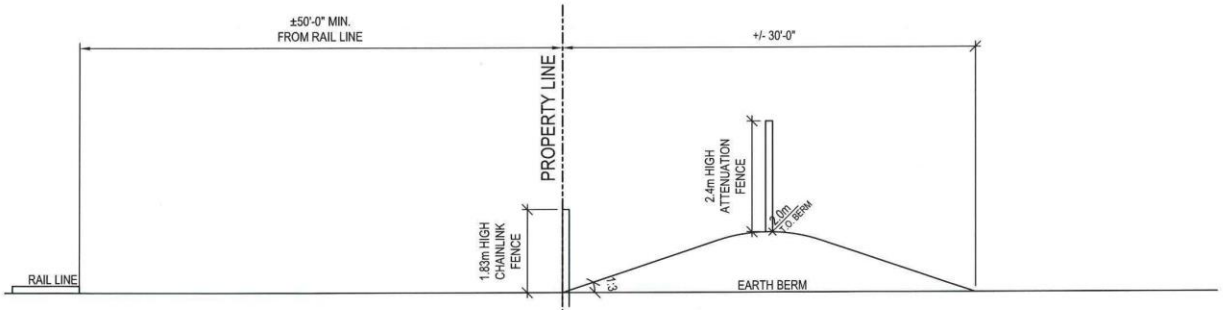
PROJECT
PEMBINA HWY APARTMENTS
PRELIMINARY BUILDING SECTION
1011 PEMBINA HIGHWAY, WINNIPEG MB

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DATE 04 MAY 2021 DRAWING NO. G02
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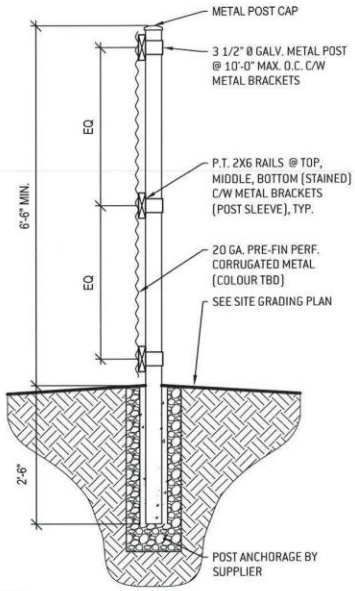
1 G01 G03 FENCE & BERM DETAIL 1
NTS

BERM DETAIL 1 @ PARKADE



3 G01 G03 FENCE & BERM DETAIL 3
NTS

BERM DETAIL 3 @ SOUTH LANDSCAPE AREA



2 - G03 SOUND ATTENUATION FENCE
NTS

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PROJECT
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LANDSCAPE DETAILS
1011 PEMBINA HIGHWAY, WINNIPEG MB

DRAWN TC REV'D KS PROJECT NO. 2020_35
DATE 04 MAY 2021 DRAWING NO. G03
SCALE NTS