Minutes – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 8, 2022

REPORTS

Item No. 12 Plan Approval – 920 Jefferson Avenue
(Old Kildonan Ward)
File DAZ 322/79

STANDING COMMITTEE DECISION:

The Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the Winnipeg Public Service, and rejected the plans for 920 Jefferson Avenue.

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DECISION MAKING HISTORY:

Moved by Councillor Santos,

That the recommendation of the Winnipeg Public Service not be concurred in and the plan approval for 920 Jefferson, be rejected.

Carried

Peter Ginakes submitted a communication with respect to the matter.

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid the matter over to its meeting on September 8, 2022.

John Martens submitted a communication in support of the matter.

COMMUNTY COMMITTEE RECOMMENDATION:

On June 21, 2022, the Lord Selkirk-West Kildonan Community Committee did not make a decision on the Plan Approval for 920 Jefferson, as required by section 15(1) of the Development Procedures By-law No. 104/2020.

In accordance with Section 15(3) of the Development Procedures By-law No. 104/2020, namely:

15(3) Where a Community Committee fails to make a decision or provide recommendations as required by subsection (1), the City Clerk must refer the matter to SPC.,

the matter is referred to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

On May 2, 2022, the Lord Selkirk-West Kildonan Community Committee laid the matter over for 60 days.

The following persons submitted communications in support of the matter:

- John B. Martens submitted a communication dated April 28, 2022
- Tat-Liang Cheam

ADMINISTRATIVE REPORT

Title: Plan Approval 22-133171 – 920 Jefferson Avenue

Issue: For consideration at the Public Meeting of the Plan Approval drawing package for a commercial building with drive-through and patio (Starbucks).

Critical Path: Lord Selkirk - West Kildonan Community Committee as per DAZ 322/79

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
R. Hayer, MCP	n/a	n/a	n/a	

RECOMMENDATIONS

The Urban Planning and Design Division recommends **approval** of the submitted plans.

REASONS FOR REPORT

Plan Approval via the Lord Selkirk-West Kildonan Community Committee is required per the existing Zoning Agreement Caveat on the property title, registered as part of DAZ 322/79.

The applicant has submitted:

- colour elevations;
- site plan with dimensions; and
- landscape plan with plant list.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, the proposal can proceed.

FILE/APPLICANT DETAILS

FILE: **ZR-PA 22-133171**

COMMUNITY: Old Kildonan

NEIGHBOURHOOD #: 3.320 - (Leila-McPhillips Triangle)

SUBJECT: Plans of a proposed commercial building with drive-through and patio (Starbucks).

LOCATION: 920 Jefferson Avenue

LEGAL DESCRIPTION: LOT 1/2 PLAN 15894 6 K OTM

APPLICANT: Nejmark Architect (Ashley Martens)

OWNER: SNOWCAT PROPERTY HOLDINGS LIMITED

HISTORY

- **On May 5, 2021**, the Lord Selkirk West Kildonan Community Committee referred a previous Plan Approval application for the premises located at 920 Jefferson Avenue to the Standing Policy Committee on Property and Development, Heritage and Downtown Development for consideration, in accordance with Sections 15(1) and 56 of the Development Procedures By-law No. 104/2020.
- **On September 14, 2021**, the Standing Policy Committee on Property and Development, Heritage and Downtown Development was deemed to have rejected the previous Plan Approval application due to a lost vote.
- **On October 20, 2021**, the Executive Policy Committee concurred in the Decision dated September 14, 2021, issued by the Standing Policy Committee on Property and Development, Heritage and Downtown Development regarding the previous Plan Approval application, and denied the appeal by the applicant against the Committee's decision to reject the application.

DISCUSSION

SITE DESCRIPTION

- The subject property is located along the south side of Jefferson Avenue and west side of McPhillips Street, in the Leila-McPhillips Triangle Neighbourhood of the Old Kildonan Ward.
- The site is located within the "Recent Community" policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg*.
- The property is zoned "C3" Commercial Corridor and is approximately 7.0 acres in area, however, the portion of land proposed for development under the subject application is roughly 10,000 square feet.
- Currently on the site are the following land uses:
    - A supermarket with a floor area of +/- 46,073 square feet.
    - A vacant commercial retail unit (inside the supermarket building) with a floor area of 10,006 square feet.
    - A fuel sales gas kiosk.
    - Surface parking areas are accessory to the aforementioned uses, including 405 parking spaces.
- The area proposed for development under the subject application currently encompasses approximately 36 parking spaces.



Figure 1: Air photo of the subject site and surrounding context, looking southwest (*Flown, 2018*)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The proposed development is a one-storey commercial building (Starbucks restaurant) with accessory drive-through and patio areas.
- The primary building entrance would face west, towards the parking lot. Access to the proposed drive-through would be from the parking lot.
- A patio with 4 tables is proposed. It would be on the south side of the building and screened with ornamental fencing and landscaping.
- An existing bumper-guard fence along the north property line (adjacent to the subject area proposed for redevelopment) would be removed and replaced with landscaping.

Collaboration:

- Prior to submitting the subject application, the applicant engaged in discussions with the Urban Planning & Design Division. The Division advised of a number of amendments, all of which are incorporated in the proposed plans submitted under the subject application. These include:
    - Additional landscaping to screen the east-facing elevation, containing doors to service areas within the building, as well as additional landscaping along the east and north limits of the planned area in order to screen the proposed drive-through aisle
    - Decorative fencing and landscaping to screen the outdoor patio areas.
    - Ensuring the east-facing elevation is complementary to the street and contains a mix of quality cladding materials and colours.

- The applicant modified the proposed plans on at least two (2) occasions, in order to better align the take-out window with the drive-through lanes, and also to modify exterior colours of the building. The most recent drawings under the subject application were reviewed and stamped by the City of Winnipeg Zoning & Permits Branch on April 12, 2021.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy:

- The site is located within the "Recent Community" policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg*. A key applicable policy includes:
    - *Within Recent Communities, intense and diverse development will be encouraged in Centres and Corridors.*
- Per the *Complete Communities Direction Strategy*, the subject site is also located along a Corridor (McPhillips Street). The Vision Statement and Key Direction for Corridors are:
    - *Centres and Corridors will be vibrant, pedestrian-friendly districts, within walking distance of your home. they will afford you the opportunity to buy groceries, enjoy a meal, or do some window shopping in your neighbourhood.*
    - *By intensifying development with a mix of uses, corridors will become destinations while continuing to serve as primary transportation routes for residents.*
- The proposed development is considered generally consistent with *Complete Communities*, as it would intensify development along (and that would benefit from being adjacent to) a corridor while also providing an amenity that serves the local community, and does so in a manner that is unlikely to cause adverse effects on the surrounding area.

Winnipeg Zoning By-law:

- With respect to parking requirements, the proposed restaurant under the subject application is required to provide 12 parking spaces. In addition, the FreshCo supermarket is required to provide 176 parking spaces; the vacant commercial retail unit is required to provide 32 parking spaces, and the fuel sales gas kiosk is required to provide 4 parking spaces.
- The total parking requirement for all uses on the subject property is 224 parking spaces.
- With the proposed development, the subject property would be left with approximately 369 parking spaces serving all existing and proposed land uses on the subject site.

Pedestrian Connectivity:

- A 5 ft. wide path of travel is proposed to connect the entrance to the proposed restaurant and the sidewalk on the west side of McPhillips Street. This results in the most direct path of travel to the adjacent public sidewalk, which also contains a transit bus stop. This path would not require pedestrians to cross drive-aisles or walk behind cars to access the proposed restaurant from the public sidewalk on McPhillips Street.
- As part of the Plan Approval under file PA 18-178496 (for the existing FreshCo grocery store) a 5 ft. wide path of travel was required to be constructed in order to connect the primary building entrance to the sidewalk on the south side of Jefferson Avenue. The required sidewalk has yet to be constructed; however, the applicant for the subject application has been made aware of the requirement for the pedestrian connection to Jefferson Avenue.

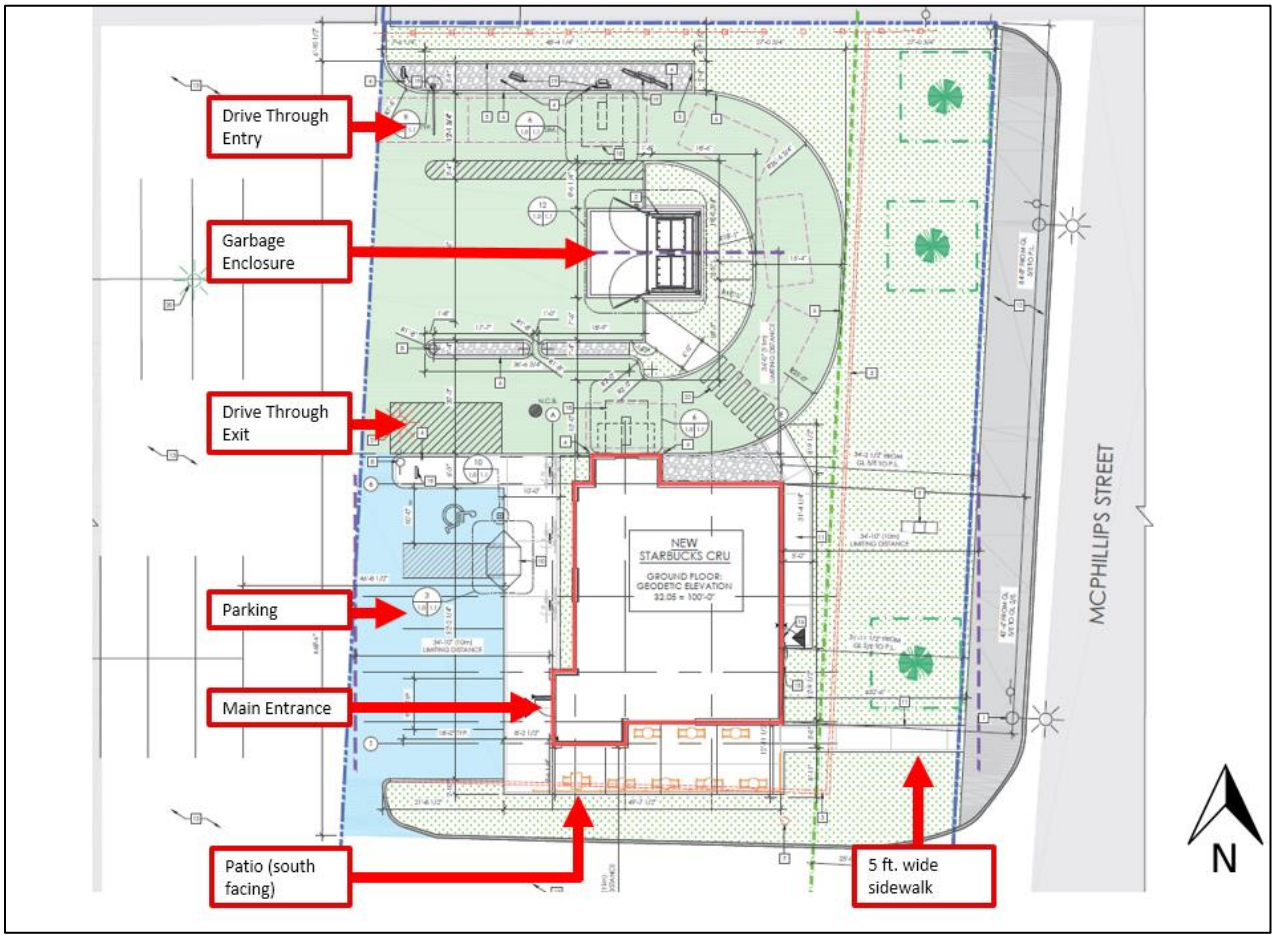


Figure 2: Site Plan.



Figure 3: Proposed west elevation (facing the FreshCo).



Figure 4: Proposed east elevation (facing McPhillips Street).



Figure 5: View from Drive-Through.

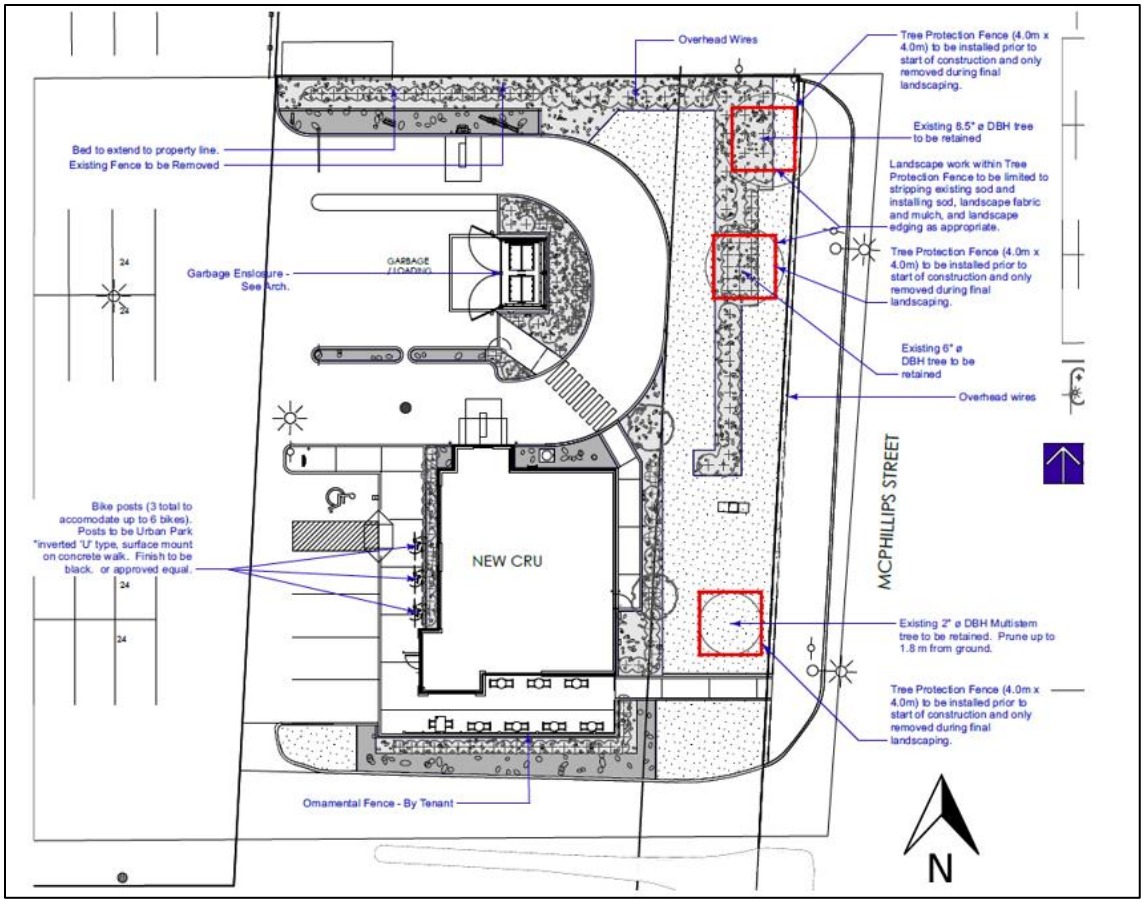


Figure 6: Proposed Landscape Plan.

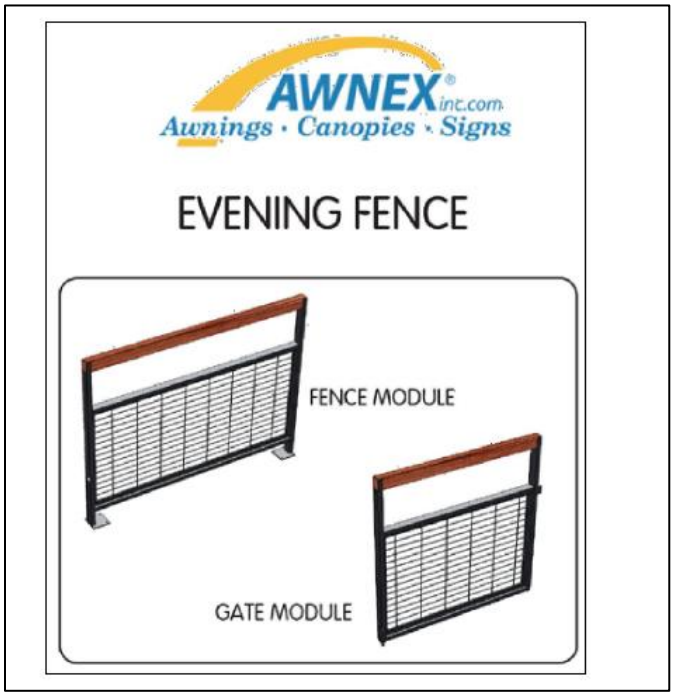


Figure 7: Proposed Patio Fencing close-up.

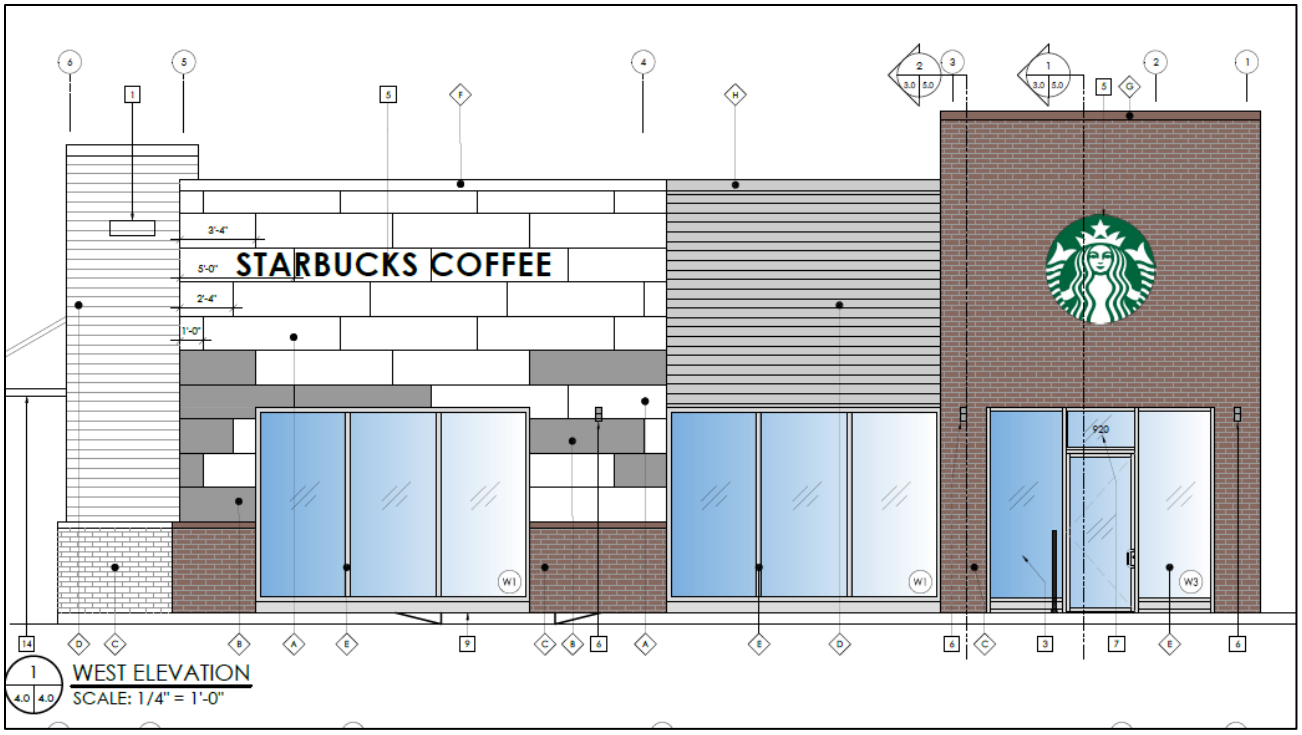


Figure 8: West Elevation detailed view.

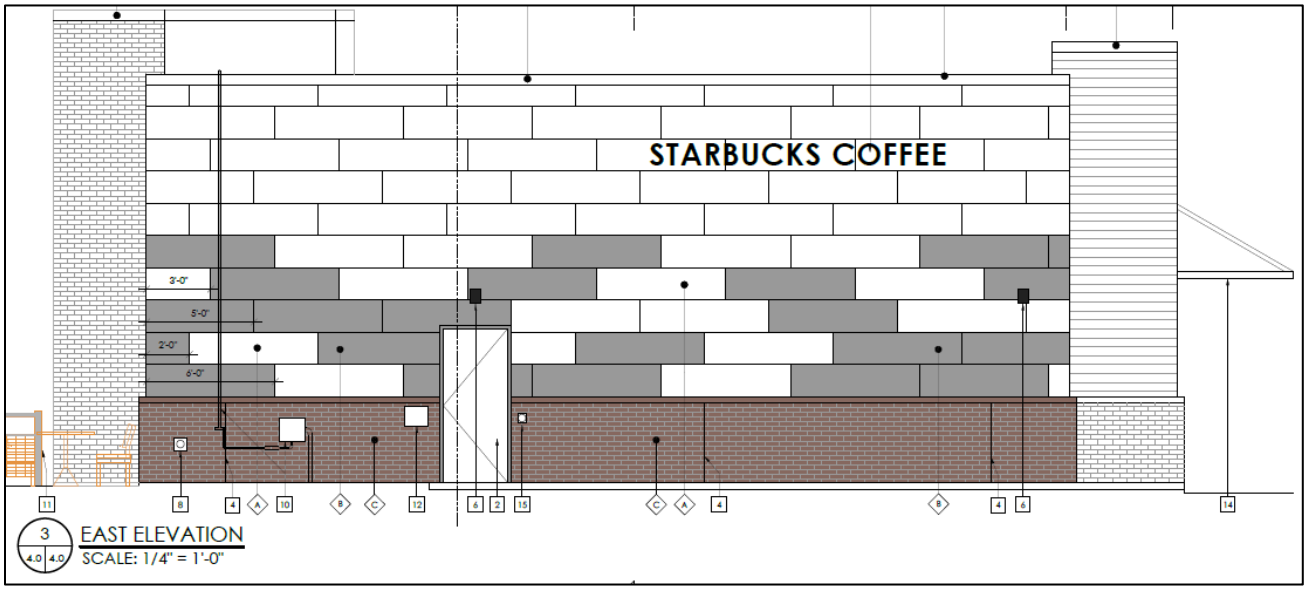


Figure 9: East elevation detailed view.

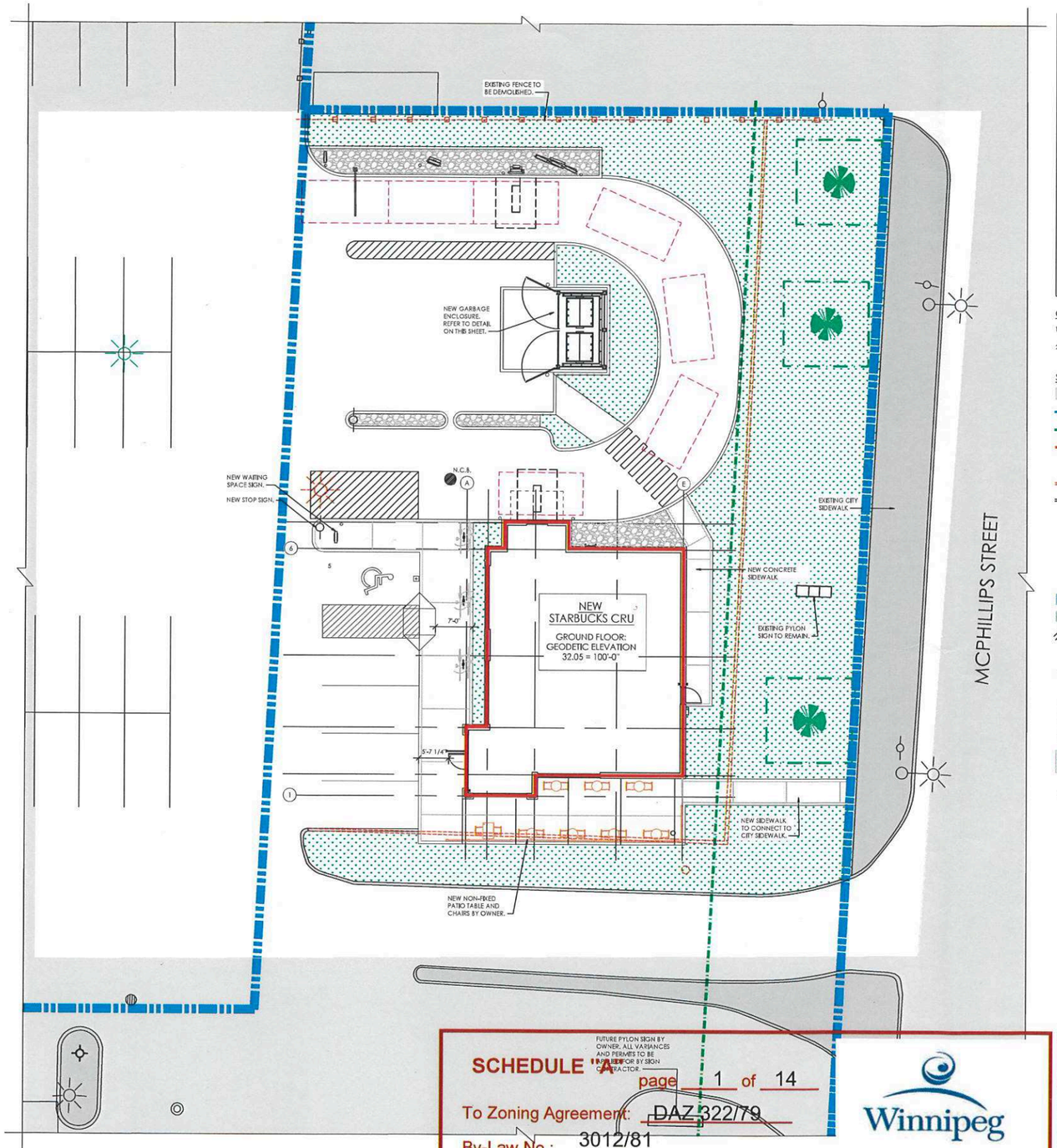
REASONS FOR THE RECOMMENDATIONS

The Urban Planning and Design Division recommends approval of the submitted plans because they are considered consistent with the Complete Communities Direction Strategy and do not require any variances or changes to land use to enable the proposed development.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning and Design
Prepared by:	R. Hayer, MCP
Date:	April 26, 2021
File No:	ZR-PA 22-133171

Exhibit 1 - Appeal - Plan Approval - 920 Jefferson Avenue - Submitted Plans



N

1 / 1.0 | 1.0 SITE PLAN
SCALE: 3/32" = 1'-0"

SITE ZONING INFORMATION

ADDRESS
920 JEFFERSON AVENUE

LEGAL DESCRIPTION
LOT 2, PLAN 15894 WLTO
IN O.T.M. LOT 4, PARISH OF KILDONAN
CITY OF WINNIPEG, MANITOBA

SITE AREA
6.17 ACRES

SITE ZONING
ZONING: C3 - COMMERCIAL CORRIDOR

DIM. STANDARDS	REQ.	PROVIDED
FRONT YARD	25 FT	25 FT
REAR YARD	25 FT	EXISTING
INTERIOR SIDE YARD	0 FT	EXISTING
CORNER SIDE YARD	25 FT	EXISTING
BUILDING HEIGHT	49 FT	22 FT
FLOOR AREA RATIO	1.5	0.21

BUILDING FOOTPRINT
EXISTING FRESHCO: 55,300 FT²
NEW STARBUCKS CRU: 1,800 FT²

PARKING	REQ.	PROVIDED
SITE TOTAL	237	399
ACCESSIBLE	7	8
BICYCLE (STARBUCKS)	1	6

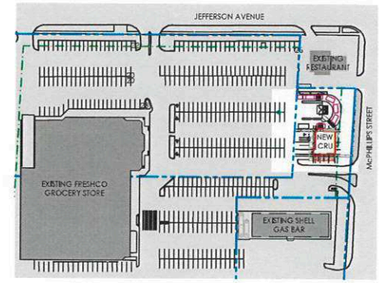
SUPERMARKET: 1/250 FT² = 222 STALLS
EATING AND DRINKING ESTABLISHMENT: 1/150 FT² = 13 STALLS
GAS BAR: 1 (UNDER 2000 FT²) + 1 PER 3 EMPLOYEES = 2 STALLS

GENERAL NOTES:

1. ALL CURBING TO BE DEEP CURBING UNLESS NOTED OTHERWISE.
2. REFER TO CIVIL DRAWINGS FOR ALL NEW SITE GRADING.

SITE PLAN LEGEND:

- AREA NOT INCLUDED IN CONTRACT (N.I.C.)
- PROPERTY LINE
- ZONING SETBACKS
- PROPOSED BUILDING
- POINT OF ENTRY / EXIT TO BUILDING
- EXISTING CURB TO BE DEMOLISHED
- EXISTING CURB / SIDEWALK TO REMAIN
- ACCESSIBLE PARKING STALL (WHITE)
- 5 — NEW 4" PAINTED PARKING LINES (YELLOW) STALL COUNT
- DRIVE THROUGH QUEUING SPACE (8X16)
- EXTENT OF NEW STANDARD ASPHALT
- EXTENT OF NEW HEAVY DUTY ASPHALT
- 4" PAINTED LINES (YELLOW)
- BICYCLE PARKING. REFER TO LANDSCAPE.
- EXISTING FENCE TO BE REMOVED.
- NEW TENANT SUPPLIED AND INSTALLED PATIO FENCE AND FURNITURE (N.I.C.).
- EXISTING TREES TO REMAIN. TEMPORARY ROOT PROTECTION FENCE TO BE PROVIDED. REFER TO LANDSCAPE DRAWINGS FOR PROTECTION DETAILS AND NOTES.
- NEW LANDSCAPING. REFER TO LANDSCAPING.
- EXISTING POWER POLES W/ LIGHT / LAMP STANDARDS
- RELOCATED LIGHT STANDARD ON NEW BASE. REFER TO ELECTRICAL AND STRUCTURAL.
- EXISTING GRADE
- EXISTING FIRE HYDRANT
- EXISTING CATCH BASIN. REFER TO CIVIL.
- EXISTING MANHOLE REFER TO CIVIL.
- N.C.B. NEW CATCH BASIN. REFER TO CIVIL.

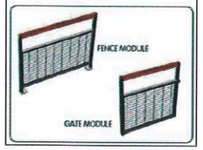


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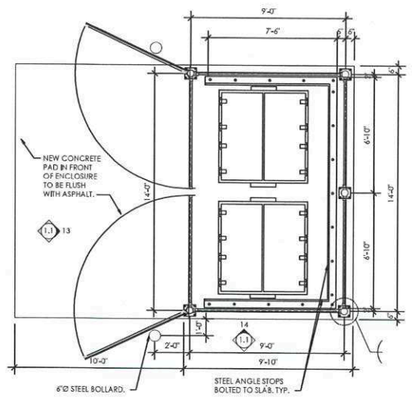
A / 1.0 | 1.0 KEY PLAN
Scale: 1/128" = 1'-0"

AWNEX inc.com
Awnings · Canopies · Signs

EVENING FENCE

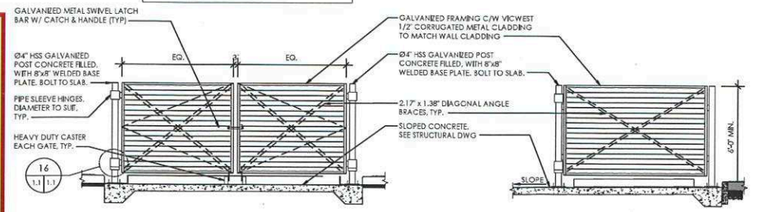


2 / 1.0 | 1.0 TENANT PATIO FENCE
Scale: NTS



3 / 1.0 | 1.0 GARBAGE ENCLOSURE - PLAN
SCALE: 3/16" = 1'-0"

NOTES:
1. SEE SITE PLAN FOR LOCATION OF ENCLOSURE. SEE STRUCTURAL DRAWINGS FOR STRUCTURE.
2. ALL DOOR HARDWARE TO BE GALVANIZED. ALL EXPOSED METAL COMPONENTS TO BE GALVANIZED.



4 / 1.0 | 1.0 GARBAGE ENCLOSURE - FRONT ELEVATION
SCALE: 3/16" = 1'-0"

5 / 1.0 | 1.0 GARBAGE ENCLOSURE - SIDE ELEVATION
SCALE: 3/16" = 1'-0"

SCHEDULE A
page 1 of 14
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

No.	ISSUED FOR	DATE	BY
1	PLAN APPROVAL	APRIL 5, 2021	TC

DRAWN BY: AM
PRINTING DATE: APRIL 5, 2021
STAMP

Crombie

NEJMARK ARCHITECT

2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3780 www.nejmark.mb.ca

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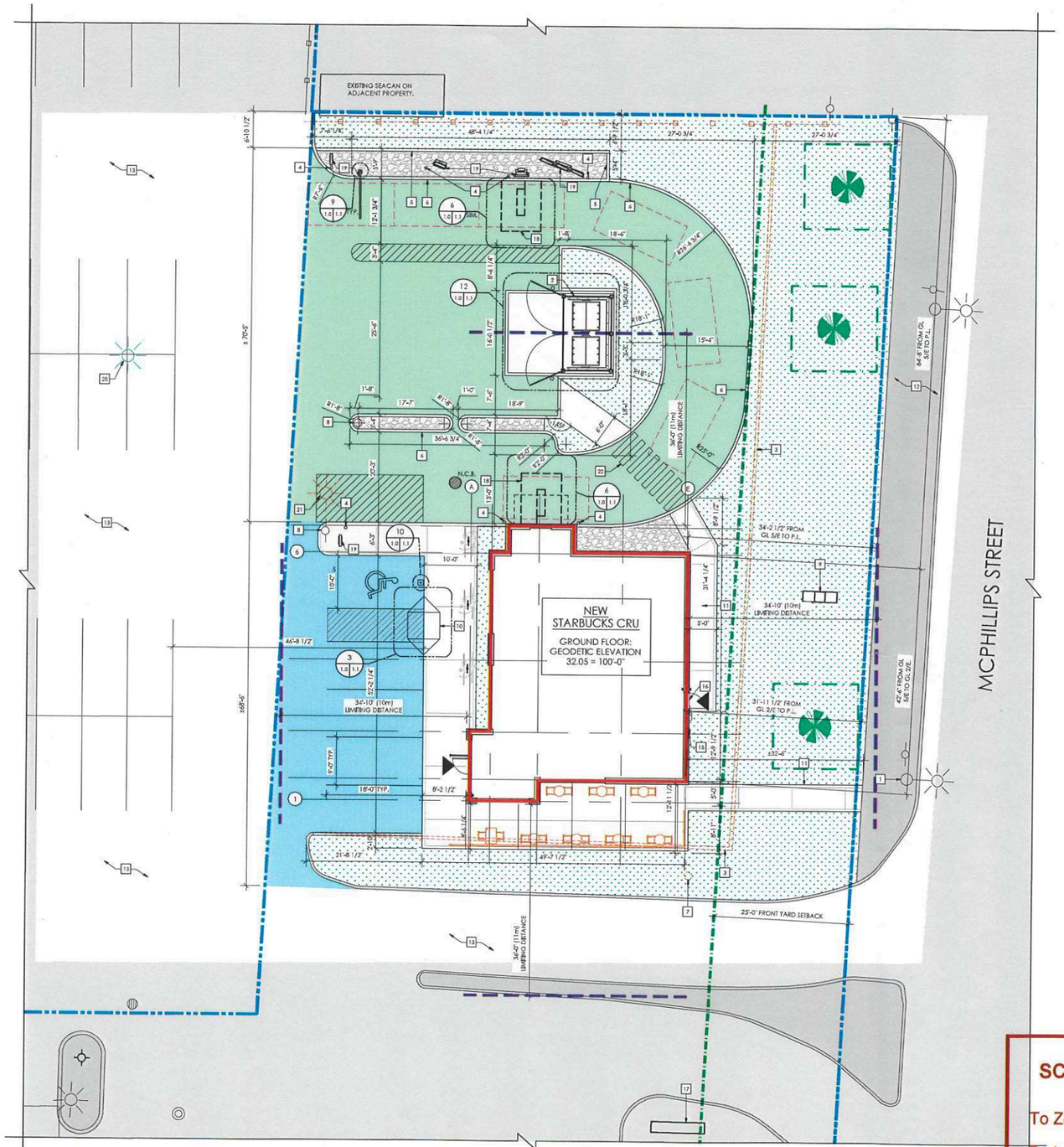
The contractor is to verify dimensions and date noted hereon with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

PROJECT TITLE:
STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

SHEET TITLE:
SITE PLAN

COMMISSION NUMBER: 2013
SHEET NUMBER: A1.0

FILE: 2013 - STARBUCKS CRU_A1.0 SITE PLAN.DWG



N

2 / 1.0 1.0 SITE PLAN
SCALE: 3/32" = 1'-0"

SITE ZONING INFORMATION

ADDRESS
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LEGAL DESCRIPTION
LOT 2, PLAN 15894 WLTO
IN O.T.M. LOT 6, PARISH OF KILDONAN
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SITE AREA
6.17 ACRES

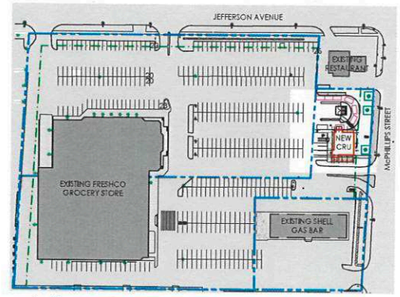
SITE ZONING
ZONING: C3 - COMMERCIAL CORRIDOR

DIM. STANDARDS	REQ.	PROVIDED
FRONT YARD	25 FT	25 FT
REAR YARD	25 FT	EXISTING
INTERIOR SIDE YARD	0 FT	EXISTING
CORNER SIDE YARD	25 FT	EXISTING
BUILDING HEIGHT	49 FT	22 FT
FLOOR AREA RATIO	1.5	0.21

BUILDING FOOTPRINT
EXISTING FRESHCO: 55,300 FT²
NEW STARBUCKS CRU: 1,800 FT²

PARKING	REQ.	PROVIDED
SITE TOTAL	237	399
ACCESSIBLE	7	8
BICYCLE (STARBUCKS)	1	6

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EATING AND DRINKING ESTABLISHMENT: 1/150 FT² = 13 STALLS
GAS BAR: 1 (UNDER 2000 FT²) + 1 PER 3 EMPLOYEES = 2 STALLS



N / 1 / 1.0 1.0 KEY PLAN
SCALE: N.T.S.

GENERAL NOTES:

1. ALL CURBING TO BE DEEP CURBING UNLESS NOTED OTHERWISE.
2. REFER TO CIVIL DRAWINGS FOR ALL NEW SITE GRADING.

SITE PLAN LEGEND:

- AREA NOT INCLUDED IN CONTRACT (N.I.C.)
- PROPERTY LINE
- ZONING SETBACKS
- PROPOSED BUILDING
- POINT OF ENTRY / EXIT TO BUILDING
- EXISTING CURB TO BE DEMOLISHED
- EXISTING CURB / SIDEWALK TO REMAIN
- ACCESSIBLE PARKING STALL (WHITE)
- 5 NEW 4" PAINTED PARKING LINES (YELLOW) STALL COUNT
- DRIVE THROUGH QUEUING SPACE (8X16)
- EXTENT OF NEW STANDARD ASPHALT
- EXTENT OF NEW HEAVY DUTY ASPHALT
- 4" PAINTED LINES (YELLOW)
- BICYCLE PARKING. REFER TO LANDSCAPE.
- EXISTING FENCE TO BE REMOVED.
- NEW TENANT SUPPLIED AND INSTALLED PATIO FENCE AND FURNITURE (N.I.C.).
- EXISTING TREES TO REMAIN. TEMPORARY ROOT PROTECTION FENCE TO BE PROVIDED. REFER TO LANDSCAPE DRAWINGS FOR PROTECTION DETAILS AND NOTES.
- NEW LANDSCAPING. REFER TO LANDSCAPING.
- EXISTING POWER POLES W/ LIGHT / LAMP STANDARDS
- RELOCATED LIGHT STANDARD ON NEW BASE. REFER TO ELECTRICAL AND STRUCTURAL.
- XXXX EXISTING GRADE
- EXISTING FIRE HYDRANT
- EXISTING CATCH BASIN. REFER TO CIVIL.
- EXISTING MANHOLE REFER TO CIVIL.
- N.C.S. NEW CATCH BASIN. REFER TO CIVIL.

SITE PLAN KEYNOTES:

1. NEW POLE-MOUNTED TRANSFORMER. REFER TO ELECTRICAL DRAWINGS.
2. NEW GARBAGE ENCLOSURE. REFER TO SITE DETAILS.
3. DEMOLISH EXISTING CURB AND ADJACENT ASPHALT TO SUIT NEW DRIVE THROUGH AND CRU.
4. 6" DIA. CONCRETE FILLED STEEL BOLLARDS. REFER TO SITE DETAILS.
5. NEW LANDSCAPE ISLAND C/W PINNED CURB. REFER TO SITE DETAILS.
6. NEW DEEP CURB. REFER TO SITE DETAILS.
7. REMOVE EXISTING SIGN POST.
8. NEW STOP SIGN ON STEEL POST C/W CONCRETE BASE SIMILAR TO DETAIL #10 ON A1.1.
9. EXISTING "SHELL" PYLON SIGN TO REMAIN.
10. NEW CONCRETE LETDOWN RAMP. REFER TO SITE DETAILS.
11. NEW CONCRETE SIDEWALK C/W THICKENED EDGE CURB. REFER TO SITE DETAILS.
12. EXISTING CITY CONCRETE SIDEWALK TO REMAIN.
13. EXISTING ASPHALT PAVING TO REMAIN.
14. 12' WIDE WHITE CROSSWALK LINES, 12" APART.
15. NEW GAS METER. REFER TO MECHANICAL DRAWINGS.
16. LOCATION OF CSTE. REFER TO ELECTRICAL.
17. APPROXIMATE LOCATION OF NEW PYLON SIGN ON EXISTING FOUNDATION BY OWNER (N.I.C.).
18. TENANT SUPPLIED, G.C. INSTALLED IN-GROUND VEHICLE DETECTION LOOP. REFER TO SITE DETAILS
19. GC TO SUPPLY CONCRETE BASE FOR OWNER SUPPLIED EQUIPMENT C/W UNDERGROUND CONDUIT. SITE CONFIRM EXACT LOCATION. REFER TO ELECTRICAL, STRUCTURAL, AND SITE DETAILS.
20. NEW CONCRETE BASE C/W RELOCATED EXISTING LIGHT STANDARD. REFER TO SITE DETAILS.
21. EXISTING LIGHT STANDARD TO BE REMOVED AND STORED FOR REUSE. DEMOLISH EXISTING CONCRETE BASE.

SCHEDULE "A" page 2 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

No.	ISSUED FOR	DATE	BY
1	BUILDING PERMIT & CONSTRUCTION	APRIL 8, 2021	TC

DRAWN BY: AM

PRINTING DATE: APRIL 8, 2021

STAMP

TC

Crombie

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
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The contractor is to verify dimensions and data noted herein with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

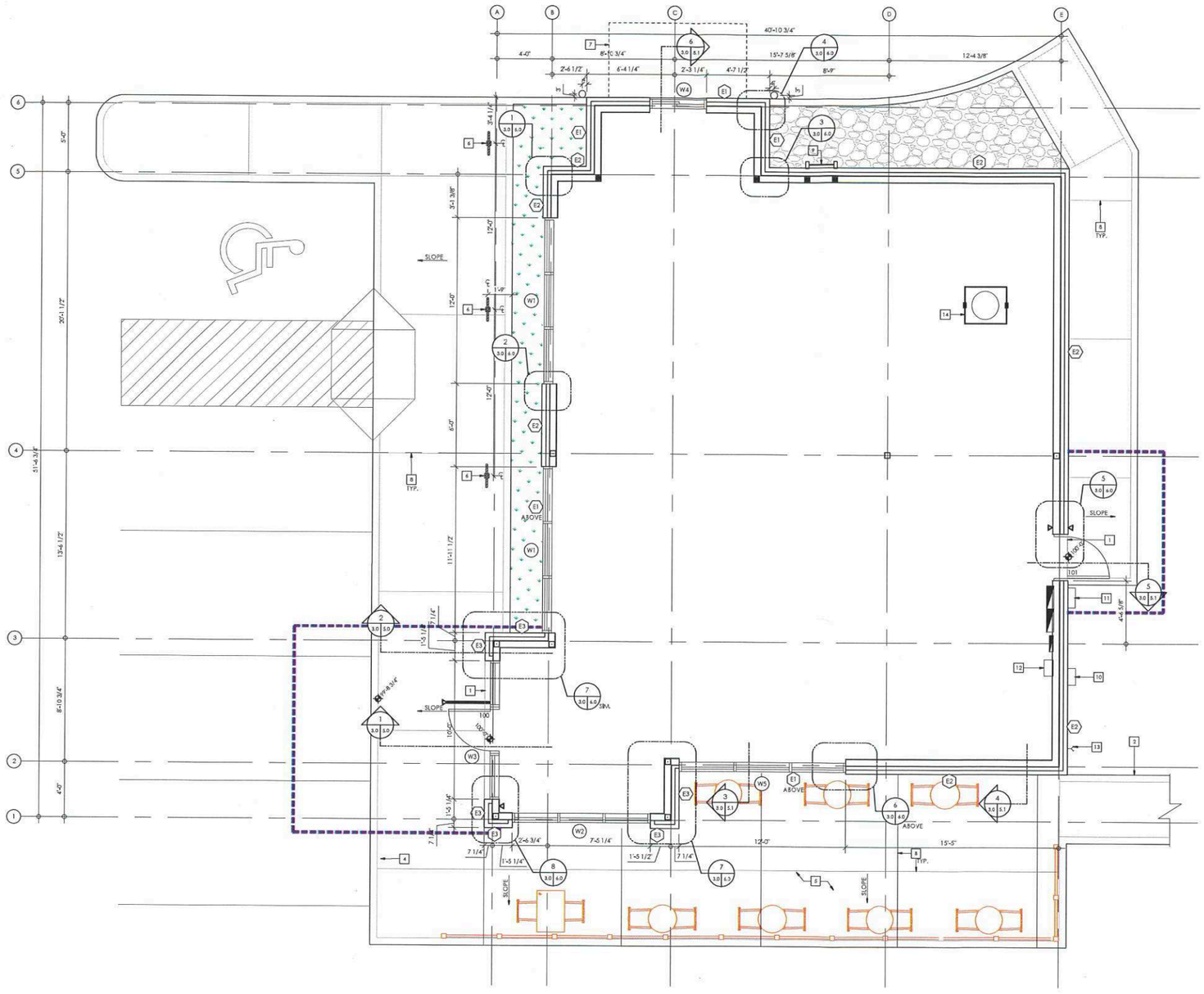
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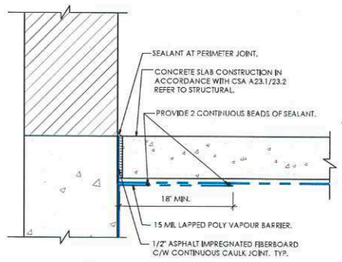
1 3.0 3.0 CONSTRUCTION PLAN
SCALE: 1/4" = 1'-0"

LEGEND

- PUSH BUTTON FOR AUTO OPERATOR.
- ALUMINUM GUIDE RAIL.
- PROVIDE 4" TYPE 4 RIGID INSULATION UNDER SIDEWALK AS INDICATED. INSULATION TO EXTEND MINIMUM 48" BEYOND EDGE OF SIDEWALK (HORIZONTALLY OR VERTICALLY)
- ELECTRICAL PANEL. SEE ELECTRICAL.
- TENANT SUPPLIED AND INSTALLED FENCE AND FURNITURE, NIC.
- 100.05 NEW GRADE ELEVATION.

CONSTRUCTION PLAN KEYNOTES

1. TIE NEW SIDEWALK INTO SLAB, TYPICAL.
2. PEDESTRIAN CONNECTION FROM EXISTING CITY SIDEWALK TO NEW PATIO. REFER TO SITE PLAN.
3. CONCRETE CURB, TYPICAL.
4. CONCRETE LETDOWN. REFER TO SHEET A1.1 SITE DETAILS.
5. DESIGNATED PATIO AREA. FENCE AND PATIO FURNITURE BY FUTURE TENANT (N.I.C.).
6. BIKE RACK. SEE LANDSCAPE DRAWINGS.
7. DRIVE THROUGH AWNING ABOVE.
8. SAWCUT CONTROL JOINT @ 10'-0" O.C. MAX.
9. ROOF ACCESS LADDER. REFER TO SHEET A2.0 ROOF PLAN & DETAILS.
10. LOCATION OF NEW GAS METER. REFER TO MECHANICAL.
11. LOCATION OF NEW CSTE. REFER TO ELECTRICAL.
12. LOCATION OF NEW WATER METER. REFER TO MECHANICAL.
13. LOCATION OF NON-FREEZE HOSE BIB. REFER TO MECHANICAL.
14. LOCATION OF GREASE INTERCEPTOR. REFER TO MECHANICAL.



NOTE: SEAL ALL PERIMETER JOINTS, OPENINGS AND CONTROL JOINTS. REFER TO SPECIFICATIONS FOR UNDER SLAB PREPARATION.

2 3.0 3.0 TYPICAL UNDER SLAB VAPOUR BARRIER
SCALE: 1 1/2" = 1'-0"

Winnipeg

SCHEDULE "A" page 3 of 14
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81

Zoning Officer	Carlie Bannmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

No.	ISSUED FOR	DATE	BY
1	BUILDING PERMIT & CONSTRUCTION	APRIL 8, 2021	TC

DRAWN BY: AM
PRINTING DATE: APRIL 8, 2021
STAMP

Crombie

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0W7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

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PROJECT TITLE:

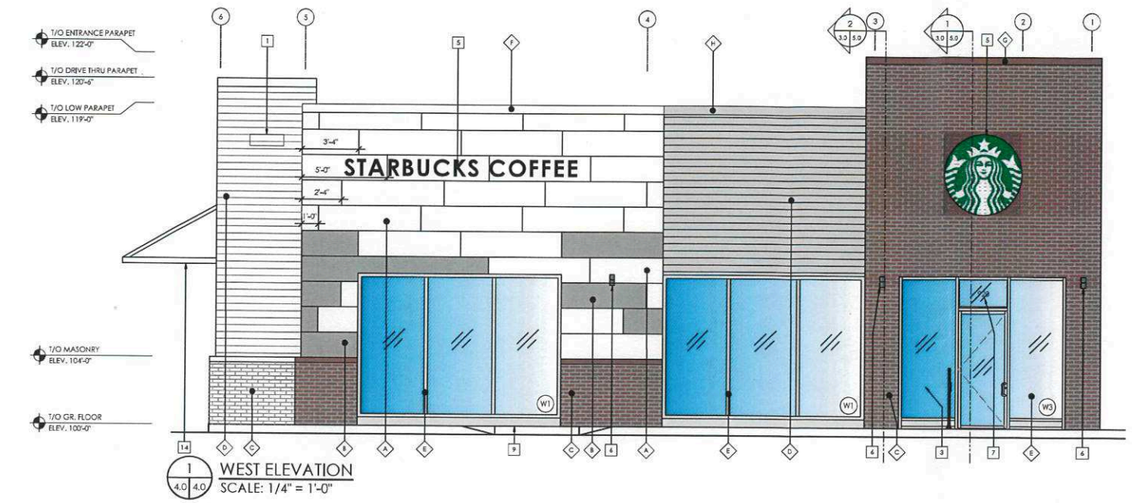
STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

SHEET TITLE:

CONSTRUCTION PLAN

COMMISSION NUMBER: 2013
SHEET NUMBER: A3.0

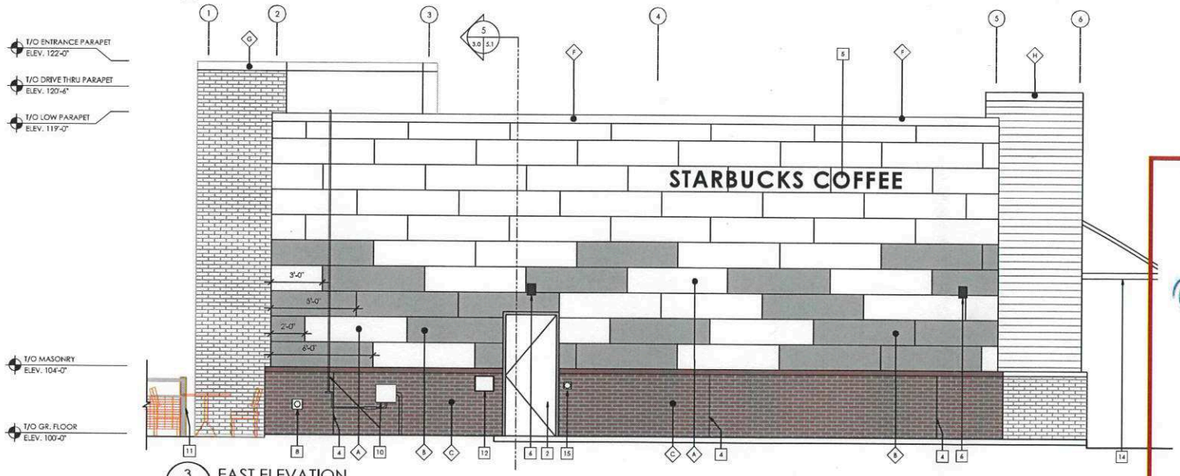
FILE: 2013 - STARBUCKS CRU_A3.0 CONSTRUCTION PLAN.DWG



1 4.0 4.0 WEST ELEVATION
SCALE: 1/4" = 1'-0"



2 4.0 4.0 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



3 4.0 4.0 EAST ELEVATION
SCALE: 1/4" = 1'-0"



4 4.0 4.0 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

SCHEDULE "A" page 4 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Zoning Officer	Carlie Bannann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

EXTERIOR ELEVATION LEGEND:

1. ROOF SCUPPER, REFER TO ROOF PLAN AND DETAILS.
2. EXIT DOOR. PAINT DOOR WHITE TO MATCH PANELS & FRAME GREY TO MATCH PANELS.
3. AUTOMATIC DOOR BUTTON ON GUIDE RAIL.
4. MASONRY CONTROL JOINT, TYPICAL.
5. TENANT SUPPLIED SELF-ILLUMINATED SIGNAGE REFER TO ELECTRICAL. G.C. TO PROVIDE BACKING TO SUIT.
6. EXTERIOR LIGHT FIXTURE, SEE ELECTRICAL.
7. APPROXIMATE LOCATION OF UNIT ADDRESS SIGNAGE TO BE SUPPLIED AND INSTALLED BY OWNER (N.I.C.).
8. EXTERIOR NON-FREEZE HOSE BIB. REFER TO MECHANICAL.
9. CONCRETE CURB, SEE PLAN FOR LOCATIONS
10. GAS METRE AND LINES. PAINT GAS LINES TO MATCH GREY PANEL FINISH, TYPICAL. REFER TO MECHANICAL.
11. PATIO FENCE, SUPPLIED AND INSTALLED BY TENANT (N.I.C.).
12. LOCATION OF NEW CSTE, PAINTED TO MATCH MASONRY COLOUR. REFER TO ELECTRICAL.
13. ROOF ACCESS LADDER C/W CAGE AND LOCKABLE SHIELD. LADDER AND ACCESSORIES TO BE PAINTED TO MATCH GREY PANEL COLOUR.
14. 10'-0" WIDE DRIVE THRU CANOPY. PREFINISHED METAL TO BE GREY TO MATCH GREY FIBER CEMENT BOARD.
15. AUTOMATIC DOOR BUTTON MOUNTED ON WALL. TOP OF BUTTON TO BE MAX 900mm ABOVE FINISHED WALKING SURFACE.

EXTERIOR FINISH SCHEDULE

KEYNOTE	PRODUCT/ITEM	COLOUR
A	72"X18" FIBER CEMENT BOARD NICHIHA, ALLURA OR APPROVED ALTERNATE	COTTON WHITE
B	72"X18" FIBER CEMENT BOARD NICHIHA, ALLURA OR APPROVED ALTERNATE	NICKEL OR GRAPHITE TBC
C	BRICK VENEER	WALNUT CREEK IRONSPOT
D	VICWEST 1/2" CORRUGATED METAL CLADDING	SILVER
E	ANODIZED ALUMINUM DOOR / FRAME WITH CLEAR GLAZING.	CLEAR ANODIZED ALUMINUM MULLIONS
F	PREFINISHED METAL FLASHING	VICWEST BRIGHT WHITE
G	PREFINISHED METAL FLASHING	VICWEST COCOA BROWN
H	PREFINISHED METAL FLASHING	VICWEST SILVER
I	ANODIZED ALUMINUM DOOR / FRAME WITH SPANDREL PANEL.	SPANDREL WARM GREY

NOTE: ALL SAMPLES TO BE SUBMITTED TO ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.

No.	ISSUED FOR	DATE	BY
1	BUILDING PERMIT & CONSTRUCTION	APRIL 8, 2021	TC

DRAWN BY: AM

PRINTING DATE: APRIL 8, 2021

STAMP

Crombie

NEJMARK ARCHITECT

2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
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PROJECT TITLE:

STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

SHEET TITLE:

EXTERIOR ELEVATIONS

COMMISSION NUMBER: 2013

SHEET NUMBER: A4.0

E-FILE 2013 - STARBUCKS CRU_A4.0 EXTERIOR ELEVATIONS.DWG

SCHEDULE "A" page 5 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	



SCHEDULE "A" page 6 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: _____

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	



3012/81

SCHEDULE "A" page 7 of 14

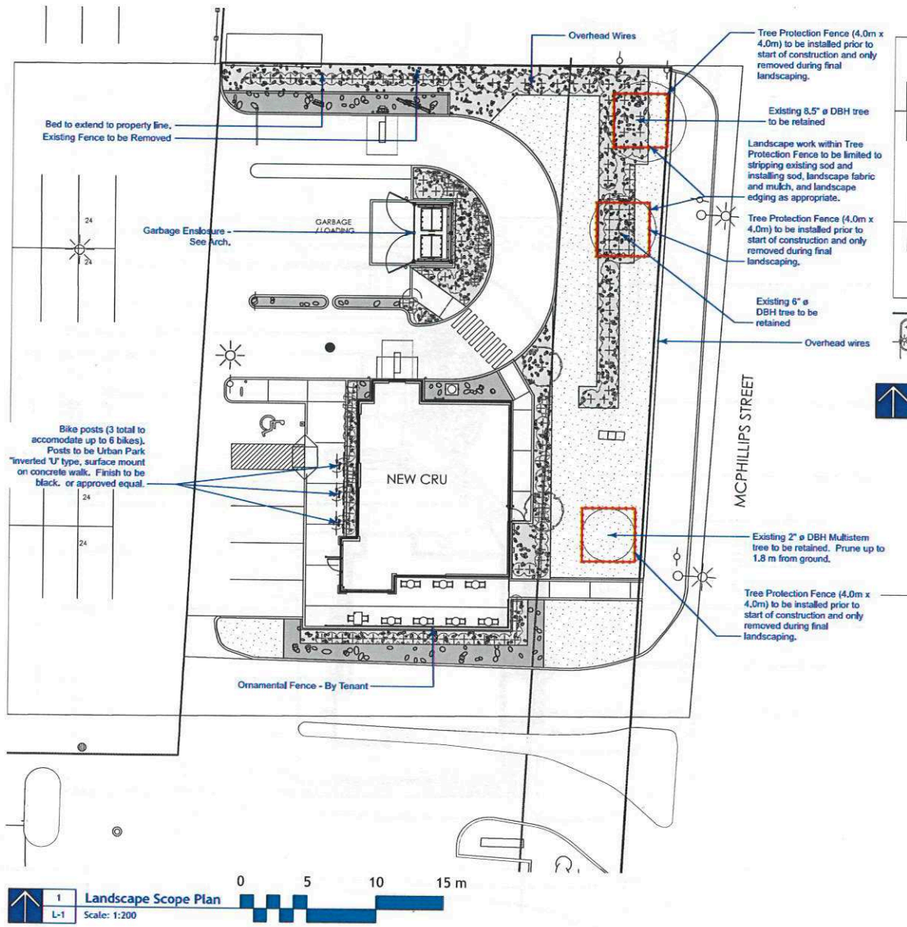
To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

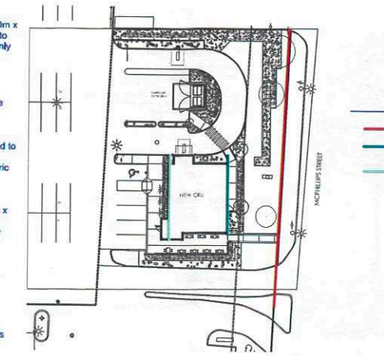
Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	





1 L-1 **Landscape Scope Plan**
Scale: 1:200



2 L-1 **Zoning Analysis Plan**
Scale: 1:500

Zoning Analysis Key

- Frontage - McPhillips
- Principle Facade - Facing McPhillips
- Principle Facade - Primary Building Entry

City of Winnipeg Zoning Requirements

190 (2) Street Edge Landscaping

Street Frontage

McPhillips — 170 Lin ft.

	DBH	Credit
Existing Trees	2"ø	0
	6"ø	2
	8.5"ø	4
Total Credit for retaining exis. trees		6

	Required	Proposed
Trees	6	2
Credit		6
Shrubs	27	50

190 (5) Building Foundation Landscaping (outside of urban infill areas)

Principle Facade

McPhillips — 48 Lin Ft.

	Required	Proposed
Shrubs	5	13

Principle Entry — 51 Lin Ft.

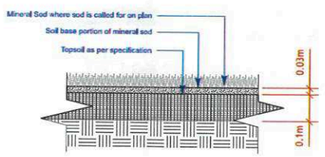
	Required	Proposed
Shrubs	5	11

Surfaces Key

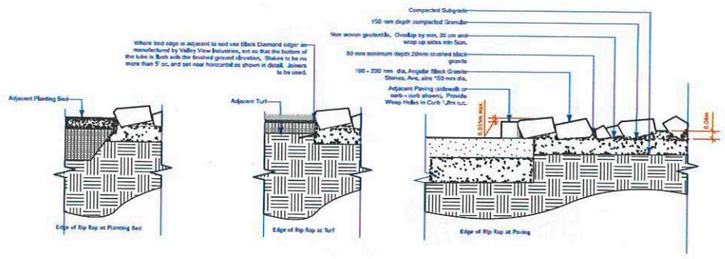
- Sod c.w. Topsoil — 3 L-1
- Dark Grey Granite Rip Rap (200-300mmø) Planting Bed — 4 L-1
- Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric) — 5 L-1

Landscape Surface Schedule

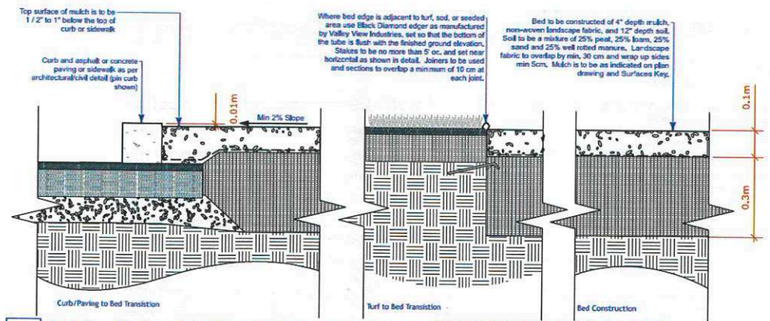
Hardscape Name	Area (sm)
Sod c.w. Topsoil	293.83
Dark Grey Granite Rip Rap (200-300mmø) Planting Bed	76.72
Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)	229.24



3 L-1 **Sod Detail**
Scale: 1:10



4 L-1 **Dark Grey Granite Rip Rap (200-300mmø) Planting Bed**
Scale: 1:25



5 L-1 **Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)**
Scale: 1:10

Note: Mulch is to be as stipulated on the Surfaces Key and may refer to organic mulches such as wood chips, or inorganic mulches such as

General Notes

1. All work to conform to Canadian Landscape Standard (Current Edition)
2. All existing trees, sidewalks, curbs, catch basins, culverts, survey markers, to remain are to be protected during construction. Any damage to them is to be made good by the Contractor. Maintain positive drainage into all catch basins and curb inlets.
3. All work is to be warrantied for a period of not less than 1 year.
4. Contractor is to limit operations to the area within the area of work shown on the drawing. Should areas outside of this limit be damaged during the course of construction, Contractor is to make good the damage at his own expense
5. Contractor is to obtain location of all utilities prior to construction. If using power equipment to excavate contractor must notify Hydro and Gas and telephone utilities and take steps to avoid damaging their installations.
6. All dimensions are in meters unless otherwise noted
7. Contractor to confirm all dimensions and report any discrepancies to Contract Administrator prior to construction.
8. Layout is to be approved by Contract Administrator prior to any construction or demolition/removals.
9. All material depths in details are shown after compaction.

Tree Protection Notes

1. All construction traffic shall be restricted to the limits of construction shown on the drawings.
2. Excavate in a manner to minimize damage to the tree root systems. Keep exposed roots in excavations and trenches moist or shaded. If stockpiling of excavated soil material is required, stockpile in areas away from the tree roots if possible.
3. Where Excavation equipment is operating within tree drip line it shall be track based.
4. For deciduous trees greater than 100 mm in diameter located within 3 meters of the limits of construction, attach wood strapping material having a minimum thickness of 25 millimetres and minimum length of 2440 millimetres around the tree trunks in a manner that will not harm the trees. Do not use nails or other fasteners that penetrate the tree trunk. The width of the strapping may be reduced to suit tree being protected. Length of strapping may be reduced to suit tree being protected as approved by the Contract Administrator.
5. For deciduous trees less than 100 mm in diameter, install PVC safety fencing around the tree to a 2.0 metre radius complete with installation hardware, to adequately support the safety fence. The 2.0 metre radius safety fence may be reduced to suit the tree being protected as approved by the Contract Administrator.
6. Notwithstanding the above, Orange PVC Safety fencing is to be installed at the locations shown on the drawing and to the extent shown on the drawings.
7. Landscape work within Tree Protection Fence to be limited to stripping existing sod and installing sod, landscape fabric and mulch, and landscape edging as appropriate.
8. Repair, replace and maintain tree protection materials, including fencing, during construction until such time no equipment will be working in the area.
9. Obtain approval from the Contract Administrator to excavate within 2.0 metres of a tree.
10. Operation of equipment within the dripline of the trees shall be kept to the minimum required to perform the Work and shall be approved by the Contract Administrator prior to the commencement of Work. Equipment shall not be parked, repaired, refuelled, construction materials shall not be stored, and earth materials shall not be stockpiled within the dripline of the trees. The dripline of a tree shall be considered to be the ground surface directly beneath tree from the tree trunk to the tips of its outermost branches. The Contractor shall ensure that the operations do not cause flooding or sediment deposition on areas where trees are located.
11. Remove safety fencing and strapping material without harming the trees as soon as the construction and restoration Work is complete and in order to achieve final landscaping.
12. The Contractor shall take reasonable and prudent precautionary steps to prevent damage from construction activities to existing trees, and trees within the Site, within the limits of the construction area.

Dean Spearman
Landscape Architect

SCHEDULE "A"
page 8 of 14
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81

Zoning Officer
District Planner
Community Clerk
Approved for the Director of Planning, Property and Development
Martin Grady

Carlie Banmann 4/6/2022

Winnipeg

No.	ISSUED FOR		DAT
C	CONSTRUCTION		2021

DRAWN BY: DJS
PRINTING DATE: 2021-03-19

STAMP

DEAN J. SPEARMAN Member No. 86

This drawing was digitally signed by Dean Spearman on April 5, 2021

Crombie

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
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PROJECT TITLE:
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET TITLE:
Landscape Scope Plan

COMMISSION NUMBER: 2013
SHEET NUMBER: L-1

McPhillips Base Building and Starbucks_ Crombie [20-464].vwx

Surfaces Key

- Sod c.w. Topsoil
- Dark Grey Granite Rip Rap (200-300mmø) Planting Bed
- Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)

Bike posts (3 total to accomodate up to 6 bikes)

Ornamental Fence - by Tenant.

NEW CRU

GARBAGE / LOADING

Garbage Enclosure - See Arch.

Bed to extend to property line.

Existing Fence to be Removed

Overhead Wires

Existing 6" ø DBH tree to be retained

Existing 8.5" ø DBH tree to be retained

Existing 2" ø DBH Multistem tree to be retained

Overhead wires

MCPHILLIPS STREET

0 5 10 15 m

1 LC-1 **Landscape Plan**
Scale: 1:200

SCHEDULE "A"
page 10 of 14
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81

Zoning Officer	Carlie Bannmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Winnipeg

Crombie REIT

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

Dean Spearman Landscape Architect

DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET
Landscape Scope Plan

SCHEDULE "A" page 11 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Zoning Officer	Carlie Bannmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Winnipeg

9-Mango Tango Potentilla
9-Karl Foerster Feather Reed Grass
24-Mango Tango Potentilla
5-Karl Foerster Feather Reed Grass
20-Mango Tango Potentilla
3-Festivus Gold Ninebark
5-Daylily Dwarf Yellow
9-Pygmy Caragana
3-Karl Foerster Feather Reed Grass
13-Daylily Dwarf Yellow
4-Miss Kim Lilac
4-Festivus Gold Ninebark
Overhead Wires
3-Karl Foerster Feather Reed Grass
Existing 6" ø DBH tree to be retained
17-Pygmy Caragana
Existing 8.5" ø DBH tree to be retained
21-Mango Tango Potentilla
12-Pygmy Caragana
Existing 2" ø DBH Multistem tree to be retained
11-Karl Foerster Feather Reed Grass
1-Gladiator Apple
Overhead wires
NEW CRU
GARBAGE /LOADING
5
TYP.
0 5 10 15 m
1 LC-2 Landscape Plan
Scale: 1:200
MCPHILLIPS STREET

Crombie REIT

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
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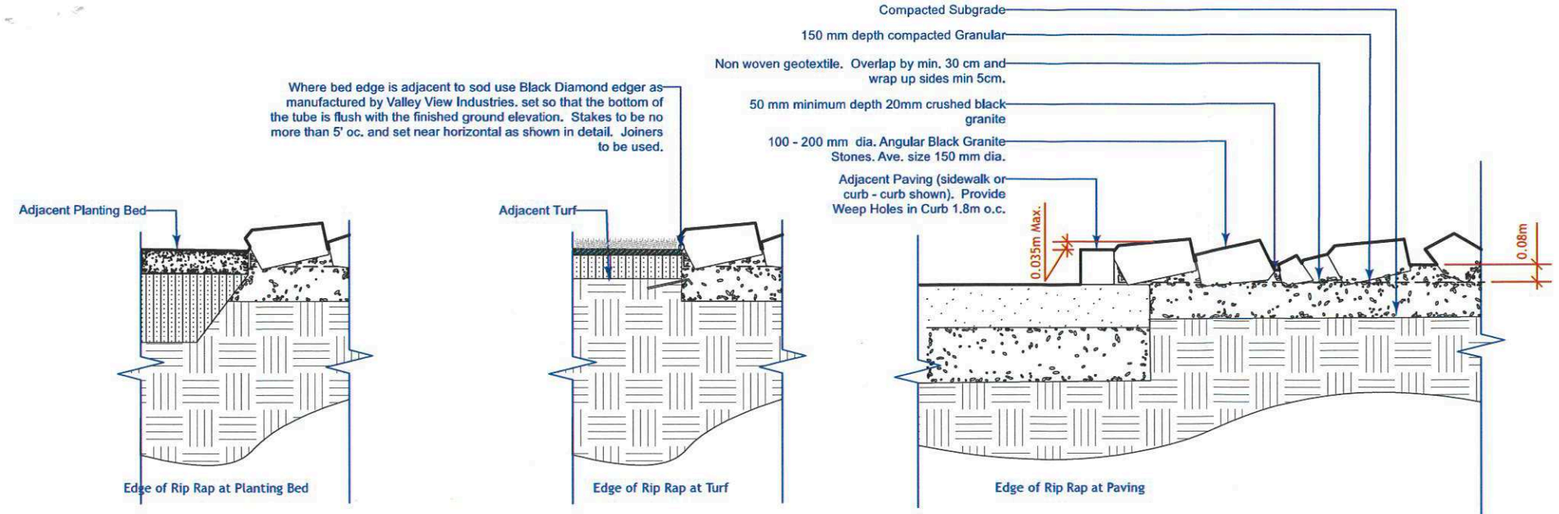
Dean Spearman Landscape Architect

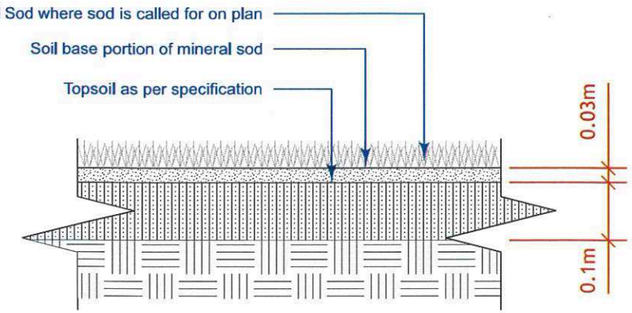
DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

PROJECT
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No.
2013

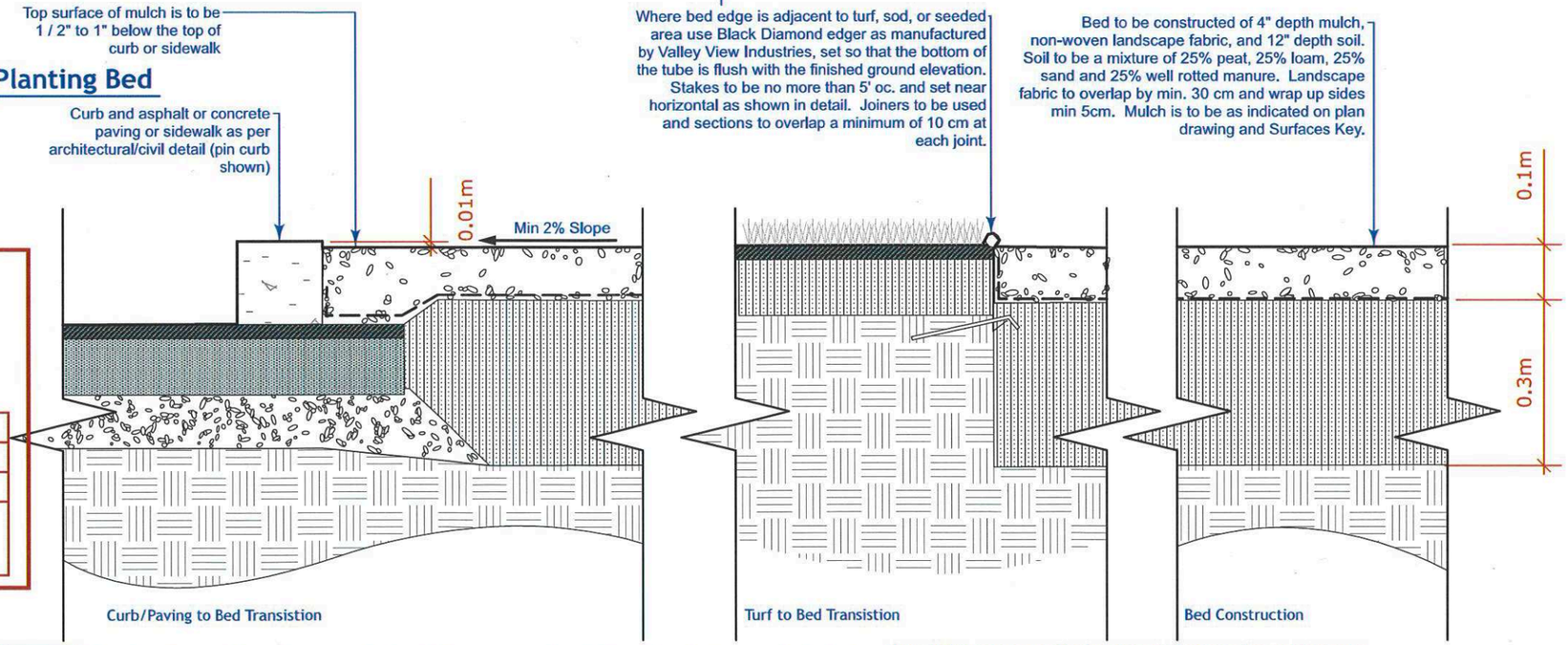
SHEET
Planting Plan





1	**Sod Detail**
LC-5	Scale: 1:10

2	**Dark Grey Granite Rip Rap (200-300mmø) Planting Bed**
LC-5	Scale: 1:25



3	**Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)**
LC-5	Scale: 1:10

Note: Mulch is to be as stipulated on the Surfaces Key and may refer to organic mulches such as wood chips, or inorganic mulches such as

SCHEDULE "A" page 14 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
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Approved for the Director of Planning, Property and Development	Martin Grady	

Crombie REIT

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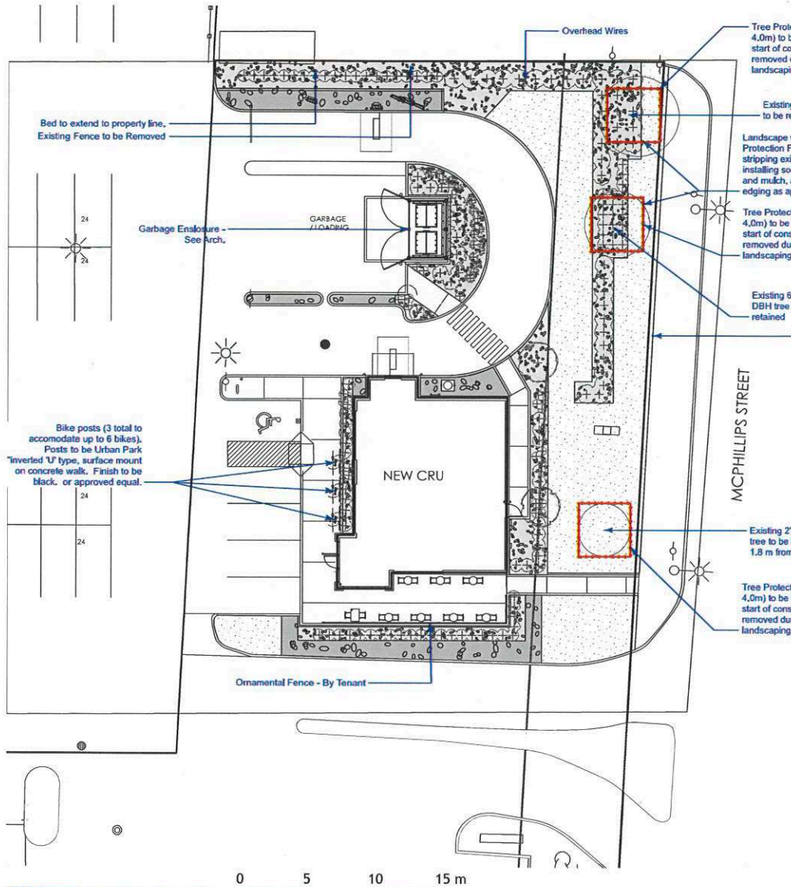
Dean Spearman Landscape Architect

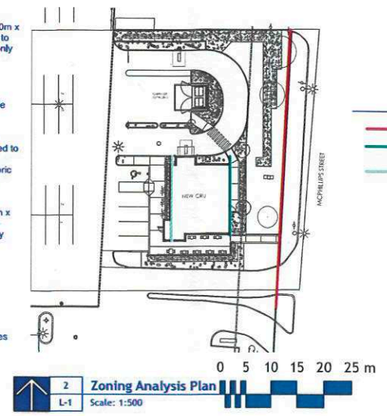
DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

PROJECT
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No.
2013

SHEET
Landscape Material Details





Zoning Analysis Key

- Frontage - McPhillips
- Principle Facade - Facing McPhillips
- Principle Facade - Primary Building Entry

City of Winnipeg Zoning Requirements

190 (2) Street Edge Landscaping

Street Frontage

McPhillips — 170 Lin ft.

	DBH	Credit
Existing Trees	2"ø	0
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	8.5"ø	4
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Principle Facade

McPhillips — 48 Lin Ft.

	Required	Proposed
Shrubs	5	13

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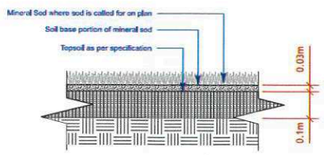
	Required	Proposed
Shrubs	5	11

Surfaces Key

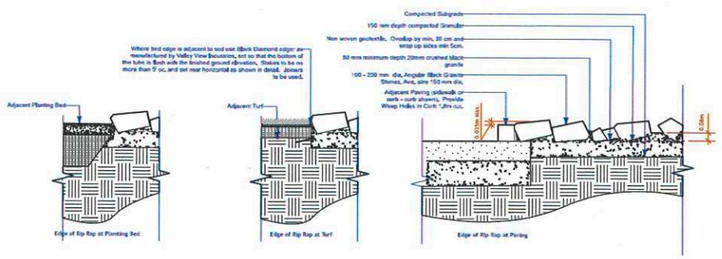
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- Dark Grey Granite Rip Rap (200-300mmø) Planting Bed — 4 L-1
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Landscape Surface Schedule

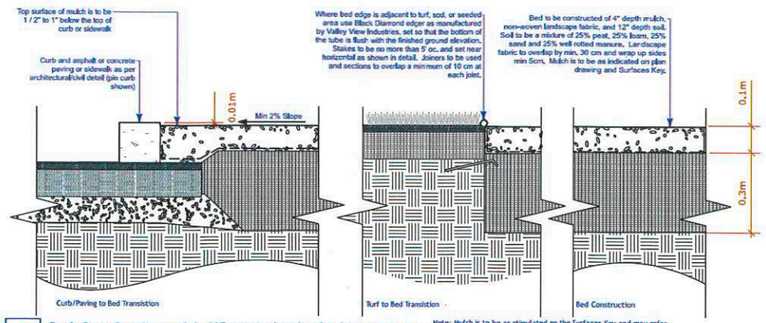
Hardscape Name	Area (sm)
Sod c.w. Topsoil	293.83
Dark Grey Granite Rip Rap (200-300mmø) Planting Bed	76.72
Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)	229.24



3 L-1 **Sod Detail**
Scale: 1:10



4 L-1 **Dark Grey Granite Rip Rap (200-300mmø) Planting Bed**
Scale: 1:25



5 L-1 **Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)**
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Note: Mulch is to be as stipulated on the Surfaces Key and may refer to organic mulches such as wood chips, or inorganic mulches such as

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1. All construction traffic shall be restricted to the limits of construction shown on the drawings.
2. Excavate in a manner to minimize damage to the tree root systems. Keep exposed roots in excavations and trenches moist or shaded. If stockpiling of excavated soil material is required, stockpile in areas away from the tree roots if possible.
3. Where Excavation equipment is operating within the drip line it shall be track based.
4. For deciduous trees greater than 100 mm in diameter located within 3 meters of the limits of construction, attach wood strapping material having a minimum thickness of 25 millimetres and minimum length of 2400 millimetres around the tree trunks in a manner that will not harm the trees. Do not use nails or other fasteners that penetrate the tree trunk. The width of the strapping may be reduced to suit tree being protected. Length of strapping may be reduced to suit tree being protected as approved by the Contract Administrator.
5. For deciduous trees less than 100 mm in diameter, install PVC safety fencing around the tree to a 2.0 metre radius complete with installation hardware, to adequately support the safety fence. The 2.0 metre radius safety fence may be reduced to suit the tree being protected as approved by the Contract Administrator.
6. Notwithstanding the above, Orange PVC Safety fencing is to be installed at the locations shown on the drawing and to the extent shown on the drawings.
7. Landscape work within Tree Protection Fence to be limited to stripping existing sod and installing sod landscape fabric and mulch, and landscape edging as appropriate.
8. Repair, replace and maintain tree protection materials, including fencing, during construction until such time no equipment will be working in the area.
9. Obtain approval from the Contract Administrator to excavate within 2.0 metres of a tree.
10. Operation of equipment within the dripline of the trees shall be kept to the minimum required to perform the Work and shall be approved by the Contract Administrator prior to the commencement of Work. Equipment shall not be parked, repaired, refuelled, construction materials shall not be stored, and earth materials shall not be stockpiled within the dripline of the trees. The dripline of a tree shall be considered to be the ground surface directly beneath tree from the tree trunk to the tips of its outermost branches. The Contractor shall ensure that the operations do not cause flooding or sediment deposition on areas where trees are located.
11. Remove safety fencing and strapping material without harming the trees as soon as the construction and restoration Work is complete and in order to achieve final landscaping.
12. The Contractor shall take reasonable and prudent precautionary steps to prevent damage from construction activities to existing trees, and trees within the Site, within the limits of the construction area.

Dean Spearman
Landscape Architect

SCHEDULE "A" page 8 of 14
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81

Zoning Officer
District Planner
Community Clerk
Approved for the Director of Planning, Property and Development

Martin Grady — Carlie Bannmann — 4/6/2022

No.	ISSUED FOR	DAT
C	CONSTRUCTION	2021

DRAWN BY: DJS
PRINTING DATE: 2021-03-19

STAMP

Manitoba Association of Landscape Architects
DEAN J. SPEARMAN
Member No. 66

This drawing was digitally signed by Dean Spearman on April 5, 2021

Crombie
NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

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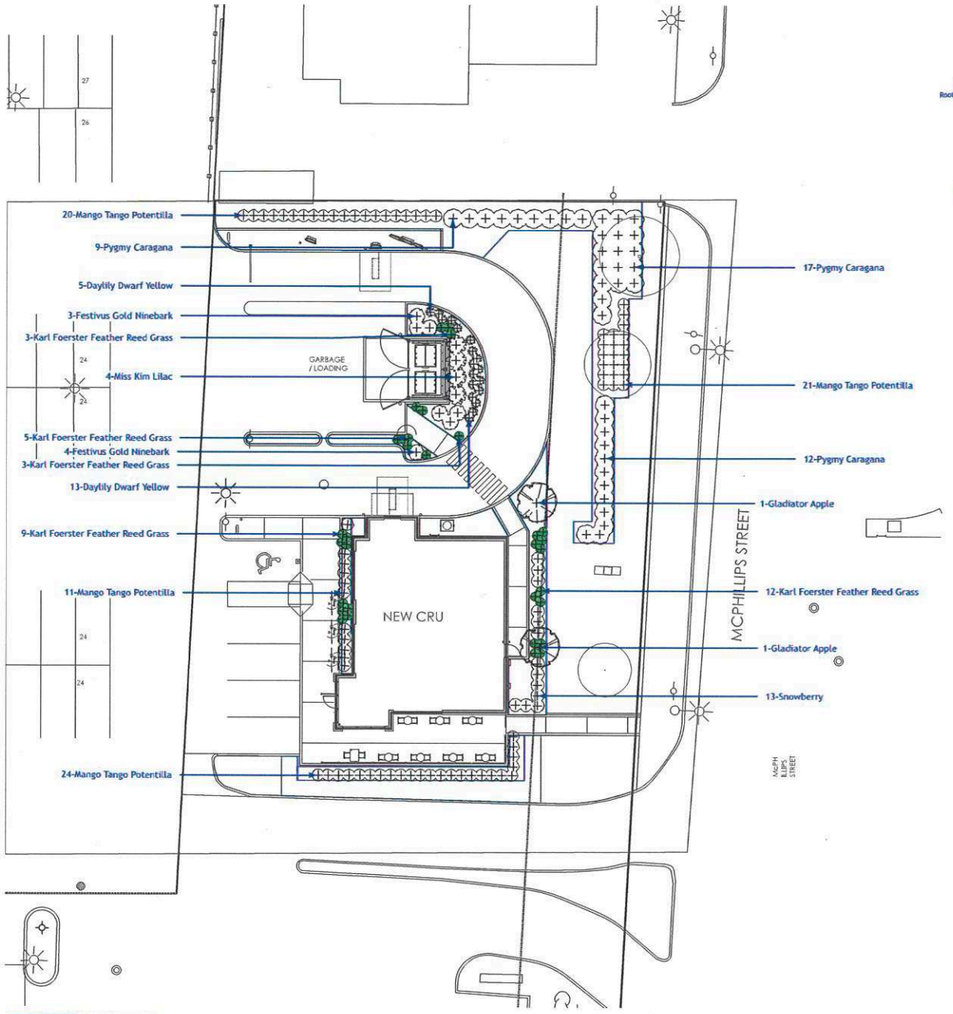
The contractor is to verify dimensions and date noted hereon with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

PROJECT TITLE:
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET TITLE:
Landscape Scope Plan

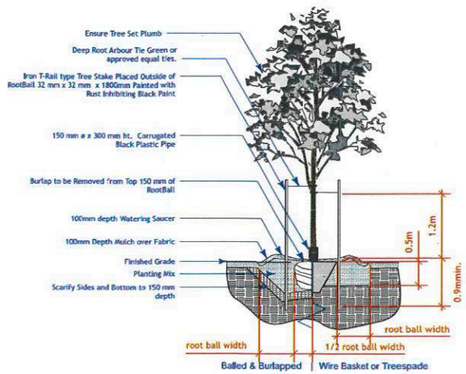
COMMISSION NUMBER: **2013**
SHEET NUMBER: **L-1**

McPhillips Base Building and Starbucks_ Crombie [20-464].vwx

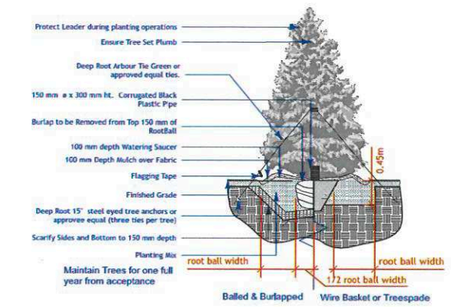


1 L-2 **Planting Plan**
Scale: 1:200

4 L-2 **Shrub Planting Detail**
Scale: 1:50



2 L-2 **Deciduous Tree Planting Detail**
Scale: 1:50



3 L-2 **Evergreen Tree Planting Detail**
Scale: 1:50

Plant Schedule

Common Name	Botanical Name	Qty	Scheduled Size (Containerized trees will not be accepted)
Evergreen Trees			
Trees			
Gladiator Apple	Malus x adstringens 'Durleo'	2	60 mm ø 3.0-3.5m height, 75 cm dia. root ball, 12 major branches, 2.0m above grade, balled & burlapped or tree mover; wire basket. Double stake where required.
Shrubs			
Pygmy Caragana	Caragana pygmae	38	60 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Festivus Gold Ninebark	Physocarpus opulifolius 'Bert Dart's Gold'	7	30 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Mango Tango Potentilla	Potentilla fruticosa 'Mango Tango'	76	30 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Snowberry	Symphoricarpos occidentalis	13	60 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Miss Kim Lilac	Syringa x 'Miss Kim'	4	60 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Evergreen Shrubs			
Perennials			
Daylily Dwarf Yellow	Hemoerocallis x. Dwarf Yellow	18	Large Pot 2 yr. plant
Ornamental Grasses			
Karl Foerster Feather Reed Grass	Calamagrostis x acutiflora 'Karl Foerster'	32	Large Pot 2 yr. plant
Ferns / Mosses			
Vines			
Aquatic Plants			
Total Plants on Schedule		190	
Total Plants in Drawing		190	

General Notes

1. All work to conform to Canadian Landscape Standard (Current Edition)
2. All existing trees, sidewalks, curbs, catch basins, culverts, survey markers, to remain are to be protected during construction. Any damage to them is to be made good by the Contractor. Maintain positive drainage into all catch basins and curb inlets.
3. All work is to be warrantied for a period of not less than 1 year.
4. Contractor is to limit operations to the area within the area of work shown on the drawing. Should areas outside of this limit be damaged during the course of construction, Contractor is to make good the damage at his own expense
5. Contractor is to obtain location of all utilities prior to construction. If using power equipment to excavate contractor must notify Hydro and Gas and telephone utilities and take steps to avoid damaging their installations.
6. All dimensions are in meters unless otherwise noted
7. Contractor to confirm all dimensions and report any discrepancies to Contract Administrator prior to construction.
8. Layout is to be approved by Contract Administrator prior to any construction or demolition/removals.
9. All material depths in details are shown after compaction.

Planting Notes

1. All plant material, including trees, shrubs, perennials and sod, shall conform to Canadian Standards for Nursery Stock, 9th edition as published by the Canadian Nursery and Landscape Association.
2. All planting shall conform to the Canadian Landscape Standard (CLS) Current Edition
3. As per CLS 9.3.4.3 h, Wire baskets should not be removed from rootballs. Any visible portion should be folded down away from the rootball and buried. Where the wire basket is oversized such that the top wire is higher than the grade, any visible portions should be folded down away from the rootball or the basket shall be cut back to a minimum of 10cm (4in.) below the surface of the growing medium.
4. As per CLS 9.3.4.1,
   a. All planting hole depths should only be dug deep enough to accommodate the root system or root mass at the desired depth relative to the surrounding grade.
   b. Root balls shall be placed on the undisturbed subgrade to prevent settling.
   c. With the exception of woody plants, plants shall be planted so that after settlement the level of the adjacent growing medium surface matches the level of the original growing medium surface in the nursery. The growing medium mark on the stem is an indication of planting depth, and it shall be maintained on the finished level, allowing for settling of the growing medium after planting. The total depth of rootballs shall be planted in the growing medium.
   d. Woody plants shall be planted with the root flare2.5-5cm(1-2in.) above finish grade.
   e. Plants shall be set plumb in the planting beds or in the centre of the pits, except where the plant's character requires variation from this.
5. No substitutions for plant material will be allowed without prior written consent of the Landscape Architect.
6. All plants are to be installed as per the details provided.
7. Minimum trees spacing to be 7 m for deciduous trees and 4 m for coniferous trees
8. All plants shall be located or proposed locations staked out prior installation. Street Tree locations are schematic only. Trees shall be planted 1.8 m from curb and a minimum of 1.8 m from driveway aprons and 4 m from street lights. Conifers shall be located min 4 m from sidewalks. Landscape Architect is to approve location prior to digging. Landscape Architect reserves the right to adjust locations of proposed plant material prior to installation.
9. Contractor to review and accept planting locations as appropriate culturally for the species specified prior to installing plant material. Installation of plant material shall be considered acceptance of the suitability of the location.
10. Contractor shall guarantee new plant material for a period of two calendar years from the date of owner acceptance. Warranty shall only begin after the installation and acceptance of all landscape materials. The Landscape Architect reserves the right to extend the warranty of material found in poor condition at the end of the warranty period for a further calendar year.
11. Contractor shall replace material found to be dead or in poor condition within two weeks of being notified by the Landscape Architect.

Landscape Maintenance Notes

1. Landscape Maintenance work shall conform to the Canadian Landscape Standard (Current Edition) to the "Groomed" level.
2. Maintain all soft landscaping for a period of two years after the recognized completion date and until acceptance (end of maintenance) by the Contract Administrator. Should the recognized completion date occur after September 15 their will be a further 30 day maintenance period beginning on May 1 of the following year.
3. Drain pipe orifice (Located at SW corner of patio) is to cleaned of debris during each maintenance visit to the site.
4. Contractor is to control pests and diseases as required. Contractor shall inform the Contract Administrator prior to applying pesticides and use only those pesticides of low mammalian toxicity. Persons applying pesticides shall have a valid pesticide applicators license and strictly follow manufacturers instructions regarding the application of the chemicals and the safety precautions required to apply them.
5. Contractor shall maintain tree pits and planting beds in a weed free condition throughout the maintenance period. Weed should be removed frequently and not left to establish for a period greater than 10 days.
6. Pruning shall be done by persons with a valid qualification (ie. Tree Pruners License) from the local authority. Pruning shall be as necessary to remove dead or damaged limbs as well as maintain species typical form and healthy growth. Pruning shall be done in accordance with industry accepted methods to standard good practice. In the event of a disagreement the opinion of the Contract Administrator as to what constituted standard good practice shall be considered final.
7. The replacement of any new deciduous or coniferous plant material shall initiate the start of an additional 2 year maintenance on the replaced plant.
8. Tree support and stakes are to be inspected at each weeding/watering to ensure that they are properly adjusted.
9. Water shall be applied as required to maintain optimum conditions. During dry weather the Contractor should expect to water on a weekly basis. Each tree is to be thoroughly watered when it is watered (40 liters per 25 mm of calliper). Contractor is to avoid over watering by reducing the frequency during wet weather.
10. Sod shall be watered as necessary to maintain in a green and healthy condition. Sod shall be cut minimum once every week during May and June and once every 10 days during July to October or more frequently if growing conditions are such as to require added cutting to keep the grass in good and neat condition.
11. Sod and Planting beds shall be fertilized not less than three times per growing season.
12. At the end of each growing season Contractor is to ensure that tree is properly fitted with rodent protection as per the planting detail.

Dean Spearman
Landscape Architect

SCHEDULE "A"
To Zoning Agreement: DAZ 322/79 page 9 of 14
By-Law No.: 3012/81

Zoning Officer	Carlie Baumann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

C CONSTRUCTION
No. ISSUED FOR
DRAWN BY: DJS

PRINTING DATE: 2021-03-19

STAMP

THE MANITOBA ASSOCIATION OF LANDSCAPE ARCHITECTS
DEAN J. SPEARMAN
Member No. 86

This drawing was digitally signed by Dean Spearman on April 5, 2021

Crombie

NEJMARK ARCHITECT
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The contractor is to verify dimensions and date noted hereon with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

PROJECT TITLE:
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET TITLE:
Planting Plan

COMMISSION NUMBER: **2013**
SHEET NUMBER: **L-2**

McPhillips Base Building and Starbucks_ Crombie [20-464].vwx

Surfaces Key

- Sod c.w. Topsoil
- Dark Grey Granite Rip Rap (200-300mmø) Planting Bed
- Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)

Bike posts (3 total to accomodate up to 6 bikes)

Ornamental Fence - by Tenant.

NEW CRU

GARBAGE / LOADING

Garbage Enslosure - See Arch.

Bed to extend to property line.

Existing Fence to be Removed

Overhead Wires

Existing 6" ø DBH tree to be retained

Existing 8.5" ø DBH tree to be retained

Existing 2" ø DBH Multistem tree to be retained

Overhead wires

MCPHILLIPS STREET

0 5 10 15 m

1 LC-1 **Landscape Plan**
Scale: 1:200

SCHEDULE "A"
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81
page 10 of 14

Zoning Officer	Carlie Bannmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Winnipeg

Crombie REIT

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2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
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Dean Spearman Landscape Architect

DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET
Landscape Scope Plan

SCHEDULE "A"

page 11 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Winnipeg

9-Mango Tango Potentilla
24-Mango Tango Potentilla
9-Karl Foerster Feather Reed Grass
5-Karl Foerster Feather Reed Grass
20-Mango Tango Potentilla
GARBAGE / LOADING
NEW CRU
3-Festivus Gold Ninebark
5-Daylily Dwarf Yellow
9-Pygmy Caragana
3-Karl Foerster Feather Reed Grass
13-Daylily Dwarf Yellow
4-Miss Kim Lilac
4-Festivus Gold Ninebark
Overhead Wires
3-Karl Foerster Feather Reed Grass
Existing 6" ø DBH tree to be retained
17-Pygmy Caragana
Existing 8.5" ø DBH tree to be retained
21-Mango Tango Potentilla
12-Pygmy Caragana
Existing 2" ø DBH Multistem tree to be retained
11-Karl Foerster Feather Reed Grass
1-Gladiator Apple
Overhead wires
0 5 10 15 m
MCPHILLIPS STREET

1 LC-2 **Landscape Plan**
Scale: 1:200

Crombie REIT

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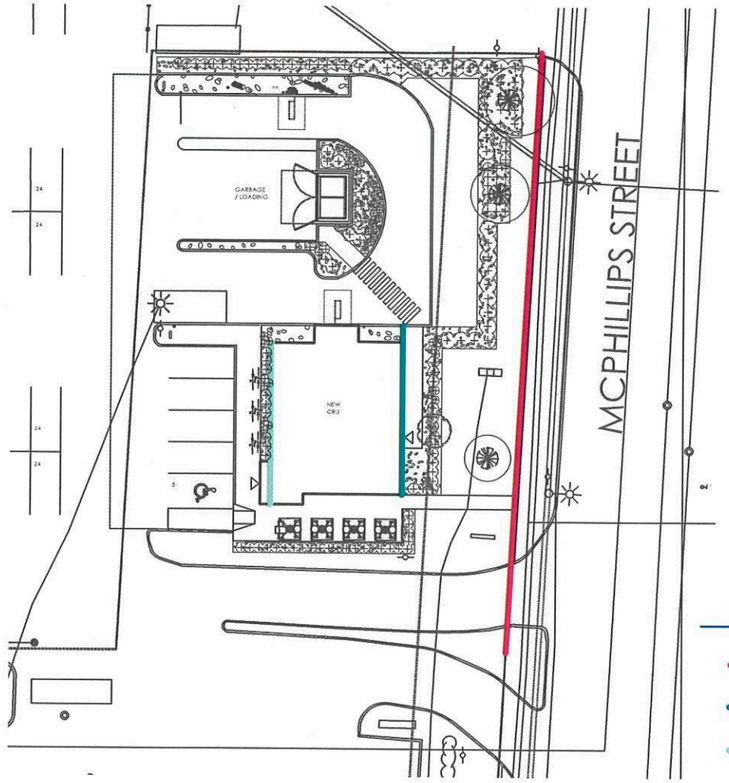
Dean Spearman Landscape Architect

DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

PROJECT
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No.
2013

SHEET
Planting Plan



0 5 10 15 20 25 m

1 LC-3 **Zoning Analysis Plan**

Scale: 1:500

Zoning Analysis Key

- Frontage - McPhillips
- Principle Facade - McPhillips
- Principle Facade -Principle Entry

City of Winnipeg Zoning Requirements

190 (2) Street Edge Landscaping

Street Frontage

McPhillips — 170 Lin ft.

	DBH	Credit
Existing Trees	2"ø	0
	6"ø	2
	8.5"ø	4
Total Credit for retaining exis. trees		6

	Required	Proposed
Trees	6	1
Credit		6
Shrubs	27	50

190 (5) Building Foundation Landscaping (outside of urban infill areas)

Principle Facade

McPhillips — 47 Lin Ft.

	Required	Proposed
Shrubs	5	13

Principle Entry — 45 Lin Ft.

	Required	Proposed
Shrubs	5	9

SCHEDULE "A" page 12 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Crombie REIT

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2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
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Dean Spearman Landscape Architect

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DJS	AS NOTED	2021-01-26		DJS

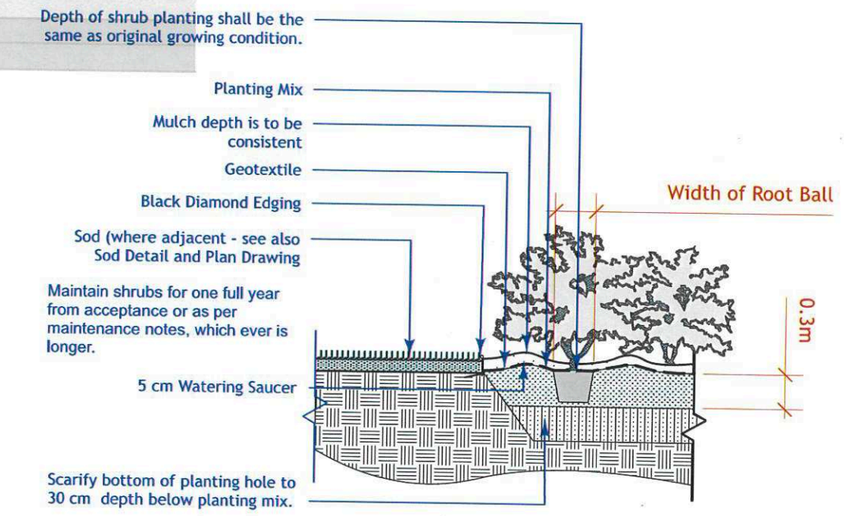
PROJECT
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No.
2013

SHEET
Landscape Zoning Analysis Plan

Plant Schedule

Common Name	Botanical Name	Qty	Scheduled Size (Containerized trees will not be accepted)
Evergreen Trees			
Trees			
Gladiator Apple	Malus x adstringens 'Durleo'	1	60 mm ø 3.0-3.5m height, 75 cm dia. root ball, 12 major branches, 2.0m above grade, balled & burlapped or tree mover; wire basket. Double stake where required.
Shrubs			
Pygmy Caragana	Caragana pygmae	38	60 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Festivus Gold Ninebark	Physocarpus opulifolius 'Bert Dart's Gold'	7	30 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Mango Tango Potentilla	Potentilla fruticosa 'Mango Tango'	74	30 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Snowberry	Symphoricarpos occidentalis	13	60 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Miss Kim Lilac	Syringa x 'Miss Kim'	4	60 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Evergreen Shrubs			
Perennials			
Daylily Dwarf Yellow	Hemoerocallis x. Dwarf Yellow	18	Large Pot 2 yr. plant
Ornamental Grasses			
Karl Foerster Feather Reed Grass	Calamagrostis x acutiflora 'Karl Foerster'	31	Large Pot 2 yr. plant
Ferns / Mosses			
Vines			
Aquatic Plants			
Total Plants on Schedule		186	
Total Plants in Drawing		186	



1 / LC-4 **Shrub Planting Detail**
Scale: 1:50

SCHEDULE "A" page 13 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Crombie REIT

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

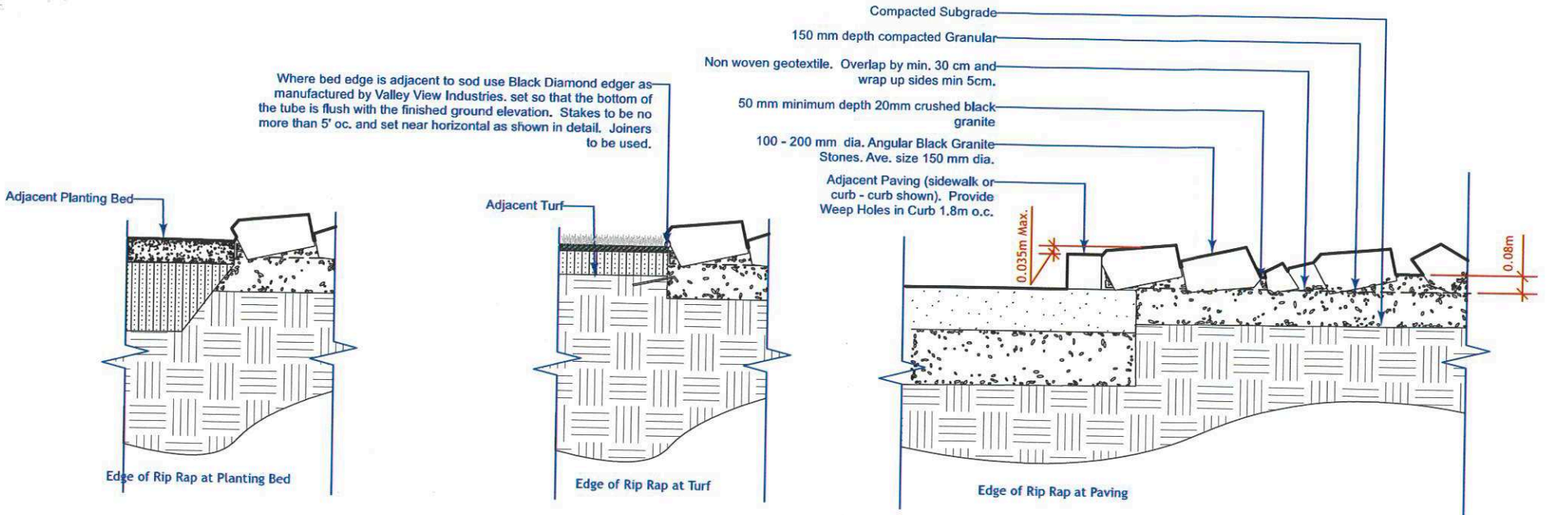
Dean Spearman Landscape Architect

DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

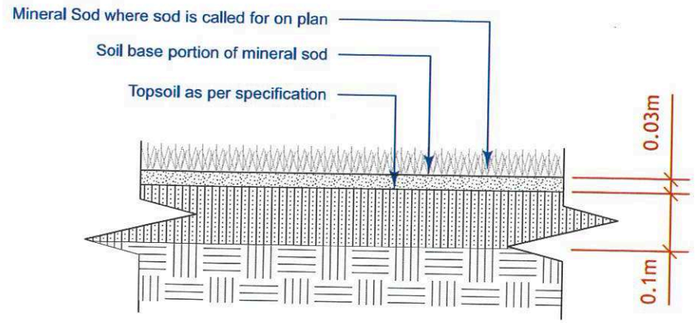
PROJECT 3012/81
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No. 2013

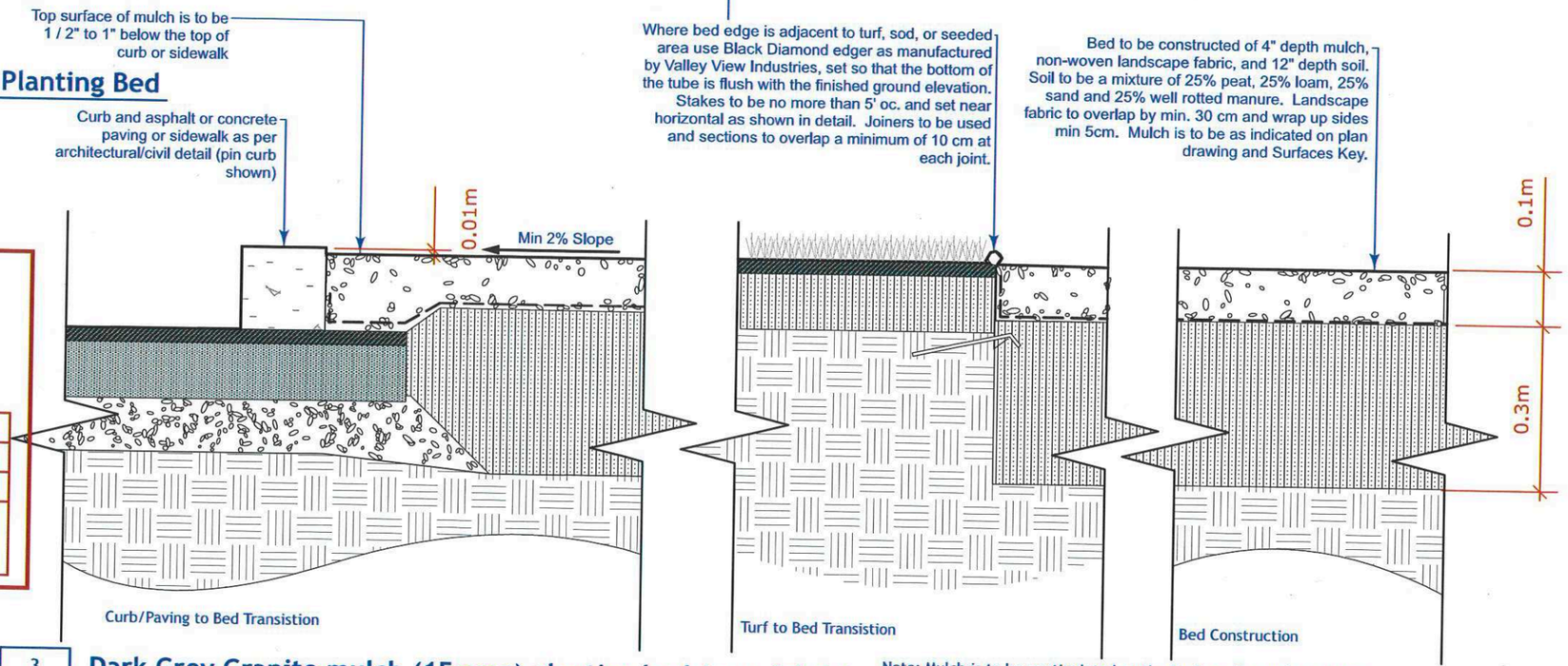
SHEET
Planting Details



2 | LC-5 **Dark Grey Granite Rip Rap (200-300mmø) Planting Bed**
Scale: 1:25



1 | LC-5 **Sod Detail**
Scale: 1:10



3 | LC-5 **Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)**
Scale: 1:10

Note: Mulch is to be as stipulated on the Surfaces Key and may refer to organic mulches such as wood chips, or inorganic mulches such as

SCHEDULE "A" page 14 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

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Dean Spearman Landscape Architect

DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

PROJECT
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No.
2013

SHEET
Landscape Material Details

NEJMARK
ARCHITECT INC.

JOSEF NEJMARK
MAA OAA SAA MRAIC
ARCHITECT AAA AIBC
PRINCIPAL

TAT-LIANG CHEAM
MAA OAA MRAIC
PRINCIPAL

JASON JAKUBOWSKI
MAA SAA MRAIC
ARCHITECT AAA
PRINCIPAL

SYLVIA A. MOURA
MAA MRAIC
ARCHITECT AAA AIBC
PRINCIPAL

KEVIN FAWLEY
MAA MRAIC
PRINCIPAL

2-54 ADELAIDE ST
WINNIPEG MANITOBA
CANADA R3A 0V7
P 204 947 3775
F 204 947 3789
www.nejmark.mb.ca

September 16, 2022
Revised and Reissued September 28, 2022

City Clerk, City of Winnipeg
c/o Executive Policy Committee
Main Floor, Susan A. Thompson Building, 510 Main Street
Winnipeg, Manitoba, R3B 1B9

Attention: City Clerk CLK-Appeals@winnipeg.ca

RE: LETTER OF APPEAL
FILE DAZ 322/79
PLAN APPROVAL – 920 JEFFERSON (STARBUCKS)
WINNIPEG MB

On behalf of the Owner we are appealing the Standing Policy Committee's decision made on September 8, 2022 to reject the Plan Approval for 920 Jefferson Avenue, Winnipeg MB (File DAZ 322/79).

The Owner's Plan Approval Application is recommended for approval by City Administration, is consistent with the Complete Communities Direction Strategy, and does not require any variances or changes to the land use for the development.

The Owner requests that the Executive Policy Committee (EPC)allow the appeal and approve the site plan as submitted.

On March 10, 2022 Justice Toews released reasons for decision dismissing the claim of Niata Enterprises Ltd. for an easement against Snowcat Property Holdings Limited's lands. Niata has appealed the decision. The hearing of the appeal is scheduled to be heard on January 4, 2023 by the Court of Appeal. In light of the interest and questions from the City Councillors at previous hearings concerning the status of the court proceeding, Snowcat believes it is preferable to schedule the Plan Approval appeal to EPC to take place after the Court of Appeal hearing.

Please advise on soonest available Appeal Hearing date after January 4, 2023 with the Executive Policy Committee.

Yours truly,
NEJMARK ARCHITECT INC.

Tat-Liang Cheam, MAA MRAIC
Principal

TC/mu

CC:
Ashley Martens – Nejmark Architect
Harpreet Brar – Crombie Reit
Jamie Honsberger – Crombie Reit
John Martens – MLT Aikins LLP
Rakvinder Hayer – City of Winnipeg

Winnipeg | City Clerk's Department
Bureau du Greffier

REGISTERED MAIL RN 480 937 338 CA

October 11, 2022

File DAZ 322/79

Nejmark Architect Inc.
2 – 54 Adelaide Street
Winnipeg, MB R3A 0V7

Attention: Tat-Liang Cheam, Principal

Appeal – Plan Approval – 920 Jefferson Avenue – Revised Notice

This will acknowledge receipt of your communication dated September 16, 2022, appealing the Decision dated September 8, 2022, issued by the Standing Policy Committee on Property and Development, Heritage and Downtown Development regarding a Plan Approval for 920 Jefferson Avenue.

Please be advised that the appeal will be heard by the Executive Policy Committee at its meeting on **Tuesday, January 17, 2023, at 9:30 a.m.** in the Council Building, 510 Main Street. The purpose of the appeal hearing is to allow interested persons to make submissions, ask questions or register objections with respect to this matter.

If you wish to speak on this matter at the meeting, please fill out the public representation form available at winnipeg.ca/publichearings and submit it prior to noon (12:00 p.m.), Monday, January 16, 2023 to make the necessary arrangements to register.

Information or documents concerning this matter are available for inspection in the City Clerk's Department, 510 Main Street, or can be accessed four business days prior to the meeting via the Decision Making Information System at winnipeg.ca/CLKDMIS. A description of the procedure to be followed at the hearing can be accessed at winnipeg.ca/publichearings.

Andrew Poitras
Manager of the Decision Making Process
Telephone 204-986-6170
Email apoitras@winnipeg.ca

c J. Kiernan, Director of Planning, Property and Development
J. Veitch, Acting Chief Planner, Planning, Property and Development Department
M. Grady, Administrator of Zoning and Permits, Planning, Property and Development Department
Councillor Eadie, Mynarski Ward
Councillor Sharma, Old Kildonan Ward
Councillor Santos, Point Douglas Ward
Councillor Gilroy, Daniel McIntyre Ward
Councillor Klein, Charleswood-Tuxedo-Westwood Ward
Councillor Lukes, Waverley West Ward

NEJMARK
ARCHITECT INC.

JOSEF NEJMARK
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KEVIN FAWLEY
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PRINCIPAL
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January 5, 2023
Revised and Reissued January 9, 2023
Revised and Reissued April 3, 2023

City Clerk, City of Winnipeg
c/o Executive Policy Committee
Main Floor, Susan A. Thompson Building, 510 Main Street
Winnipeg, Manitoba, R3B 1B9

Attention: City Clerk CLK-Appeals@winnipeg.ca

RE: LETTER OF APPEAL
FILE DAZ 322/79
PLAN APPROVAL – 920 JEFFERSON AVE. (STARBUCKS)
WINNIPEG MB

On behalf of the Owner we would like to advise the Executive Policy Committee (EPC) that the Manitoba Court of Appeal has reserved its decision regarding Niata Enterprises Ltd.'s appeal of the judgment by Justice Toews denying Niata's claim for an easement over the property owned by Snowcat Property Holdings Limited. It is still unknown when the Court of Appeal will issue a decision but we anticipate four (4) to five (5) months from today's date.

Therefore we are requesting the April 18, 2023 EPC Appeal Hearing for the Plan Approval at 920 Jefferson Avenue, Winnipeg MB (File DAZ 322/79) be adjourned to the September, 2023 EPC meeting.

Yours truly,
NEJMARK ARCHITECT INC.

Tat-Liang Cheam, MAA MRAIC
Principal

TC/mu

CC:
Harpreet Brar – Crombie Reit
John Martens – MLT Aikins LLP
Braeden Cornick
Rakvinder Hayer – City of Winnipeg

2-54 ADELAIDE ST
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City Clerk's Department
Bureau du Greffier

April 11, 2023

File DAZ 322/79

Nejmark Architect Inc.
2 – 54 Adelaide Street
Winnipeg, MB R3A 0V7

Attention: Tat-Liang Cheam, Principal

Appeal – Plan Approval – 920 Jefferson Avenue

This will acknowledge receipt of your revised communication dated April 3, 2023, requesting that the Appeal Hearing be rescheduled to September, 2023, due to an ongoing matter being considered by the Manitoba Court of Appeal.

Accordingly, please be advised that the appeal will be heard by the Executive Policy Committee at its meeting on **Thursday, September 21, 2023, at 9:30 a.m.** in the Council Building, 510 Main Street.

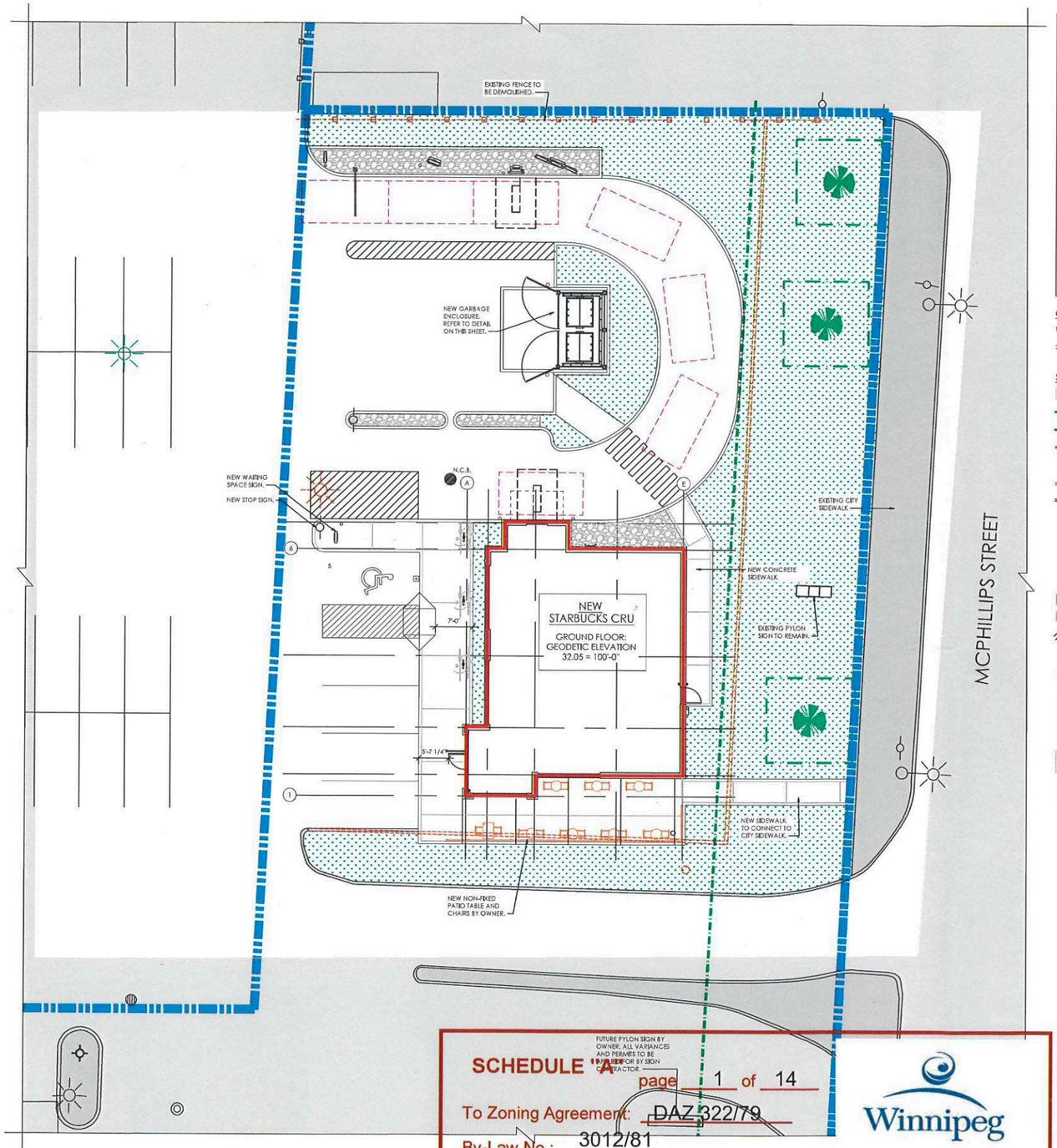
If you wish to speak on this matter at the meeting, please fill out the public representation form available at winnipeg.ca/publichearings and submit it prior to noon (12:00 p.m.), Wednesday, September 20, 2023 to make the necessary arrangements to register.

Information or documents concerning this matter are available for inspection in the City Clerk's Department, 510 Main Street, or can be accessed four business days prior to the meeting via the Decision Making Information System at winnipeg.ca/CLKDMIS. A description of the procedure to be followed at the hearing can be accessed at winnipeg.ca/publichearings.

Andrew Poitras
Manager of the Decision-Making Process
Telephone 204-986-6170
Email apoitras@winnipeg.ca

c M. Pittet, Acting Director of Planning, Property and Development
J. Veitch, Acting Chief Planner, Planning, Property and Development Department
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Councillor Lukes, Waverley West Ward
Councillor Rollins, Fort Rouge-East Fort Garry Ward
Councillor Allard, St. Boniface Ward
Councillor Dobson, St. James Ward
Councillor Duncan, Charleswood-Tuxedo-Westwood Ward

Exhibit 6 - Appeal - Plan Approval - 920 Jefferson Avenue



N

1 / 1.0 | 1.0 SITE PLAN
SCALE: 3/32" = 1'-0"

SITE ZONING INFORMATION

ADDRESS
920 JEFFERSON AVENUE

LEGAL DESCRIPTION
LOT 2, PLAN 15894 WLTO
IN O.T.M. LOT 4, PARISH OF KILDONAN
CITY OF WINNIPEG, MANITOBA

SITE AREA
6.17 ACRES

SITE ZONING
ZONING: C3 - COMMERCIAL CORRIDOR

DIM. STANDARDS	REQ.	PROVIDED
FRONT YARD	25 FT	25 FT
REAR YARD	25 FT	EXISTING
INTERIOR SIDE YARD	0 FT	EXISTING
CORNER SIDE YARD	25 FT	EXISTING
BUILDING HEIGHT	49 FT	22 FT
FLOOR AREA RATIO	1.5	0.21

BUILDING FOOTPRINT
EXISTING FRESHCO: 55,300 FT²
NEW STARBUCKS CRU: 1,800 FT²

PARKING	REQ.	PROVIDED
SITE TOTAL	237	399
ACCESSIBLE	7	8
BICYCLE (STARBUCKS)	1	6

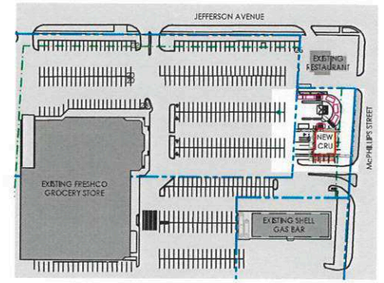
SUPERMARKET: 1/250 FT² = 222 STALLS
EATING AND DRINKING ESTABLISHMENT: 1/150 FT² = 13 STALLS
GAS BAR: 1 (UNDER 2000 FT²) + 1 PER 3 EMPLOYEES = 2 STALLS

GENERAL NOTES:

1. ALL CURBING TO BE DEEP CURBING UNLESS NOTED OTHERWISE.
2. REFER TO CIVIL DRAWINGS FOR ALL NEW SITE GRADING.

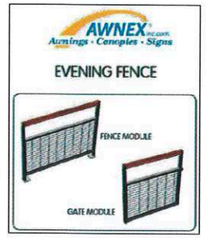
SITE PLAN LEGEND:

- AREA NOT INCLUDED IN CONTRACT (N.I.C.)
- PROPERTY LINE
- ZONING SETBACKS
- PROPOSED BUILDING
- POINT OF ENTRY / EXIT TO BUILDING
- EXISTING CURB TO BE DEMOLISHED
- EXISTING CURB / SIDEWALK TO REMAIN
- ACCESSIBLE PARKING STALL (WHITE)
- 5 — NEW 4" PAINTED PARKING LINES (YELLOW) STALL COUNT
- DRIVE THROUGH QUEUING SPACE (8X16)
- EXTENT OF NEW STANDARD ASPHALT
- EXTENT OF NEW HEAVY DUTY ASPHALT
- 4" PAINTED LINES (YELLOW)
- BICYCLE PARKING. REFER TO LANDSCAPE.
- EXISTING FENCE TO BE REMOVED.
- NEW TENANT SUPPLIED AND INSTALLED PATIO FENCE AND FURNITURE (N.I.C.).
- EXISTING TREES TO REMAIN. TEMPORARY ROOT PROTECTION FENCE TO BE PROVIDED. REFER TO LANDSCAPE DRAWINGS FOR PROTECTION DETAILS AND NOTES.
- NEW LANDSCAPING. REFER TO LANDSCAPING.
- EXISTING POWER POLES W/ LIGHT / LAMP STANDARDS
- RELOCATED LIGHT STANDARD ON NEW BASE. REFER TO ELECTRICAL AND STRUCTURAL.
- EXISTING GRADE
- EXISTING FIRE HYDRANT
- EXISTING CATCH BASIN. REFER TO CIVIL.
- EXISTING MANHOLE REFER TO CIVIL.
- N.C.B. NEW CATCH BASIN. REFER TO CIVIL.

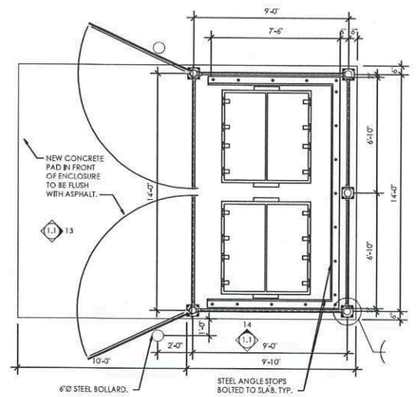


N

A / 1.0 | 1.0 KEY PLAN
Scale: 1/128" = 1'-0"

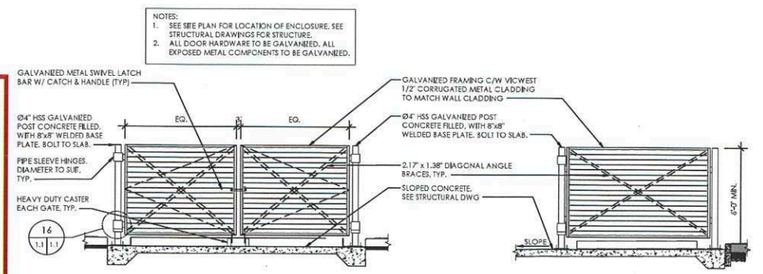


2 / 1.0 | 1.0 TENANT PATIO FENCE
Scale: NTS



3 / 1.0 | 1.0 GARBAGE ENCLOSURE - PLAN
SCALE: 3/16" = 1'-0"

NOTES:
1. SEE SITE PLAN FOR LOCATION OF ENCLOSURE. SEE STRUCTURAL DRAWINGS FOR STRUCTURE.
2. ALL DOOR HARDWARE TO BE GALVANIZED. ALL EXPOSED METAL COMPONENTS TO BE GALVANIZED.



4 / 1.0 | 1.0 GARBAGE ENCLOSURE - FRONT ELEVATION
SCALE: 3/16" = 1'-0"

5 / 1.0 | 1.0 GARBAGE ENCLOSURE - SIDE ELEVATION
SCALE: 3/16" = 1'-0"

SCHEDULE A
page 1 of 14
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

No.	ISSUED FOR	DATE	BY
1	PLAN APPROVAL	APRIL 5, 2021	TC

DRAWN BY: AM
PRINTING DATE: APRIL 5, 2021
STAMP

Crombie

NEJMARK ARCHITECT

2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3780 www.nejmark.mb.ca

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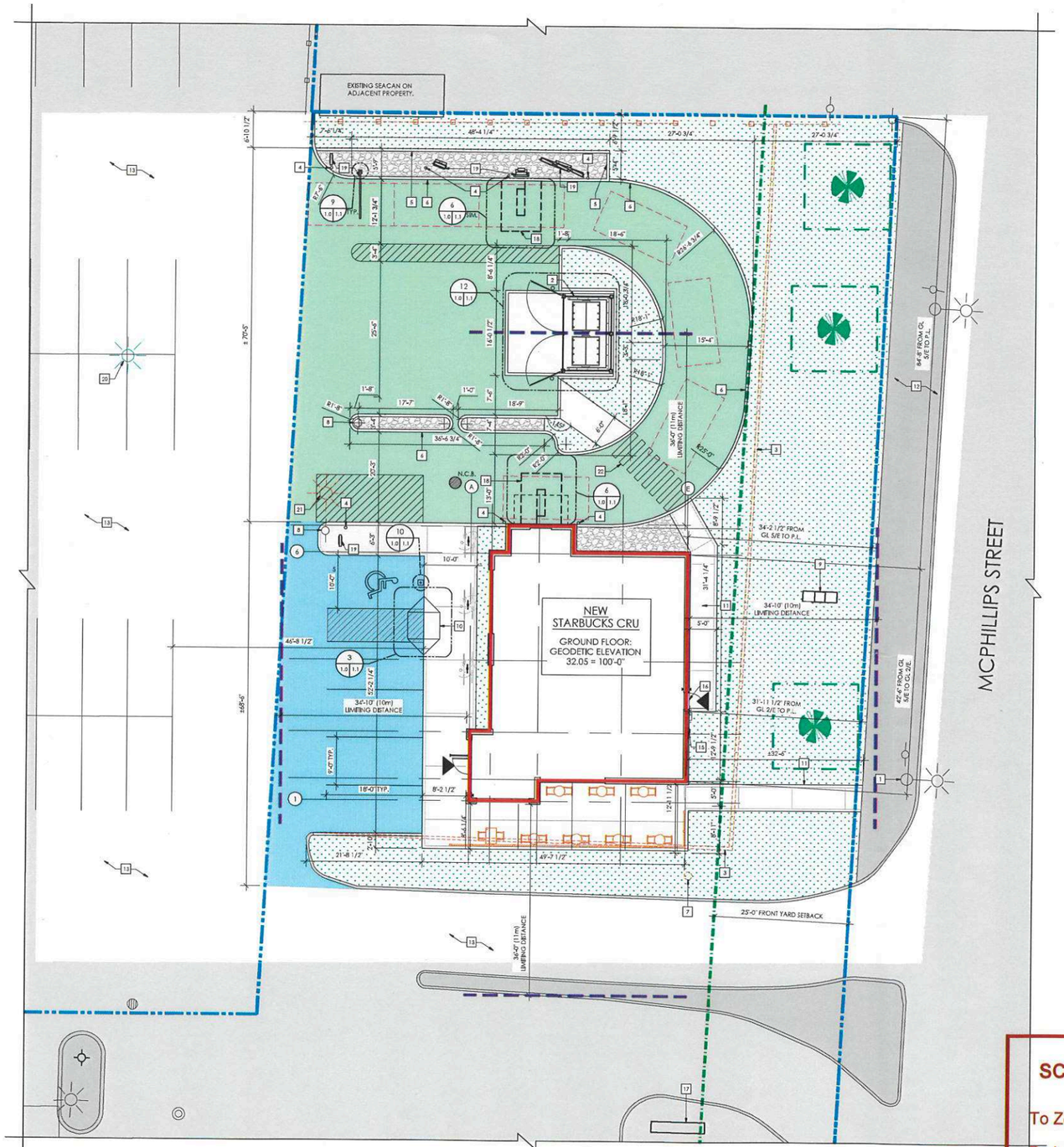
The contractor is to verify dimensions and date noted hereon with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

PROJECT TITLE:
STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

SHEET TITLE:
SITE PLAN

COMMISSION NUMBER: 2013
SHEET NUMBER: A1.0

FILE: 2013 - STARBUCKS CRU_A1.0 SITE PLAN.DWG



N

2 / 1.0 1.0 SITE PLAN
SCALE: 3/32" = 1'-0"

SITE ZONING INFORMATION

ADDRESS
920 JEFFERSON AVENUE

LEGAL DESCRIPTION
LOT 2, PLAN 15894 WLTO
IN O.T.M. LOT 6, PARISH OF KILDONAN
CITY OF WINNIPEG, MANITOBA

SITE AREA
6.17 ACRES

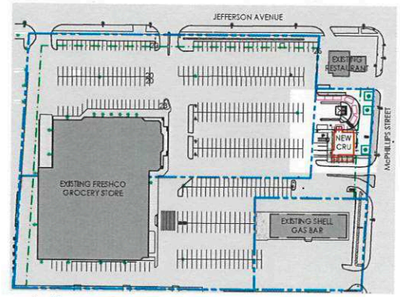
SITE ZONING
ZONING: C3 - COMMERCIAL CORRIDOR

DIM. STANDARDS	REQ.	PROVIDED
FRONT YARD	25 FT	25 FT
REAR YARD	25 FT	EXISTING
INTERIOR SIDE YARD	0 FT	EXISTING
CORNER SIDE YARD	25 FT	EXISTING
BUILDING HEIGHT	49 FT	22 FT
FLOOR AREA RATIO	1.5	0.21

BUILDING FOOTPRINT
EXISTING FRESHCO: 55,300 FT²
NEW STARBUCKS CRU: 1,800 FT²

PARKING	REQ.	PROVIDED
SITE TOTAL	237	399
ACCESSIBLE	7	8
BICYCLE (STARBUCKS)	1	6

SUPERMARKET: 1/250 FT² = 222 STALLS
EATING AND DRINKING ESTABLISHMENT: 1/150 FT² = 13 STALLS
GAS BAR: 1 (UNDER 2000 FT²) + 1 PER 3 EMPLOYEES = 2 STALLS



N / 1 / 1.0 1.0 KEY PLAN
SCALE: N.T.S.

GENERAL NOTES:

1. ALL CURBING TO BE DEEP CURBING UNLESS NOTED OTHERWISE.
2. REFER TO CIVIL DRAWINGS FOR ALL NEW SITE GRADING.

SITE PLAN LEGEND:

- AREA NOT INCLUDED IN CONTRACT (N.I.C.)
- PROPERTY LINE
- ZONING SETBACKS
- PROPOSED BUILDING
- POINT OF ENTRY / EXIT TO BUILDING
- EXISTING CURB TO BE DEMOLISHED
- EXISTING CURB / SIDEWALK TO REMAIN
- ACCESSIBLE PARKING STALL (WHITE)
- 5 NEW 4" PAINTED PARKING LINES (YELLOW) STALL COUNT
- DRIVE THROUGH QUEUING SPACE (8X16)
- EXTENT OF NEW STANDARD ASPHALT
- EXTENT OF NEW HEAVY DUTY ASPHALT
- 4" PAINTED LINES (YELLOW)
- BICYCLE PARKING. REFER TO LANDSCAPE.
- EXISTING FENCE TO BE REMOVED.
- NEW TENANT SUPPLIED AND INSTALLED PATIO FENCE AND FURNITURE (N.I.C.).
- EXISTING TREES TO REMAIN. TEMPORARY ROOT PROTECTION FENCE TO BE PROVIDED. REFER TO LANDSCAPE DRAWINGS FOR PROTECTION DETAILS AND NOTES.
- NEW LANDSCAPING. REFER TO LANDSCAPING.
- EXISTING POWER POLES W/ LIGHT / LAMP STANDARDS
- RELOCATED LIGHT STANDARD ON NEW BASE. REFER TO ELECTRICAL AND STRUCTURAL.
- XXXX EXISTING GRADE
- EXISTING FIRE HYDRANT
- EXISTING CATCH BASIN. REFER TO CIVIL.
- EXISTING MANHOLE REFER TO CIVIL.
- N.C.S. NEW CATCH BASIN. REFER TO CIVIL.

SITE PLAN KEYNOTES:

1. NEW POLE-MOUNTED TRANSFORMER. REFER TO ELECTRICAL DRAWINGS.
2. NEW GARBAGE ENCLOSURE. REFER TO SITE DETAILS.
3. DEMOLISH EXISTING CURB AND ADJACENT ASPHALT TO SUIT NEW DRIVE THROUGH AND CRU.
4. 6" DIA. CONCRETE FILLED STEEL BOLLARDS. REFER TO SITE DETAILS.
5. NEW LANDSCAPE ISLAND C/W PINNED CURB. REFER TO SITE DETAILS.
6. NEW DEEP CURB. REFER TO SITE DETAILS.
7. REMOVE EXISTING SIGN POST.
8. NEW STOP SIGN ON STEEL POST C/W CONCRETE BASE SIMILAR TO DETAIL #10 ON A1.1.
9. EXISTING "SHELL" PYLON SIGN TO REMAIN.
10. NEW CONCRETE LETDOWN RAMP. REFER TO SITE DETAILS.
11. NEW CONCRETE SIDEWALK C/W THICKENED EDGE CURB. REFER TO SITE DETAILS.
12. EXISTING CITY CONCRETE SIDEWALK TO REMAIN.
13. EXISTING ASPHALT PAVING TO REMAIN.
14. 12' WIDE WHITE CROSSWALK LINES, 12" APART.
15. NEW GAS METER. REFER TO MECHANICAL DRAWINGS.
16. LOCATION OF CSTE. REFER TO ELECTRICAL.
17. APPROXIMATE LOCATION OF NEW PYLON SIGN ON EXISTING FOUNDATION BY OWNER (N.I.C.).
18. TENANT SUPPLIED, G.C. INSTALLED IN-GROUND VEHICLE DETECTION LOOP. REFER TO SITE DETAILS
19. GC TO SUPPLY CONCRETE BASE FOR OWNER SUPPLIED EQUIPMENT C/W UNDERGROUND CONDUIT. SITE CONFIRM EXACT LOCATION. REFER TO ELECTRICAL, STRUCTURAL, AND SITE DETAILS.
20. NEW CONCRETE BASE C/W RELOCATED EXISTING LIGHT STANDARD. REFER TO SITE DETAILS.
21. EXISTING LIGHT STANDARD TO BE REMOVED AND STORED FOR REUSE. DEMOLISH EXISTING CONCRETE BASE.

SCHEDULE "A" page 2 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

No.	ISSUED FOR	DATE	BY
1	BUILDING PERMIT & CONSTRUCTION	APRIL 8, 2021	TC

DRAWN BY: AM

PRINTING DATE: APRIL 8, 2021

STAMP

TC

Crombie

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

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The contractor is to verify dimensions and data noted herein with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

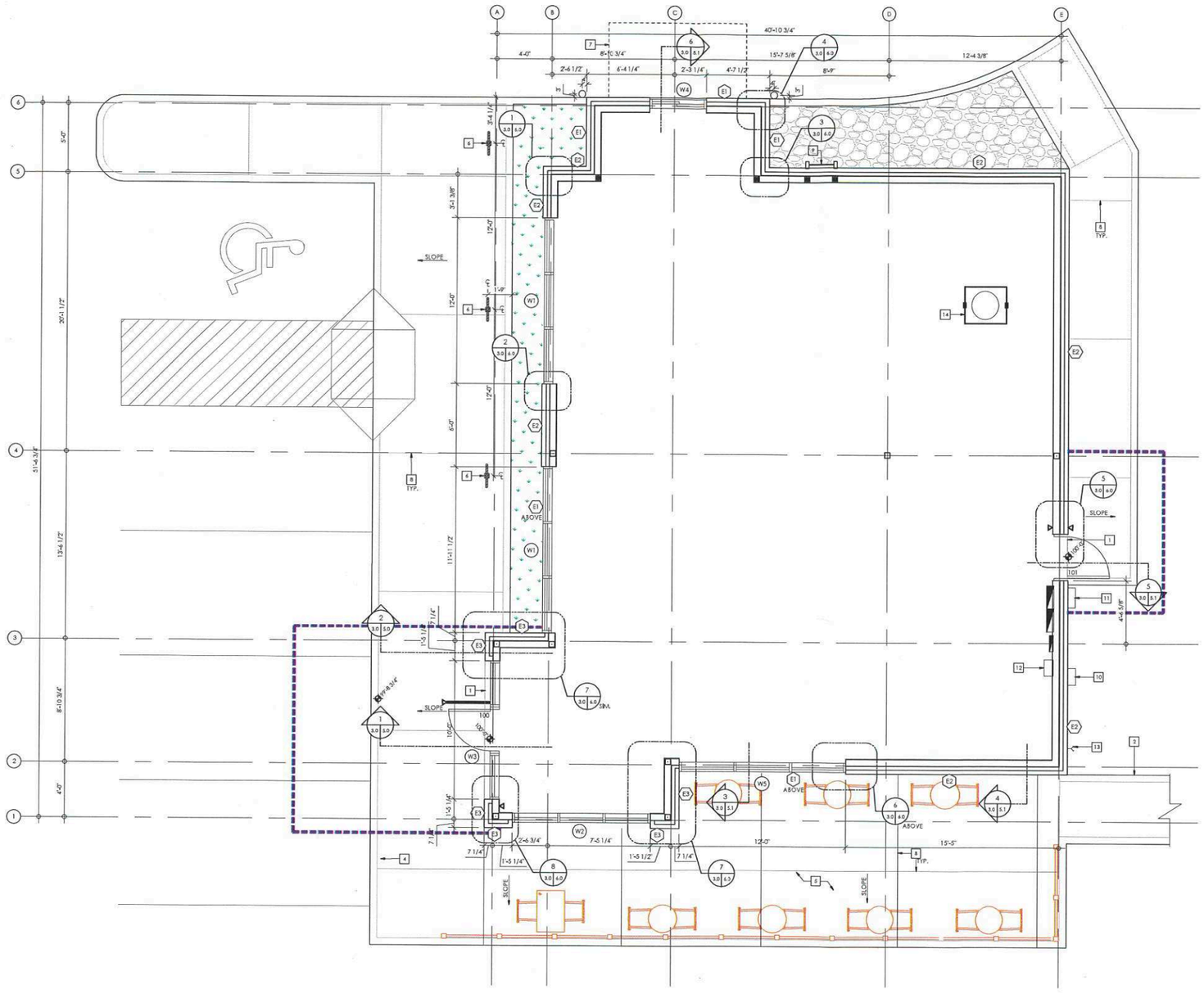
PROJECT TITLE:
STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

SHEET TITLE:
SITE PLAN

COMMISSION NUMBER: 2013

SHEET NUMBER: A1.0

FILE: 2013 - STARBUCKS CRU_A1.0 SITE PLAN.DWG



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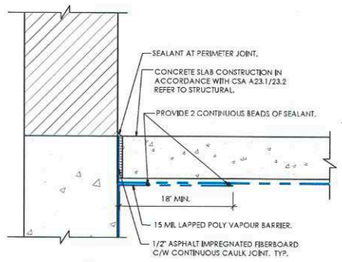
1 3.0 3.0 CONSTRUCTION PLAN
SCALE: 1/4" = 1'-0"

LEGEND

- PUSH BUTTON FOR AUTO OPERATOR.
- ALUMINUM GUIDE RAIL.
- PROVIDE 4" TYPE 4 RIGID INSULATION UNDER SIDEWALK AS INDICATED. INSULATION TO EXTEND MINIMUM 48" BEYOND EDGE OF SIDEWALK (HORIZONTALLY OR VERTICALLY)
- ELECTRICAL PANEL. SEE ELECTRICAL.
- TENANT SUPPLIED AND INSTALLED FENCE AND FURNITURE, NIC.
- 100.05 NEW GRADE ELEVATION.

CONSTRUCTION PLAN KEYNOTES

1. TIE NEW SIDEWALK INTO SLAB, TYPICAL.
2. PEDESTRIAN CONNECTION FROM EXISTING CITY SIDEWALK TO NEW PATIO. REFER TO SITE PLAN.
3. CONCRETE CURB, TYPICAL.
4. CONCRETE LETDOWN. REFER TO SHEET A1.1 SITE DETAILS.
5. DESIGNATED PATIO AREA. FENCE AND PATIO FURNITURE BY FUTURE TENANT (N.I.C.).
6. BIKE RACK. SEE LANDSCAPE DRAWINGS.
7. DRIVE THROUGH AWNING ABOVE.
8. SAWCUT CONTROL JOINT @ 10'-0" O.C. MAX.
9. ROOF ACCESS LADDER. REFER TO SHEET A2.0 ROOF PLAN & DETAILS.
10. LOCATION OF NEW GAS METER. REFER TO MECHANICAL.
11. LOCATION OF NEW CSTE. REFER TO ELECTRICAL.
12. LOCATION OF NEW WATER METER. REFER TO MECHANICAL.
13. LOCATION OF NON-FREEZE HOSE BIB. REFER TO MECHANICAL.
14. LOCATION OF GREASE INTERCEPTOR. REFER TO MECHANICAL.



NOTE: SEAL ALL PERIMETER JOINTS, OPENINGS AND CONTROL JOINTS. REFER TO SPECIFICATIONS FOR UNDER SLAB PREPARATION.

2 3.0 3.0 TYPICAL UNDER SLAB VAPOUR BARRIER
SCALE: 1 1/2" = 1'-0"

Winnipeg

SCHEDULE "A" page 3 of 14
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81

Zoning Officer	Carlie Bannmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

No.	ISSUED FOR	DATE	BY
1	BUILDING PERMIT & CONSTRUCTION	APRIL 8, 2021	TC

DRAWN BY: AM
PRINTING DATE: APRIL 8, 2021
STAMP

Crombie

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0W7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

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PROJECT TITLE:

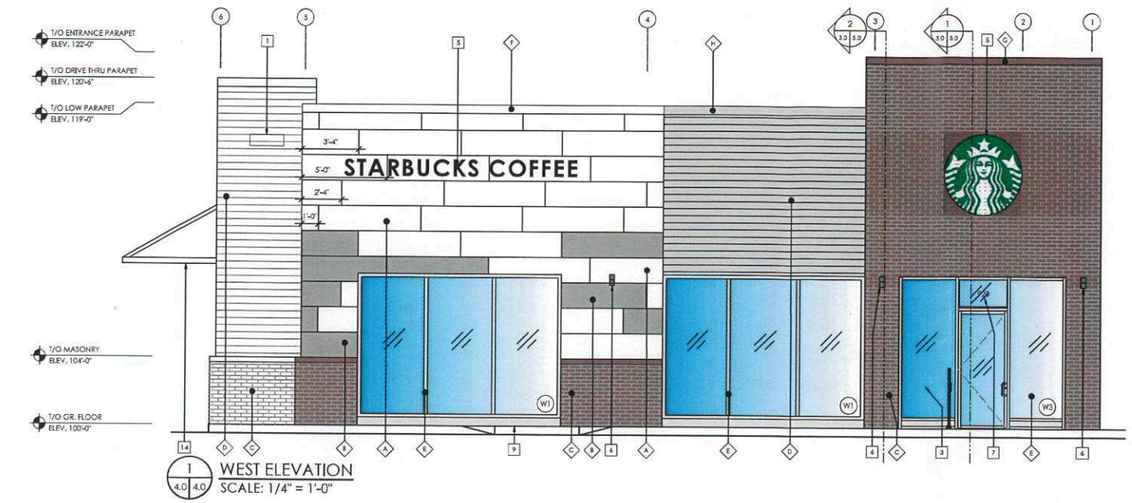
STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

SHEET TITLE:

CONSTRUCTION PLAN

COMMISSION NUMBER: 2013
SHEET NUMBER: A3.0

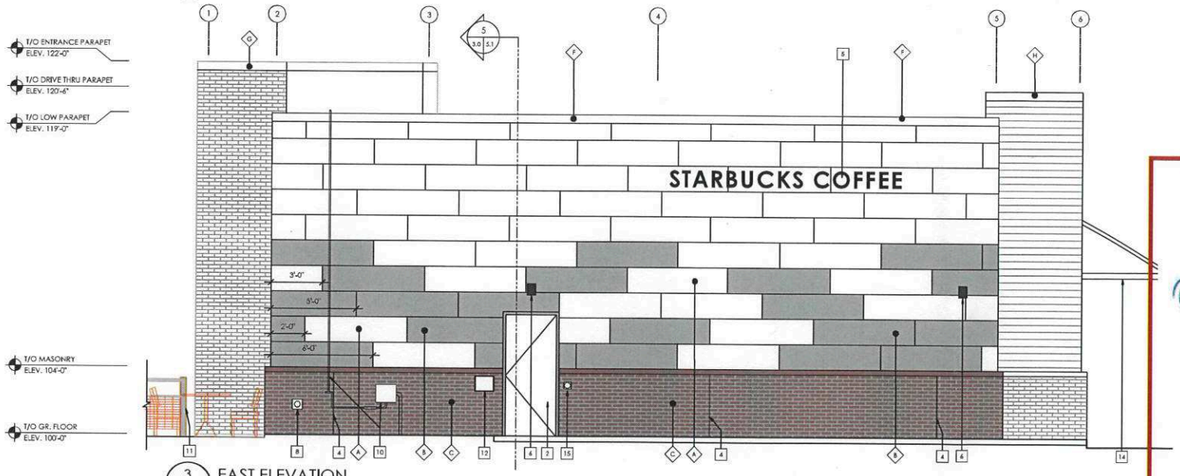
FILE: 2013 - STARBUCKS CRU_A3.0 CONSTRUCTION PLAN.DWG



1 4.0 4.0 WEST ELEVATION
SCALE: 1/4" = 1'-0"



2 4.0 4.0 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



3 4.0 4.0 EAST ELEVATION
SCALE: 1/4" = 1'-0"



4 4.0 4.0 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

SCHEDULE "A" page 4 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Zoning Officer	Carlie Bannann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

EXTERIOR ELEVATION LEGEND:

1. ROOF SCUPPER, REFER TO ROOF PLAN AND DETAILS.
2. EXIT DOOR. PAINT DOOR WHITE TO MATCH PANELS & FRAME GREY TO MATCH PANELS.
3. AUTOMATIC DOOR BUTTON ON GUIDE RAIL.
4. MASONRY CONTROL JOINT, TYPICAL.
5. TENANT SUPPLIED SELF-ILLUMINATED SIGNAGE REFER TO ELECTRICAL. G.C. TO PROVIDE BACKING TO SUIT.
6. EXTERIOR LIGHT FIXTURE, SEE ELECTRICAL.
7. APPROXIMATE LOCATION OF UNIT ADDRESS SIGNAGE TO BE SUPPLIED AND INSTALLED BY OWNER (N.I.C.).
8. EXTERIOR NON-FREEZE HOSE BIB. REFER TO MECHANICAL.
9. CONCRETE CURB, SEE PLAN FOR LOCATIONS
10. GAS METRE AND LINES. PAINT GAS LINES TO MATCH GREY PANEL FINISH, TYPICAL. REFER TO MECHANICAL.
11. PATIO FENCE, SUPPLIED AND INSTALLED BY TENANT (N.I.C.).
12. LOCATION OF NEW CSTE, PAINTED TO MATCH MASONRY COLOUR. REFER TO ELECTRICAL.
13. ROOF ACCESS LADDER C/W CAGE AND LOCKABLE SHIELD. LADDER AND ACCESSORIES TO BE PAINTED TO MATCH GREY PANEL COLOUR.
14. 10'-0" WIDE DRIVE THRU CANOPY. PREFINISHED METAL TO BE GREY TO MATCH GREY FIBER CEMENT BOARD.
15. AUTOMATIC DOOR BUTTON MOUNTED ON WALL. TOP OF BUTTON TO BE MAX 900mm ABOVE FINISHED WALKING SURFACE.

EXTERIOR FINISH SCHEDULE

KEYNOTE	PRODUCT/ITEM	COLOUR
A	72"X18" FIBER CEMENT BOARD NICHIHA, ALLURA OR APPROVED ALTERNATE	COTTON WHITE
B	72"X18" FIBER CEMENT BOARD NICHIHA, ALLURA OR APPROVED ALTERNATE	NICKEL OR GRAPHITE TBC
C	BRICK VENEER	WALNUT CREEK IRONSPOT
D	VICWEST 1/2" CORRUGATED METAL CLADDING	SILVER
E	ANODIZED ALUMINUM DOOR / FRAME WITH CLEAR GLAZING.	CLEAR ANODIZED ALUMINUM MULLIONS
F	PREFINISHED METAL FLASHING	VICWEST BRIGHT WHITE
G	PREFINISHED METAL FLASHING	VICWEST COCOA BROWN
H	PREFINISHED METAL FLASHING	VICWEST SILVER
I	ANODIZED ALUMINUM DOOR / FRAME WITH SPANDREL PANEL.	SPANDREL WARM GREY

NOTE: ALL SAMPLES TO BE SUBMITTED TO ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.

No.	ISSUED FOR	DATE	BY
1	BUILDING PERMIT & CONSTRUCTION	APRIL 8, 2021	TC

DRAWN BY: AM

PRINTING DATE: APRIL 8, 2021

STAMP

Crombie

NEJMARK ARCHITECT

2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3733 www.nejmark.mb.ca

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PROJECT TITLE:

STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

SHEET TITLE:

EXTERIOR ELEVATIONS

COMMISSION NUMBER: 2013

SHEET NUMBER: A4.0

E-FILE 2013 - STARBUCKS CRU_A4.0 EXTERIOR ELEVATIONS.DWG

SCHEDULE "A" page 5 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	



SCHEDULE "A" page 6 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: _____

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	



3012/81

SCHEDULE "A" page 7 of 14

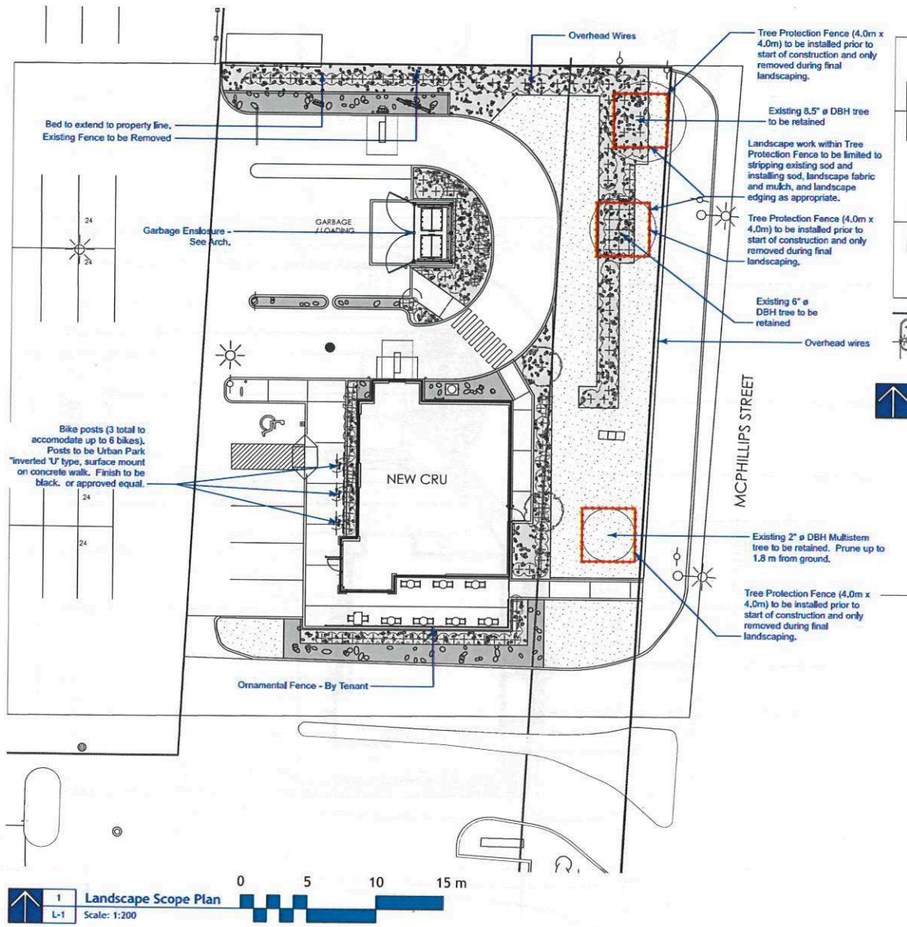
To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

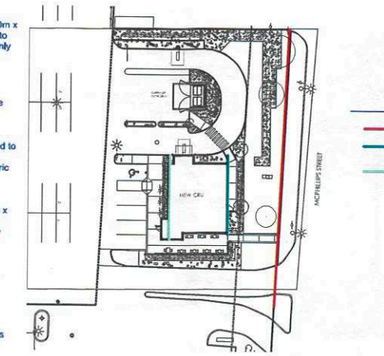
Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	





1 L-1 **Landscape Scope Plan**
Scale: 1:200



2 L-1 **Zoning Analysis Plan**
Scale: 1:500

Zoning Analysis Key

- Frontage - McPhillips
- Principle Facade - Facing McPhillips
- Principle Facade - Primary Building Entry

City of Winnipeg Zoning Requirements

190 (2) Street Edge Landscaping

Street Frontage

McPhillips — 170 Lin ft.

	DBH	Credit
Existing Trees	2"ø	0
	6"ø	2
	8.5"ø	4
Total Credit for retaining exis. trees		6

	Required	Proposed
Trees	6	2
Credit		6
Shrubs	27	50

190 (5) Building Foundation Landscaping (outside of urban infill areas)

Principle Facade

McPhillips — 48 Lin Ft.

	Required	Proposed
Shrubs	5	13

Principle Entry — 51 Lin Ft.

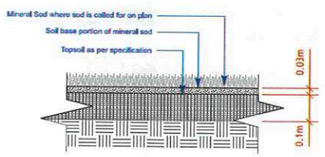
	Required	Proposed
Shrubs	5	11

Surfaces Key

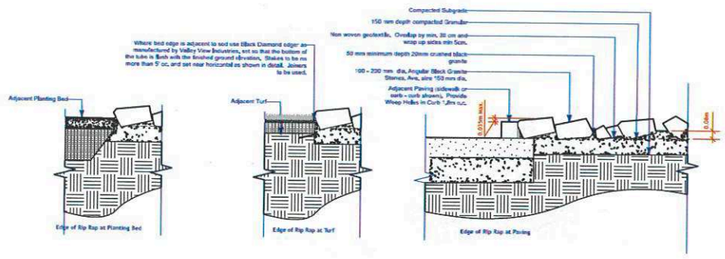
- Sod c.w. Topsoil — 3 L-1
- Dark Grey Granite Rip Rap (200-300mmø) Planting Bed — 4 L-1
- Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric) — 5 L-1

Landscape Surface Schedule

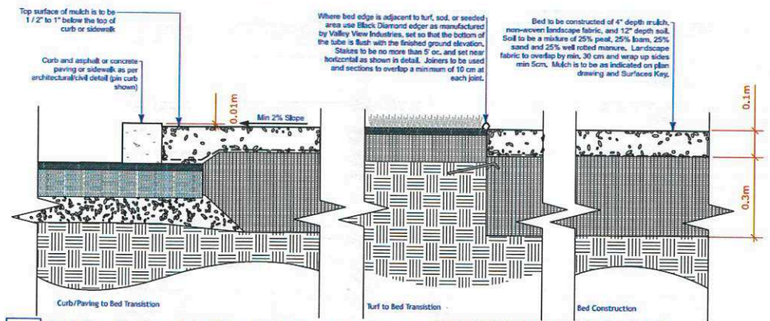
Hardscape Name	Area (sm)
Sod c.w. Topsoil	293.83
Dark Grey Granite Rip Rap (200-300mmø) Planting Bed	76.72
Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)	229.24



3 L-1 **Sod Detail**
Scale: 1:10



4 L-1 **Dark Grey Granite Rip Rap (200-300mmø) Planting Bed**
Scale: 1:25



5 L-1 **Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)**
Scale: 1:10

Note: Mulch is to be as stipulated on the Surfaces Key and may refer to organic mulches such as wood chips, or inorganic mulches such as

General Notes

1. All work to conform to Canadian Landscape Standard (Current Edition)
2. All existing trees, sidewalks, curbs, catch basins, culverts, survey markers, to remain are to be protected during construction. Any damage to them is to be made good by the Contractor. Maintain positive drainage into all catch basins and curb inlets.
3. All work is to be warrantied for a period of not less than 1 year.
4. Contractor is to limit operations to the area within the area of work shown on the drawing. Should areas outside of this limit be damaged during the course of construction, Contractor is to make good the damage at his own expense
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6. All dimensions are in meters unless otherwise noted
7. Contractor to confirm all dimensions and report any discrepancies to Contract Administrator prior to construction.
8. Layout is to be approved by Contract Administrator prior to any construction or demolition/removals.
9. All material depths in details are shown after compaction.

Tree Protection Notes

1. All construction traffic shall be restricted to the limits of construction shown on the drawings.
2. Excavate in a manner to minimize damage to the tree root systems. Keep exposed roots in excavations and trenches moist or shaded. If stockpiling of excavated soil material is required, stockpile in areas away from the tree roots if possible.
3. Where Excavation equipment is operating within tree drip line it shall be track based.
4. For deciduous trees greater than 100 mm in diameter located within 3 meters of the limits of construction, attach wood strapping material having a minimum thickness of 25 millimetres and minimum length of 2440 millimetres around the tree trunks in a manner that will not harm the trees. Do not use nails or other fasteners that penetrate the tree trunk. The width of the strapping may be reduced to suit tree being protected. Length of strapping may be reduced to suit tree being protected as approved by the Contract Administrator.
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8. Repair, replace and maintain tree protection materials, including fencing, during construction until such time no equipment will be working in the area.
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10. Operation of equipment within the dripline of the trees shall be kept to the minimum required to perform the Work and shall be approved by the Contract Administrator prior to the commencement of Work. Equipment shall not be parked, repaired, refuelled, construction materials shall not be stored, and earth materials shall not be stockpiled within the dripline of the trees. The dripline of a tree shall be considered to be the ground surface directly beneath tree from the tree trunk to the tips of its outermost branches. The Contractor shall ensure that the operations do not cause flooding or sediment deposition on areas where trees are located.
11. Remove safety fencing and strapping material without harming the trees as soon as the construction and restoration Work is complete and in order to achieve final landscaping.
12. The Contractor shall take reasonable and prudent precautionary steps to prevent damage from construction activities to existing trees, and trees within the Site, within the limits of the construction area.

Dean Spearman
Landscape Architect

SCHEDULE "A"
page 8 of 14
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81

Zoning Officer
District Planner
Community Clerk
Approved for the Director of Planning, Property and Development
Martin Grady

Carlie Banmann 4/6/2022

Winnipeg

No.	ISSUED FOR		DAT
C	CONSTRUCTION		2021

DRAWN BY: DJS
PRINTING DATE: 2021-03-19

STAMP

DEAN J. SPEARMAN Member No. 86

This drawing was digitally signed by Dean Spearman on April 5, 2021

Crombie

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

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PROJECT TITLE:
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET TITLE:
Landscape Scope Plan

COMMISSION NUMBER: 2013
SHEET NUMBER: L-1

McPhillips Base Building and Starbucks_ Crombie [20-464].vwx

Surfaces Key

- Sod c.w. Topsoil
- Dark Grey Granite Rip Rap (200-300mmø) Planting Bed
- Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)

Bike posts (3 total to accomodate up to 6 bikes)

Ornamental Fence - by Tenant.

NEW CRU

GARBAGE / LOADING

Garbage Enclosure - See Arch.

Bed to extend to property line.

Existing Fence to be Removed

Overhead Wires

Existing 6" ø DBH tree to be retained

Existing 8.5" ø DBH tree to be retained

Existing 2" ø DBH Multistem tree to be retained

Overhead wires

MCPHILLIPS STREET

0 5 10 15 m

1 LC-1 **Landscape Plan**
Scale: 1:200

SCHEDULE "A"
page 10 of 14
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81

Zoning Officer	Carlie Bannmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Winnipeg

Crombie REIT

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

Dean Spearman Landscape Architect

DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET
Landscape Scope Plan

SCHEDULE "A" page 11 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Zoning Officer	Carlie Bannmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Winnipeg

9-Mango Tango Potentilla
9-Karl Foerster Feather Reed Grass
24-Mango Tango Potentilla
5-Karl Foerster Feather Reed Grass
20-Mango Tango Potentilla
3-Festivus Gold Ninebark
5-Daylily Dwarf Yellow
9-Pygmy Caragana
3-Karl Foerster Feather Reed Grass
13-Daylily Dwarf Yellow
4-Miss Kim Lilac
4-Festivus Gold Ninebark
Overhead Wires
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Existing 6" ø DBH tree to be retained
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11-Karl Foerster Feather Reed Grass
1-Gladiator Apple
Overhead wires
NEW CRU
GARBAGE /LOADING
5
TYP.
0 5 10 15 m
1 LC-2 Landscape Plan
Scale: 1:200
MCPHILLIPS STREET

Crombie REIT

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

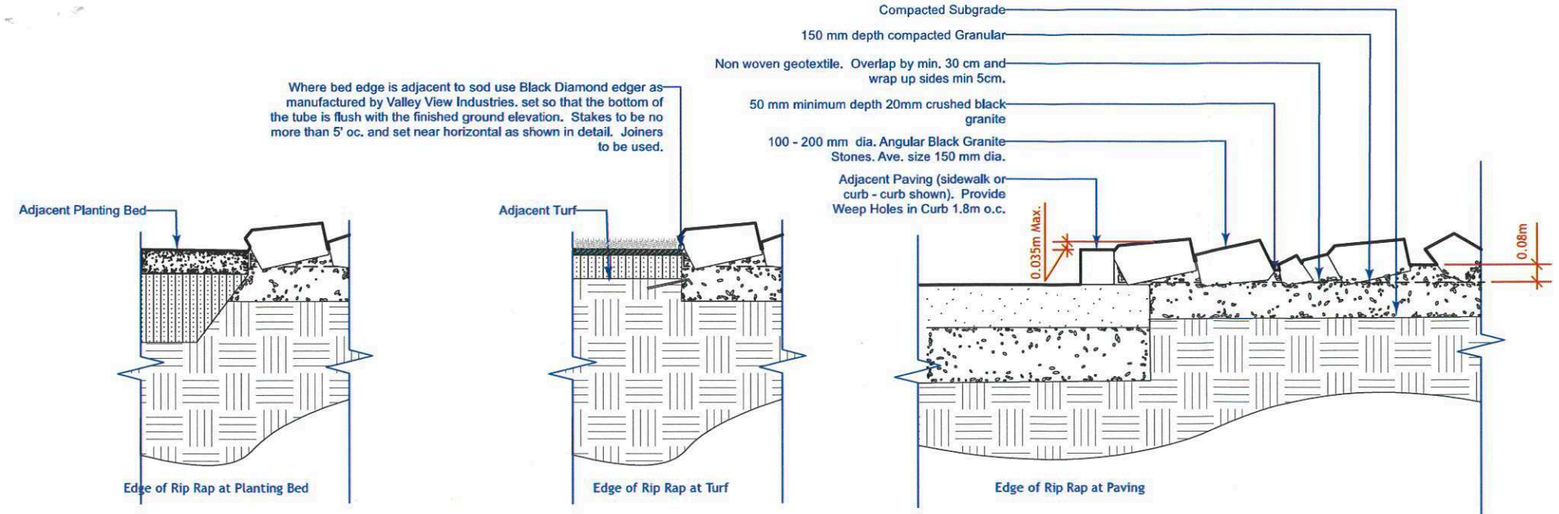
Dean Spearman Landscape Architect

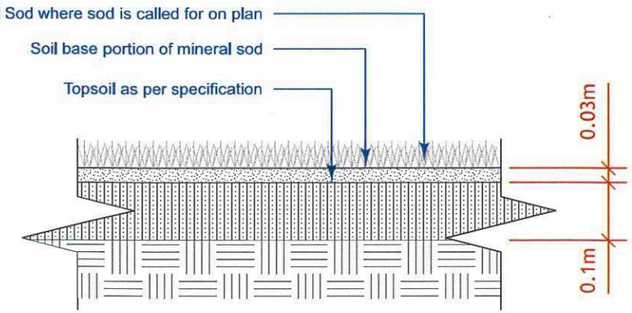
DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

PROJECT
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No.
2013

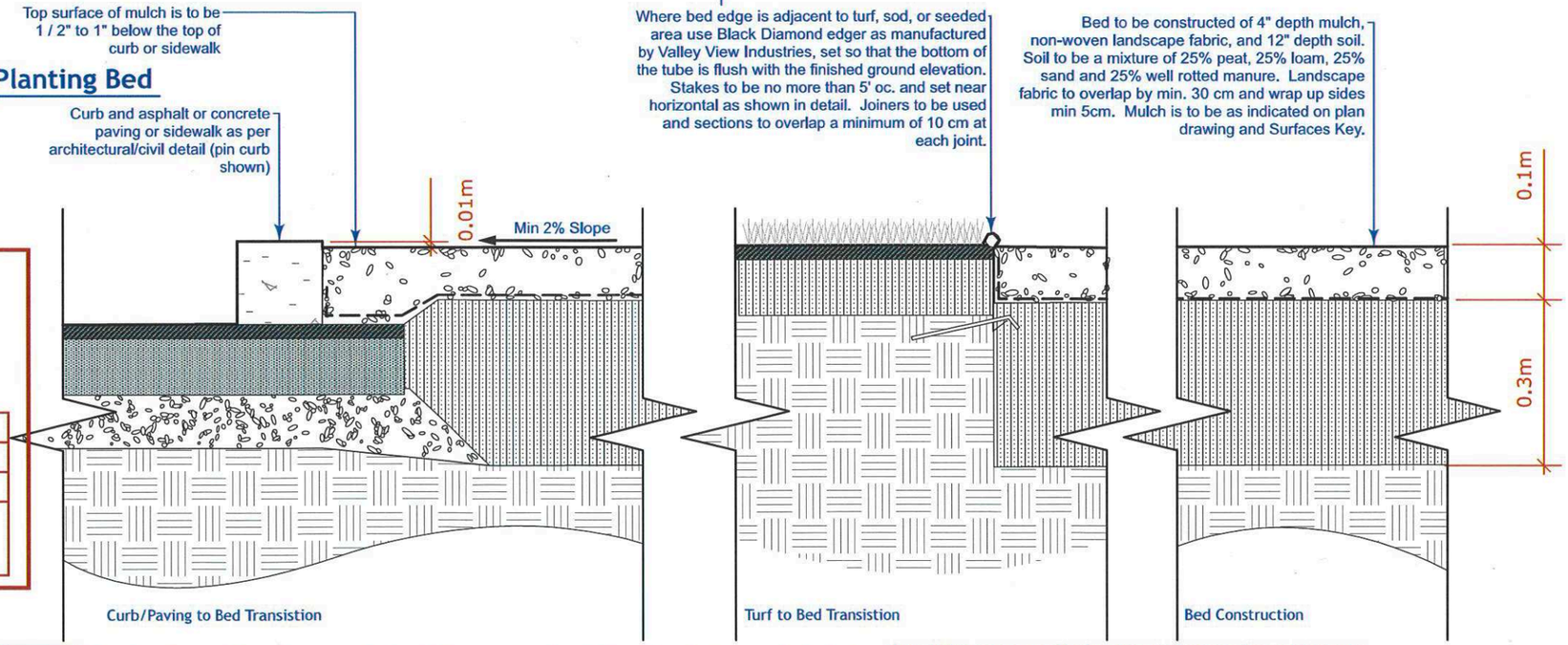
SHEET
Planting Plan





1	**Sod Detail**
LC-5	Scale: 1:10

2	**Dark Grey Granite Rip Rap (200-300mmø) Planting Bed**
LC-5	Scale: 1:25



3	**Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)**
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Note: Mulch is to be as stipulated on the Surfaces Key and may refer to organic mulches such as wood chips, or inorganic mulches such as

SCHEDULE "A" page 14 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

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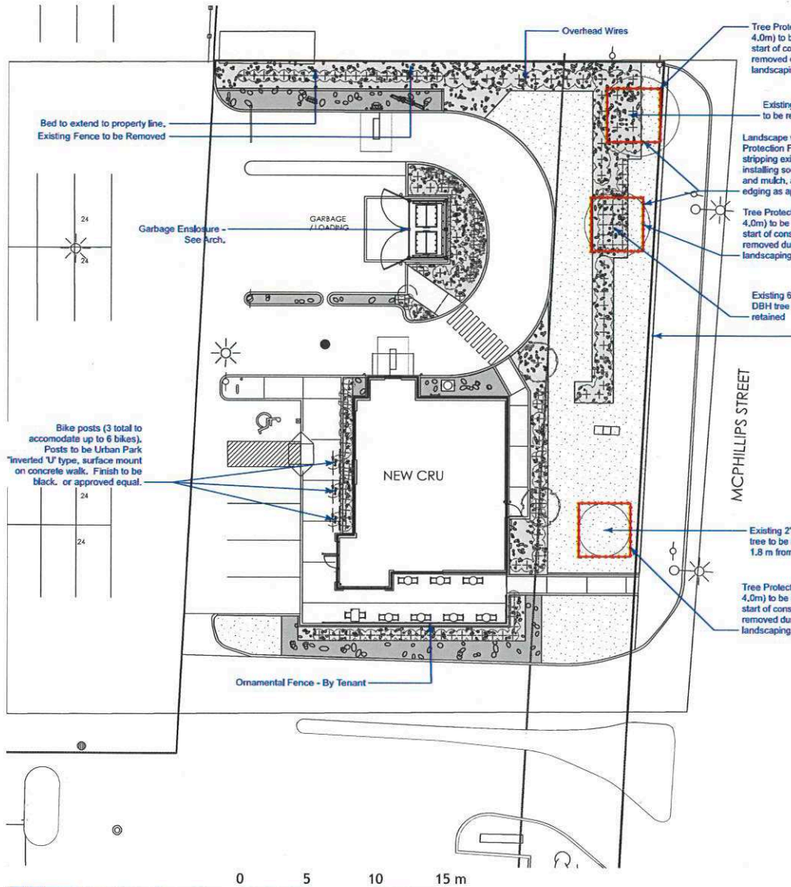
Dean Spearman Landscape Architect

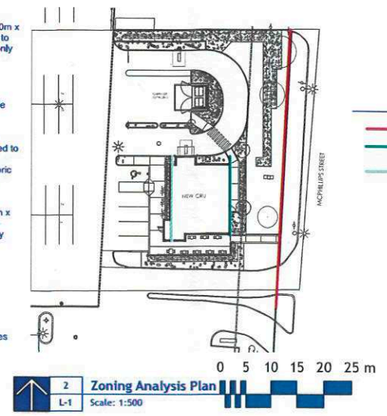
DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

PROJECT
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No.
2013

SHEET
Landscape Material Details





Zoning Analysis Key

- Frontage - McPhillips
- Principle Facade - Facing McPhillips
- Principle Facade - Primary Building Entry

City of Winnipeg Zoning Requirements

190 (2) Street Edge Landscaping

Street Frontage

McPhillips — 170 Lin ft.

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	Required	Proposed
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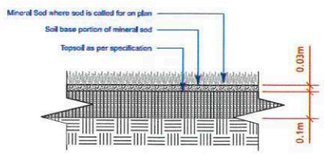
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Surfaces Key

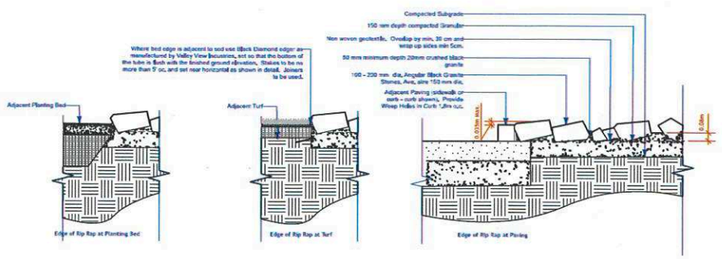
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Landscape Surface Schedule

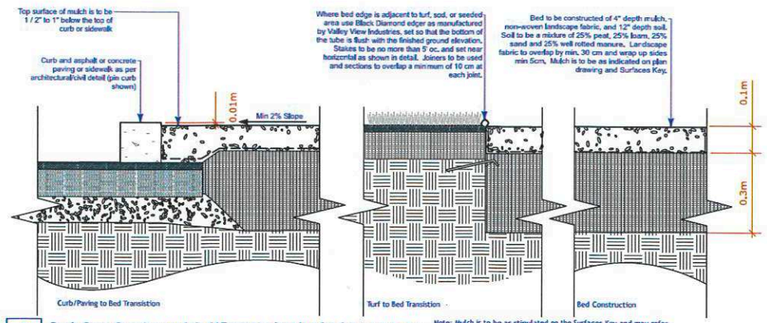
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Scale: 1:10



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Dean Spearman
Landscape Architect

SCHEDULE "A"
To Zoning Agreement: page 8 of 14
DAZ 322/79
By-Law No.: 3012/81

Zoning Officer
District Planner
Community Clerk
Approved for the Director of Planning, Property and Development

Carlie Bannmann 4/6/2022
Martin Grady

Winnipeg

No.	ISSUED FOR	DAT
C	CONSTRUCTION	2021

DRAWN BY: DJS

PRINTING DATE: 2021-03-19

STAMP

MANITOBA ASSOCIATION OF LANDSCAPE ARCHITECTS
DEAN J. SPEARMAN
Member No. 66

This drawing was digitally signed by Dean Spearman on April 5, 2021

Crombie
NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

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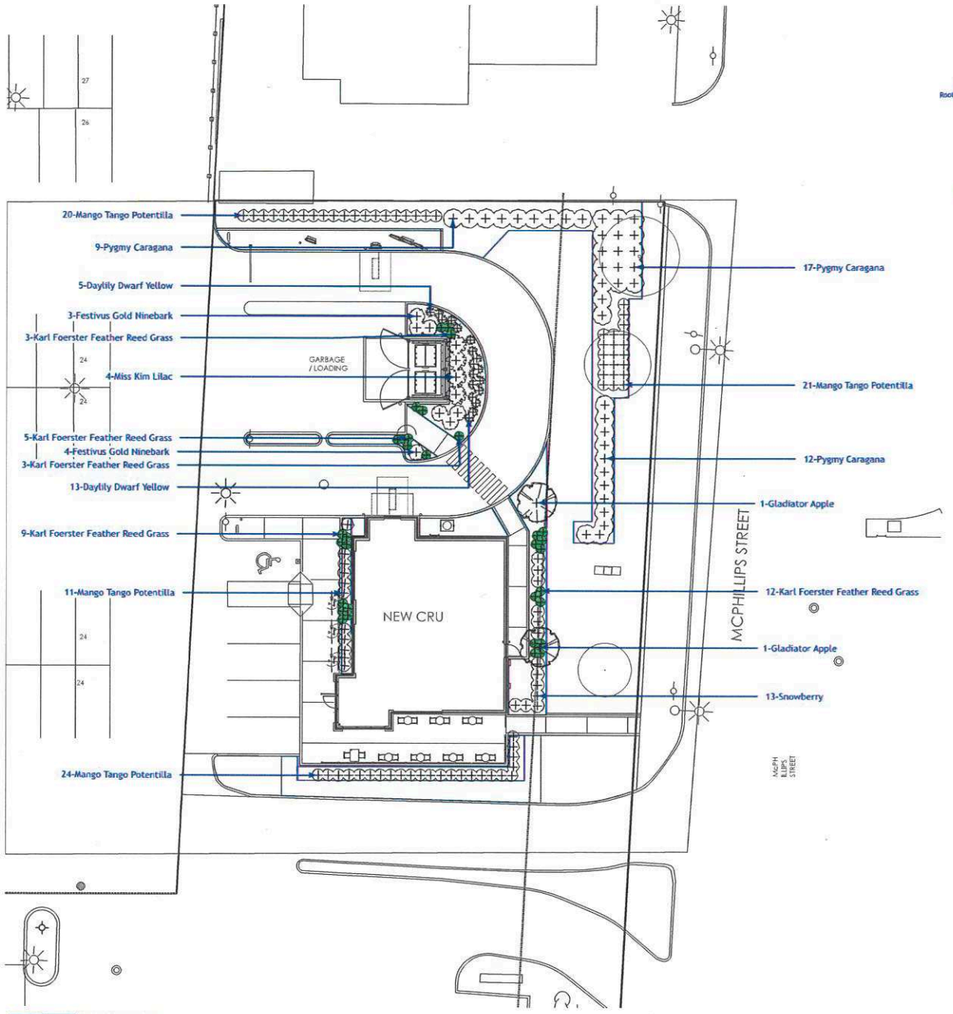
The contractor is to verify dimensions and date noted hereon with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

PROJECT TITLE:
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET TITLE:
Landscape Scope Plan

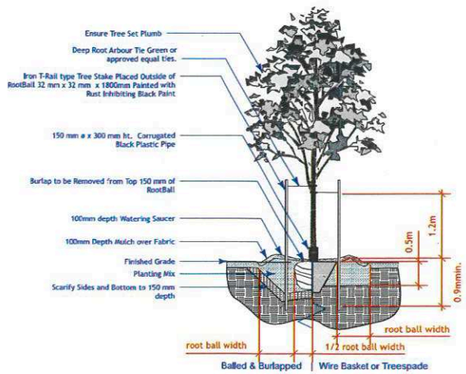
COMMISSION NUMBER: **2013**
SHEET NUMBER: **L-1**

McPhillips Base Building and Starbucks_ Crombie [20-464].vwx

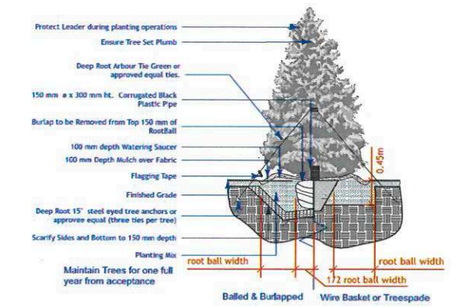


1 L-2 **Planting Plan**
Scale: 1:200

4 L-2 **Shrub Planting Detail**
Scale: 1:50



2 L-2 **Deciduous Tree Planting Detail**
Scale: 1:50



3 L-2 **Evergreen Tree Planting Detail**
Scale: 1:50

Plant Schedule

Common Name	Botanical Name	Qty	Scheduled Size (Containerized trees will not be accepted)
Evergreen Trees			
Trees			
Gladiator Apple	Malus x adstringens 'Durleo'	2	60 mm ø 3.0-3.5m height, 75 cm dia. root ball, 12 major branches, 2.0m above grade, balled & burlapped or tree mover; wire basket. Double stake where required.
Shrubs			
Pygmy Caragana	Caragana pygmae	38	60 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Festivus Gold Ninebark	Physocarpus opulifolius 'Bert Dart's Gold'	7	30 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Mango Tango Potentilla	Potentilla fruticosa 'Mango Tango'	76	30 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Snowberry	Symphoricarpos occidentalis	13	60 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Miss Kim Lilac	Syringa x 'Miss Kim'	4	60 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Evergreen Shrubs			
Perennials			
Daylily Dwarf Yellow	Hemoerocallis x. Dwarf Yellow	18	Large Pot 2 yr. plant
Ornamental Grasses			
Karl Foerster Feather Reed Grass	Calamagrostis x acutiflora 'Karl Foerster'	32	Large Pot 2 yr. plant
Ferns / Mosses			
Vines			
Aquatic Plants			
Total Plants on Schedule		190	
Total Plants in Drawing		190	

General Notes

1. All work to conform to Canadian Landscape Standard (Current Edition)
2. All existing trees, sidewalks, curbs, catch basins, culverts, survey markers, to remain are to be protected during construction. Any damage to them is to be made good by the Contractor. Maintain positive drainage into all catch basins and curb inlets.
3. All work is to be warrantied for a period of not less than 1 year.
4. Contractor is to limit operations to the area within the area of work shown on the drawing. Should areas outside of this limit be damaged during the course of construction, Contractor is to make good the damage at his own expense
5. Contractor is to obtain location of all utilities prior to construction. If using power equipment to excavate contractor must notify Hydro and Gas and telephone utilities and take steps to avoid damaging their installations.
6. All dimensions are in meters unless otherwise noted
7. Contractor to confirm all dimensions and report any discrepancies to Contract Administrator prior to construction.
8. Layout is to be approved by Contract Administrator prior to any construction or demolition/removals.
9. All material depths in details are shown after compaction.

Planting Notes

1. All plant material, including trees, shrubs, perennials and sod, shall conform to Canadian Standards for Nursery Stock, 9th edition as published by the Canadian Nursery and Landscape Association.
2. All planting shall conform to the Canadian Landscape Standard (CLS) Current Edition
3. As per CLS 9.3.4.3 h, Wire baskets should not be removed from rootballs. Any visible portion should be folded down away from the rootball and buried. Where the wire basket is oversized such that the top wire is higher than the grade, any visible portions should be folded down away from the rootball or the basket shall be cut back to a minimum of 10cm (4in.) below the surface of the growing medium.
4. As per CLS 9.3.4.1,
   a. All planting hole depths should only be dug deep enough to accommodate the root system or root mass at the desired depth relative to the surrounding grade.
   b. Root balls shall be placed on the undisturbed subgrade to prevent settling.
   c. With the exception of woody plants, plants shall be planted so that after settlement the level of the adjacent growing medium surface matches the level of the original growing medium surface in the nursery. The growing medium mark on the stem is an indication of planting depth, and it shall be maintained on the finished level, allowing for settling of the growing medium after planting. The total depth of rootballs shall be planted in the growing medium.
   d. Woody plants shall be planted with the root flare2.5-5cm(1-2in.) above finish grade.
   e. Plants shall be set plumb in the planting beds or in the centre of the pits, except where the plant's character requires variation from this.
5. No substitutions for plant material will be allowed without prior written consent of the Landscape Architect.
6. All plants are to be installed as per the details provided.
7. Minimum trees spacing to be 7 m for deciduous trees and 4 m for coniferous trees
8. All plants shall be located or proposed locations staked out prior installation. Street Tree locations are schematic only. Trees shall be planted 1.8 m from curb and a minimum of 1.8 m from driveway aprons and 4 m from street lights. Conifers shall be located min 4 m from sidewalks. Landscape Architect is to approve location prior to digging. Landscape Architect reserves the right to adjust locations of proposed plant material prior to installation.
9. Contractor to review and accept planting locations as appropriate culturally for the species specified prior to installing plant material. Installation of plant material shall be considered acceptance of the suitability of the location.
10. Contractor shall guarantee new plant material for a period of two calendar years from the date of owner acceptance. Warranty shall only begin after the installation and acceptance of all landscape materials. The Landscape Architect reserves the right to extend the warranty of material found in poor condition at the end of the warranty period for a further calendar year.
11. Contractor shall replace material found to be dead or in poor condition within two weeks of being notified by the Landscape Architect.

Landscape Maintenance Notes

1. Landscape Maintenance work shall conform to the Canadian Landscape Standard (Current Edition) to the "Groomed" level.
2. Maintain all soft landscaping for a period of two years after the recognized completion date and until acceptance (end of maintenance) by the Contract Administrator. Should the recognized completion date occur after September 15 their will be a further 30 day maintenance period beginning on May 1 of the following year.
3. Drain pipe orifice (Located at SW corner of patio) is to cleaned of debris during each maintenance visit to the site.
4. Contractor is to control pests and diseases as required. Contractor shall inform the Contract Administrator prior to applying pesticides and use only those pesticides of low mammalian toxicity. Persons applying pesticides shall have a valid pesticide applicators license and strictly follow manufacturers instructions regarding the application of the chemicals and the safety precautions required to apply them.
5. Contractor shall maintain tree pits and planting beds in a weed free condition throughout the maintenance period. Weed should be removed frequently and not left to establish for a period greater than 10 days.
6. Pruning shall be done by persons with a valid qualification (ie. Tree Pruners License) from the local authority. Pruning shall be as necessary to remove dead or damaged limbs as well as maintain species typical form and healthy growth. Pruning shall be done in accordance with industry accepted methods to standard good practice. In the event of a disagreement the opinion of the Contract Administrator as to what constituted standard good practice shall be considered final.
7. The replacement of any new deciduous or coniferous plant material shall initiate the start of an additional 2 year maintenance on the replaced plant.
8. Tree support and stakes are to be inspected at each weeding/watering to ensure that they are properly adjusted.
9. Water shall be applied as required to maintain optimum conditions. During dry weather the Contractor should expect to water on a weekly basis. Each tree is to be thoroughly watered when it is watered (40 liters per 25 mm of calliper). Contractor is to avoid over watering by reducing the frequency during wet weather.
10. Sod shall be watered as necessary to maintain in a green and healthy condition. Sod shall be cut minimum once every week during May and June and once every 10 days during July to October or more frequently if growing conditions are such as to require added cutting to keep the grass in good and neat condition.
11. Sod and Planting beds shall be fertilized not less than three times per growing season.
12. At the end of each growing season Contractor is to ensure that tree is properly fitted with rodent protection as per the planting detail.

Dean Spearman
Landscape Architect

SCHEDULE "A"
To Zoning Agreement: DAZ 322/79 page 9 of 14
By-Law No.: 3012/81

Zoning Officer	Carlie Baumann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

C CONSTRUCTION
No. ISSUED FOR
DRAWN BY: DJS

PRINTING DATE: 2021-03-19

STAMP

THE MANITOBA ASSOCIATION OF LANDSCAPE ARCHITECTS
DEAN J. SPEARMAN
Member No. 86

This drawing was digitally signed by Dean Spearman on April 5, 2021

Crombie

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3769 www.nejmark.mb.ca

Drawings and specifications, as instruments of service are the property of the architect the copyright in this same being reserved to them. No reproduction may be made without the permission of the architects, and when made, must bear their names. All prints to be returned.

The contractor is to verify dimensions and date noted hereon with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

PROJECT TITLE:
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET TITLE:
Planting Plan

COMMISSION NUMBER: **2013**
SHEET NUMBER: **L-2**

McPhillips Base Building and Starbucks_ Crombie [20-464].vwx

Surfaces Key

- Sod c.w. Topsoil
- Dark Grey Granite Rip Rap (200-300mmø) Planting Bed
- Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)

Bike posts (3 total to accomodate up to 6 bikes)

Ornamental Fence - by Tenant.

NEW CRU

GARBAGE / LOADING

Garbage Enslosure - See Arch.

Bed to extend to property line.

Existing Fence to be Removed

Overhead Wires

Existing 6" ø DBH tree to be retained

Existing 8.5" ø DBH tree to be retained

Existing 2" ø DBH Multistem tree to be retained

Overhead wires

MCPHILLIPS STREET

0 5 10 15 m

1 LC-1 **Landscape Plan**
Scale: 1:200

SCHEDULE "A"
To Zoning Agreement: DAZ 322/79
By-Law No.: 3012/81
page 10 of 14

Zoning Officer	Carlie Bannmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Winnipeg

Crombie REIT

NEJMARK ARCHITECT
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Dean Spearman Landscape Architect

DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET
Landscape Scope Plan

SCHEDULE "A"

page 11 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Winnipeg

9-Mango Tango Potentilla
24-Mango Tango Potentilla
9-Karl Foerster Feather Reed Grass
5-Karl Foerster Feather Reed Grass
20-Mango Tango Potentilla
GARBAGE / LOADING
NEW CRU
3-Festivus Gold Ninebark
5-Daylily Dwarf Yellow
9-Pygmy Caragana
3-Karl Foerster Feather Reed Grass
13-Daylily Dwarf Yellow
4-Miss Kim Lilac
4-Festivus Gold Ninebark
Overhead Wires
3-Karl Foerster Feather Reed Grass
Existing 6" ø DBH tree to be retained
17-Pygmy Caragana
Existing 8.5" ø DBH tree to be retained
21-Mango Tango Potentilla
12-Pygmy Caragana
Existing 2" ø DBH Multistem tree to be retained
11-Karl Foerster Feather Reed Grass
1-Gladiator Apple
Overhead wires
0 5 10 15 m
MCPHILLIPS STREET

1 LC-2 **Landscape Plan**
Scale: 1:200

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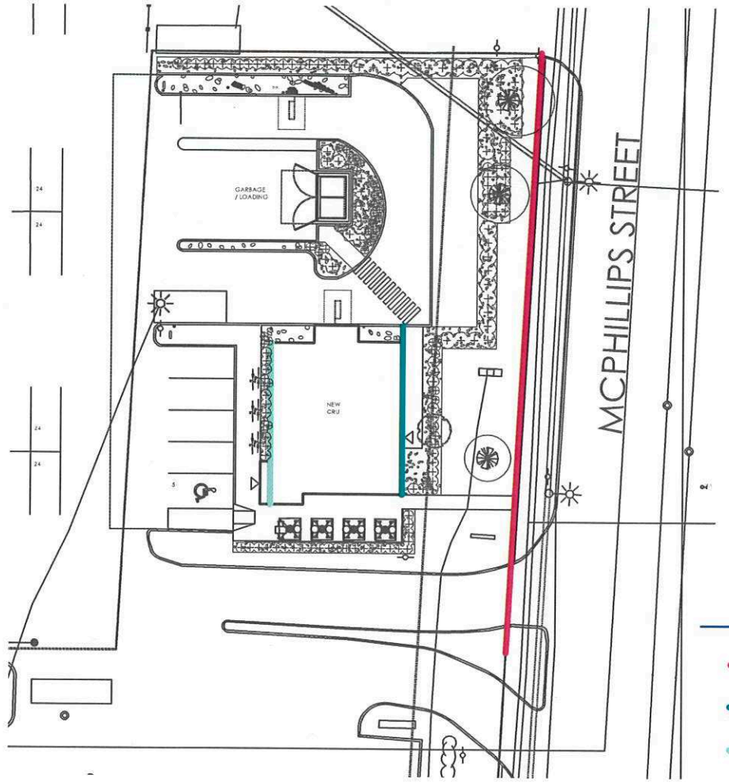
Dean Spearman Landscape Architect

DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

PROJECT
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No.
2013

SHEET
Planting Plan



0 5 10 15 20 25 m

1 LC-3 **Zoning Analysis Plan**

Scale: 1:500

Zoning Analysis Key

- Frontage - McPhillips
- Principle Facade - McPhillips
- Principle Facade -Principle Entry

City of Winnipeg Zoning Requirements

190 (2) Street Edge Landscaping

Street Frontage

McPhillips — 170 Lin ft.

	DBH	Credit
Existing Trees	2"ø	0
	6"ø	2
	8.5"ø	4
Total Credit for retaining exis. trees		6

	Required	Proposed
Trees	6	1
Credit		6
Shrubs	27	50

190 (5) Building Foundation Landscaping (outside of urban infill areas)

Principle Facade

McPhillips — 47 Lin Ft.

	Required	Proposed
Shrubs	5	13

Principle Entry — 45 Lin Ft.

	Required	Proposed
Shrubs	5	9

SCHEDULE "A" page 12 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Crombie REIT

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Dean Spearman Landscape Architect

DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

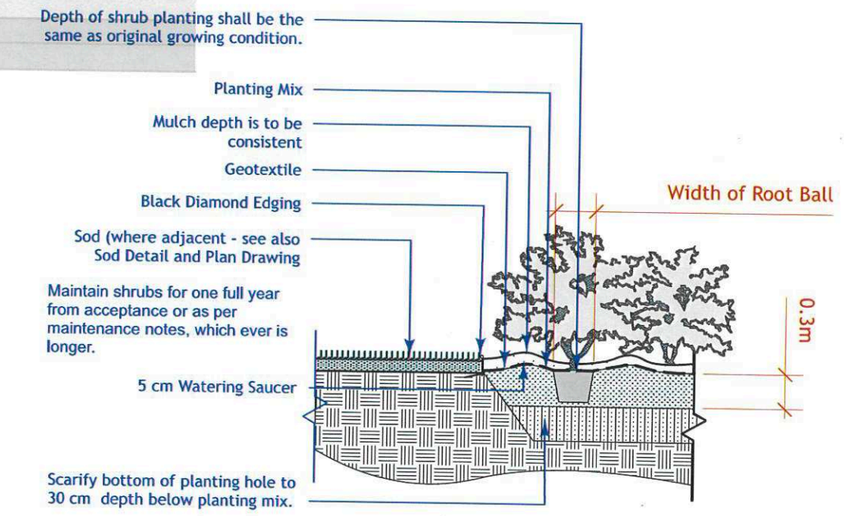
PROJECT
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No.
2013

SHEET
Landscape Zoning Analysis Plan

Plant Schedule

Common Name	Botanical Name	Qty	Scheduled Size (Containerized trees will not be accepted)
Evergreen Trees			
Trees			
Gladiator Apple	Malus x adstringens 'Durleo'	1	60 mm ø 3.0-3.5m height, 75 cm dia. root ball, 12 major branches, 2.0m above grade, balled & burlapped or tree mover; wire basket. Double stake where required.
Shrubs			
Pygmy Caragana	Caragana pygmae	38	60 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Festivus Gold Ninebark	Physocarpus opulifolius 'Bert Dart's Gold'	7	30 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Mango Tango Potentilla	Potentilla fruticosa 'Mango Tango'	74	30 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Snowberry	Symphoricarpos occidentalis	13	60 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Miss Kim Lilac	Syringa x 'Miss Kim'	4	60 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Evergreen Shrubs			
Perennials			
Daylily Dwarf Yellow	Hemoerocallis x. Dwarf Yellow	18	Large Pot 2 yr. plant
Ornamental Grasses			
Karl Foerster Feather Reed Grass	Calamagrostis x acutiflora 'Karl Foerster'	31	Large Pot 2 yr. plant
Ferns / Mosses			
Vines			
Aquatic Plants			
Total Plants on Schedule		186	
Total Plants in Drawing		186	



1 / LC-4 **Shrub Planting Detail**
Scale: 1:50

SCHEDULE "A" page 13 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

Crombie REIT

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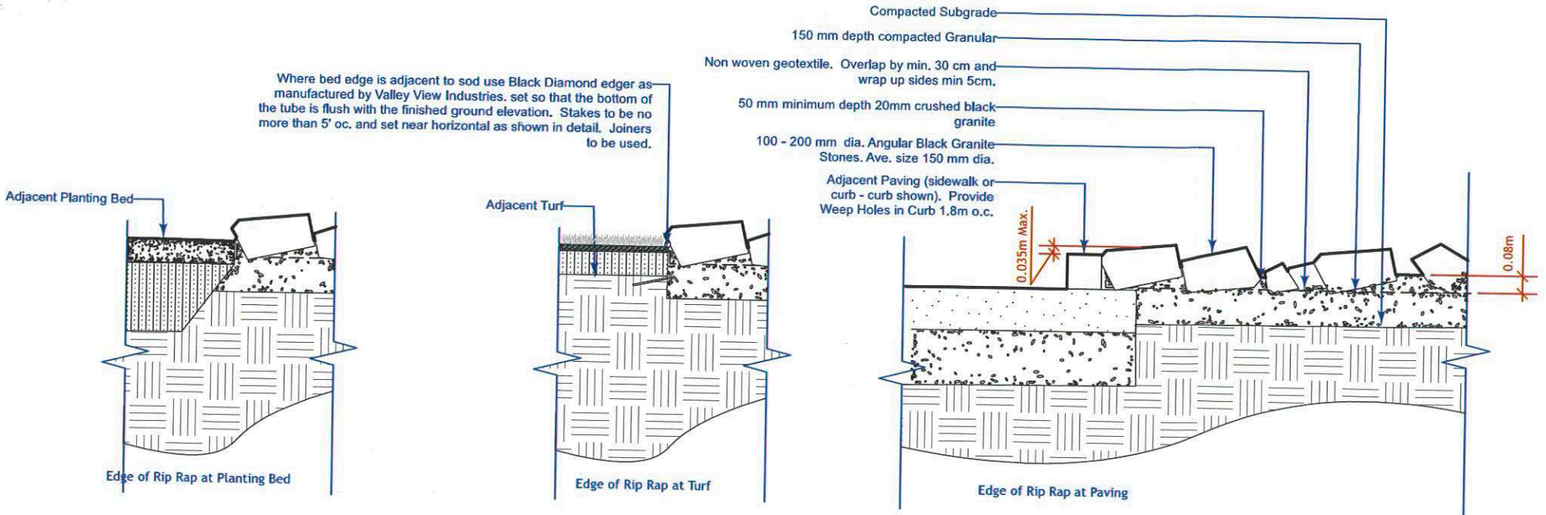
Dean Spearman Landscape Architect

DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

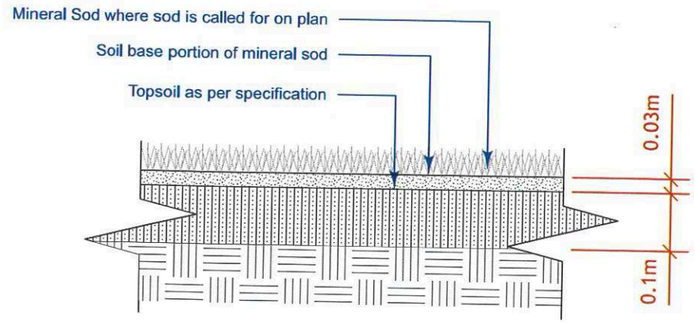
PROJECT 3012/81
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No. 2013

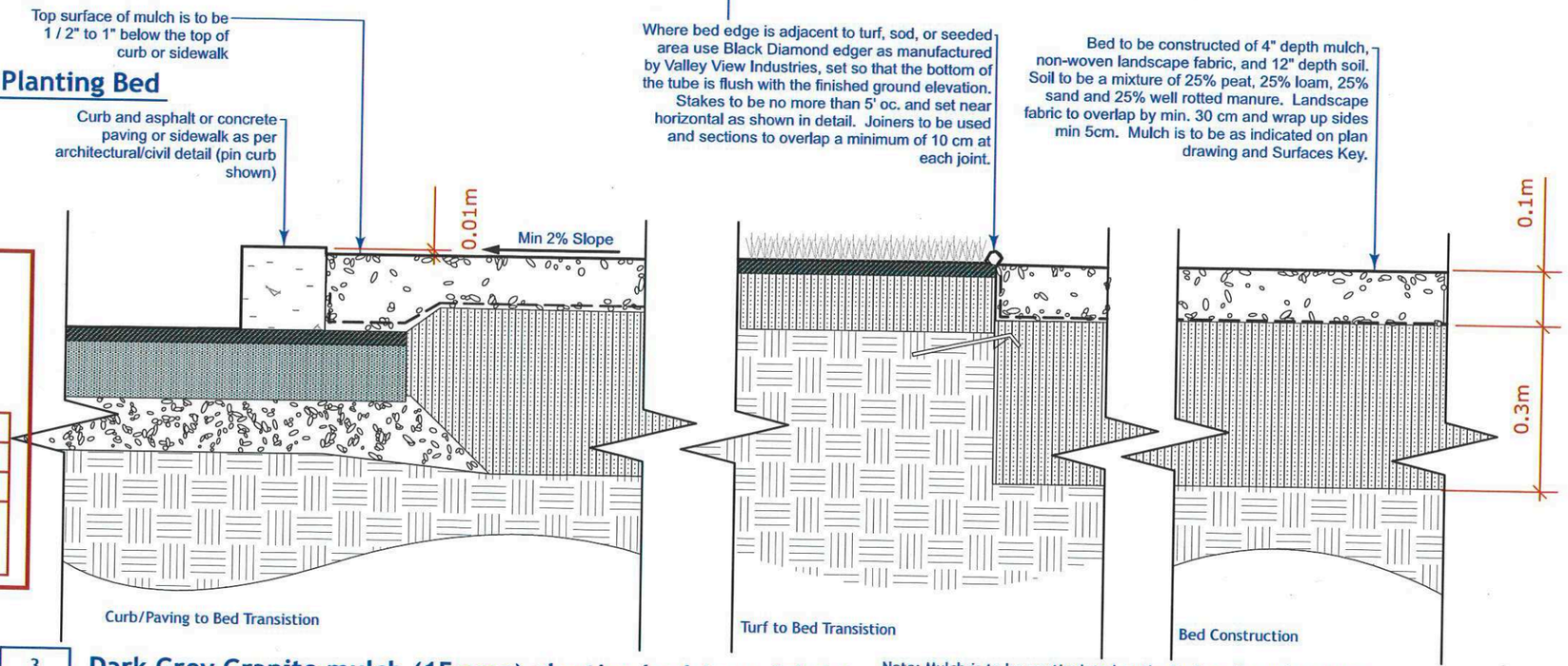
SHEET
Planting Details



2 | LC-5 **Dark Grey Granite Rip Rap (200-300mmø) Planting Bed**
Scale: 1:25



1 | LC-5 **Sod Detail**
Scale: 1:10



3 | LC-5 **Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)**
Scale: 1:10

Note: Mulch is to be as stipulated on the Surfaces Key and may refer to organic mulches such as wood chips, or inorganic mulches such as

SCHEDULE "A" page 14 of 14

To Zoning Agreement: DAZ 322/79

By-Law No.: 3012/81

Winnipeg

Zoning Officer	Carlie Banmann	4/6/2022
District Planner		
Community Clerk		
Approved for the Director of Planning, Property and Development	Martin Grady	

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DRAWN BY	SCALE	DATE ISSUED		ISSUED BY
DJS	AS NOTED	2021-01-26		DJS

PROJECT
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

COMM. No.
2013

SHEET
Landscape Material Details

MLT AIKINS

WESTERN CANADA'S LAW FIRM

MLT Aikins LLP
30th Floor - 360 Main Street
Winnipeg, MB R3C 4G1
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F: (204) 957-0840

John B. Martens*
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Agnes Tolka
Legal Assistant
Direct Line: (204) 957-4727
E-mail: atolka@mltaikins.com

September 13, 2023

City Hall – City Clerk's Department
510 Main Street
Winnipeg, MB R3B 1B9
Attention: Mr. Peter Prinsloo

City of Winnipeg
Legal Service Department
510 Main Street
Winnipeg, MB, R3B 1B9
Attention: Mr. Joe Andrade

Dear Messrs Prinsloo and Andrade:

Re:	**Plan Approval 22-133171 – 920 Jefferson Ave, Winnipeg DAZ 322/79** **Executive Policy Committee Meeting date: September 21, 2023 at 9:30 a.m.**
MLT Aikins File No:	**0055736-00007**

We are legal counsel for Snowcat Property Holdings Ltd. (Snowcat). We write further to the Plan Approval requested for the above noted property scheduled to be considered by the Executive Policy Committee (EPC) on September 21, 2023.

As you are aware, Plan Approval was before the West Kildonan Community Committee, the Standing Policy Committee, and EPC in the past. At those meetings, the adjacent property owner Niata Enterprises Ltd. (Niata) objected to Plan Approval on the basis that it alleged to hold a prescriptive easement, or an easement arising by promissory estoppel, over the lands owned by Snowcat. It alleged that the easement prevents or otherwise restricts development in the manner proposed by Snowcat. Niata further alleged that considerations of parking, traffic, and building location had an impact upon its rights such that Plan Approval should be refused.

On April 28, 2022, we informed the City that Niata's claim had been dismissed in its entirety by the Honourable Mr. Justice Toews of the Court of King's Bench (*Niata Enterprises v. Snowcat Property Holdings Limited,* 2022 MBQB 50). Nonetheless, SPC made the decision to decline Plan Approval because of the issues raised by Niata's appeal to the Manitoba Court of Appeal.

On May 24, 2023 the Manitoba Court of Appeal rendered its decision. The Court dismissed the appeal and decided, unanimously, that Niata has no legal or equitable rights over the property owned by Snowcat. A copy of the Court's decision is attached as Appendix "A". Niata did not

seek leave to appeal to the Supreme Court of Canada. The legal proceedings are therefore concluded and the findings of Justice Toews and the Court of Appeal are final.

We also attach, for your convenience, copies of our earlier letters addressed to the City. The letters detail our request on behalf of Snowcat that the City proceed with consideration of the Plan Approval pursuant to the Development Procedures By-law:

- May 3, 2021 (Attached as Appendix "B");
- May 27, 2021 (Attached as Appendix "C");
- September 10, 2021 (Attached as Appendix "D");
- October 19, 2021 (Attached as Appendix "E");
- April 28, 2022 (Attached as Appendix "F"); and
- June 29, 2022 (Attached as Appendix "G").

Finally, I attach a letter from the City of Winnipeg legal services dated June 1, 2021 addressed to Niata (Appendix "H"). Legal services similarly viewed the claims of Niata as falling within the jurisdiction of the Court, and that the City committees should decide the Plan Approval on its merits.

After more than two years of delays, Niata's allegations concerning the property have now been finally dismissed by the Courts and Plan Approval is back before the City. The Plan Approval is recommended by Administration, and complies with all City requirements. The development of the parking lot area into a well-known coffee shop will be of benefit to the local area, and to the City as a whole.

Snowcat looks forward to its appearance before EPC on September 21, 2023 to obtain Plan Approval for this exciting development.

Yours truly,

MLT AIKINS LLP

Per:

John B. Martens

JBM:at

APPENDIX "A"

Citation: Niata Enterprises Ltd et al v Snowcat Property Holdings Limited,
2023 MBCA 48
Date: 20230524
Docket: AI22-30-09764

IN THE COURT OF APPEAL OF MANITOBA

Coram: Madam Justice Freda M. Steel
Madam Justice Janice L. leMaistre
Chief Justice Glenn D. Joyal (*ad hoc*)

BETWEEN:

NIATA ENTERPRISES LTD. and 6577661 MANITOBA LTD.	)	***P. Halamandaris*** *and* ***L. L. Gergely*** *for the Appellants*
(Applicants) Appellants	)	***J. B. Martens*** *and* ***B. Cornick***
- and -	)	*for the Respondent*
SNOWCAT PROPERTY HOLDINGS LIMITED	)	*Appeal heard:* ***January 4, 2023***
(Respondent) Respondent	)	*Judgment delivered:* ***May 24, 2023***

On appeal from 2022 MBQB 50

STEEL JA

[1] The applicants appeal the dismissal by the application judge of their application for a declaration as to entitlement to an easement over the property of the respondent, Snowcat Property Holdings Limited (Snowcat) (the property), and an injunction restraining Snowcat from interfering with that easement. The applicants seek the easement based both on a prescriptive easement and on an equitable easement by virtue of promissory estoppel.

Facts

[2] The applicant Niata Enterprises Ltd. (Niata) is the original owner of the Thunderbird restaurant (Thunderbird) which has operated at the same location since the 1960s. The applicant 6577661 Manitoba Ltd. (657) is the current owner and tenant of Thunderbird. Snowcat is the present owner of the property on which a Freshco grocery store (formerly, Safeway), a gas station, and a large parking lot are currently located. While the parking lot is for the customers of Freshco, it has for many years also been used by the customers, and sometimes delivery drivers and suppliers, of Thunderbird.

[3] In 1960, prior to Snowcat's purchase of the property, it was owned by a church and Niata paid it $200 annually to allow their customers to park on the property. Apparently, there was some sort of agreement that, when the church decided to sell the property, Niata would have the opportunity to purchase it. The agreement was never placed in writing or formalized in any way. The church did not offer Niata the opportunity to purchase the property but instead, sold it to a developer in 1980. Niata took no steps to seek redress once they became aware that the property had been sold to a third party. Niata attempted to continue paying the annual amount, but the new owner refused to accept the payment. The new owner put up "no parking signs" but after some intervention by Niata and the City of Winnipeg, the signs came down.

[4] In approximately 1982 when a Safeway store was first constructed on the property, a new parking lot was constructed and an approximately four-foot-high wood and steel fence was erected along the boundary between the property and Niata's land preventing any vehicle access between them. While there is no formal means of either vehicle or pedestrian access between the

property and Niata's land, there are two gaps in the guardrails which allow for people to pass between the parking lot on the property and Thunderbird. The property has signage prohibiting unauthorized parking.

[5] Nonetheless, the customers, employees, delivery drivers and other invitees have continued using the parking lot since that time. No caveat or other indication of interest in the property has ever been registered by Niata against the title of the registered owner of the adjoining property since Thunderbird was first constructed.

Application Judge

[6] The application judge dismissed the application. He found that the applicants have failed to "prove all of the essential elements necessary to establish a prescriptive easement" (at para 44). Specifically, the application judge found that the evidence (*ibid*):

> . . .
>
> a) [Did] not support a claim that there is a right over the disputed easement area capable of forming the subject matter of a grant;
>
> b) [Did] not support a claim that the usage is without permission, either oral or written for a minimum period of 20 years or that the usage has occurred continuously and uninterrupted in an open and peaceful way for 40 years;
>
> c) [Did] not support a claim that the use was as of right rather than by way of the permission of the landholder; and

d) [S]upports a finding that the use of the disputed easement area by the applicants was on the basis of neighbourly accommodation.

[7] Further, he found that the applicants' claim to "access the disputed easement area is not supported by the doctrine of proprietary or equitable estoppel" (at para 45). He was not satisfied that there was a promise made by a previous owner to allow the use of the parking lot, which promise was relied upon by Niata.

[8] Having found that there was no basis to claim the easement based on equitable easement or proprietary estoppel, he nevertheless reviewed the claim on the basis of section 58(1) of *The Real Property Act*, CCSM c R30 (the *RPA*) and found that it did not meet those requirements.

[9] Having found that there was no claim for an easement, he denied the interlocutory injunction.

[10] The applicants appeal, raising three issues:

1. Do they satisfy the requirements for a prescriptive easement and, more specifically:

    a. Is the interest claimed capable of being the subject matter of a grant?

    b. Does the usage satisfy the 20 or 40-year periods set out in the *RPA*?

c. Was the usage as a matter of right or on the basis of neighbourly accommodation as found by the application judge?

2. Are the applicants entitled to an equitable easement by virtue of proprietary estoppel?

3. Are the applicants entitled to an injunction?

Analysis

Standard of Review

[11] Whether the application judge applied the correct legal test is a question of law and the standard of review is correctness. Whether the facts satisfy the legal test is a question of mixed fact and law and the standard of review is palpable and overriding error, unless there is an extricable question of law (see *Housen v Nikolaisen*, 2002 SCC 33).

Law With Respect to Easements

[12] The law governing the establishment of a prescriptive easement in Manitoba was set out in detail in the application judge's reasons and in *RPM Farms Ltd et al v Laurence Jay Rosenberg et al*, 2019 MBQB 140; *St Boniface Warehousing Ltd v BBD Holdings Ltd*, 2019 MBQB 181; and *Klimack et al v Kroeker et al*, 2020 MBCA 98. I do not find it necessary to repeat it in detail since the applicable law is not in dispute but rather, the application judge's application of that law to the facts.

[13] However, it is interesting to note that the statutory basis for finding an easement by prescription in Manitoba is still governed by English legislation that was enacted several decades before Manitoba became the fifth province of Confederation. Manitoba is one of the few remaining jurisdictions in Canada in which prescriptive easements established under *The Prescription Act 1832* (UK), 2 & 3 Will IV, ch 71 (the *Act*) continue to exist (see *Klimack* at para 13).

[14] Notably, the *Act* has been derided by the Manitoba Law Reform Commission, the Ontario Law Reform Commission and the English Law Reform Committee as being one of the most poorly and incomprehensibly drafted statutes in all of English history, which is saying a lot (see *Kaminskas v Storm*, 2009 ONCA 318 at para 25; *Klimack* at paras 13-14; and Ontario Law Commission, *Report on Limitation of Actions* (Toronto: Department of the Attorney General, 1969).

[15] In any case, a quick review of the basic principles reveals that the Legislature, by virtue of section 58(1)(c) of the *RPA*, has chosen to make easements an exception to the indefeasibility of title which lies at the heart of Manitoba's Torrens land system. The *RPA* allows an exception for "any right-of-way or other easement, howsoever created, upon, over, or in respect of, the land".

[16] Nonetheless, the onus to establish an easement lies on the person claiming it on a balance of probabilities and, in considering a prescriptive easement, the court should be cautious, and the evidence should be clear and solid (see *RPM Farms* at paras 31, 44).

[17] First, the claimant must satisfy all four essential requirements of an easement at law, in addition to the criteria of a prescriptive easement. They are:

1. There must be a dominant tenement and a servient tenement.

2. An easement must accommodate the dominant tenement.

3. Dominant and servient owners must be different persons, and

4. A right over land cannot amount to an easement, unless it is capable of forming the subject matter of a grant (see *Klimack* at para 6).

See *RPM Farms* at para 25.

[18] The last criteria requires some explanation. All easements limit the use and enjoyment of the servient tenement by its owner to some extent. However, the easement is too wide if it interferes too greatly with the owner's right to possess it. As well, an easement is too vague if the area of land over which the easement is claimed is not capable of being delineated with specificity. The owner of the land in question and any subsequent owners must be able to know how the use of their land is limited. In those cases, the easement would not be capable of forming the subject matter of a grant. It is this last criteria that is in issue in this appeal, which is fundamentally a factual issue.

[19] In addition to those four essential requirements, the party claiming the prescriptive right over the land of another must demonstrate, with clear evidence, the following criteria:

1. The usage must be continuous;

2. The usage must be uninterrupted;

3. The usage must be open and peaceful;

4. The usage must exist for a minimum period of 20 years; and

5. The usage must be without permission, either oral or written.

[20] If the usage has occurred continuously and uninterrupted in an open and peaceful way for 40 years, proof of oral permission will not defeat the claim to the easement (see *RPM Farms* at paras 28-29).

[21] Whether permission has been given or simple acquiescence has occurred is not easy to determine. As noted by Bruce Ziff, *Principles of Property Law*, 7th ed (Toronto: Thomson Reuters, 2018) (also quoted in *Klimack* at para 21) (at p 435):

> Somewhere between these very close poles – between a use that is not objected to, but not permitted – one finds the servient owner who acquiesces in, or does not complain about or impede, the exercising of easement-like rights. When that occurs, a claim to an easement through prescription can succeed . . ..
> . . .
>
> [footnote omitted]

[22] Where the dominant owner's use of a servient tenement "amount[s] to nothing more than good neighbourly accommodation and friendly courtesy", the use will be considered "permissive" and will not constitute a prescriptive easement (*Blankstein v Walsh*, 1988 CarswellMan 169 at para 35

(QB), aff'd 1989 CarswellMan 168 (CA)). Permission defeats a prescriptive easement (see *Kaminskas* at para 48).

[23] All the criteria must be met to find a prescriptive easement. "If any one criteria is missing, the claim to an easement will fail" (*RPM Farms* at para 31).

Decision

Do the Applicants Satisfy the Requirements for a Prescriptive Easement?

[24] The application judge found that the easement claimed was not capable of forming the subject matter of a grant. In concluding that the easement claimed detracted substantially from the right of the servient owner, the application judge referred to *Copeland v Greenhalf*, [1952] 1 All ER 809 (ChD) (see para 46). That case involved a claim of prescriptive right to store on a neighbour's land vehicles awaiting and undergoing repair, and vehicles awaiting collection after repair. The Court in that case rejected the claim, finding that it was "virtually a claim to possession" (at p 812) of the servient tenement since the defendant was claiming the whole use of the particular strip of land and that he could leave as many or as few vehicles for as long as he wanted. This has been called the ouster principle. The applicants argued that this principle had been questioned in the English courts and that the application judge was wrong to adopt it.

[25] I do not find merit in this argument. That particular case was not the main pillar of the application judge's reasoning. He stated that it has "some applicability" (at para 46), but importantly for this Court's purposes, held that, "In the case at bar, the right sought to be recognized is broader than

the one under consideration in ***Copeland***" (at para 47). Rather, he referred to *Zanussi v Roosen*, 2011 ABQB 751; and *Husky Oil Operations Ltd v Shelf Holdings Ltd*, 1989 ABCA 30, to support his conclusion that the right sought "detracts so substantially from the rights of the servient owner" (at para 53) that it cannot be an easement (see also para 52).

[26] The question of whether the easement is capable of forming the subject matter of a grant is, in the end, a factual one. Although parking in a specified spot has been recognized by courts as a category capable of forming the subject matter of a grant, that is not the same thing as recognizing a prescriptive easement that would permanently allow unrestricted but temporary non-exclusive parking of an unidentified number of vehicles in a large commercial public parking lot.

[27] As stated in *Zanussi* (at para 11):

> . . .
>
> . . . The issue in fact is the perennial one of drawing the line, of deciding when the point has been reached that the right in question detracts so substantially from the rights of the servient owner that it must be something other than an easement.

[28] The application judge came to his conclusion for several reasons, including that the evidence of the applicants did not establish that certain parking space areas were consistently used, the easement area was not defined specifically and there was no access to the easement area from the applicants' land.

[29] There was no evidence that the applicants ever directed their customers, delivery drivers or employees to use the specific alleged easement

area. There was no signage that customers should park in the parking lot and no direction given that they should.

[30] A prescriptive easement cannot arise when there is intermittent use by invitees who are not under the direction and control of the owner. For the most part, it was the customers of Thunderbird who were using the parking lot. The evidence of delivery drivers or owners using the parking lot was minimal. See, for example, the affidavit of Niata's director, John Ginakes, which included a simple statement that users included Thunderbird owners, employees and delivery drivers, as well as its customers and the affidavit of 657's director, Tang Chi Yin Hang, which stated that his wife, their employees and delivery drivers park in the parking lot.

[31] So, for example, in *Harbour Authority & Ano v Simpson Aqua*, 2016 PECA 20, the Court held that an easement could not be granted with respect to the use of a roadway by fishers accessing the harbour. The use of the roadway by the fishers was insufficient to create an easement for the registered owner. Similarly in *Temma Realty Co Ltd v Ress Enterprises Ltd et al* (1967), 64 DLR (2d) 602 (Ont H Ct J), it was held that the use by delivery drivers of a laneway between two buildings could not give rise to a prescriptive easement over the property.

[32] As well, there is no direct vehicular access to the easement area from either a public roadway, or other public property or the applicants' land. Thus, an easement would also necessitate an easement recognizing a vehicular pathway leading to and from the disputed area. While courts have granted such additional rights, it is another fact which added to the final conclusion.

[33] Next, there was no evidence that identified certain parking spaces that were consistently used, even on a temporary basis, by Thunderbird users. While the applicants identified an area over which the easement was claimed, the evidence did not establish what part of it was actually used. People parked at different places within the easement area at different times, in different vehicles for different purposes. Witnesses for Snowcat testified that no consistent pattern of use of the parking lot by Thunderbird customers came to their attention. Neither witness was cross-examined on their affidavits. It is not sufficient to establish a prescriptive easement by simply defining a designated area without appropriate evidence establishing the usage of the area claimed with some precision.

[34] In fact, the disputed easement area exceeds the total area to which the applicants actually hold title. They claim a prescriptive easement over an area of the property totalling 15,000 square feet in total, as compared to their 11,000 square-foot property. While they have provided a surveyor sketch of the historical area, they have failed to prove use within that area of any stalls or areas in any continuous and identifiable manner that would give rise to a prescriptive easement (see *St Boniface Warehousing* at para 17).

[35] The applicants agree that the application judge set out the appropriate test; however, they argue that he did not apply it properly. It is their position that the application judge disregarded evidence which corroborated the delineation of the specific area over which the applicants sought an easement. They argue that, in coming to that conclusion, the application judge made a palpable and overriding error in that they claimed an easement for temporary parking and a number of courts have held that an easement can exist for temporary parking which does not substantially detract

from the owner's use. They disagree that the easement area is incapable of legal definition and argue that it does not matter that the users could not access the easement area from their land since in other cases, courts have held that an easement includes those ancillary rights as are reasonably necessary to the exercise of the easement.

[36] At their heart, all these arguments take issue with the findings of the application judge, but do not point to a fundamental error on his part. They disagree with his conclusion.

[37] Although the law recognizes the possibility of ordering an additional easement to allow for a vehicular pathway and cases have recognized parking spaces as amenable to an easement, it is the combination of all the findings of fact that led the application judge to his conclusion that the easement was not capable of forming the subject matter of a grant. This is not a case of an easement over a single, clearly identified parking space but, rather, the right to park an unlimited number of vehicles by an unlimited number of individuals for an unlimited amount of time anywhere within an alleged easement area larger than the applicants' entire property.

[38] Failure to demonstrate one essential element of the test results in the failure of a claim on that basis, regardless of whether the other elements have been met. However, for the sake of completeness, I will address the other grounds of appeal.

[39] The application judge held that the usage from 1961 to 1980 was pursuant to an agreement. That finding is not challenged. What the applicants challenge is the application judge's finding that there was permission in 1982,

which resulted in the 20-year period not being met. Whether the use was with permission or as of right is a question of fact (see *Blankstein* at para 29).

[40] For a period of approximately two years, from 1980 to 1982, the property was in the process of redevelopment for the Safeway store. The redevelopment involved excavation by bulldozers, new landscaping and drainage, new pavement, parking stalls for Safeway customers, shopping cart enclosures and a fence. Thus, the period was interrupted when the parking lot was rebuilt during that period of time.

[41] The application judge relied upon the evidence placed before him, including from Thunderbird's contractor, Edward Rodzen, to conclude that, in 1982, a verbal agreement was reached where the general public, including customers of Thunderbird, could use the parking lot as a neighbourly accommodation.

[42] It was the evidence of Mr. Rodzen that, after complaints by the Niata land to the City, the City brought them and the new owner of the property together to deal with the parking. No formal written agreement resulted from the meeting. The evidence of Mr. Rodzen was that the meeting resulted in permission for the customers of Thunderbird to use the parking lot. After a meeting between the parties and the City and after the redevelopment of the parking lot in 1982, the "no parking signs" put up by the new owner were taken down and it agreed to permit parking on the parking lot by the users of Thunderbird. This permission was in effect from some time in 1982 until some time before the application was launched in 2021.

[43] The application judge, based on all of the evidence before him, found that "[t]he only conclusion to be drawn from that meeting . . . is that

Safeway would, as a neighbour accommodate Thunderbird customer parking by not towing them unless they interfered with the Safeway parking" (at para 66).

[44] Even if one accepts that, as stated by Mr. Rodzen in his letter, the intervention was minimal in nature, the conclusion by the application judge that Safeway allowed Thunderbird customer parking, and did so as a matter of neighbourly accommodation, was open to him based on the evidence.

[45] Furthermore, in 1985, Niata renovated Thunderbird. Mr. Ginakes agreed that he spoke to Safeway about the renovations occurring and that Thunderbird customers would be permitted to park on the parking lot. It is also his evidence that a car rally organized by Thunderbird on the parking lot resulted in Safeway stopping the rally when the cars made it difficult for customers to access the Safeway. Thereafter, Thunderbird was not permitted by Safeway to have large car rallies on the parking lot. On cross-examination, Mr. Ginakes agreed that "Safeway as good neighbors, permitted [Thunderbird's] customers to park on the parking lot".

[46] The application judge found that the neighbourly accommodation by way of permission or agreement was in effect from 1982 until some time before the application was launched in 2021. The application judge was entitled to accept the evidence before him to conclude that the permission in 1982 was a neighbourly accommodation (see *Blankstein* at paras 35-36; and *Lanty v Ontario (Minister of Natural Resources)*, 2006 CarswellOnt 327 (Sup Ct J)).

[47] Further, the applicants do not meet the 40-year requirement under the *Act*. The redevelopment occurred in 1982 with a significant change in the

use, access to, and nature of the property. The application was filed in 2021. When verbal permission is given during a period of less than 40 years, it defeats the claim for a prescriptive easement.

Equitable Easement

[48] Equitable easements based on proprietary estoppel are founded on promises, express or implied, not legally enforceable agreements. Proprietary estoppel involves the equitable acquisition of land where its owner knowingly stands by while another person incurs detriment under the belief that he/she is entitled to an interest in the land (see *Cowper-Smith v Morgan*, 2017 SCC 61 at paras 15-16).

[49] The applicants argue that the application judge did not apply the proper test to determine if they were entitled to an equitable easement. They submit that the application judge held that there needed to be an agreement to support proprietary estoppel.

[50] The application judge decided the question of proprietary estoppel based on an interpretation of section 58(1)(c) of the *RPA*, indicating that it did not allow an exception for proprietary estoppel. I find it unnecessary to decide that issue. Instead, since this is an equitable remedy, the question of laches arise. The equitable doctrine of laches requires a claimant to pursue his claim without undue delay. There is no specific time limit and depends upon the facts of each case. The two main considerations are whether there has been acquiescence on the claimant's part and the nature of the acts done in the interval which might cause a balance of justice or injustice. Ultimately, laches must be resolved as a matter of justice between the parties (see *M(K) v M(H)*,

[1992] 3 SCR 6 at 76-80; and *Manitoba Metis Federation Inc v Canada (Attorney General)*, 2013 SCC 14 at paras 145-47).

[51] Niata has failed to take any action to register or even set out in writing its professed interest in the disputed easement area since the development of Thunderbird in 1961. Even after purchasing its land in 1966, Niata has failed to take any steps to formalize or document the rights it alleges to have had over the property. That acquiescence has continued through an alleged breach of the agreement by the church in 1980, a public hearing for rezoning in 1981, a redevelopment in 1982, and a renovation in 1985.

[52] Despite having legal counsel, Niata did not attempt to enforce the rights they believed they had before the sale of the property by the church in 1980, or when news of the sale became known to them. No steps were taken to register their interest. Furthermore, when an accommodation was allegedly reached with the new owner a few years later, no steps were taken to safeguard that interest by taking even the most basic steps to put the agreement in writing. In 2003 and in 2020, the applicants approached Snowcat with the possibility of purchasing a portion of the property. In neither of the proposals or related discussions did they allege a historic right to park on the parking lot. They have "sat on [their] hands" such that equity bars them from now claiming equitable relief.

Injunction

[53] The decision to grant or refuse an injunction based on equitable principles is entitled to a high degree of deference on appeal. Since I have found that the application judge did not err in finding that the applicants do

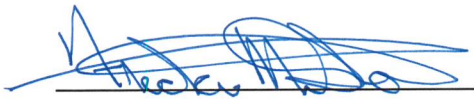
not satisfy the requirements for an easement, it follows that the request for injunctive relief should be dismissed as well.

Conclusion

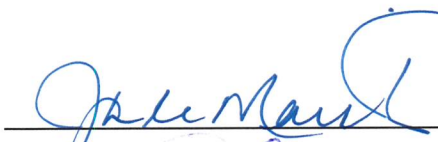
[54] There is a heavy onus placed upon a litigant seeking to establish a prescriptive easement. The claimant must satisfy all four requirements of an easement at law, in addition to the criteria of a prescriptive easement. The application judge held that the claim failed to satisfy the criteria of an easement. His decision was based on all of the evidence before him, and after lengthy written and oral submissions. It is entitled to deference and I see no error of law or palpable or overriding error that would allow appellate intervention.

[55] This Court is not unaware of the business consequences of its finding that the applicants are is not entitled to an easement. They have been clear that the failure to allow them the use of the parking lot would jeopardize their business. The application judge ended his reasons with the hope that the parties would be able to negotiate a way to allow the restaurant to survive. This Court echoes his hope.

[56] The appeal is dismissed with costs.



_____ JA

I agree:  _____ JA



I agree: _____ CJKB

File No. AI 22-30-09764

IN THE COURT OF APPEAL

BETWEEN:

NIATA ENTERPRISES LTD., and 6577661 MANITOBA LTD.,

(Applicants) Appellant,

- and -

SNOWCAT PROPERTY HOLDINGS LIMITED,

(Respondent) Respondent.

CERTIFICATE OF DECISION

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File No. 0055736-00009

FILED
COURT OF APPEAL
JUN 07 2023
LAW COURTS
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Box 3

IN THE COURT OF APPEAL

THE HONOURABLE MADAM JUSTICE STEEL	)	
	)	Wednesday, the 24th day of May, 2023
THE HONOURABLE MADAM JUSTICE LEMAISTRE	)	
THE HONOURABLE CHIEF JUSTICE JOYAL (*ad hoc*)	)	
JUDGES OF APPEAL	)	

BETWEEN:

NIATA ENTERPRISES LTD., and 6577661 MANITOBA LTD.,

(Applicants) Appellant,

- and -

SNOWCAT PROPERTY HOLDINGS LIMITED,

(Respondent) Respondent

CERTIFICATE OF DECISION

The appeal of the (Applicant) Appellant, Niata Enterprises Ltd., and 6577661 Manitoba Ltd., from the Judgment of the Honourable Mr. Justice Toews of the Court of King's Bench, Winnipeg Centre, pronounced the 10th day of March, 2022, was heard by this Court on the 4th day of January, 2023, in the presence of counsel for the (Applicants) Appellants and

counsel for the (Respondent) Respondents and, after considering the Record and Factums and hearing the submissions of counsel for the (Applicants) Appellants, and counsel for the (Respondent) Respondent, and as this court directed that the appeal stand over for judgment, and the Reasons for Decision being delivered on May 24, 2023.

THIS COURT DID ORDER:

1. THAT the appeal is hereby dismissed;

2. THAT the (Respondent) Respondent shall have its costs and disbursements of this appeal in this Court.

CERTIFIED this 7th day of June, 2023

D. RONDEAU

Deputy REGISTRAR OF THE COURT OF APPEAL

Consented as to form:

MARR FINLAYSON POLLOCK

Per:

Peter Halamandaris
Counsel for the (Applicant) Appellant

APPENDIX "B"

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May 3, 2021

Mr. Pieter Prinsloo (Senior City Clerk),
Councilor Devi Sharma,
Councilor Ross Eadie,
Councilor Vivian Santos,
City Hall – City Clerk's Department
510 Main Street
Winnipeg, MB R3B 1B9

via e-mail only

Dear Mesdames and Sirs:

Re: Plan Approval 21-117379 – 920 Jefferson Avenue, Winnipeg
DAZ 322/79
Our File No.: 0055736-00007

We are counsel for Snowcat Property Holdings Limited, the Owner of the property located at 920 Jefferson Avenue in Winnipeg (the "Property"). Nejmark Architect is the Applicant and represents the Owner for the purposes of the above noted Plan Approval.

The Plan Approval for the Property was initially scheduled for Tuesday, April 13, 2021. The Administrative Report, after reviewing the Owner's proposed development, recommends approval of the submitted plans. As detailed in the report, the Owner and Applicant have worked collaboratively with the Urban Planning & Design Division for the proposed plans.

We understand that late evening on Monday, April 12, 2021, a communication was submitted by Mr. Peter Ginakes with an enclosed letter authored by Mr. Edward Rodzen of Lindex Properties Inc. (the "Letters") such that the Plan Approval was laid over to the meeting on May 5, 2021.

We write on behalf of the Owner to express serious concerns with the Letters.

The Owner became the registered owner of the Property, comprised of two titles, on November 12, 2013. At the same time, a Mortgage was accepted on title in favour of The Toronto-Dominion Bank (the "Mortgage"). Prior to the Owner, the Property was registered to Canada Safeway Limited. As acknowledged by the Letters, prior to Safeway acquiring the Property more than 40 years ago, the Property was owned by others.

In Manitoba, *The Real Property Act* (the "*Act*"), among other statutes, governs land ownership and rights. The objects of the *Act* are to *"simplify the title to land, to give certainty thereto, to facilitate the proof thereof, and to expedite dealings therewith".*

Section 59(1) of the *Act* provides for the "indefeasibility of title" in Manitoba; that is, a certificate of title is conclusive evidence, in law and equity, that the person or entity named in the certificate owns the land or interest named in the certificate, subject only to legislated exceptions, and any registrations on title. The provision reads:

> **Conclusive evidence — title paramount (indefeasible)**
>
> **59(1)** Every certificate of title or registered instrument, as long as it remains in force and is not cancelled or discharged, is conclusive evidence at law and in equity, as against the Crown and all persons, that the owner is indefeasibly entitled to the land or the interest specified in the title or instrument.

Without such clarity, the Torrens system in Manitoba would be impermissibly subject to precisely what is being alleged by the Letters; vague assertions of an "informal" verbal agreement / lease / development agreement purportedly impacting upon the interest in, and rights relating to, the Property and its development. Giving any weight in Manitoba to assertions of 60 year old "verbal agreements" that are unregistered on land would create uncertainty for financing and the registration of security documentation such as the Mortgage.

In the City of Winnipeg, the *Charter* expressly provides under Section 240 that the City has the authority to require a development agreement (and in respect of this Property required a Zoning Agreement). Development agreements may be registered in the Land Titles Office system and, if registered, pursuant to section 240(3) are binding on successors. No development agreement contemplating the asserted "verbal agreement" exists on title to the Property. In the same manner as the Land Titles Office must remain reliable, development within the City of Winnipeg must remain reliable and certain. Allegations of verbal agreements purporting to restrict the development of land in the City of Winnipeg, particularly when over the years the lands have been sold and acquired based upon registered restrictions, cannot be allowed; it would create significant uncertainty and risk for land development within the City.

Based on the above, it is respectfully submitted that this Committee proceed to Plan Approval in the normal course. As the Administrative Report considered, and as recommended by Urban Planning and Design, the submitted plans are consistent with the Complete Communities Direction Strategy, and do not require any variances or changes to land use to enable the proposed development. These are the only relevant considerations for Plan Approval. With all due respect to the Letters, there are no "jurisdictional" issues to be considered, and even if there were (which is denied), Plan Approval is not the appropriate time or place for such issues to be considered.

Even if the Committee wished to consider the Letters, numerous concerns arise based on their content, including that:

- It is the Owner's position that the alleged verbal agreement even if it existed (which is denied), is unclear, vague, and unenforceable at law against the Property;
- The Property has transferred ownership at least three times since the alleged verbal agreement. If there were any rights at all in relation to a verbal agreement (which is denied) such rights would have been extinguished over the 60 or more years by the transfers and use of the Property;
- According to the Letters, the property upon which the Thunderbird Restaurant is located was sold sometime after the alleged verbal agreement / lease, such that the owners of that property are similarly not the same parties to the alleged verbal agreement;
- According to the Letters, the owners of the Thunderbird Restaurant "complained" to the City more than 40 years ago about an alleged "breach" of the verbal agreements. As a result, the owners of the Thunderbird have apparently known about this alleged issue for over 40 years yet have taken no steps to prove or formalize their allegations. Even if such a verbal agreement existed (which is denied), the owners of the Thunderbird Restaurant, through their unreasonable and lengthy delay, ought to be disentitled to any rights against the Property (if any existed);
- No caveat, notice, or other document relating to the alleged verbal agreement is registered on title to the Property; and
- The Zoning Agreement Caveat registered in 1981 by the City, relied upon by all parties since, makes no reference to any agreement or lease with the Thunderbird Restaurant.

Accordingly, we urge the Committee to disregard the allegations in the Letters as unproven, and irrelevant to the issues for consideration. The Letters should not further delay Plan Approval.

We appreciate the Committee's consideration of this submission on behalf of the Owner.

Yours truly,

MLT AIKINS LLP

Per:
John B. Martens

JBM:at

cc: Mr. Rakvinder Hayer (District Planner – Lord Selkirk West Kildonan) *via email only*
Mr. Kevin Pritchard (Snowcat Property Holdings Limited) *via email only*
Mr. Fred Santini (Snowcat Property Holdings Limited) *via email only*

APPENDIX "C"

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May 27, 2021

City of Winnipeg
Legal Services
3rd Floor – 185 King Street
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Attention: Ms. Sarah Rentz *via e-mail only*

Dear Ms. Rentz:

Re: Plan Approval 21-117379 – 920 Jefferson Avenue, Winnipeg DAZ 322/79
File No.: 0055736-00007

We write further to the Plan Approval application for 920 Jefferson Avenue, Winnipeg (DAZ 322/79) (the "*Application*"). The Application was filed by Nejmark Architects (the "*Applicant*") on behalf of the owner, Snowcat Property Holdings Limited ("*Owner*").

We are local counsel for the *Owner* and are writing to you as the counsel for the City of Winnipeg (the "*City*"), and specifically as the City Solicitor for the Planning, Property and Development Department ("*PPD*"), and the City Solicitor scheduled to appear at the next regular meeting of the Standing Policy Committee on Property and Development, Heritage and Downtown Development ("*SPC*").

Background

The Owner is the registered owner of the properties legally described as Lot 1/2 Plan 15894 6 K OTM. It acquired the properties in 2013 (the "*Property*").

The *Property* is located on the south side of Jefferson Avenue and the west side on McPhillips Street. It is zoned C3 commercial corridor and is approximately 7 acres in size. The portion of the land proposed for development, as identified in the *Application,* is approximately 10,000 square feet.

The *Property* is currently comprised of a FreshCo Supermarket, a vacant commercial retail unit (inside the Supermarket), a gas station, and large surface parking area.

The *Applicant* first canvassed the proposed development with the *City* in January, 2021, and met with the Zoning Officer on or about January 28, 2021. On or about February 12, 2021 the *Applicant* submitted the *Application.* On March 5, 2021, based on comments from the *City*, the

Applicant revised the plans to provide for an angled orientation of the drive-through to facilitate pick-up window access.

The *Application* was first scheduled for March 8, 2021 before the Lord Selkirk – West Kildonan Community Committee (the "*Committee*"). Based on the requested plan revisions, the matter was adjourned. On or about April 5, 2021 the drawings were re-submitted. The *Application* was re-scheduled for the April 13, 2021 *Committee* meeting.

In the late evening on April 12, 2021 Mr. Peter Ginakes submitted a communication to the *Committee*. Mr. Ginakes' communication advised, among other things, that he is the representative of the owners of 1970 McPhillips St. occupied by the Thunderbird Restaurant (the "*Thunderbird Property*"). Mr. Ginakes also advised that, in the past, the owner of the *Thunderbird Property* leased portions of the adjacent parking lot, but did not have the details of the dimensions. He stated that this "awkward" arrangement was one involving leases and agreements reached 62 years ago for the development of the lands, which agreements bind the *City* and the landowners. Mr. Ginakes advised that Councilor Sharma had asked him to provide the information to the *Committee* for consideration at the April 13, 2021 meeting, but that he disagreed that the matter could be considered, and "strongly" suggested that the item not be tabled for discussion. He alleged that the *City* is "bound" by the previous agreements and "lacks the jurisdiction" to discuss the proposal before the "contract" matters he raised were addressed. Finally he advised that a "brief" delay to address the issues was "absolutely mandated by the principles of administrative law and fairness", and that proceeding would constitute a "grave procedural error and taint any further processes" before the *Committee*.

On April 13, 2021 the *Committee* adjourned the matter based on Mr. Ginakes' communication.

Thereafter, by letter dated May 3, 2021 our office submitted a communication to the *Committee* (attached as Appendix "A" to this letter). The letter describes the position of the *Owner* and *Applicant* that the communication from Mr. Ginakes should not further delay the *Application,* and disputing the allegations made by Mr. Ginakes.

On May 4, 2021 Ms. Lim of Threshold Planning Studio Inc. submitted a lengthy communication to the *Committee* on behalf of Mr. Ginakes. The communication is replete with allegations made against the *City*. In short, the communication repeats Mr. Ginakes submissions in respect of agreements with the City and adjacent landowners, and adds an allegation of a "prescriptive easement" in combination with the agreements. The communication advised that the City initially agreed to a meeting, but then "revoked" the meeting such that the *Application* should once again be laid over, raising issues of procedural unfairness and vague breaches of jurisdictional principles.

On May 5, 2021 the *Application* came before the *Committee.* Rather than considering the *Application,* the *Committee* referred the matter to the *SPC*, citing subsection 15(1) and section 58 of the Development Procedures By-Law No. 104/2020 (the "*Development Procedures By-Law*"). Subsection 15(1) provides that the *Committee* was to have made a decision at the May 5, 2021

meeting on the *Application*. Subsection 15(3) provides that if a decision is not made, the matter is to be adjourned to *SPC*. Section 58 provides that section 15 applies, with necessary changes, to Part 10 – Site Plan Approval.

As a result of the *Committee's* referral, the *Application* was placed on the agenda for the *SPC* meeting on May 11, 2021. The *Owner* and *Applicant* registered delegations to speak to the *Application* on May 11, 2021, and re-filed copies of the plans.

Despite the public decision from the *Committee* on May 5, 2011 that the matter would be placed before *SPC*, on Friday, May 7, 2011 Mr. Ginakes provided a further communication to the *City* advising that it "came to his attention" the day before that the matter had been scheduled for May 11, 2021 but that the professionals he had retained were not available for the meeting. He requested that the *Application* be adjourned to "another PP&D Committee meeting" and to "advise what dates are available". The communication did not indicate that Mr. Ginakes himself was unavailable for the *SPC* meeting.

The Owner and Applicant attended the *SPC* meeting on May 11, 2021. *SPC* heard the delegations in support of the *Application* however, when the *Application* came forward, the *SPC* laid the matter over, to give those in opposition (namely Mr. Ginakes) an opportunity to make submissions.

We understand that the next *SPC* meeting is scheduled for June 8, 2021.

The *Application* Must Proceed For Approval

The Development Procedures By-law

The *Application* has been unreasonably and unjustifiably delayed.

Part 10 of the *Development Procedures By-law* provides for Site Plan Approval of a development. Plan Approval involves the consideration, by the "approving authority", of the site plans showing the location and design of the site features. This could include building and structures, parking areas, accesses, walkways, fencing, signs and the like. To be clear, Plan Approval does not involve a public hearing as contemplated by the *City's* by-laws. However, even if it did, public hearings have applicable rules and restrictions upon those appearing in favour of, or in opposition to, a development, including as contained in Part 3 of the *Development Procedures By-law*.

The manner by which Mr. Ginakes has made "submissions" is not contemplated in the *Development Procedures By-law*, and for good reason. His submissions have resulted in three adjournments of the *Application* – adjournments that would be unsupportable in a public hearing process. Mr. Ginakes makes lengthy submissions concerning procedural fairness but the party that is being deprived of procedural fairness in this matter is the *Owner*, who in our view, is the only party contemplated as being owed any duty of procedural fairness on Plan Approval.

There is no reason for the Plan Approval *Application* to be further delayed.

The Application Complies with all Plan Approval Requirements

As determined by the Winnipeg Public Service Report, the Owner's *Application* complies with all Plan Approval requirements. The development will convert a surface parking lot into a new and exciting retail building, cognizant of pedestrian access. The building, landscaping, fencing, and drive-through have all been designed in consultation with the *City.* The development is considered generally consistent with *Complete Communities*, and does not require re-zoning or variances. The development will revitalize the location, add to the tax base, create jobs, and comes at a time when the City is looking towards much needed economic recovery in face of the challenges arising from the COVID-19 pandemic.

The Application must not be further delayed by Mr. Ginakes' allegations

The delays arising from Mr. Ginakes' submissions must not be further tolerated by the *City*.

By our letter dated May 3, 2021 the *Owner* provided its position in response to Mr. Ginakes' allegations of an agreement and/or lease dating back years entered into between the *City* and previous landowners. In short, nothing is registered on title to the *Property* (or the *Thunderbird Property*) and there are no restrictions preventing the development. The alleged agreement or lease, whether it existed or not, and what terms it may have contained (or not), does not prevent the *City* from considering and approving the *Application*.

Ms. Lim's submission dated May 4, 2021 thereafter alleged, on behalf of Mr. Ginakes, agreements in combination with a "prescriptive easement". This similarly does nothing to prevent the *City* from considering and approving the *Application.* There are no such registrations on title to the *Property*, no such restrictions in the Zoning Agreement, and no declaration has been made in respect of the alleged prescriptive easement by a Court. Allegations of a combination of unregistered agreements, leases, and a prescriptive easement are not issues to be considered by the *Committee* or *SPC.* Even if they were, it is the Owner's position that Mr. Ginakes' allegations are fundamentally flawed. His submissions have evolved from issues of safety access, to agreements/leases purporting to restrict development (which would be in contravention of *The Real Property Act* and the *City's Charter*) to a prescriptive easement. Briefly, in respect of the "prescriptive easement" the party alleging such a right has the onus to establish all requirements at law are proven, and must be accepted by a Court. The legal requirements include, but are not limited to, establishing that the specific alleged rights are capable of forming an easement recognized at law, and establishing that any use has not been obtained by permission or agreement. Mr. Ginakes' submissions are therefore in and of themselves inherently contradictory – alleging both agreements / leases / permission, and a prescriptive easement. Further, any use of the area over which a prescriptive easement is claimed must have been uninterrupted. As recognized by the planner, and as evident from public sources such as a "Google Maps" search of the subject *Property*, a greenhouse and associated storage has been located on the same site as the proposed

development for years. In fact, it is the information of the Owner that the greenhouse has been located in the same area from early May through to the end of July for approximately 36 years. The annual greenhouse development is in addition to the plainly visible longstanding wood and metal fencing blocking access between the properties. To supplement the previously submitted plans, and in the event the *City* wish to consider them, the *Applicant* has filed (with the *City* Clerk) example screenshots from Google Maps showing the greenhouse. The screenshots are also attached as Appendix "B" to this letter. However, as acknowledged by Ms. Lim's submission dated May 4, 2021 on behalf of Mr. Ginakes, ultimately any allegations would have to be weighed and decided by a Judge. Accordingly, the *Owner* repeats that Plan Approval is neither the time nor the place for such considerations.

In addition to raising issues irrelevant to Plan Approval, the submissions that have been allowed to be made, delaying the *Application,* serve to create a dangerous and undesirable precedent for development within the *City*. The submissions, have resulted in months of unjustified delay, and have pushed the development from the prime construction season. Such repeated submissions and delays would not be permitted in a public hearing process and should certainly not be permitted to delay Plan Approval.

The SPC Meeting scheduled for June 8, 2021

The *Owner* expects that the *Application* will be considered and decided at the June 8, 2021 *SPC* Meeting. The *Application* complies with all requirements for Plan Approval, and must not be further adjourned. Additional delays may force the *Owner* to consider such other remedies as may be available to it at law, including *mandamus*. We trust that this will be unnecessary, and the *Owner* looks forward to working cooperatively with the *City* to ensure this exciting development proceeds on a timely basis, for the benefit of all involved, including the area residents.

The *Owner* and *Applicant* remain available to answer any questions and participate in any further consultations with *PPD* and the *City* leading up to the *SPC* Meeting, if necessary.

Yours truly,

MLT AIKINS LLP

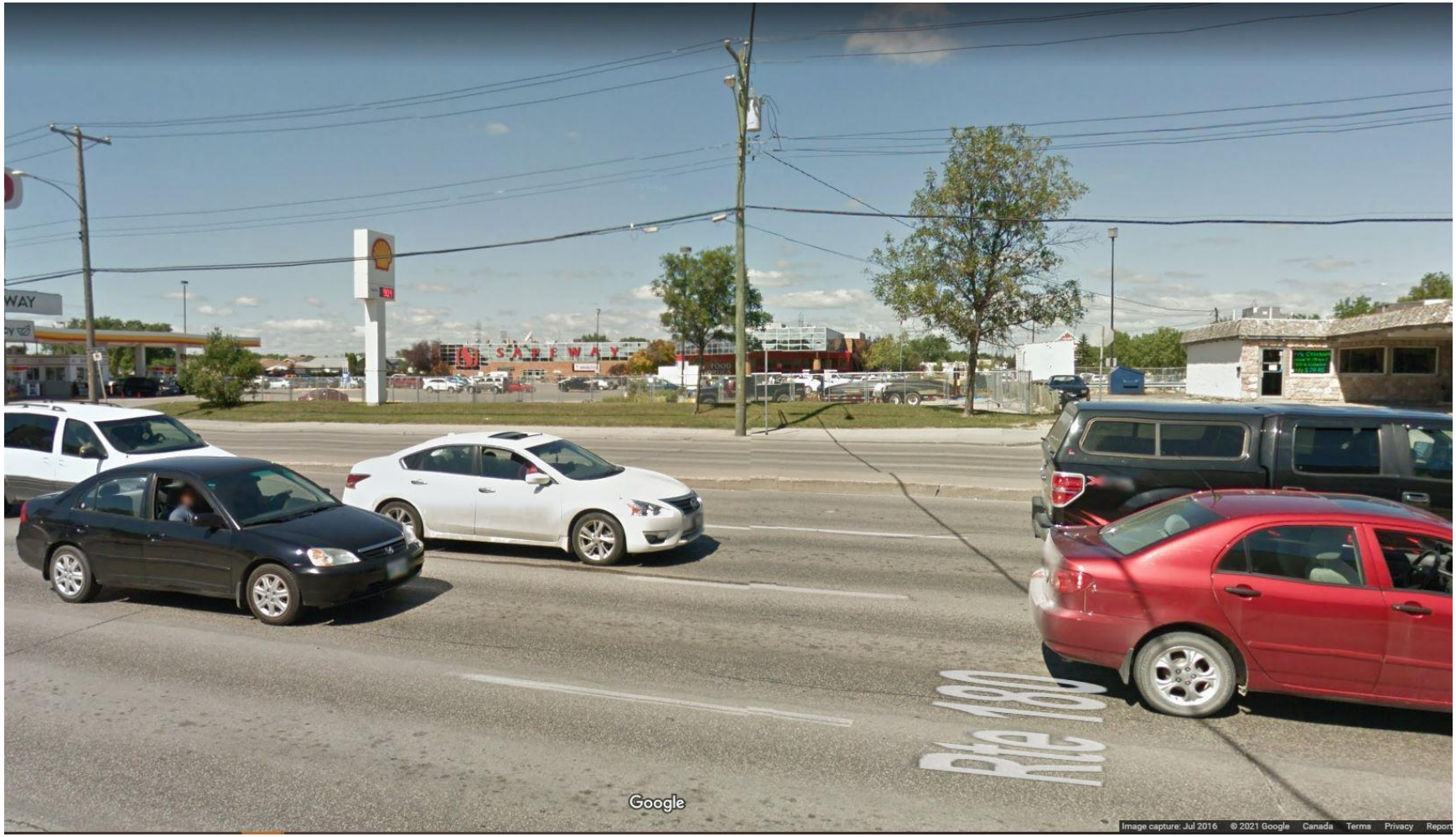
Per:
John B. Martens

JBM:at

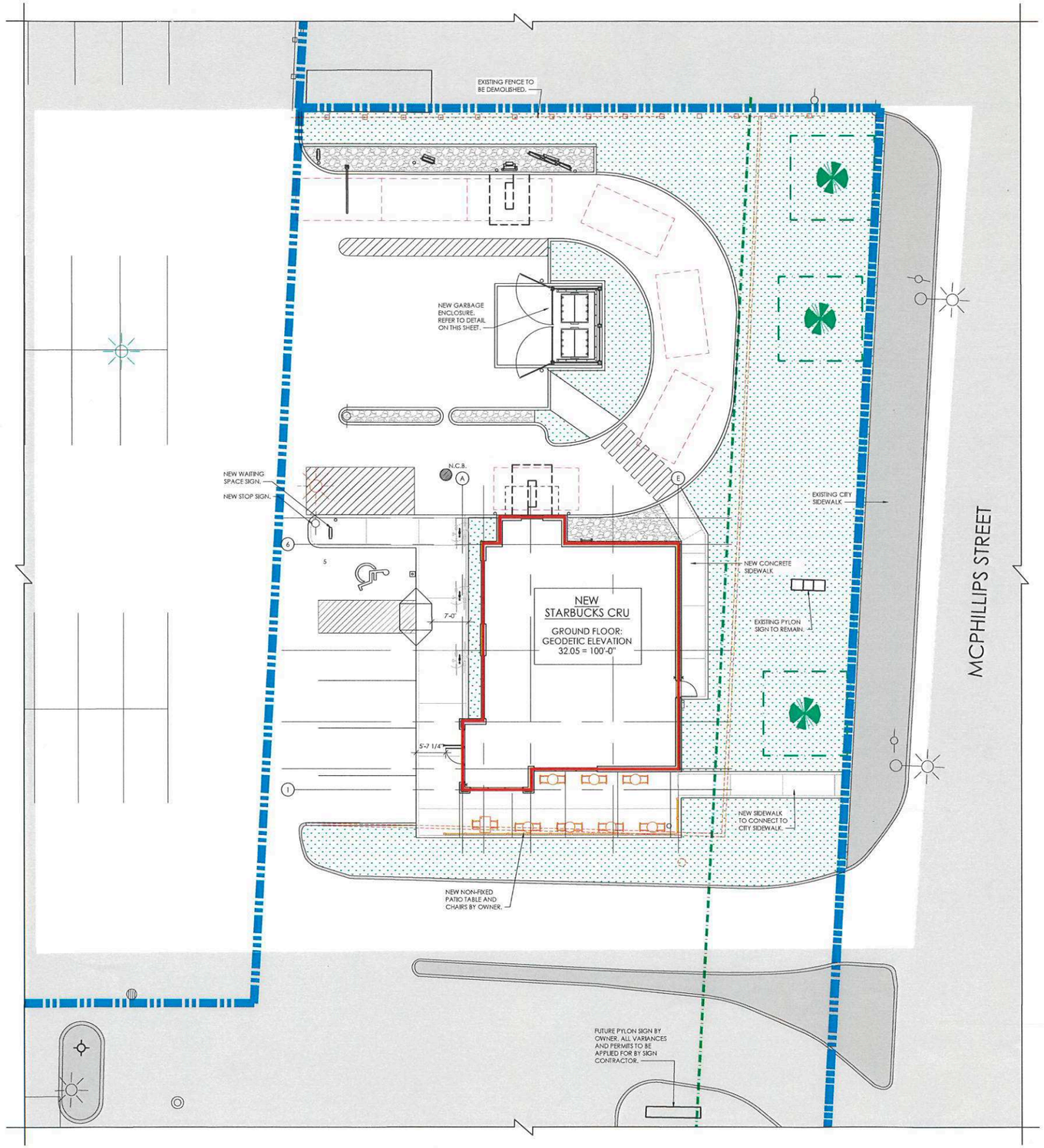
cc: Kevin Pritchard (representative of *Owner*)
Tat Cheam / Ashley Martens (*Applicant*)

Appendix "B"


SAFEWAY
GARDEN CENTRE
Google
Image capture: May 2014 © 2021 Google


SAFEWAY
Rte 1A0
Google
Image capture: Jul 2016 © 2021 Google Canada Terms Privacy Report


FRESH CO
FRESH CO
NOW OPEN
Google
Image capture: Jun 2019 © 2021 Google



N

1 / 1.0 | 1.0 SITE PLAN
SCALE: 3/32" = 1'-0"

SITE ZONING INFORMATION

ADDRESS
920 JEFFERSON AVENUE

LEGAL DESCRIPTION
LOT 2, PLAN 15894 WLTO
IN O.T.M., LOT 6, PARISH OF KILDONAN
CITY OF WINNIPEG, MANITOBA

SITE AREA
6.17 ACRES

SITE ZONING
ZONING: C3 - COMMERCIAL CORRIDOR

DIM. STANDARDS	REQ.	PROVIDED
FRONT YARD	25 FT	25 FT
REAR YARD	25 FT	EXISTING
INTERIOR SIDE YARD	0 FT	EXISTING
CORNER SIDE YARD	25 FT	EXISTING
BUILDING HEIGHT	49 FT	22 FT
FLOOR AREA RATIO	1.5	0.21

BUILDING FOOTPRINT
EXISTING FRESHCO: 55,300 FT²
NEW STARBUCKS CRU: 1,800 FT²

PARKING	REQ.	PROVIDED
SITE TOTAL	237	399
ACCESSIBLE	7	8
BICYCLE (STARBUCKS)	1	6

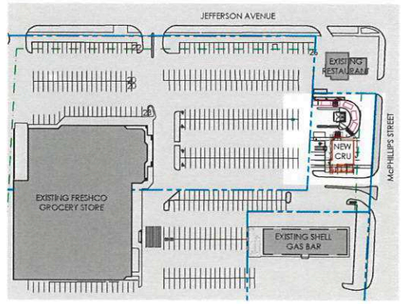
SUPERMARKET: 1/250 FT² = 222 STALLS
EATING AND DRINKING ESTABLISHMENT: 1/150 FT² = 13 STALLS
GAS BAR: 1 (UNDER 2000 FT²) + 1 PER 3 EMPLOYEES = 2 STALLS

GENERAL NOTES:

1. ALL CURBING TO BE DEEP CURBING UNLESS NOTED OTHERWISE.
2. REFER TO CIVIL DRAWINGS FOR ALL NEW SITE GRADING.

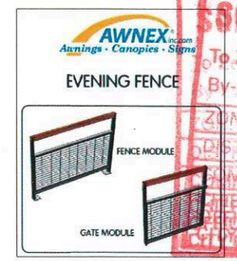
SITE PLAN LEGEND:

- AREA NOT INCLUDED IN CONTRACT (N.I.C.)
- PROPERTY LINE
- ZONING SETBACKS
- PROPOSED BUILDING
- POINT OF ENTRY / EXIT TO BUILDING
- EXISTING CURB TO BE DEMOLISHED
- EXISTING CURB / SIDEWALK TO REMAIN
- ACCESSIBLE PARKING STALL (WHITE)
- 5 — NEW 4" PAINTED PARKING LINES (YELLOW) STALL COUNT
- DRIVE THROUGH QUEUING SPACE (8'X16')
- EXTENT OF NEW STANDARD ASPHALT
- EXTENT OF NEW HEAVY DUTY ASPHALT
- 4" PAINTED LINES (YELLOW)
- BICYCLE PARKING. REFER TO LANDSCAPE.
- EXISTING FENCE TO BE REMOVED.
- NEW TENANT SUPPLIED AND INSTALLED PATIO FENCE AND FURNITURE (N.I.C.).
- EXISTING TREES TO REMAIN. TEMPORARY ROOT PROTECTION FENCE TO BE PROVIDED. REFER TO LANDSCAPE DRAWINGS FOR PROTECTION DETAILS AND NOTES.
- NEW LANDSCAPING. REFER TO LANDSCAPING.
- EXISTING POWER POLES W/ LIGHT / LAMP STANDARDS
- RELOCATED LIGHT STANDARD ON NEW BASE. REFER TO ELECTRICAL AND STRUCTURAL.
- EXISTING GRADE
- EXISTING FIRE HYDRANT
- EXISTING CATCH BASIN. REFER TO CIVIL.
- EXISTING MANHOLE REFER TO CIVIL.
- N.C.B. NEW CATCH BASIN. REFER TO CIVIL.



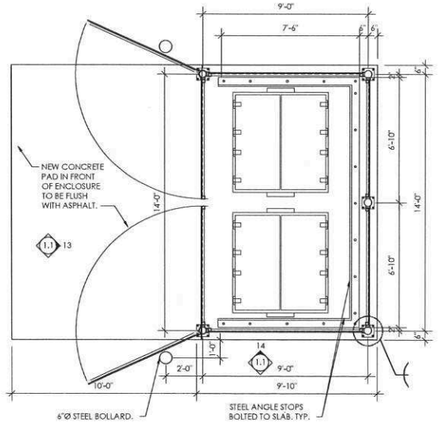
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A / 1.0 | 1.0 KEY PLAN
Scale: 1/128" = 1'-0"



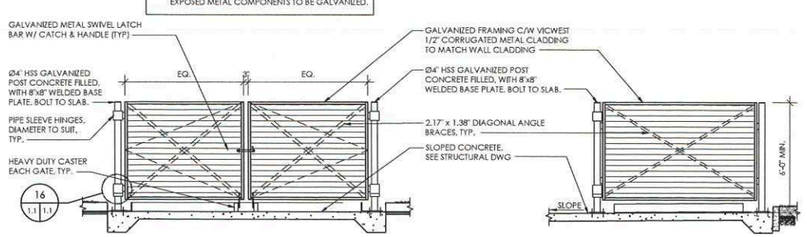
SCHEDULE "A" page 1 of of 11
To Zoning Agreement DAZ 322/79
By-Law No. 3012/81
ZONING OFFICER
DISTRICT PLANNER
COMMUNITY CLERK
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG
APR 1 2 2021

2 / 1.0 | 1.0 TENANT PATIO FENCE
Scale: NTS



3 / 1.0 | 1.0 GARBAGE ENCLOSURE - PLAN
SCALE: 3/16" = 1'-0"

NOTES:
1. SEE SITE PLAN FOR LOCATION OF ENCLOSURE. SEE STRUCTURAL DRAWINGS FOR STRUCTURE.
2. ALL DOOR HARDWARE TO BE GALVANIZED. ALL EXPOSED METAL COMPONENTS TO BE GALVANIZED.



4 / 1.0 | 1.0 GARBAGE ENCLOSURE - FRONT ELEVATION
SCALE: 3/16" = 1'-0"

5 / 1.0 | 1.0 GARBAGE ENCLOSURE - SIDE ELEVATION
SCALE: 3/16" = 1'-0"

No.	ISSUED FOR	DATE	BY
1	PLAN APPROVAL	APRIL 5, 2021	TC

DRAWN BY: AM

PRINTING DATE: APRIL 5, 2021

STAMP

Crombie

NEJMARK ARCHITECT

2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

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The contractor is to verify dimensions and data noted herein with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

PROJECT TITLE:

STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

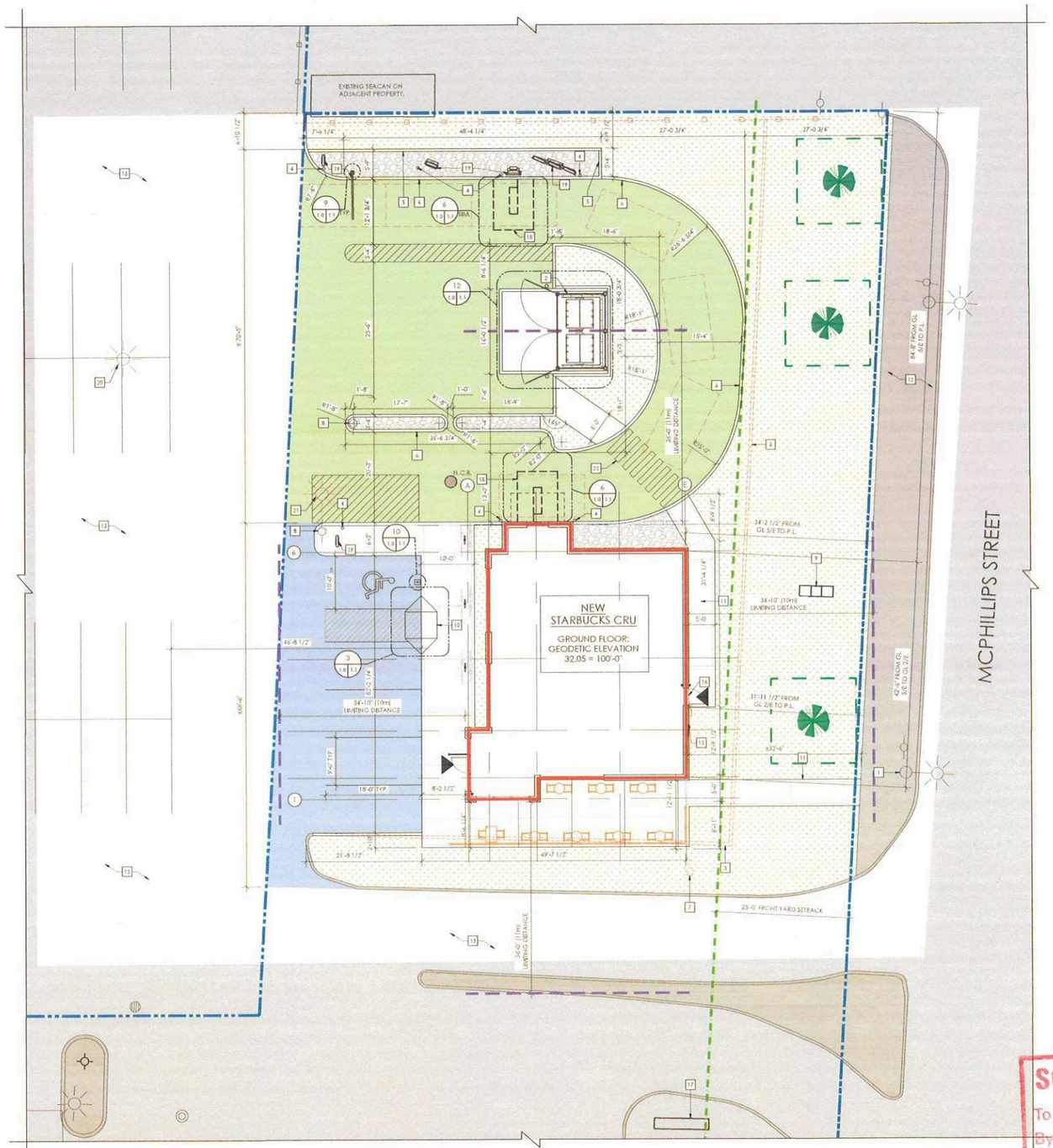
SHEET TITLE:

SITE PLAN

COMMISSION NUMBER: 2013

SHEET NUMBER: A1.0

E-FILE: 2013 - STARBUCKS CRU_A1.0 SITE PLAN.DWG



N

2 SITE PLAN
1.0 | 1.0 SCALE: 3/32" = 1'-0"

SITE ZONING INFORMATION

ADDRESS
920 JEFFERSON AVENUE

LEGAL DESCRIPTION
LOT 2, PLAN 15894 WLTO
IN O.T.M. LOT 41 PARISH OF HILDONAN
CITY OF WINNIPEG, MANITOBA

SITE AREA
6.17 ACRES

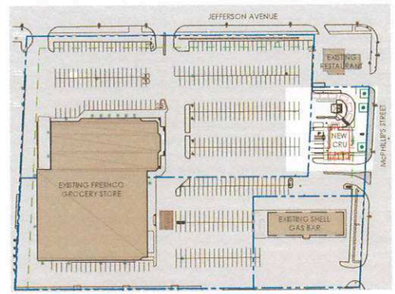
SITE ZONING
ZONING: C3 - COMMERCIAL CORRIDOR

DEVELOPMENT STANDARDS	REQ.	PROVIDED
FRONT YARD	25 FT	25 FT
REAR YARD	25 FT	EXISTING
INTERIOR SIDE YARD	0 FT	EXISTING
CORNER SIDE YARD	25 FT	EXISTING
BUILDING HEIGHT	49 FT	22 FT
FLOOR AREA RATIO	1.5	0.21

BUILDING FOOTPRINT
EXISTING FRESHCO: 55,300 FT²
NEW STARBUCKS CRU: 1,800 FT²

PARKING	REQ.	PROVIDED
SITE TOTAL	237	299
ACCESSIBLE	7	8
BICYCLE (STARBUCKS)	1	6

SUPERMARKET: 1/250 FT² = 222 STALLS
EATING AND DRINKING ESTABLISHMENT: 1/150 FT² = 13 STALLS
GAS BAR: 1 (UNDER 2000 FT²) + 1 PER 3 EMPLOYEES = 2 STALLS



N 1 KEY PLAN
1.0 | 1.0 SCALE: N.T.S.

GENERAL NOTES:

1. ALL CURBING TO BE DEEP CURBING UNLESS NOTED OTHERWISE.
2. REFER TO CIVIL DRAWINGS FOR ALL NEW SITE GRADING.

SITE PLAN LEGEND:

- AREA NOT INCLUDED IN CONTRACT (N.I.C.)
- PROPERTY LINE
- ZONING SETBACKS
- PROPOSED BUILDING
- POINT OF ENTRY / EXIT TO BUILDING
- EXISTING CURB TO BE DEMOLISHED
- EXISTING CURB / SIDEWALK TO REMAIN
- ACCESSIBLE PARKING STALL (WHITE)
- NEW 4" PAINTED PARKING LINES (YELLOW) STALL COUNT
- DRIVE THROUGH QUEUING SPACE (6 V.U.)
- EXTENT OF NEW STANDARD ASPHALT
- EXTENT OF NEW HEAVY DUTY ASPHALT
- 6" PAINTED LINES (YELLOW)
- BICYCLE PARKING. REFER TO LANDSCAPE
- EXISTING FENCE TO BE REMOVED.
- NEW TENANT SUPPLIED AND INSTALLED PATIO FENCE AND FURNITURE (N.I.C.)
- EXISTING TREES TO REMAIN. TEMPORARY ROOT PROTECTION FENCE TO BE PROVIDED. REFER TO LANDSCAPE DRAWINGS FOR PROTECTION DETAILS AND NOTES.
- NEW LANDSCAPING. REFER TO LANDSCAPING
- EXISTING POWER POLES W/ LIGHT / LAMP STANDARDS
- RELOCATED LIGHT STANDARD ON NEW BASE. REFER TO ELECTRICAL AND STRUCTURAL
- EXISTING GRADE
- EXISTING FIRE HYDRANT
- EXISTING CATCH BASIN. REFER TO CIVIL
- EXISTING MANHOLE REFER TO CIVIL
- NEW CATCH BASIN. REFER TO CIVIL

SITE PLAN KEYNOTES:

1. NEW POLE-MOUNTED TRANSFORMER. REFER TO ELECTRICAL DRAWINGS.
2. NEW GARBAGE ENCLOSURE. REFER TO SITE DETAILS.
3. DEMOLISH EXISTING CURB AND ADJACENT ASPHALT TO SUIT NEW DRIVE THROUGH AND CRU.
4. 9" DIA. CONCRETE FILLED STEEL BOLLARDS. REFER TO SITE DETAILS.
5. NEW LANDSCAPE ISLAND C/W PINNED CURB. REFER TO SITE DETAILS.
6. NEW DEEP CURB. REFER TO SITE DETAILS.
7. REMOVE EXISTING SIGN POST.
8. NEW STOP SIGN ON STEEL POST C/W CONCRETE BASE SIMILAR TO DETAIL #10 ON A1.1.
9. EXISTING "SHELL" PYLON SIGN TO REMAIN.
10. NEW CONCRETE LETDOWN RAMP. REFER TO SITE DETAILS.
11. NEW CONCRETE SIDEWALK C/W THICKENED EDGE CURB. REFER TO SITE DETAILS.
12. EXISTING CITY CONCRETE SIDEWALK TO REMAIN.
13. EXISTING ASPHALT PAVING TO REMAIN.
14. 12" WIDE WHITE CROSSWALK LINES, 12" APART.
15. NEW GAS METER. REFER TO MECHANICAL DRAWINGS
16. LOCATION OF C.B. STE. REFER TO ELECTRICAL
17. APPROXIMATE LOCATION OF NEW PYLON SIGN ON EXISTING FOUNDATION BY OWNER (N.I.C.).
18. TENANT SUPPLIED, G.C. INSTALLED IN-GROUND VEHICLE DETECTION LOOP. REFER TO SITE DETAILS
19. G.C. TO SUPPLY CONCRETE BASE FOR OWNER SUPPLIED EQUIPMENT C/W UNDERGROUND CONDUIT. SITE CONFIRM EXACT LOCATION. REFER TO ELECTRICAL, STRUCTURAL, AND SITE DETAILS.
20. NEW CONCRETE BASE C/W RELOCATED EXISTING LIGHT STANDARD. REFER TO SITE DETAILS
21. EXISTING LIGHT STANDARD TO BE REMOVED AND STORED FOR REUSE. DEMOLISH EXISTING CONCRETE BASE.

No.	ISSUED FOR	DATE	BY
1	BUILDING PERMIT & CONSTRUCTION	APR. 9, 2021	TC

DRAWN BY: AM

PRINTING DATE: APR. 9, 2021

STAMP

SCHEDULE "A" page 2 of 11
To Zoning Agreement DAZ 322/79
By-Law No. 3012/81
Winnipeg
APR 12 2021
ZONING
DISTRICT PLANNER
COMMUNITY CLERK
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG

Crombie

NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0V7
P 204 947 3775 F 204 947 3789 www.nejmark.mb.ca

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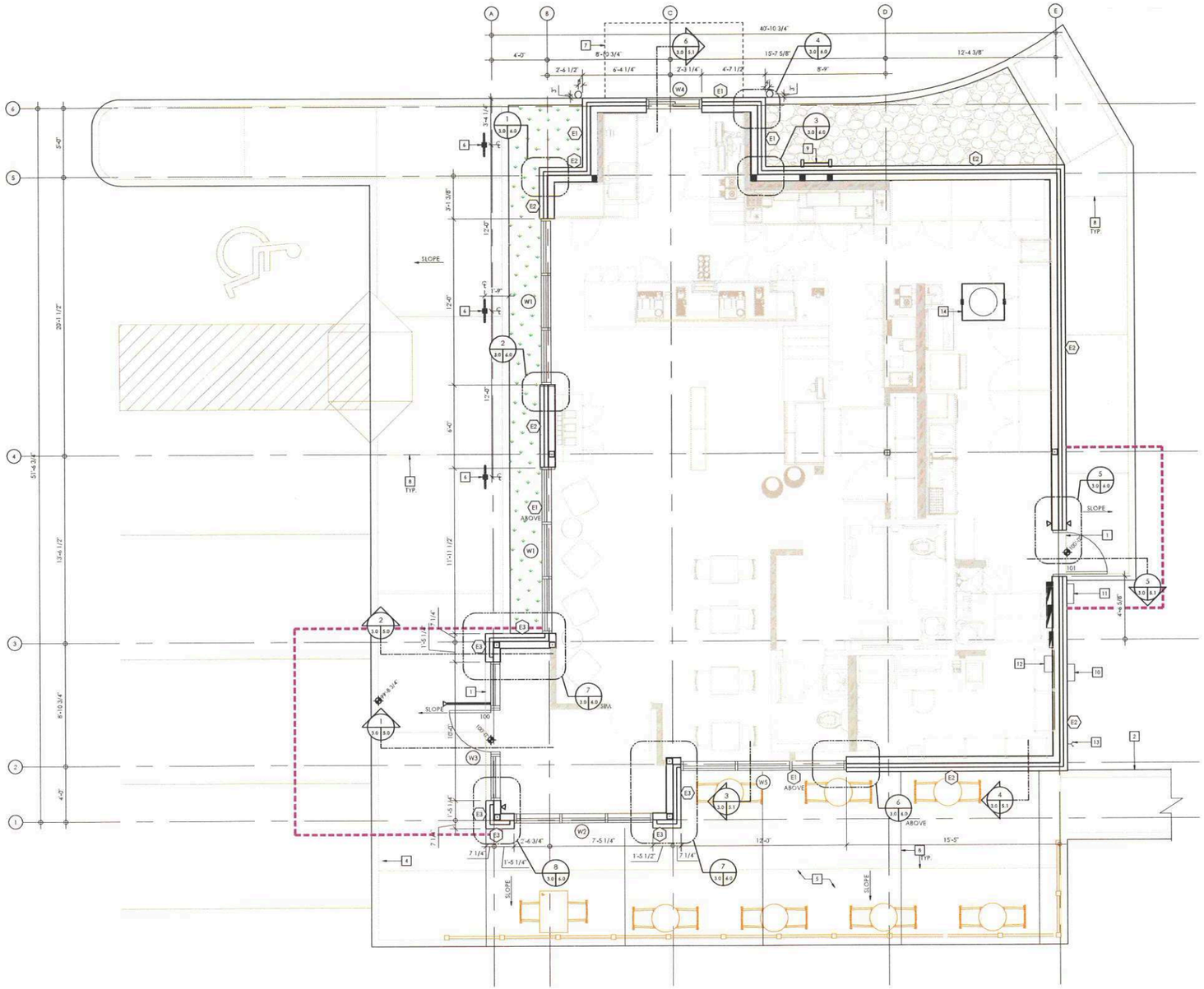
The contractor is to verify dimensions and data noted herein with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

PROJECT TITLE:
STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

SHEET TITLE:
SITE PLAN

COMMISSION NUMBER: 2013

SHEET NUMBER: A1.0



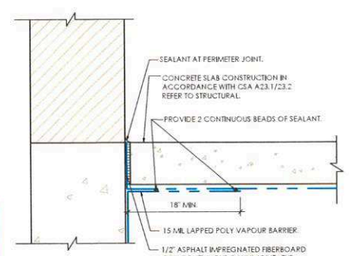
LEGEND

- PUSH BUTTON FOR AUTO OPERATOR.
- ALUMINUM GUIDE RAIL.
- PROVIDE 4" TYPE 4 RIGID INSULATION UNDER SIDEWALK AS INDICATED. INSULATION TO EXTEND MINIMUM 48" BEYOND EDGE OF SIDEWALK (HORIZONTALLY OR VERTICALLY)
- ELECTRICAL PANEL. SEE ELECTRICAL.
- TENANT SUPPLIED AND INSTALLED FENCE AND FURNITURE. NIC.
- NEW GRADE ELEVATION.

CONSTRUCTION PLAN KEYNOTES

1. TIE NEW SIDEWALK INTO SLAB, TYPICAL.
2. PEDESTRIAN CONNECTION FROM EXISTING CITY SIDEWALK TO NEW PATIO. REFER TO SITE PLAN.
3. CONCRETE CURB, TYPICAL.
4. CONCRETE LETDOWN. REFER TO SHEET A1.1 SITE DETAILS.
5. DESIGNATED PATIO AREA. FENCE AND PATIO FURNITURE BY FUTURE TENANT (N.I.C.).
6. BIKE RACK. SEE LANDSCAPE DRAWINGS.
7. DRIVE THROUGH AWNING ABOVE.
8. SAWCUT CONTROL JOINT @ 10'-0" O.C. MAX.
9. ROOF ACCESS LADDER. REFER TO SHEET A2.0 ROOF PLAN & DETAILS.
10. LOCATION OF NEW GAS METER. REFER TO MECHANICAL.
11. LOCATION OF NEW CSTE. REFER TO ELECTRICAL.
12. LOCATION OF NEW WATER METER. REFER TO MECHANICAL.
13. LOCATION OF NON-FREEZE HOSE BIB. REFER TO MECHANICAL.
14. LOCATION OF GREASE INTERCEPTOR. REFER TO MECHANICAL.

1 CONSTRUCTION PLAN
SCALE: 1/4" = 1'-0"



NOTE: SEAL ALL PERIMETER JOINTS, OPENINGS AND CONTROL JOINTS. REFER TO SPECIFICATIONS FOR UNDER SLAB PREPARATION.

2 TYPICAL UNDER SLAB VAPOUR BARRIER
SCALE: 1 1/2" = 1'-0"

SCHEDULE "A" page 3 of 11
To Zoning Agreement DAZ 322/79
By-Law No. 3012/91
ZONING
DISTRICT
COMMUNITY CLERK
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG
Winnipeg
APR 12 2021

No.	ISSUED FOR	DATE	BY
1	BUILDING PERMIT & CONSTRUCTION	APRIL 8, 2021	TC

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NEJMARK ARCHITECT
2-54 Adelaide Street Winnipeg Manitoba R3A 0W7
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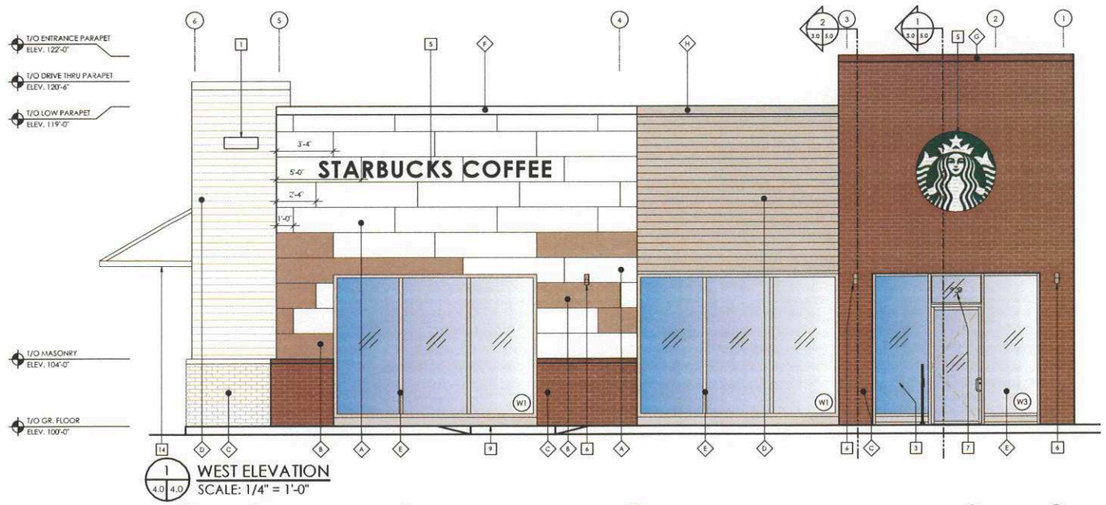
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The contractor is to verify dimensions and data noted herein with conditions on the site and is held responsible for reporting discrepancy to the architects for adjustment.

PROJECT TITLE:
STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

SHEET TITLE:
CONSTRUCTION PLAN

COMMISSION NUMBER: 2013
SHEET NUMBER: A3.0

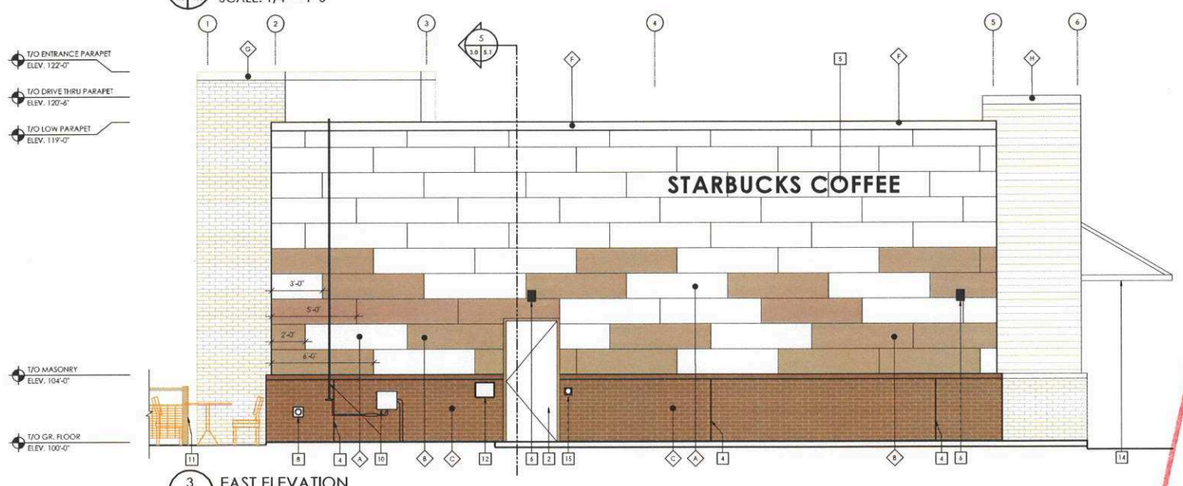
FILE: 2013 - STARBUCKS CRU_A3.0 CONSTRUCTION PLAN.DWG



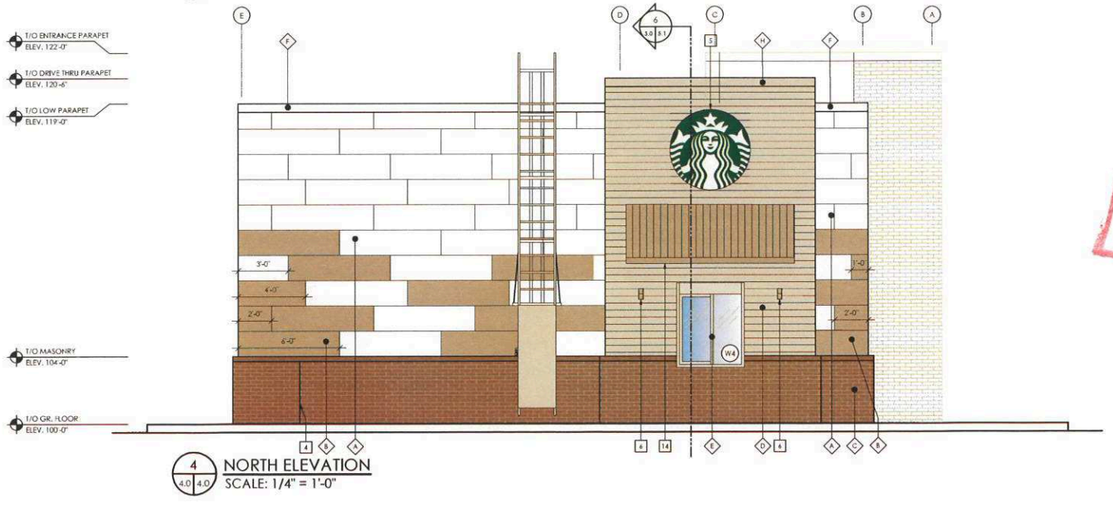
1 4.0 4.0 WEST ELEVATION
SCALE: 1/4" = 1'-0"



2 4.0 4.0 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



3 4.0 4.0 EAST ELEVATION
SCALE: 1/4" = 1'-0"



4 4.0 4.0 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

Winnipeg
APR 12 2021
SCHEDULE "A"
To Zoning Agreement
By-Law
Page 4 of 11
DAZ 322/19
302 181
ZONING
DISTRICT
COMMUNITY
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG

EXTERIOR ELEVATION LEGEND:

1. ROOF SCUPPER, REFER TO ROOF PLAN AND DETAILS.
2. EXIT DOOR, PAINT DOOR WHITE TO MATCH PANELS & FRAME GREY TO MATCH PANELS.
3. AUTOMATIC DOOR BUTTON ON GUIDE RAIL.
4. MASONRY CONTROL JOINT, TYPICAL.
5. TENANT SUPPLIED SELF-ILLUMINATED SIGNAGE REFER TO ELECTRICAL. G.C. TO PROVIDE BACKING TO SUIT.
6. EXTERIOR LIGHT FIXTURE. SEE ELECTRICAL.
7. APPROXIMATE LOCATION OF UNIT ADDRESS SIGNAGE TO BE SUPPLIED AND INSTALLED BY OWNER (N.I.C.).
8. EXTERIOR NON-FREEZE HOSE BIB. REFER TO MECHANICAL.
9. CONCRETE CURB. SEE PLAN FOR LOCATIONS
10. GAS METRE AND LINES. PAINT GAS LINES TO MATCH GREY PANEL FINISH, TYPICAL. REFER TO MECHANICAL.
11. PATIO FENCE. SUPPLIED AND INSTALLED BY TENANT (N.I.C.).
12. LOCATION OF NEW CSTE. PAINTED TO MATCH MASONRY COLOUR. REFER TO ELECTRICAL.
13. ROOF ACCESS LADDER C/W CAGE AND LOCKABLE SHIELD. LADDER AND ACCESSORIES TO BE PAINTED TO MATCH GREY PANEL COLOUR.
14. 10'-0" WIDE DRIVE THRU CANOPY. PREFINISHED METAL TO BE GREY TO MATCH GREY FIBER CEMENT BOARD.
15. AUTOMATIC DOOR BUTTON MOUNTED ON WALL TOP OF BUTTON TO BE MAX 900mm ABOVE FINISHED WALKING SURFACE.

EXTERIOR FINISH SCHEDULE

KEYNOTE	PRODUCT/ITEM	COLOUR
A	72"X18" FIBER CEMENT BOARD NICHIHA, ALLURA OR APPROVED ALTERNATE	COTTON WHITE
B	72"X18" FIBER CEMENT BOARD NICHIHA, ALLURA OR APPROVED ALTERNATE	NICKEL OR GRAPHITE TBC
C	BRICK VENEER	WALNUT CREEK IRONSPOT
D	VICWEST 1/2" CORRUGATED METAL CLADDING	SILVER
E	ANODIZED ALUMINUM DOOR / FRAME WITH CLEAR GLAZING.	CLEAR ANODIZED ALUMINUM MULLIONS
F	PREFINISHED METAL FLASHING	VICWEST BRIGHT WHITE
G	PREFINISHED METAL FLASHING	VICWEST COCOA BROWN
H	PREFINISHED METAL FLASHING	VICWEST SILVER
I	ANODIZED ALUMINUM DOOR / FRAME WITH SPANDREL PANEL	SPANDREL WARM GREY

NOTE: ALL SAMPLES TO BE SUBMITTED TO ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.

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STARBUCKS CRU - BASE BUILDING
920 JEFFERSON AVE.
WINNIPEG, MANITOBA

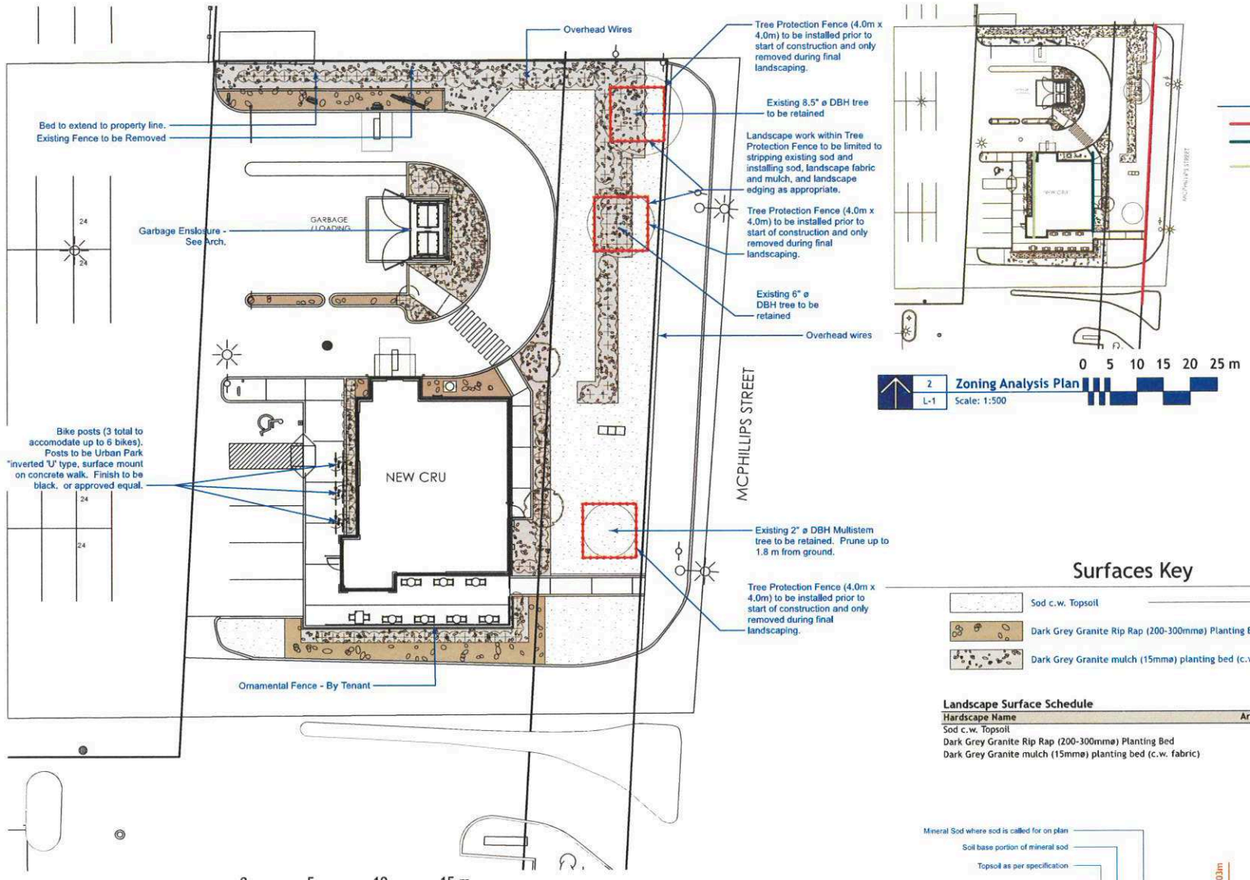
SHEET TITLE:

EXTERIOR ELEVATIONS

COMMISSION NUMBER: 2013

SHEET NUMBER: A4.0

E-FILE: 2013 - STARBUCKS CRU_A4.0 EXTERIOR ELEVATIONS.DWG



1 L-1 **Landscape Scope Plan**
Scale: 1:200

2 L-1 **Zoning Analysis Plan**
Scale: 1:500

Zoning Analysis Key

- Frontage - McPhillips
- Principle Facade - Facing McPhillips
- Principle Facade - Primary Building Entry

City of Winnipeg Zoning Requirements

190 (2) Street Edge Landscaping

Street Frontage

McPhillips — 170 Lin ft.

	DBH	Credit
Existing Trees	2"ø	0
	6"ø	2
	8.5"ø	4
Total Credit for retaining exis. trees		6

	Required	Proposed
Trees	6	2
Credit		6
Shrubs	27	50

190 (5) Building Foundation Landscaping (outside of urban infill areas)

Principle Facade

McPhillips — 48 Lin Ft.

	Required	Proposed
Shrubs	5	13

Principle Entry — 51 Lin Ft.

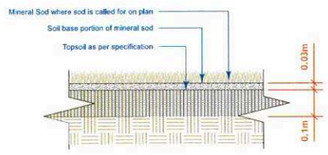
	Required	Proposed
Shrubs	5	11

Surfaces Key

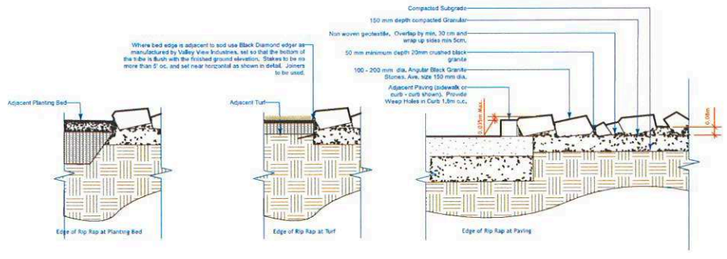
- Sod c.w. Topsoil — 3 L-1
- Dark Grey Granite Rip Rap (200-300mmø) Planting Bed — 4 L-1
- Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric) — 5 L-1

Landscape Surface Schedule

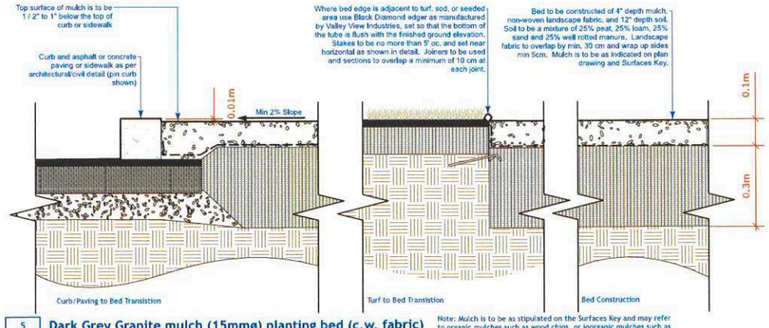
Hardscape Name	Area (sm)
Sod c.w. Topsoil	293.83
Dark Grey Granite Rip Rap (200-300mmø) Planting Bed	76.72
Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)	229.24



3 L-1 **Sod Detail**
Scale: 1:10



4 L-1 **Dark Grey Granite Rip Rap (200-300mmø) Planting Bed**
Scale: 1:25



5 L-1 **Dark Grey Granite mulch (15mmø) planting bed (c.w. fabric)**
Scale: 1:10

Note: Mulch is to be as stipulated on the Surfaces Key and may refer to organic mulches such as wood chips, or inorganic mulches such as

General Notes

1. All work to conform to Canadian Landscape Standard (Current Edition)
2. All existing trees, sidewalks, curbs, catch basins, culverts, survey markers, to remain are to be protected during construction. Any damage to them is to be made good by the Contractor. Maintain positive drainage into all catch basins and curb inlets.
3. All work is to be warrantied for a period of not less than 1 year.
4. Contractor is to limit operations to the area within the area of work shown on the drawing. Should areas outside of this limit be damaged during the course of construction, Contractor is to make good the damage at his own expense
5. Contractor is to obtain location of all utilities prior to construction. If using power equipment to excavate contractor must notify Hydro and Gas and telephone utilities and take steps to avoid damaging their installations.
6. All dimensions are in meters unless otherwise noted
7. Contractor to confirm all dimensions and report any discrepancies to Contract Administrator prior to construction.
8. Layout is to be approved by Contract Administrator prior to any construction or demolition/removals.
9. All material depths in details are shown after compaction.

Tree Protection Notes

1. All construction traffic shall be restricted to the limits of construction shown on the drawings.
2. Excavate in a manner to minimize damage to the tree root systems. Keep exposed roots in excavations and trenches moist or shaded. If stockpiling of excavated soil material is required, stockpile in areas away from the tree roots if possible.
3. Where Excavation equipment is operating within tree drip line it shall be track based.
4. For deciduous trees greater than 100 mm in diameter, located within 3 meters of the limits of construction, attach wood strapping material having a minimum thickness of 25 millimetres and minimum length of 2440 millimetres around the tree trunks in a manner that will not harm the trees. Do not use nails or other fasteners that penetrate the tree trunk. The width of the strapping may be reduced to suit tree being protected. Length of strapping may be reduced to suit tree being protected as approved by the Contract Administrator.
5. For deciduous trees less than 100 mm in diameter, install PVC safety fencing around the tree to a 2.0 metre radius complete with installation hardware, to adequately support the safety fence. The 2.0 metre radius safety fence may be reduced to suit the tree being protected as approved by the Contract Administrator.
6. Notwithstanding the above, Orange PVC Safety fencing is to be installed at the locations shown on the drawings and to the extent shown on the drawings.
7. Landscape work within Tree Protection Fence to be limited to stripping existing sod and installing sod, landscape fabric and mulch, and landscape edging as appropriate.
8. Repair, replace and maintain tree protection materials, including fencing, during construction until such time no equipment will be working in the area.
9. Obtain approval from the Contract Administrator to excavate within 2.0 metres of a tree.
10. Operation of equipment within the dripline of the trees shall be kept to the minimum required to perform the Work and shall be approved by the Contract Administrator prior to the commencement of Work. Equipment shall not be parked, repaired, refuelled; construction materials shall not be stored, and earth materials shall not be stockpiled within the driplines of the trees. The dripline of a tree shall be considered to be the ground surface directly beneath tree from the tree trunk to the tips of its outermost branches. The Contractor shall ensure that the operations do not cause flooding or sediment deposition on areas where trees are located.
11. Remove safety fencing and strapping material without harming the trees as soon as the construction and restoration Work is complete and in order to achieve final landscaping.
12. The Contractor shall take reasonable and prudent precautionary steps to prevent damage from construction activities to existing trees, and trees within the Site, within the limits of the construction area.

Dean Spearman
Landscape Architect

SCHEDULE "A" page 5 of 11
To Zoning Agreement
By-law DAZ 322/14
Zoning 3612/81
DISTRICT
COMMUNITY COMMITTEE
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG
Winnipeg
APR 1 2 2021

No.	ISSUED FOR	DATE:	BY
C	CONSTRUCTION	2021-04-08	DJS

DRAWN BY: DJS
PRINTING DATE: 2021-03-19

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This drawing was digitally signed by Dean Spearman on April 5, 2021

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NEJMARK ARCHITECT
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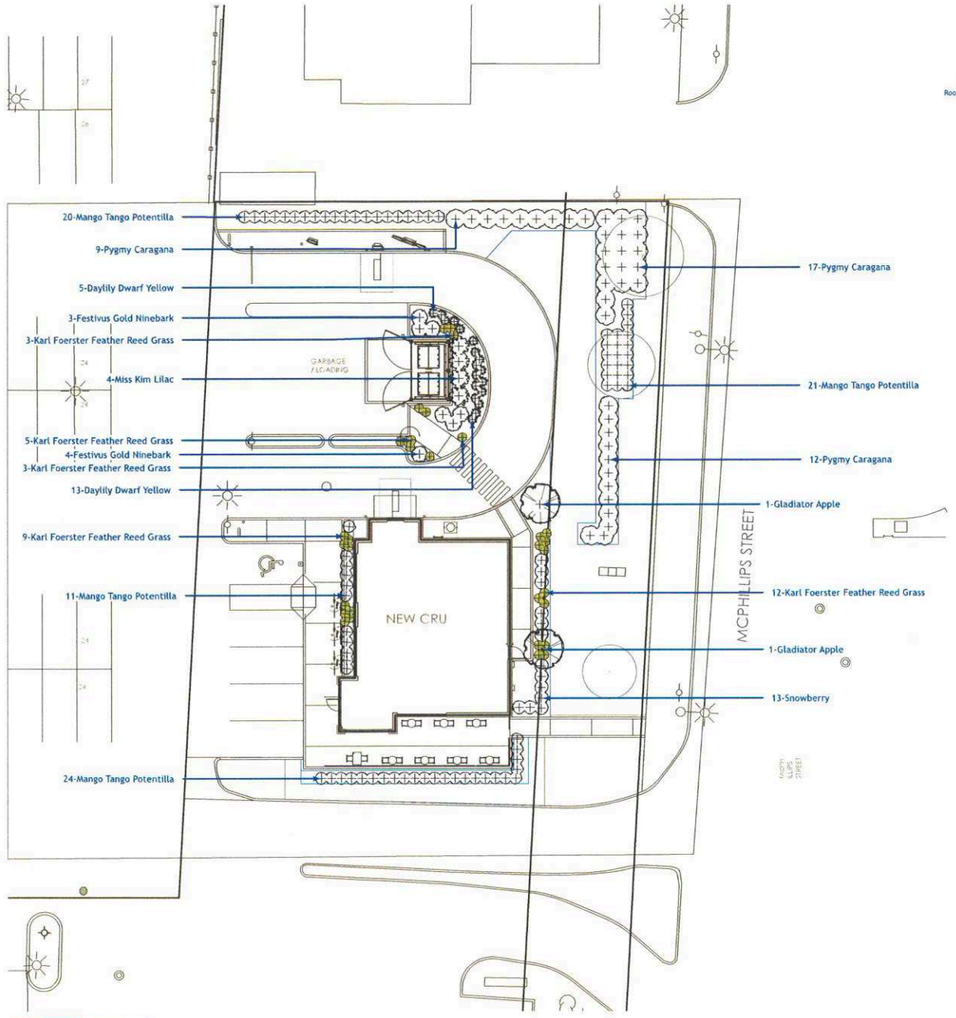
STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET TITLE:

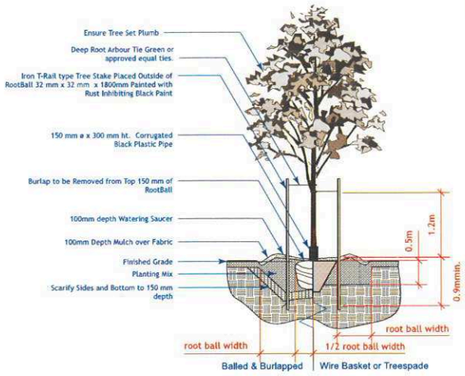
Landscape Scope Plan

COMMISSION NUMBER: **2013**
SHEET NUMBER: **L-1**

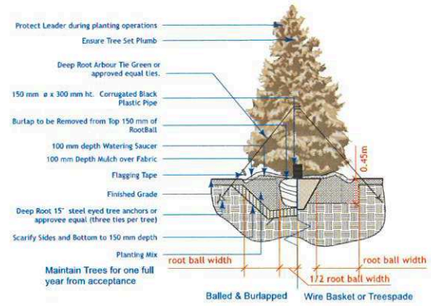
McPhillips Base Building and Starbucks_ Crombie [20-464].vwx



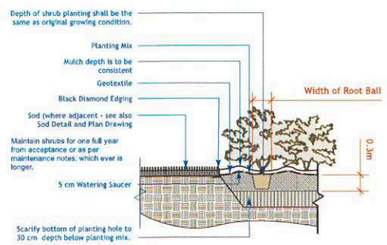
1 | L-2 **Planting Plan**
Scale: 1:200



2 | L-2 **Deciduous Tree Planting Detail**
Scale: 1:50



3 | L-2 **Evergreen Tree Planting Detail**
Scale: 1:50



4 | L-2 **Shrub Planting Detail**
Scale: 1:50

Plant Schedule

Common Name	Botanical Name	Qty	Scheduled Size (Containerized trees will not be accepted)
Evergreen Trees			
Trees			
Gladiator Apple	Malus x adstringens 'Durleo'	2	60 mm ø 3.0-3.5m height, 75 cm dia. root ball, 12 major branches, 2.0m above grade, balled & burlapped or tree mover; wire basket. Double stake where required.
Shrubs			
Pygmy Caragana	Caragana pygmae	38	60 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Festivus Gold Ninebark	Physocarpus opulifolius 'Bert Dart's Gold'	7	30 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Mango Tango Potentilla	Potentilla fruticosa 'Mango Tango'	76	30 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Snowberry	Symphoricarpos occidentalis	13	60 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Miss Kim Lilac	Syringa x 'Miss Kim'	4	60 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Evergreen Shrubs			
Perennials			
Daylily Dwarf Yellow	Hemoerocallis x. Dwarf Yellow	18	Large Pot 2 yr. plant
Ornamental Grasses			
Karl Foerster Feather Reed Grass	Calamagrostis x acutiflora 'Karl Foerster'	32	Large Pot 2 yr. plant
Ferns / Mosses			
Vines			
Aquatic Plants			
Total Plants on Schedule		190	
Total Plants in Drawing		190	

General Notes

1. All work to conform to Canadian Landscape Standard (Current Edition)
2. All existing trees, sidewalks, curbs, catch basins, culverts, survey markers, to remain are to be protected during construction. Any damage to them is to be made good by the Contractor. Maintain positive drainage into all catch basins and curb inlets.
3. All work is to be warrantied for a period of not less than 1 year.
4. Contractor is to limit operations to the area within the area of work shown on the drawing. Should areas outside of this limit be damaged during the course of construction, Contractor is to make good the damage at his own expense
5. Contractor is to obtain location of all utilities prior to construction. If using power equipment to excavate contractor must notify Hydro and Gas and telephone utilities and take steps to avoid damaging their installations.
6. All dimensions are in meters unless otherwise noted
7. Contractor to confirm all dimensions and report any discrepancies to Contract Administrator prior to construction.
8. Layout is to be approved by Contract Administrator prior to any construction or demolition/removals.
9. All material depths in details are shown after compaction.

Planting Notes

1. All plant material, including trees, shrubs, perennials and sod, shall conform to Canadian Standards for Nursery Stock, 9th edition as published by the Canadian Nursery and Landscape Association.
2. All planting shall conform to the Canadian Landscape Standard (CLS) Current Edition
3. As per CLS 9.3.4.3 h, Wire baskets should not be removed from rootballs. Any visible portion should be folded down away from the rootball and buried. Where the wire basket is oversized such that the top wire is higher than the grade, any visible portions should be folded down away from the rootball or the basket shall be cut back to a minimum of 10cm (4in.) below the surface of the growing medium.
4. As per CLS 9.3.4.1,
   a. All planting hole depths should only be dug deep enough to accommodate the root system or root mass at the desired depth relative to the surrounding grade.
   b. Root balls shall be placed on the undisturbed subgrade to prevent settling.
   c. With the exception of woody plants, plants shall be planted so that after settlement the level of the adjacent growing medium surface matches the level of the original growing medium surface in the nursery. The growing medium mark on the stem is an indication of planting depth, and it shall be maintained on the finished level, allowing for settling of the growing medium after planting. The total depth of rootballs shall be planted in the growing medium.
   d. Woody plants shall be planted with the root flare2.5-5cm(1-2in.) above finish grade.
   e. Plants shall be set plumb in the planting beds or in the centre of the pits, except where the plant's character requires variation from this.
5. No substitutions for plant material will be allowed without prior written consent of the Landscape Architect.
6. All plants are to be installed as per the details provided.
7. Minimum trees spacing to be 7 m for deciduous trees and 4 m for coniferous trees
8. All plants shall be located or proposed locations staked out prior installation. Street Tree locations are schematic only. Trees shall be planted 1.8 m from curb and a minimum of 1.8 m from driveway aprons and 4 m from street lights. Conifers shall be located min 4 m from sidewalks. Landscape Architect is to approve location prior to digging. Landscape Architect reserves the right to adjust locations of proposed plant material prior to installation.
9. Contractor to review and accept planting locations as appropriate culturally for the species specified prior to installing plant material. Installation of plant material shall be considered acceptance of the suitability of the location.
10. Contractor shall guarantee new plant material for a period of two calendar years from the date of owner acceptance. Warranty shall only begin after the installation and acceptance of all landscape materials. The Landscape Architect reserves the right to extend the warranty of material found in poor condition at the end of the warranty period for a further calendar year.
11. Contractor shall replace material found to be dead or in poor condition within two weeks of being notified by the Landscape Architect.

Landscape Maintenance Notes

1. Landscape Maintenance work shall conform to the Canadian Landscape Standard (Current Edition) to the "Groomed" level.
2. Maintain all soft landscaping for a period of two years after the recognized completion date and until acceptance (end of maintenance) by the Contract Administrator. Should the recognized completion date occur after September 15 their will be a further 30 day maintenance period beginning on May 1 of the following year.
3. Drain pipe orifice (Located at SW corner of patio) is to cleaned of debris during each maintenance visit to the site.
4. Contractor is to control pests and diseases as required. Contractor shall inform the Contract Administrator prior to applying pesticides and use only those pesticides of low mammalian toxicity. Persons applying pesticides shall have a valid pesticide applicators license and strictly follow manufacturers instructions regarding the application of the chemicals and the safety precautions required to apply them.
5. Contractor shall maintain tree pits and planting beds in a weed free condition throughout the maintenance period. Weed should be removed frequently and not left to establish for a period greater than 10 days.
6. Pruning shall be done by persons with a valid qualification (ie. Tree Pruners License) from the local authority. Pruning shall be as necessary to remove dead or damaged limbs as well as maintain species typical form and healthy growth. Pruning shall be done in accordance with industry accepted methods to standard good practice. In the event of a disagreement the opinion of the Contract Administrator as to what constituted standard good practice shall be considered final.
7. The replacement of any new deciduous or coniferous plant material shall initiate the start of an additional 2 year maintenance on the replaced plant.
8. Tree support and stakes are to be inspected at each weeding/watering to ensure that they are properly adjusted.
9. Water shall be applied as required to maintain optimum conditions. During dry weather the Contractor should expect to water on a weekly basis. Each tree is to be thoroughly watered when it is watered (40 liters per 25 mm of calliper). Contractor is to avoid over watering by reducing the frequency during wet weather.
10. Sod shall be watered as necessary to maintain in a green and healthy condition. Sod shall be cut minimum once every week during May and June and once every 10 days during July to October or more frequently if growing conditions are such as to require added cutting to keep the grass in good and neat condition.
11. Sod and Planting beds shall be fertilized not less than three times per growing season.
12. At the end of each growing season Contractor is to ensure that tree is properly fitted with rodent protection as per the planting detail.

Dean Spearman
Landscape Architect

APR 12 2021
SCHEDULE "A"
To Zoning Variance Application
DAZ 322/79
B012/81
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG

No.	ISSUED FOR	DATE	BY
C	CONSTRUCTION	2021-04-08	DJS

DRAWN BY: DJS

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PROJECT TITLE:

STARBUCKS CRU
920 JEFFERSON AVENUE
WINNIPEG, MANITOBA

SHEET TITLE:

Planting Plan

COMMISSION NUMBER: **2013**

SHEET NUMBER: **L-2**

McPhillips Base Building and Starbucks_ Crombie [20-464].vwx

SCHEDULE "A" page 7 of 11
To Zoning Agreement
By-law DAZ 322/19
Z 301/19
Dist
COMMUNITY CLERK
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG
Winnipeg
APR 12 2021



SCHEDULE "A" page 9 of 11
To Zoning Agreement DAZ 322/79
By-Law No. 3012/81
ZONING
DISTRICT PLANNER
COMMUNITY CLERK
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG
CMU5
APR 12 2021
Winnipeg



SCHEDULE "A" page 9 of 11
To Zoning Agreement DAZ322/19
3012/01
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By-Law
ZONING
DISTRICT
COMMUNITY CLERK
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG
Winnipeg
APR 12 2021





SCHEDULE "A" page 10 of 11
To Zoning Agreement
By-law 3012/91 DAZ 332/79
ZONING
DISTRICT PLANNER
COMMUNITY CLERK
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG
Winnipeg
APR 1 2 2021

SCHEDULE "A" page 11 of 11
To Zoning Agreement DAZ 322/79
3012181
Clerk
By
ZONING
DISTRICT
COMMUNITY CLERK
CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF WINNIPEG
Winnipeg
APR 12 2021



APPENDIX "D"

MLT AIKINS

WESTERN CANADA'S LAW FIRM

MLT Aikins LLP
30th Floor - 360 Main Street
Winnipeg, MB R3C 4G1
T: (204) 957-0050
F: (204) 957-0840

John B. Martens*
*** services provided by**
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Direct Line: (204) 957-4856
Fax: (204) 957-4426
E-mail: jmartens@mltaikins.com

Agnes Tolka
Legal Assistant
Direct Line: (204) 957-4727
E-mail: atolka@mltaikins.com

September 10, 2021

VIA E-MAIL

Ms. K. McMillan (Senior Committee Clerk),
Councillor Gilroy, Chairperson
Councillor Klein
Councillor Lukes
Councillor Santos
City Hall – City Clerk's Department
510 Main Street
Winnipeg, MB R3B 1B9

City of Winnipeg
Legal Services
510 Main Street
Winnipeg, MB R3B 1B9
Attn: Mr. Joe Andrade

Dear Sirs and Mesdames:

Re: Plan Approval 21-117379 - 920 Jefferson Ave, Winnipeg DAZ 322/79
September 14, 2021 Meeting of the Standing Policy Committee on Property and Development, Heritage and Downtown Development

Our File No.: 0055736-00007

This is further to our letter dated May 27th, 2021 placed on the record before the Standing Policy Committee ("SPC"). As the SPC is aware, on June 8, 2021 this matter was laid over to the upcoming meeting of the SPC on September 14, 2021. This is the third appearance of the matter before the SPC, following three appearances of the matter before the Community Committee. No decision has yet been made on the Plan Approval. The position of the Applicant has not changed; it urges the SPC to make a decision on the Plan Approval as recommended by the City Administration.

We write to advise that Niata Enterprises Ltd., the owner of the lands upon which the Thunderbird is located, and Niata's tenant who is the owner of the Thunderbird restaurant (collectively "Thunderbird") filed a Court Application in Court on Wednesday September 8th, 2021 (as file no. CI 21-01-322422) against the Owner/Applicant for Plan Approval, Snowcat Property Holdings

Limited ("Snowcat") seeking a prescriptive/proprietary easement over portions of Snowcat's lands. The Court Application does not name the City of Winnipeg and seeks no relief against it. Snowcat will defend the Application in Court.

Prior to the last appearances, the City Legal Department and SPC were provided with detailed submissions from Thunderbird, and responding submissions on behalf of Snowcat, relating to alleged historical agreements and easements. From the perspective of Snowcat (and the City of Winnipeg Legal Department – see letter dated June 7, 2021 from Ms. Rentz to Thunderbird) the allegations are not relevant to the Plan Approval, and are properly dealt with by the Court. Given the filing of the Court Application by the Thunderbird, they now will be. As a result, there is no need for further consideration of these matters by SPC on this Plan Approval application.

We therefore again request that the SPC proceed with its decision on Plan Approval pursuant to Part 10 of the *Development Procedures By-law*.

Yours truly,

MLT AIKINS LLP

Per:

John B. Martens

JBM:at

APPENDIX "E"

MLT AIKINS

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October 19, 2021

VIA E-MAIL ONLY

City of Winnipeg
City Clerk's Department
Susan A. Thompson Building
510 Main Street
Winnipeg, MB R3B 1B9

Attention: Mr. Andrew Poitras

Dear Sir:

Re: Plan Approval 21-117379 - 920 Jefferson Ave, Winnipeg DAZ 322/79
October 20, 2021 Executive Policy Committee Meeting

Our File No.: 0055736-00007

This is further to the Notice of Appeal of the Applicant submitted September 28, 2021. We are legal counsel assisting the Applicant in this matter. We plan to attend with the Applicant to speak in support of the Appeal for Plan Approval at 920 Jefferson Avenue (Item #1 on the Agenda).

We write to confirm that the relevant Record of the submissions of the Applicant and Letters from the City of Winnipeg Legal Department are before the Executive Policy Committee, and therefore attach the following communications:

- Letter dated May 27, 2021 to Ms. Rentz of Legal Services (with Appendices) – Tab 1;
- Letter dated June 1, 2021 from Ms. Rentz to Ginakes Law Office – Tab 2;
- Letter dated September 10, 2021 to the Standing Policy Committee (SPC) – Tab 3.

The City of Winnipeg By-law No. 104/2020 (the "*Development Procedures By-law*") Part 10 provides for Site Plan Approval by submittal of site plans showing the location and design of site features. In consultation with the City, the Applicant submitted (and revised) site plans for the subject development. The Planning, Property and Development Department (as detailed in the Administrative Report) are in support of Plan Approval based on the submitted plans. The development does not require any variances or changes to land use and is consistent with the Complete Communities Direction Strategy.

In the September 10, 2021 letter to the SPC, the Applicant gave notice to the SPC that a Notice of Application had been commenced by a neighboring property owner/operator. The Notice of Application is proceeding in Court based on agreed upon timelines and is scheduled to be heard by a Judge in February 2022. The City is not a party to the Notice of Application. A Judge will make a decision concerning the relief claimed between the private parties.

The granting of Plan Approval will not result in the Applicant immediately commencing construction. The agreement between the parties to the Notice of Application includes that, if the Applicant intends to proceed with construction, it will provide 30 days' advance notice to the neighboring property owner/operator. At this time, even if Plan Approval is allowed, the Applicant does not intend to exercise the 30 day notice but rather have the Notice of Application heard by a Judge pursuant to the schedule that was agreed upon by the parties. The Notice of Application ought not to impact upon the decision by this Committee concerning the issuance of Plan Approval.

It is therefore respectfully submitted that the EPC allow the appeal and grant Plan Approval.

We look forward to appearing before the EPC to address any questions.

Yours truly,

MLT AIKINS LLP

Per: John B. Martens

JBM:at

APPENDIX "F"

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Legal Assistant
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April 28, 2022

VIA E-MAIL ONLY

City Hall – City Clerk's Department
510 Main Street
Winnipeg, MB R3B 1B9
Attention: Mr. Pieter Prinsloo

City of Winnipeg
Legal Service Department
510 Main Street
Winnipeg, MB R3B 1B9
Attention: Mr. Joe Andrade

Dear Messrs Prinsloo and Andrade:

Re: **Plan Approval 22-133171 - 920 Jefferson Ave, Winnipeg DAZ 322/79 Lord Selkirk – West Kildonan Community Committee (the "Committee") – May 2, 2022**

Our File No.: **0055736-00007**

We are legal counsel for Snowcat Property Holdings Limited ("Snowcat"). We write further to the Plan Approval for the above noted property scheduled to be considered by the Community Committee on Monday, May 2, 2022.

As detailed in the Administrative Report, in 2021 a prior Plan Approval (21-117379) was considered by this Committee, the Standing Policy Committee ("SPC"), and the Executive Policy Committee. At those meetings, representatives on behalf of an adjacent property owner objected to Plan Approval because it was claimed that a "verbal development agreement" and/or prescriptive easement prevented the development from proceeding. In September, 2021 the adjacent property owner filed an Application in Court seeking an easement and injunction. Some Councillors expressed concern about granting Plan Approval while the allegations were pending in Court. In March, 2022 the Honourable Justice Toews issued a decision dismissing the claims of the adjacent property owner (and tenant) and finding that the adjacent owner has no legal interest in the Snowcat property. A copy of the decision is attached at Appendix "1".

I also attach, for your convenience, copies of our prior letters addressed to the City on this matter. The letters detail our request on behalf of Snowcat that the City proceed with consideration of the Plan Approval pursuant to the *Development Procedures By-law* and our submission that the issues raised by the adjacent property owner are not necessary for consideration by the Committee on Plan Approval:

- May 3, 2021 (Attached as Appendix "2")
- May 27, 2021 (Attached as Appendix "3")
- September 10, 2021 (Attached as Appendix "4"); and
- October 19, 2021 (Attached as Appendix "5").

Finally, I attach a letter from the City of Winnipeg legal services dated June 1, 2021 to the adjacent property owner (Attached as Appendix "6"). Legal services similarly viewed the claims as within the jurisdiction of the Court to determine, and that the Committee and SPC, within their authority and jurisdiction, should decide the Plan Approval application on its merits.

We reiterate Snowcat's position that the claims by the adjacent owner are not necessary considerations for the Committee on Plan Approval. However, and in any event, the Manitoba Court of Queen's Bench has now decisively dismissed the claims in favour of Snowcat. It is therefore respectfully requested on behalf of Snowcat that the Committee grant Plan Approval without further delay.

Snowcat looks forward to the Committee considering the Plan Approval on May 2, 2022.

Yours truly,

MLT AIKINS LLP

Per:

John B. Martens

JBM:at

Encls.

APPENDIX "G"

MLT AIKINS

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June 29, 2022

VIA E-MAIL ONLY

City Hall – City Clerk's Department
510 Main Street
Winnipeg, MB R3B 1B9
Attention: Mr. Pieter Prinsloo

City of Winnipeg
Legal Service Department
510 Main Street
Winnipeg, MB R3B 1B9
Attention: Mr. Joe Andrade

Dear Messrs Prinsloo and Andrade:

Re: **Plan Approval 22-133171 - 920 Jefferson Ave, Winnipeg DAZ 322/79 Standing Policy Committee on Property and Development, Heritage and Downtown Development, July 4, 2022 at 9:30 a.m. – Report #23**
Our File No.: **0055736-00007**

The Community Committee declined to make a decision on this matter. We are enclosing our letter dated April 28, 2022 to the Community Committee along with all attachments for consideration by the Standing Policy Committee. Snowcat respectfully requests that this Honourable Committee proceed to hear and approve the Plan Approval without further delay.

Yours truly,

MLT AIKINS LLP

Per:
John B. Martens

JBM:at

Encl.

APPENDIX "H"

Winnipeg | Legal Services
Services juridiques

Please Reply To: **Sarah Rentz**
Telephone: 204 986 8667
Email: srentz@winnipeg.ca

Assistant: **Amanda Medeiros**
Telephone: 204 986 8361
Email: amedeiros@winnipeg.ca

June 1, 2021

Ginakes Law Office
666 Leila Avenue
Winnipeg, MB R2V 3N7

VIA EMAIL pginakes@dbglawyers.com

Attention: Peter Ginakes

Dear Mr. Ginakes:

Re: 920 Jefferson Avenue
Our File No. R.1/2021 (267)

You and your team have repeatedly made the assertion that some sort of 60 year old verbal agreement exists and that it somehow binds all future owners as well as the City, and restricts the authority and jurisdiction of the City and the committees of Council. However, you have not indicated how, in your view, that agreement purports to restrict development of the subject site at 920 Jefferson Avenue or how that agreement would prevent the applicant from making application for plan approval, nor do we have any concrete evidence of the existence of such an agreement or its terms. Additionally, you have not indicated how it is that the City's planning staff is supposed to override the decision-making authority of the Community Committee, and now the Standing Policy Committee, under the City's by-laws, The City of Winnipeg Charter and the Zoning Agreement that is registered against the subject property.

The reality is this - we have an applicant who is only here because of a zoning agreement registered against their property which requires plan approval prior to development. The site which they're attempting to develop typically houses a seasonal greenhouse and is separated from the Thunderbird property by a fence. You claim the existence of a verbal agreement which would somehow prevent a committee of Council from approving the submitted plans; however, this claim is disputed by the applicant and has not been tested by the Courts. Based on the above, there is nothing which would legally allow the Public Service to interfere with the Committee's jurisdiction and authority to consider and make a decision in respect of the plan approval application.

I'm not sure further discussion on this matter would be of any value. If you feel your claim is strong, we invite you to make that claim in the appropriate arena as the City would welcome the court's input on this matter. However, I reiterate that without injunctive relief, there is no legal way for City staff to override or circumvent the Committee's jurisdiction or authority.

Please note that, per their request, all correspondence and conversation between the City and you or anyone from your team on this matter will be provided to counsel for the applicant. And finally, I thank you and your team in advance for refraining from making any further derogatory or disrespectful statements or implications towards or about the Legal Services Department or any other member of the Public Service.

Yours truly,

DOUG BROWN
Director of Legal Services and City Solicitor
Per:

Sarah Rentz
Solicitor

SR/am

Copy to: John Martens, jmartens@mltaikins.com
Standing Policy Committee on Property and Development, Heritage and Downtown Development via the Clerk, kmcmillan@winnipeg.ca
John Kiernan, jkiernan@winnipeg.ca