

September 6, 2024

Chair and Members
Planning and Environment Committee
pec@london.ca

Re: Item 3.7 - Protected Major Transit Station Areas Zoning Review

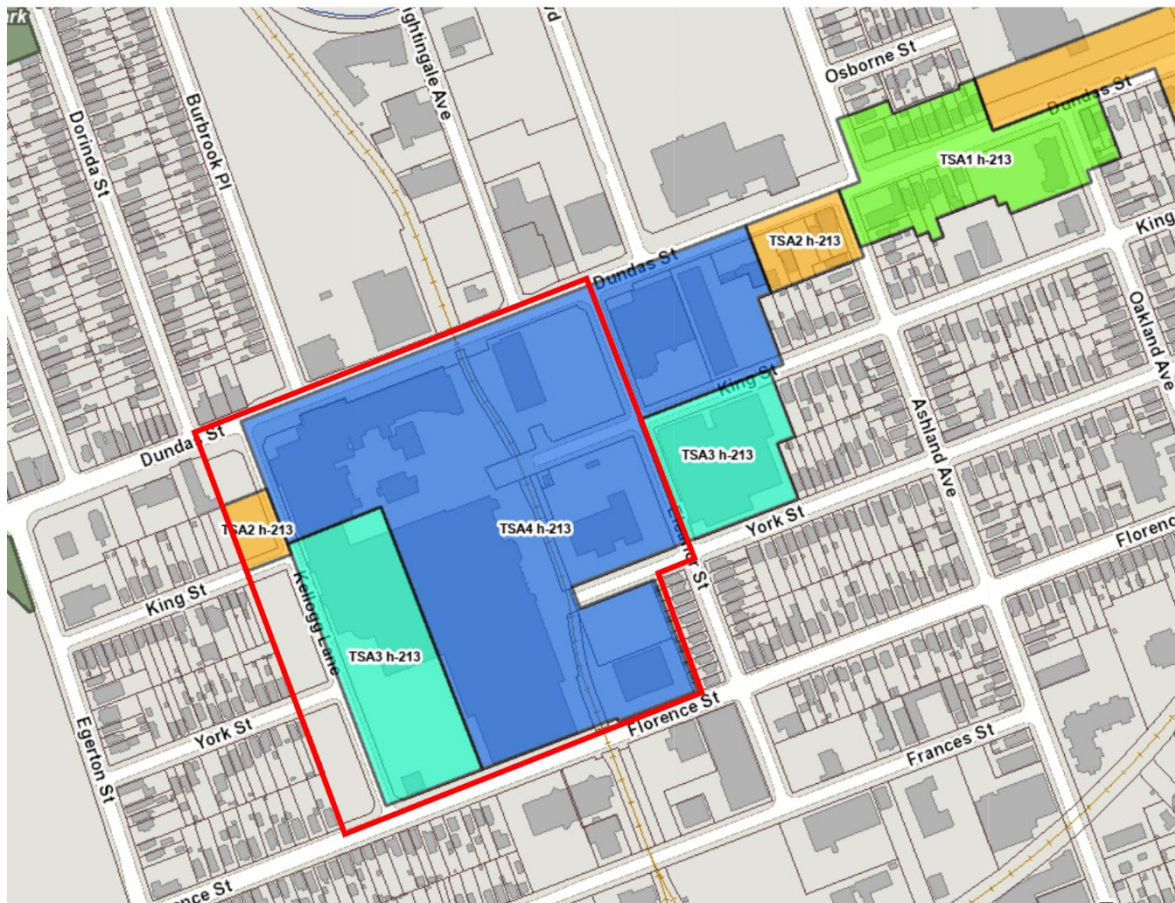
I am submitting this letter on behalf of 100 Kellogg Lane - the owners of the Kellogg's Entertainment District properties. The land ownership includes all of the properties that are identified with "red pins" in the below map.



This land ownership includes properties with the following street addresses:

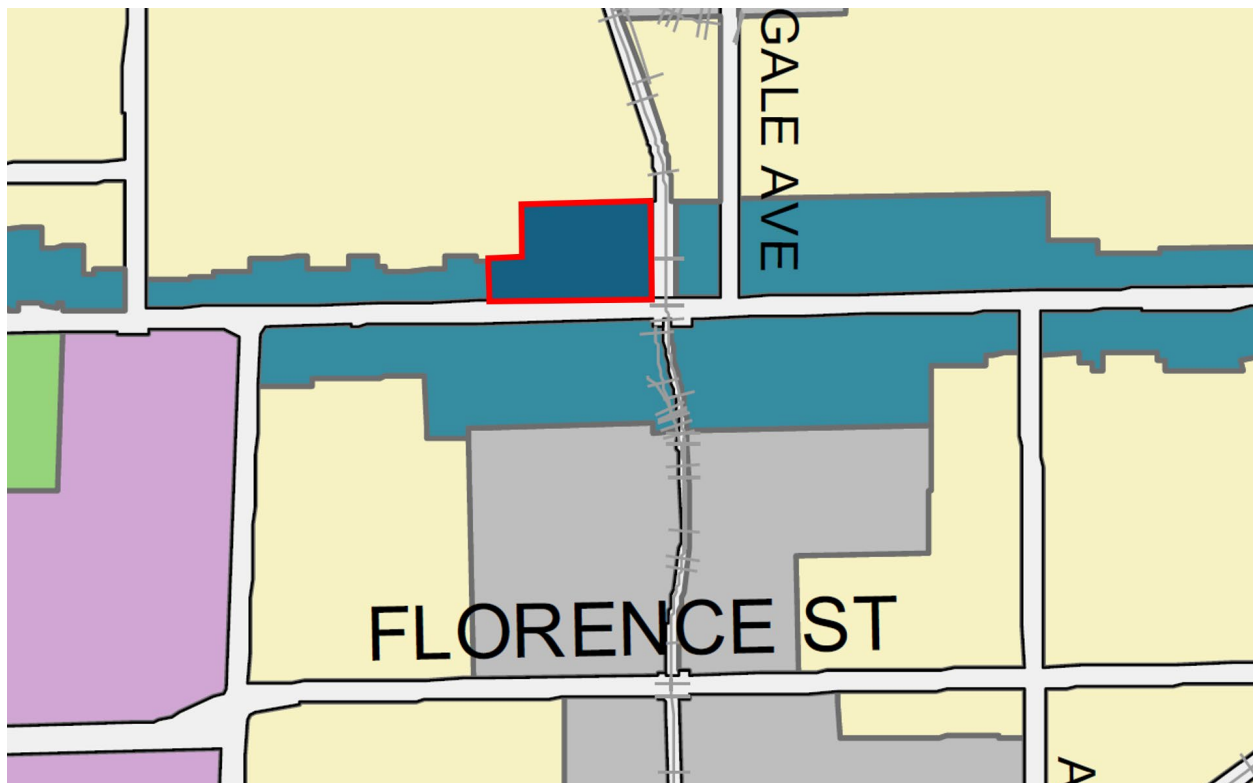
- 100 Kellogg Lane;
- 335 Kellogg Lane;
- 1063 Dundas Street;
- 1097 Dundas Street;
- 1127 Dundas Street;
- 351 Eleanor Street;
- 1151 York Street
- 1080 Dundas Street
- 1100 Dundas Street
- 1108 Dundas Street

The below graphic shows the TSA 2, 3 and 4 Zones that are proposed for our site - to be compounded with existing zoning applied to these lands. We have several comments and requests for your consideration.



PROPOSED TSA2 ZONING IS NOT APPLIED NORTH OF DUNDAS STREET

The below map shows that the lands on the north side of Dundas Street owned by 100 Kellogg Lane have been designated as a Rapid Transit Place Type. Despite being on the corridor, and directly across the street from the Transit Village, these lands have not been assigned a TSA Zone.



We understand that Staff have chosen to not apply a TSA Zone to lands within Secondary Plans across London - and the lands we are referencing are in the McCormick Secondary Plan.

However, we question why the TSA2 Zone could not be applied on the 100 Kellogg Lane lands north of Dundas Street. We think that this runs contrary to the intent of the pre-zoning process to increase housing supply and encourage more intense development at strategic locations.

We believe it is appropriate to apply the TSA2 Zone to the Kellogg lands north of Dundas Street for the following reasons:

- The TSA2 would not replace the existing zone but would only add the TSA2 Zone via a compound zone (effectively adding it to the existing zoning on the site).

- This TSA2 Zone would be in keeping with the Rapid Transit Corridor Place Type established by the London Plan that was approved by Council several years after the McCormick Secondary Plan was completed.
- In this way, the existing Zoning would remain in place as it has since the adoption of the secondary plan, while the TSA2 Zone would be compounded to align with the Rapid Transit Corridor Place Type that has more recently been applied to these lands by Council and is in keeping with the broader planning approach of the London Plan - to encourage intensity along rapid transit corridors and especially at rapid transit stations.
- These lands are distinct/unique, relative to other lands that are in a Rapid Transit Corridor Place Type and also within a secondary plan. These lands will accommodate a rapid transit station, and they are ALSO within 150m of a second transit station at Eleanor Street. No other lands in secondary plans would be similar in this regard.
- The lands are also unique in that they are part of a single landholding together with the large Transit Village Place Type across the street which is being zoned for Transit Village Core heights in the TSA4 Zone.
- These lands are also unique relative to others in secondary plans in that they are currently zoned for General Industrial uses, but located within the Rapid Transit Corridor Place Type. This means they are undevelopable for residential uses of any kind despite the Rapid Transit Corridor Place Type. It makes sense to pre-zone these lands for the kind of development that is desired in the Rapid Transit Corridor Place Type
- These lands are exactly what the City would want to see developed for height and density to support rapid transit ridership, stimulate urban regeneration and play a significant role in bolstering housing supply. We don't think it makes sense to miss this opportunity to include them in the TSA2 Zone at this time.

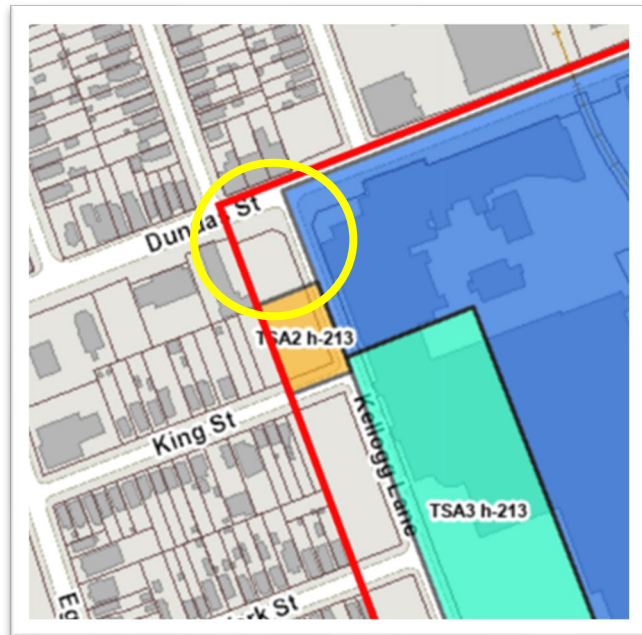
Recognizing Council and Staff's intent of pre-zoning lands within the Protected Major Transit Station Areas to allow for development without the need for a zoning amendment, we believe that the 100 Kellogg Lane landholdings on the north side of Dundas Street should be assigned a TSA2 Zone through the current process.

This would be in keeping with its location within 150m of two transit stations, and would allow for development to proceed that can help address London's need for housing supply, support regeneration of the Old East Village and also bolster rapid transit ridership.

We believe it is both unnecessary and an inappropriate planning approach to leave these lands zoned General Industrial simply because they are within a secondary planning area - and especially when they are designated with a Rapid Transit Corridor Place Type. Furthermore, for the reasons noted above, we believe that the site is distinguished from others within secondary planning areas so that it can be treated differently and receive a TSA2 Zone at this time.

TSA2 ZONE AND 1063 DUNDAS STREET

We appreciate that the TSA2 Zone has been applied to the portion of 1063 Dundas that is on the northwest corner of King Street and Kellogg Lane. However, we are unclear as to why the same zone has not been applied to the northern portion of the site that fronts onto Dundas Street. **We are requesting that the TSA2 Zone be extended to the lands on the southwest corner of Dundas Street and Kellogg Lane.**



OFFICE SPACE RESTRICTION

We are unclear whether the office gross floor area regulation is meant to apply to individual uses or the total office floor area for each building within the Transit Village. However, we think it is meant to apply to individual buildings.

The Transit Village Place Type applies to the Kellogg's lands on the south side of Dundas Street. This Place Type allows for up to 20,000m² of office space in each Transit Village. As you know, the Kellogg's lands make up the vast majority of this Transit Village Place Type. Furthermore, the former Kellogg's building is extremely large. For these reasons, we believe that a restriction of 5,000m² is inappropriate for the TSA4 Zone on these lands.

Because the 5,000m² restriction on office floor area is intended to apply to typical buildings, it doesn't properly recognize the vast amount of floor area in the former Kellogg's building. Furthermore, because the former Kellogg's building consumes so much of the Transit Village Place Type at this location, the 5,000m² restriction undermines the intention to support a mix of employment, commercial, entertainment and residential uses in the Transit Village which, as noted above, allows for up to 20,000m² in each Transit Village Place Type.

Our request is that the TSA4 Zone be amended to remove the restriction on maximum office floor space per building and rather allow for up to 20,000 sq.ft. of total office floor area within each TSA4 Zone. We believe that this would be more in keeping with the policy intention of the Transit Village Place Type, which strives to allow for a substantial amount of office space (20,000m²), while limiting the overall amount of office space in each

Transit Village Node to retain the primacy of Downtown. The size of each individual building is much less relevant to this policy goal.

We note that the proposed TSA zones, as they are currently drafted, would not restrict the total amount of office floor space in Transit Villages - some of which are very large - as many individual buildings could be assembled. Our proposed change would address this.

RESTRICTION OF RESIDENTIAL USES TO ABOVE THE GROUND FLOOR

The proposed TSA2 and TSA4 Zones DO NOT ALLOW for residential uses at grade. Our future plans for the larger Kellogg's District call for mixed use buildings with some commercial uses at grade. However, our plans also call for apartment buildings without commercial uses at grade on portions of the lands further away (southward) from Dundas Street. We believe it is inappropriate to REQUIRE commercial uses at grade for all buildings on the entirety of the site.

We are requesting a change to the TSA4 Zone to allow for apartment buildings without commercial uses at grade.

RESTRICTION OF NON-RESIDENTIAL USES TO THE GROUND FLOOR

The list of non-residential uses permitted in the TSA3 Zone seems to be limited to the ground floor of buildings - given a literal reading of the proposed permitted uses. The TSA4 Zone goes further and seems to limit these non-residential uses to the "front portion of the ground floor".

We are unsure whether this restriction is intentional, or not. As you know, the Kellogg's lands have an abundance of non-residential uses above the first storey, and not necessarily in the "front portion of the ground floor". We anticipate that there may be additional office space on one or more floors above the first storey in future mixed use buildings. We do not believe it is appropriate to limit non-residential uses to the ground floor of buildings in the TSA4 Zone as seems to be required by the list of permitted uses.

We are requesting a change to the wording of the permitted uses in the TSA2, TSA3 and TSA4 Zones be amended to make it clear that commercial, office and service uses are permitted in mixed use buildings above the ground floor.

ADDITIONAL PERMITTED USES

We note that the Official Plan indicates that "a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses may be permitted" within the Transit Village Place Type (Policy 811).

The Kellogg's team has experienced significant issues relating to the thin distinction between a Place of Entertainment and an Amusement Game Establishment. The Place of Entertainment use explicitly excludes Amusement Game Establishments within the Zoning By-law definitions. **To avoid any future issues, we are requesting that the Amusement**

Game Establishments use be added to the list of permitted uses in the TSA3 and TSA4 Zones.

Also consistent with Official Plan policies that encourage a broad range of hospitality uses, **we are requesting that hotels be added to the list of permitted uses in the TSA3 and TSA4 Zone.** As you know, the Hard Rock Hotel is currently under construction on the Kellogg lands and hotels are an entirely appropriate use within Transit Villages to enhance their land use mix, create vitality, support commercial and service uses, support rapid transit ridership and enhance London's tourism infrastructure.

Finally, consistent with the Transit Village policies that allow for a broad range of hospitality and entertainment uses, **we are requesting that a casino use be allowed in the TSA4 Zone.**

SUMMARY

Once again, we want to express our thanks to Council and Planning Staff for their efforts to pre-zone the Transit Villages. We think this is a laudable initiative and we appreciate it. We hope that the preceding comments are helpful in fine tuning what has been proposed, so that the goal of pre-zoning lands in these areas to encourage housing supply development can be achieved.

Sincerely,



John M. Fleming, MCIP, RPP
Principal - City Planning Solutions
john@cityplanningsolutions.com
519-476-0071