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Z-8652
B. Turcotte

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CADILLAC FAIRVIEW CORPORATION LIMITED 1680 RICHMOND STREET AND 95 AND 97 FANSHAWE PARK ROAD EAST PUBLIC PARTICIPATION MEETING ON OCTOBER 17, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Cadillac Fairview Corporation Limited relating to the property located at 1680 Richmond Street and 95 and 97 Fanshawe Park Road East, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 25, 2016, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Regional Shopping Area (RSA1) Zone **TO** a Regional Shopping Area Special Provision (RSA1()) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

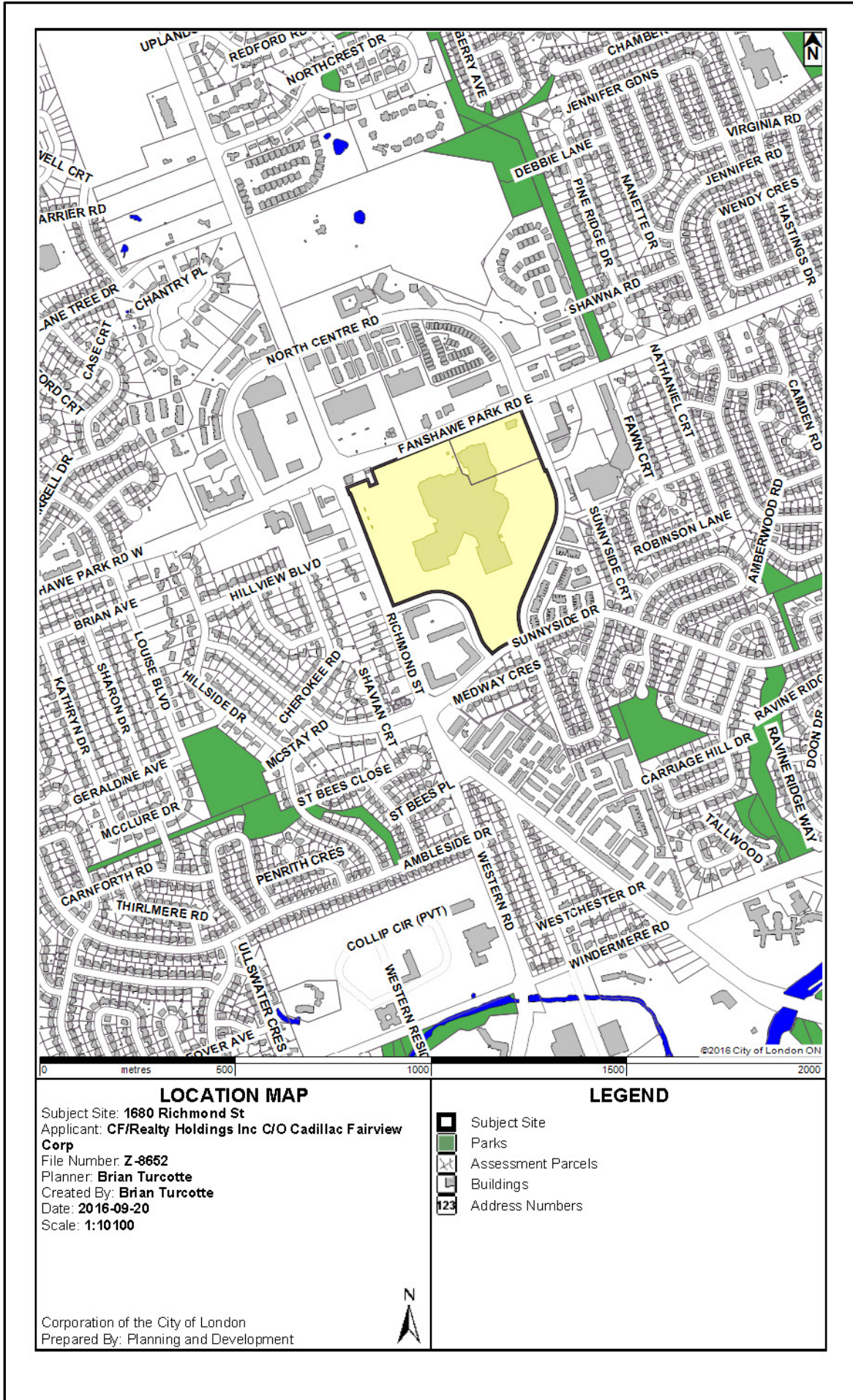
The purpose and effect of the requested Zoning By-law amendment is to permit a 4,085 square metre "Amusement Games Establishment" use in association with a "Place of Entertainment" use in an existing regional shopping area centre.

RATIONALE

1. The recommended Zoning By-law amendment is consistent with, and will serve to implement, the policies of the *Provincial Policy Statement, 2014*;
2. The recommended Zoning By-law amendment is consistent, and will serve to implement, the Enclosed Regional Commercial Node policies of the City of London Official Plan;
3. The property is of a sufficient size and configuration to accommodate the intensity of the requested use without resulting in any negative land use impacts on surrounding properties.

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BACKGROUND

Date Application Accepted: July 11, 2016	Agent: WND Associates (on behalf of Cadillac Fairview Corporation Limited)
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REQUESTED ACTION: Possible change to Zoning By-law Z.-1 **FROM** a Regional Shopping Area (RSA1) Zone **TO** a Regional Shopping Area Special Provision (RSA1(*)) Zone to permit an “Amusement Game Establishment” use in association with a “Place of Entertainment” use. The requested Special Provision would allow for a maximum total gross leasable floor area for “Place of Entertainment” uses of 16% of the total gross leasable floor area of the existing regional shopping area centre.

- SITE CHARACTERISTICS:**
- **Current Land Use** – regional shopping centre
 - **Frontage** – 300 metres (980 feet)
 - **Depth** – 400 metres (1,300 feet)
 - **Area** – 19.45 hectares (48 acres)
 - **Shape** – Irregular

- SURROUNDING LAND USES:**
- **North** - a commercial plaza containing a mix of associated shopping area uses
 - **South** - a mix of high, medium and low density residential uses
 - **East** - a commercial plaza containing a mix of associated shopping area uses and a community facility use
 - **West** - a commercial plaza containing a mix of associated shopping area uses

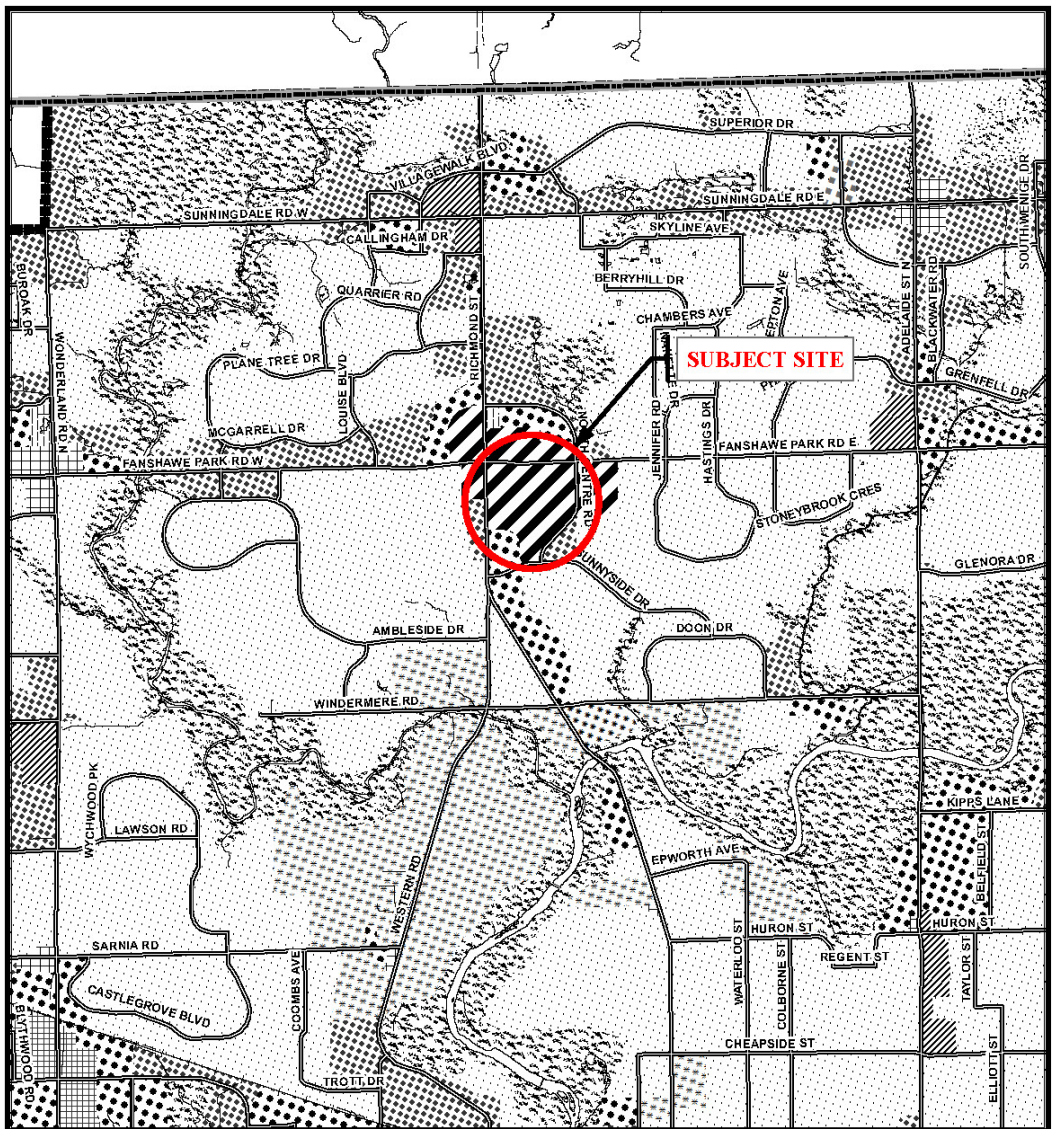
- OFFICIAL PLAN DESIGNATION:** (refer to Official Plan Map)
- Enclosed Regional Commercial Node
- EXISTING ZONING:** (refer to Zoning Map)
- Regional Shopping Area (RSA1)

PLANNING HISTORY

See “Background” to the Analysis Section of this report.

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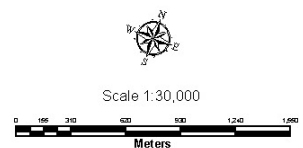
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Legend

- | | |
|---|---|
| <ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area | <ul style="list-style-type: none"> Office/Residential Office Business Park General Industrial Light Industrial Regional Facility Community Facility Open Space Urban Reserve - Community Growth Urban Reserve - Industrial Growth Rural Settlement Environmental Review Agriculture Urban Growth Boundary |
|---|---|

CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -

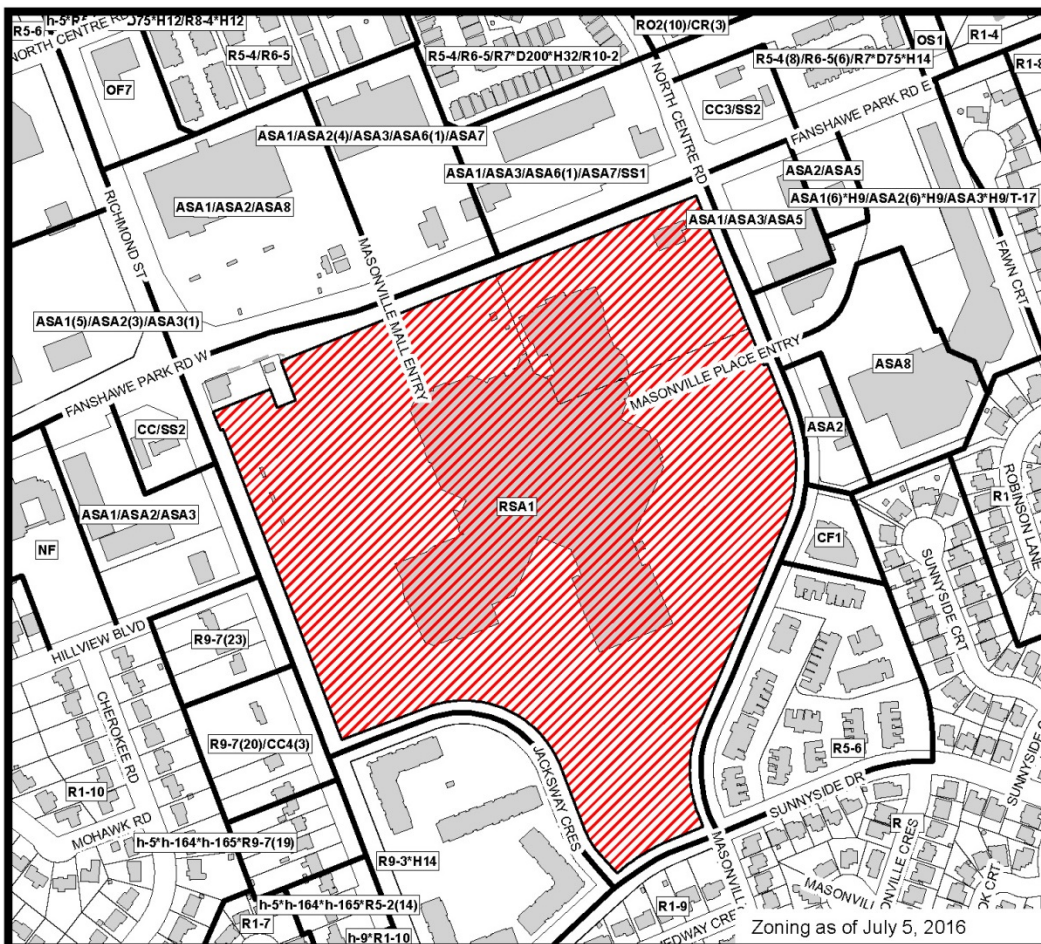


FILE NUMBER: Z-8652
PLANNER: BT
TECHNICIAN: MB
DATE: 2016/07/15

PREPARED BY: Graphics and Information Services

PROJECT LOCATION: e:\planning\projects\tp_officialplan\work\consolid0\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RSA1

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING BY-LAW NO. Z.-1
SCHEDULE A



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO: Z-8652	BT
MAP PREPARED: 2016/07/15	MB
1:5,000	
0 25 50 100 150 200 Meters	

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Transportation Planning and Design comment:

- “Road widening dedication of 24.0m from centre line required on Richmond Street*
- *Road Widening dedication of 24.0m from centre line required on Fanshawe Park Road*
 - *Road widening dedication of 10.75m from centre line required on Sunnyside Drive*
 - *Road Widening dedication of 10.75m from centre line required on North Centre Road*
 - *6.0mx6.0m daylight triangles required at all street intersections*

The applicant should note that Richmond Street has been identified as a potential future rapid transit corridor and a transit node location in the ongoing rapid transit Environmental Assessment.....Additionally the intersection of Fanshawe Park Road and Richmond Street is currently undergoing an Environmental Assessment (EA) for intersection improvements and optimization....”.

WADE comments:

“WADE has no objection w.r.t. this application.”

London Hydro comments:

London Hydro has no objection to this proposal.”

UTRCA:

“The UTRCA has no objections to this application.”

French Public School Board:

“The Conseil Scolaire Viamonde has no comments regarding this file.”

PUBLIC LIAISON:	On July 20, 2016, Notice of Application was sent to 386 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on July 28, 2016. A “Possible Land Use Change” sign was also posted on the site.	2 e-mail responses were received.
<p>Nature of Liaison: Possible change to Zoning By-law Z.-1 FROM a Regional Shopping Area (RSA1) Zone TO a Regional Shopping Area Special Provision (RSA1(*)) Zone to permit an “Amusement Game Establishment” use in association with a “Place of Entertainment” use. The requested Special Provision would allow for a maximum total gross leasable floor area for “Place of Entertainment” uses of 16% of the total gross leasable floor area of the existing regional shopping area centre. The requested “Amusement Game Establishment” use and associated “Place of Entertainment” use is proposed on the upper level of the former Target department store.</p>		
<p>Responses: Responses to the City’s Notice of Application are included as Attachments 1 and 2 to this report.</p>		

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ANALYSIS

A Background to the Requested Action:

In considering the merits of the requested action it is first beneficial to understand the planning context of the existing policy and regulatory framework, particularly as it pertains to the Downtown and London’s suburban malls.

The movement of people, goods and services to the urban periphery and the proliferation of suburban shopping malls in the 1960’s, 70’s and 80’s had many short and long-term implications for numerous downtowns across North America including: the physical deterioration of the built environment; the loss of private sector investment and confidence in the core; and an ensuing lack of downtown identity and civic pride.

The decline in London’s downtown during this period was no different: the downtown experienced a calculated loss of \$60 million in taxable assessment (in just 1/3 of the Downtown area) between 1992 and 1996; street level vacancies were on the rise; and buildings were raised to be replaced with surface parking lots.

In response to these challenges, the City of London (in 1996) adopted a number of Official Plan (and implementing Zoning By-law amendments) to reassert the Downtown as the City’s preeminent employment and entertainment area. These Official Plan and Zoning By-law amendments:

- identified the Downtown as the primary location for large-scale office uses and major entertainment uses;
- encouraged the grouping of entertainment uses in the Downtown; and,
- placed size limits on office and entertainment uses outside of the Downtown.

The Downtown Millennium Plan was adopted by Municipal Council in 1998. Under the Plan, approximately \$100 million was invested in a number of public projects and initiatives that included:

- the creation of Main Street London (now Downtown London);
- the establishment of a suite of financial incentives for revitalization and redevelopment;
- A new Central Library;
- The John Labatt Centre (now Budweiser Gardens);
- The new Covent Garden Market; and,
- New street lighting.

The actions taken by Council (both in 1996 and 1998) have been “tremendously” successful in stemming and reversing the trend of decline in London’s Downtown:

- Between 2004 and 2014, the Downtown’s current value assessment has increased by 61% from \$654 million to \$1.1 billion;
- Approximately 2,000 new residential units have been constructed;
- More than 1,000 Building Permits have been issued since 2001;

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- New facilities attracted 2.5 million people downtown in 2010;
- Downtown welcomes an average of 11 new business a year; and,
- More than 30,000 office workers work downtown.

In April of 2015, Municipal Council resolved that Our Move Forward: London’s Downtown Plan, be endorsed as the City’s strategy for future public and private investment in London’s Downtown. The Plan, which was to build on the success of its predecessor the Millennium Plan, was intended to encourage more private sector investment through the implementation of a number of “Transformational Projects” and specific public investments in infrastructure. Council also adopted the Downtown Plan as a Guideline Document to the City’s Official Plan.

In June of 2016, Municipal Council adopted the London Plan. In reference to the City’s Downtown the Plan states *“Our Downtown will exude excitement, vibrancy and a high quality of urban living. It will be the preeminent destination place for Londoners, residents from our region, and tourists to experience diverse culture, arts, recreation, entertainment, shopping and food.”*

The Our Move Forward Plan of 2015 and the new London Plan of 2016 essentially carry forward the policy and regulatory framework of Council’s Official Plan and Zoning By-law amendments of 1996 wherein *“...large-scale office developments, greater than 5,000 square metres, shall be directed to the Downtown to prevent the deterioration of the important Downtown office market”*. What is interesting to note is that while both Plans underscore the importance of entertainment to a viable and healthy Downtown, the policy and regulatory framework that previously served to limit the size of entertainment uses outside of the Downtown have not been carried forward. This is not to say that major entertainment uses should not be encouraged to locate in the core, rather that there is a greater degree of flexibility in the interpretation of location and “sizing” policy.

While some downtowns in North America, including London, are enjoying a renaissance, fortunes appear to be changing for the suburban mall. As reported in the Business Insider recently, *“...about 15% of malls will fail or will be converted into non-retail space within the next 10 years.....and within 15 to 20 years as many as half of America’s shopping malls will fail...”*. Melissa Dunne, in her article “The Death of Canadian Shopping Malls”, attributes these failures to the demise or closure of major retail chains, the emergence of new format retailing (big boxes or power centres) and the growing popularity of e-commerce.

In this changing retail environment, malls have had to adapt. Locally, Westmount Mall (constructed in 1973) has seen the development of retail pads on the parking lot with restaurants, banks and a movie theatre. The second floor of the mall has been converted to medical uses and a City of London satellite office.

Masonville Place was constructed in 1985 and was originally anchored by Sears, Eaton’s and Loblaws. Since opening its doors the Eaton’s store has gone bankrupt and been replaced by The Bay. Loblaws has relocated to a new standalone pad across the street on the northeast corner Fanshawe Park Road and Richmond Street. Since 2014, the Mall has seen the closure of two major retail anchors – the Sears Department Store (comprising 127,000 square feet) and most recently the Target Department store (approximately 44,000 square feet).

In March of 2016, Cadillac Fairview, the owner of Masonville Place, unveiled a \$77 million investment plan for the regional shopping centre. The investment plan would *“...modernize the entire shopping mall with elegant interior upgrades for a roster of first-to-market [author’s emphasis] retailers and enhanced dining options...”*. The renovation and expansion work, which is expected to be completed by the end of 2016, also includes accessibility improvements (*“...exceeding the standard requirements of the Accessibility Ontario Disability Act”*) and *“digital advancements”* (text-message-based concierge services, upgraded Wi-Fi and mobile charging stations). These upgrades, more specifically the re-tenanting of the second floor space

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previously occupied by the Target Department store, has precipitated the need for the Zoning By-law amendment application.

Site Description:

The subject site is located at the southeast corner of Richmond Street (an Arterial Road) and Fanshawe Park Road East (an Arterial Road). The subject site is fully serviced with municipal works and is flanked by a mixture of low, medium and high density residential uses to the south and commercial plazas and stand-alone commercial buildings to the north, west and east. The subject site contains a bus transit hub and is serviced by multiple transit routes (see Figure 1).

Figure 1 – The Subject Site



The subject site is 19.45 hectares (48 acres) in size and contains a 61,591 square metre (660,000 square foot) shopping centre, an attached 5,575 square metre (60,000 square foot) movie theatre, and a stand-alone commercial pad. The site contains 3,461 surface parking stalls - 193 more than required under the parking regulations of the Z.-1 Zoning By-law given the current floor area tenant mix).

The “subject site” is the upper level of the former Target Department store (see Figure 1). The floor plate of the former department store is approximately 4,085 square metres (43,972 square feet) in size.

The Development Proposal:

The applicant’s proposal “...seeks to permit an Amusement Games Establishment” use associated with a “Place of Entertainment” use, comprising 4,085 square metres of gross leasable area on the upper level of the former Target department store, where such a use is not permitted and the percentage of gross leasable area to be used for a Place of Entertainment is restricted under the City of London Z.-1 Zoning By-law as it applies to the subject site...”.

The proposed Place of Entertainment use and associated Amusement Games Establishment use (or what the applicant refers to as a multi-purpose entertainment facility) would be located on the second floor at the south end of the shopping centre. The proposed entrance would be

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via the existing interior upper level mall entrance and a new exterior access that would include a vestibule and lobby area constructed at the south-western corner of the existing building. An escalator, elevator and stairs are to be provided. The proposed new entrance would be approximately 140 metres from the nearest existing residential building to the south-west. The proposed use is to be wholly enclosed within the existing building. No outdoor balconies or patios are contemplated by way of the proposal.

The proposed “entertainment use” would provide for a range of entertainment, recreational and leisure activities in a contemporary multi-purpose entertainment facility. These activities would include:

- the consumption of food and drink in restaurants, bars, sports bar and lounges;
- console-based prize, redemption and other games (including video, arcade games and pinball machines); individual and group activities including: interactive, virtual reality and motion simulator experiences and amusement rides, pool, billiards and ping pong tables, bowling, bocce ball, darts, axe throwing and mechanical bull riding, live music, dancing, disk jockeys, karaoke, etc....
- bank machines; and,
- operating event screen auditoria and screens/speakers throughout the premises exhibiting live and pre-recorded content.....”.

The new multi-purpose facility is proposed to occupy 4,085 square metres of gross leasable floor area on the second floor of the former Target department store. The allocation of floor space, according to the applicant, is “...approximately 1/3 as games and entertainment area, 1/3 devoted to seating and restaurants and 1/3 for kitchens, washrooms and operational areas.”

The Requested Zoning By-law Amendment:

The City of London Z.-1 Zoning By-law zones the subject site a Regional Shopping Area (RSA1) Zone permitting a wide range of uses, including Place of Entertainment uses, in an enclosed shopping centre building.

A “Place of Entertainment” is defined as a *“building, or part thereof, used for the general purpose of providing entertainment and includes cinemas, theatres, art galleries, commercial recreation establishments, auditoriums and all other places of amusement, but excludes amusement game establishments.”*

An Amusement Game Establishment is defined in the Z.-1 Zoning By-law as a *“building, or part thereof, within which more than three amusement game machines are available to the public”.*

In describing their proposal the applicant has noted that *“...the entirety of the food and drink service offerings, and many forms of the entertainment uses (itemized in the Development Proposal Section to this report noted above) would fall into the zoning permissions (of the Regional Shopping Area RSA1 Zone) on the subject site with two exceptions:*

1. *the “Place of Entertainment” definition which excludes “Amusement Game Establishments”. “Amusement Game Machines” are defined in the Z.-1 Zoning By-law to include the wide range of console-based games and other activities that would be located throughout the proposed entertainment facility; and,*
2. *the 10% total gross leasable floor area limitation for “Places of Entertainment” uses in the Regional Shopping Area (RSA1) Zone. When the proposed 4,085 square metre of floor area for “Place of Entertainment” use and associated “Amusement Games Establishment” use is added to the existing “Place of Entertainment” use floor space (the 5,575 square metre Silver City theatre complex) the total gross leasable floor area for all “Places of*

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Entertainment” uses equals 9,660 square metres, or 15.6% of the total gross leasable floor area.

To provide for the development proposal and the two exceptions noted above, the applicant has submitted a Zoning By-law amendment requesting a site specific Regional Shopping Area Special Provision (RSA1(_)) Zone to permit an “Amusement Game Establishment” use in association with a “Place of Entertainment” use. The Special Provision would also allow for a total maximum gross leasable floor area for “Place of Entertainment” uses of 16% of the total gross leasable floor area of the existing regional shopping area centre. No other Special Provisions are required to provide for the development proposal.

Provincial Policy Statement

The *Provincial Policy Statement* (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. The PPS is intended to be read in its entirety and the relevant policies are to be applied to each situation. The following policies of the PPS are of particular relevance in the consideration of the requested Zoning By-law amendment:

Section 1.1.1b) – *“Healthy, livable and safe communities are sustained by accommodating an appropriate range and mix of ...industrial and commercial and other uses to meet long-term needs;”*

The requested Zoning By-law amendment would provide for a land use, and scale of intensity, that is compatible with, complimentary to, and supportive of the existing tenant mix (and the surrounding commercial area). It would also contribute to the long-term viability of the regional shopping centre by adding to the range and mix of permitted uses.

Section 1.1.3.2a) – *“Land use patterns within settlement areas shall be based on a density and mix of land uses that are appropriate for, and efficiently use the infrastructure which is planned or available”;*

The requested Zoning By-law amendment would provide for the establishment a compatible and appropriately sized use in an existing, purpose-designed building within an identified settlement area. The requested action would serve to “tenant” a vacant commercial floor plate in a regional shopping centre that is fully serviced with municipal works and supporting infrastructure.

Section 1.3 – *“Planning Authorities shall promote economic development by “...providing for an appropriate range and mix of employment and institutional uses to meet long-term needs ...and by providing for opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses...”;* Section 1.7.1 further notes that *“Long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness.”*

Masonville Place is identified in the Official Plan as an Enclosed Regional Commercial Node. Based on their size, range of uses, and trade area, Enclosed Regional Commercial Nodes are defined in policy as major activity centres. Masonville Place is located on Richmond Street and Fanshawe Park Road East, both of which serve as major gateways into the City of London. Gateways typically serve as major employment and economic corridors in support of major activity centres – or economic generators. The requested Zoning By-law amendment would serve to “re-use and re-tenant” an existing regional commercial node in support of the employment and economic prosperity policies of the *PPS*.

Official Plan

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and

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compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The subject lands are designated an Enclosed Regional Commercial Node. Enclosed Regional Commercial Nodes are located at the intersection of two arterial roads on sites that are large enough to: accommodate the shopping centre (and any free-standing structures), the required parking, and adequate setbacks to buffer adjacent residential uses. Enclosed Regional Commercial Nodes are also directed to sites with good access to public transit service with on-site transfer areas.

The Enclosed Regional Commercial: Permitted Uses

Permitted uses in the designation include, but are not limited to: all types of large and small-scale retail outlets, supermarkets and food stores; convenience commercial uses; restaurants; and commercial recreation establishments. Within Enclosed Regional Commercial Nodes, office uses and places of entertainment are also permitted in limited amounts.

The requested Zoning By-law amendment seeks to allow for the establishment of an “Amusement Game Establishment” use in association with a permitted “Place of Entertainment” use. The proposed “entertainment” use would, as described under the Development Proposal Section on page 9 of this report, provide for a range of entertainment, recreational and leisure activities in a contemporary multi-purpose facility. The new multi-purpose facility would occupy 4,085 square metres of gross leasable floor area on the second floor of the former Target department store. According to the applicant, floor space allocation for the proposed facility would be “... 1/3 as games and entertainment area, 1/3 devoted to seating and restaurants and 1/3 for kitchens, washrooms and operational areas.” In support of their proposal the applicant has noted that many of the individual entertainment elements to be included in the multi-purpose facility (including “*the entirety of the food and drink services*”) would be permitted under the existing Regional Shopping Area (RSA1) Zone. The only use that would not be permitted would be the “Amusement Game Establishment” use.

The requested Zoning By-law amendment, in-as-much as it would provide for a new “associated”, or accessory, use that, given the multi-purpose nature of the development proposal, is complimentary to, and supportive of a primary permitted use, would appear appropriate and in keeping with the spirit and intent of the Permitted Use policies of the Enclosed Regional Commercial Node designation of the Official Plan. As outlined above, these Nodes permit a wide range of uses in order that they may fulfill their planned function. The requested Zoning By-law amendment to permit an “Amusement Games Establishment”: use in association with a “Place of Entertainment” use will simply serve to implement the wide range of permitted uses contemplated in the Official Plan.

The Enclosed Regional Commercial: Intensity

As noted above, and for those reasons advanced in the Background to the Analysis Section of this report on pages 7 and 8), the policies of the Enclosed Regional Commercial Node designation serve to limit the size of “Places of Entertainment”. The regulations of the Regional Shopping Area (RSA1) Zone of the Z.-1 Zoning By-law, which serve to implement Official Plan policy, limit the total gross leasable floor area for “Places of Entertainment” (as a proportion of total gross leasable floor area) to 10%.

The requested Zoning By-law amendment would have the effect of increasing the total gross leasable floor area for all “Places of Entertainment” (the existing Silver City cinema and the new multi-purpose entertainment facility) to 9,660 square metres, or 15.6% of the total gross leasable floor area of the existing shopping centre.

Noting that many of the individual entertainment elements, or component uses, of the proposed multi-purpose facility are permitted, non-restricted uses (i.e. there are no floor area restrictions

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in the Regional Shopping Area (RSA1) Zone for individual restaurant uses or commercial recreation establishment uses - such as pool rooms or bingo halls or bowling alleys), the effect of the requested Zoning By-law amendment would be to add a very limited amount of new "Place of Entertainment" floor area. It is noteworthy that the actual floor area devoted to "Place of Entertainment" may be less than requested in this application. The applicant is seeking the requested amount to allow for flexibility to change the mix of uses without additional variances or Zoning By-law amendments. This new floor area, given the multi-purpose nature of the entertainment facility, is viewed as being consistent with spirit and intent of the Regional Commercial Node policies of the Official Plan which seek to limit the size of Places of Entertainment within the regional shopping centre.

The policies of the Official Plan require that Regional Commercial Nodes be of a sufficient size and configuration so as to accommodate the required amount of parking and to provide adequate setbacks to buffer any adjacent residential uses.

No new buildings and/or structures are contemplated by way of the requested Zoning By-law amendment. Given the existing floor area and tenant mix of the shopping centre, a total of 3,269 parking spaces are required for the site. A total of 3,461 parking spaces are currently provided on the site. This represents a surplus parking scenario of approximately 200 parking stalls.

The requested Zoning By-law amendment would serve to re-tenant a vacant floor plate on the second floor of an existing shopping mall. While no new additions and/or structures are currently contemplated, the applicant has indicated that a new entrance on the southwest corner of the existing plaza will be required at some future time. The yard regulations of the Regional Shopping Area (RSA1) Zone require a minimum setback "from a road allowance or abutting residential zone boundary, of 15 metres. The proposed entrance at the southwest corner of the existing building is approximately 90 metres from the Jacksway Crescent road allowance and approximately 120 metres distant from the Residential R9 (R9-3) Zone that abuts it. The site is of a sufficient size to provide for the buffering measures called for in the Official Plan.

The subject site is large enough to mitigate potential land use intensity issues associated with the requested action.

The policies of the Official Plan further require that a Planning Impact Analysis (PIA) be used to evaluate applications for an Zoning By-law amendment to determine the appropriateness of a land use change and to identify ways of reducing any adverse impacts on surrounding land uses. The PIA seeks to consider the following:

- the compatibility of the proposed use with surrounding land uses and the likely impact of the proposed development on present and future land uses within the area.

Lands in the vicinity of the subject site have been developed for a range and mix of commercial land uses. The requested Zoning By-law amendment would provide for the development of a multi-purpose entertainment use in an existing shopping centre.

- The size and shape of the parcel of land on which a proposal is to be located and the ability of the site to accommodate the intensity of the proposed uses.

As noted above, the parcel is of a suitable size and shape to accommodate the intensity of the use and buffering from adjacent residential neighbourhoods.

- The supply of vacant land or vacant buildings in the area which is designated and/or zoned for the proposed uses.

The requested Zoning By-law amendment would provide for the re-use and re-tenanting of vacant commercial floor space in an existing regional shopping area.

- The potential traffic generated by the proposed change and the likely impact of this

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additional traffic on City Streets.

As noted in the City’s Transportation Planning and Design comments, the intersection of Richmond Street and Fanshawe Park Road is currently undergoing an Environmental Assessment (EA) for intersection improvements. Transportation Planning and Design has also provided comments in regards to road widening dedications and daylight triangles. This information is provided for the information of the applicant. These dedications would be sought through a future Site Plan Approval process.

- The height, location and spacing of any buildings in the proposed development and any potential impacts on surrounding land uses.

As noted above, no new buildings or structures are sought by way of the requested Zoning By-law amendment. The applicant has indicated that a new addition to the southwest corner of the existing shopping centre will be required at a future time to provide direct exterior access to the second floor. The location of the proposed access is sufficiently setback from adjacent residential uses to the southwest on Jacksway Crescent.

- Impacts of the proposed change on the planned transportation system, including transit.

The requested Zoning By-law amendment would provide for the development of a multi-purpose entertainment facility on a site that currently functions as a major transit hub.

The PIA serves to demonstrate that the requested Zoning By-law amendment is consistent with, and will serve to implement, the Enclosed Regional Commercial Node polices of the Official Plan.

The London Plan:

As noted above, the Downtown policies of the new London Plan do not carry forward the policies of the existing 1989 Official Plan which serve to limit the size of entertainment uses outside of the Downtown Area.

The subject site is in a Transit Village Place Type in the London Plan. The policies of the London Plan state that Transit Villages will offer recreational and entertainment uses to add to their “*interest and vitality*”. The policies of the London Plan further state that opportunities for infill, intensification and redevelopment shall be pursued. Permitted uses in the Transit Village Place Type include retail, service, office, cultural, hospitality, entertainment, recreational and other related uses. Mixed-use buildings are encouraged by policy. While the policies of the Transit Village Place Type restrict office development to 5,000 square metres (per building), no restrictions are advanced in terms of a size limit for entertainment or recreational uses.

The Recommended Zoning By-law

The subject site is zoned a Regional Shopping Area (RSA1) Zone. The applicant has requested that a site specific, Special Provision “(*)” Zone be added to the Regional Shopping Area (RSA1) Zone to provide for a “Place of Entertainment” use and an associated “Amusement Games Establishment” use in an existing regional shopping centre. The applicant has also requested that a Special Provision to permit a total gross leasable floor area for Places of Entertainment of 16% of the total gross leasable floor area of the existing regional shopping centre. No other Special Provisions, or regulations, are sought by way of the requested Zoning By-law amendment.

The recommended Regional Shopping Area Special Provision (RSA1(*)) Zone is appropriate to allow for a broader range of on-site uses. The recommended Zoning By-law would serve to re-use and re-tenant a vacant commercial floor plate in an existing regional shopping centre. The recommended Zoning By-law amendment would provide for a use that is compatible with, and complementary to, other commercial uses both in the existing building and the larger area. The

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lot is of a sufficient size and configuration to provide for the intensity of the new use without impacting adjacent residential development. The use is proposed to be located in an existing shopping centre that has achieved a level of compatibility with surrounding land uses.

CONCLUSION

The recommended Zoning By-law amendment is consistent with the policies of the Provincial Policy Statement (2014), the City of London Official Plan, the Our Move Forward Downtown Plan and the London Plan. Permitting a 4,085 square metre “Amusement Game Establishment” use in association with a “Place of Entertainment” use will enhance the viability and longevity of regional shopping centre and make better use of existing City infrastructure. No new additions (beyond a future entrance) are contemplated by way of the development proposal. The new use will serve to “re-tenant” a vacant commercial floor plate in an existing shopping centre that has achieved a level of compatibility with surrounding land uses.

REPAIRED BY:	SUBMITTED BY:
BRIAN TURCOTTE SENIOR PLANNER, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

September 20, 2016

/BT

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Responses to Public Liaison Letter and Publication in “The Londoner”

<u>Telephone</u>	<u>Written (e-mail)</u>
	Ron and Karen Payne (no address given in email)
	Y. Wang (no address given in email)

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Bibliography of Information and Materials
Z-8652

Request for Approval:

City of London Zoning Amendment Application Form, completed by WND associates, June 29, 2016

Planning Justification Report, completed by WND associates, June 30, 2016

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended

Our Move Forward: London's Downtown Plan, 2015

Correspondence: (all located in City of London File No. Z-8652 unless otherwise stated)

Departments and Agencies - (all located in City of London File No. Z-8652 unless otherwise stated)

Other:

Site visits, most recent September 19, 2016

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Attachment 1 – email response from R. and K. Payne

Reference our recent meeting with you at your Dundas Street Office.

You will recall that we are residents of the townhouse complex, across North Centre Road from the former Target Store in Masonville Mall. As mentioned, we and several of our neighbours have some questions and concerns about the proposed new "Amusement Game Establishment."

Our main concern is traffic and noise in our residential area. While we appreciate an entertainment centre "Cineplex" is already in operation at the north end of the mall, there are no residents living in that immediate area. At the opposite end, however, many residents border the area.

Questions which come to mind are as follows:

- What will be the hours of operation of this proposed Amusement Game Centre? One would assume these hours will be beyond regular mall times.*
- In which case how will the new centre be accessed once the mall closes. Since we do not recall an outside entrance to the upstairs of the former Target Store, how will patrons enter and leave? Is a new upstairs entrance to be constructed, and if so, where?*
- If the proposed facility takes in the entire upstairs of the former Target store, we are wondering how many and what type of machines will be placed there? Is this to be an Arcade, or the like?*
- Which leads to our concern about noise. Will sound be heard outside the proposed facility, especially during night hours? This is a strong concern of the residents, for some have small children sleeping early, and many of us with our windows open all night.*

We would like some firm assurance that our present way of life will not be impacted by this newly proposed use of the shopping center environment we felt would always remain when we purchased our homes in this desirable area.

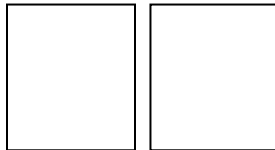
Thank you for your assistance."

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Attachment 2 – email response from Y. Wang

“I think, that is a good Idea, to build a regional shopping area center in 1680 Richmond street and 95 and 97 Fanshawe Park Road East. Because there is a very big residential area. The shopping center will have good business.”



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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2016

By-law No. Z.-1-16_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1680 Richmond Street and 95 and 97 Fanshawe Park Road East.

WHEREAS Cadillac Fairview Corporation Limited has applied to rezone an area of land located at 1680 Richmond Street and 95 and 97 Fanshawe Park Road East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1680 Richmond Street and 95 and 97 Fanshawe Park Road East, as shown on the attached map comprising part of Key Map No. A102, from a Regional Shopping Area (RSA1) Zone to a Regional Shopping Area Special Provision (RSA1(_)) Zone.
- 2) Section Number 21.4 a) of the Regional Shopping Area (RSA1) Zone Variation is amended by adding the following Special Provisions:

RSA1(_)	1680 Richmond Street and 95 and 97 Fanshawe Park Road East
a)	Additional permitted Use:
i)	Amusement Game Establishment in association with a Place of Entertainment in the existing regional shopping centre
b)	Regulations
i)	Total gross leasable floor area for Places of Entertainment as a proportion of total gross leasable floor area in the existing regional shopping centre (%) (Maximum) 16

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on October 25, 2016,

Agenda Item # Page #

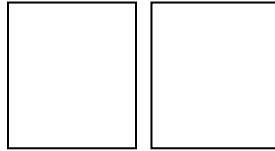
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Matt Brown
Mayor

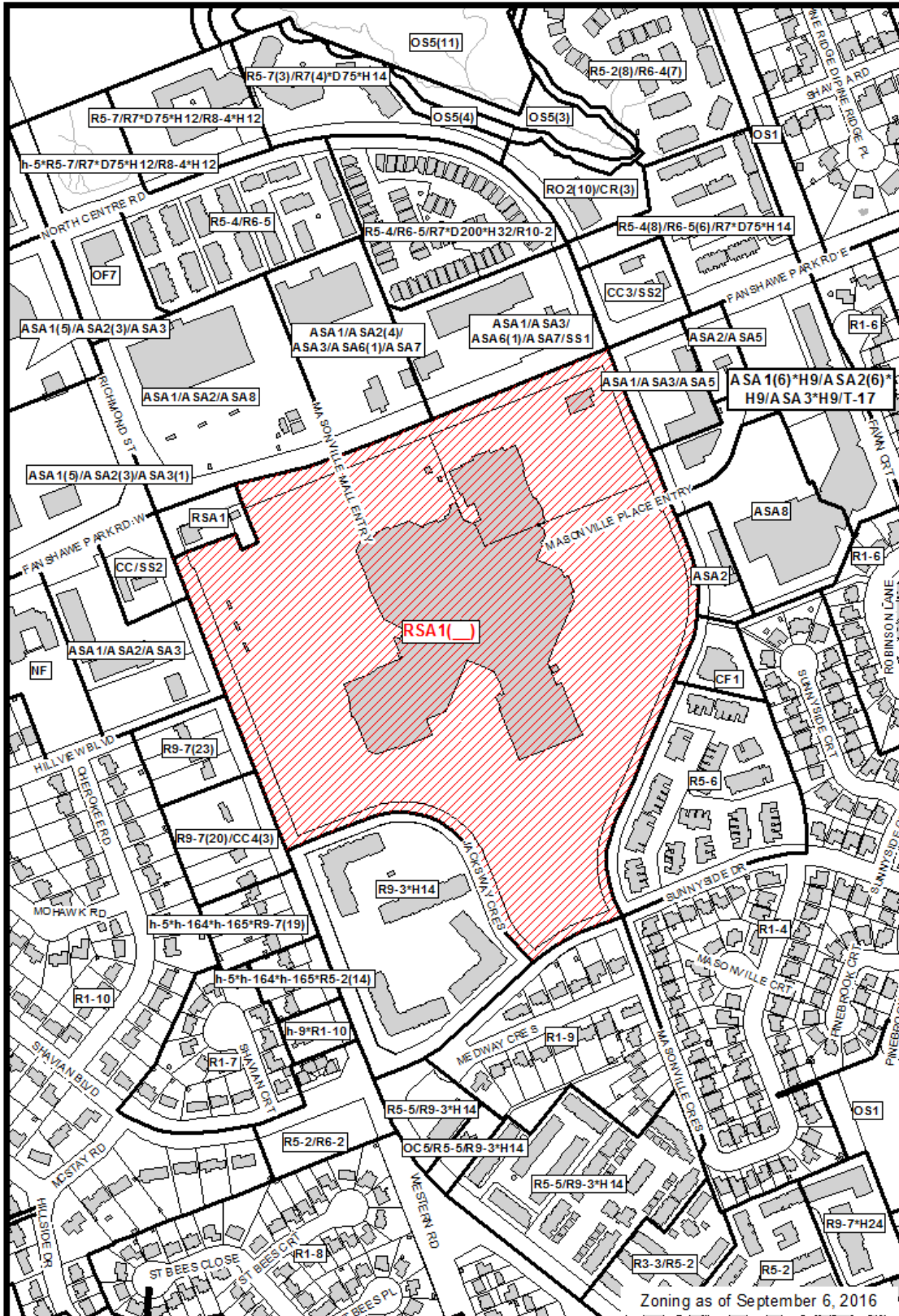
Catharine Saunders
City Clerk

First Reading - October 25, 2016
Second Reading – October 25, 2016
Third Reading - October 25, 2016




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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Zoning as of September 6, 2016

File Number: Z-8652
Planner: BT
Date Prepared: 2016/09/22
Technician: MB
By-Law No: Z.-1-

SUBJECT SITE 

1:5,000

0 25 50 100 150 200 Meters

