

PUBLIC PARTICIPATION MEETING COMMENTS

3.4 PUBLIC PARTICIPATION MEETING – Wonderland Road Community Enterprise Corridor

- *Councillor H.L. Usher – expressing concern about 17 Exeter Road; asking for more information; asking about 4141 Wellington Road South; advising that he is not familiar with the specific address, he is familiar with the area.* Mr. M. Tomazincic, Manager, Current Planning, responding that the property located at 17 Exeter Road is the property immediately at the southwest corner of Wonderland Road and Exeter Road; referencing page 214 of the Planning and Environment Committee Agenda, there is an arrow pointing “No Commercial Zoning Available” at the southwest corner of Wonderland Road and Exeter Road; *Councillor H.L. Usher enquires about 51 to 99 Exeter Road, noting that there are two listed there, one is approved and the other is designated, wondering if he can get some information about those.*; Mr. M. Tomazincic, Manager, Current Planning, responding that 99 Exeter Road is what they refer to as the Greenhills site, it is at the southeast corner of Wonderland Road and Exeter Road and there was an Official Plan and Zoning By-law Amendment to allow for some commercial development on that site several years ago; *Councillor H.L. Usher asking about 4141 Wellington Road, requesting more information;* Mr. M. Tomazincic, Manager, Current Planning, responding that this is a site off Wellington Road, it is on the west side of Wellington, just north of Dingman Drive, south of Roxborough Road.
- Nick Dyjach, Planner, Stantec Consulting, on behalf of The AARTS Group – indicating that the lands that he is discussing are west of Wonderland Road and south of Exeter Road; expressing support for the staff recommendation to remove the policy thereby lifting the commercial development threshold; within the South West Area Secondary Plan, the intersection of Exeter Road and Wonderland Road is a focal node and a gateway to the Enterprise Corridor; pointing out that there are also policies in the Secondary Plan that pertain to their clients lands that are specific and guide the direction of a mixed use development including office, higher density residential and lower intensity commercial uses that would support the day to day needs of approximately 2,800 square metres of commercial or 30,000 square feet; advising that their clients site is currently zoned Urban Reserve and therefore any planned commercial uses would already exceed the threshold that has currently been allotted and zoned for; by removing this overall commercial threshold, their clients site will be able to develop in accordance with the Secondary Plan and it would allow for smaller, low intensity uses and would not hinder or directly compete with the Regional Commercial to the north; indicating that if today’s recommendation is approved, it would allow for the appropriate development of their clients land.
- Mimi Ward, President, Ward Land Economists – advising that she is a professional Land Economist and a Member of the Canadian Institute of Planners, a registered professional Planner and for the last thirty years she has specialized in carrying out Market Demand and Impact Studies and she has carried out many of these types of studies on behalf of the cities and towns across Ontario as input to Official Plan policy formulation on Secondary Plans; advising that she has also been qualified by the Ontario Municipal Board, on many occasion, as an expert in retail market analysis in land economics with a background in land use planning; on behalf of York Developments and North American, she has reviewed the staff report dated March 19, 2018 and she has also reviewed the coriolis report with respect to planning and market related issues and, in particular, the market demand and impact analysis; relating to the staff report, the purpose of the coriolis report is set out for her and it says the coriolis report was given direction to the consultants were to evaluate the impact of removing the cap on existing and planned retail and service space in the City of London and to identify strategies to mitigate potential impact; believing the purpose of the study, from what she sees in the staff report is two-fold, test the impact of lifting the cap and what are the strategies to mitigate that impact and that, to her, from a Land Economist, is balancing supply and demand and really that is what land economics is all about; indicating that she has presented her findings in a letter dated March 15, 2018 and quickly reviewing those findings, she has reviewed the coriolis report which had similar findings to other market studies that have addressed this same issue of market demand and impact; there is no need or justification to increase or eliminate the cap in the Enterprise Corridor; indicating that the conclusion of the report on page 2 and 52 says that removing the cap creates excess region serving retail capacity which is not needed over the next thirty years from 2017 to 2047 and that removal of this cap postpones viable development options; advising that they have addressed the second part of that question that was addressed to them by staff and what do you do to mitigate those impacts; the coriolis report has recommended to avoid excess commercial capacity with removal of the cap, they have recommended that five commercial lands be redesignated for non-

commercial uses; stating that obviously there is impact, and there is significant impact, there is much more capacity or supply than demand for many years, thirty years; uncontrolled development in the city then risks impact on all the existing and planned commercial transit nodes, the Enterprise Corridor, South West Area Plan and even the Downtown; pointing out that the staff report of 2014 has set out a lot of detail and background and a lot of extensive work that was put into identifying that cap and the purpose of that cap; indicating that the cap was put in place to preserve the planned function of existing commercial centers and to ensure that there would not be an oversupply of commercial space; however, based on the coriolis report, there is no need or justification and that lifting the cap would create excess supply for thirty years; there are also various inputs that she has noticed from just a market perspective that actually overstate what the demand might be and that is from population and income and spending but she also noticed that there is a lot of existing space, there is already over 7,000,000,000 square feet and there is over 7,000,000 square feet of vacant space in South London today according to the report; that is a significant amount of space and they do not account for that in the supply; pointing out that there is another issue of potential impact where this existing vacant space has not been accounted for; if the cap is removed, the report advises that there would be an additional 1,300,000,000 of permitted space as of right and that is quite significant, that is about the size of White Oaks Mall and Masonville Mall together on the Corridor, in addition to already the 100,000 square metre cap; (*Councillor Turner advising that Ms. Ward is at her five minutes and determining if the Planning and Environment Committee would entertain an extension; noting that the extension was granted.*); wondering what does this mean, it means that if there is impact, if there is too much space too soon, then the City risks impacting its commercial structure and its planning function of commercial areas and it would also mean that there would be partly developed and partly undeveloped sites and this is not conducive to the Official Plan, it is not consistent with the policies of the Official Plan; there are certain policies in the Official Plan that direct that, if there is to be new space, that it should be shown that there is need for that space and that there will not be any impact on existing commercial facilities and that is in policies 875, 876, 880 and 881; you have to clearly demonstrate need and that extra space will not undermine or detract from the planned function; noting that none of this has been tested; it is also to protect Lambeth Village core from risk of impact as well and that is not consistent with the recommendations; noting that the recommendations are also not consistent with the Provincial Policy Statement which is protecting the Downtown; maintaining and enhancing the viability and vitality of Downtowns'; wondering what have we learned if too much space is permitted to soon, we have learned that there will be impacts on other areas, if you allow too much and the market is not there to handle that space than it has to come out of somewhere and that risks the impact on all the other commercial areas; going back to the purpose of the report was, to test impact and then identify the strategies to mitigate this impact, there is an inconsistency with the proposed Official Plan Amendment because it only addresses one part of that purpose of the report, lifting the cap but it does not address the other side which was take away five commercial sites, Greenhills, AARTS, two others on Wharncliffe Road South and one in the Regional node down by Highway 401; understanding that Greenhills wants to maintain that commercial permission and not have that taken away; the way that the Official Plan Amendment is set up, it does not address that so it just permits extra space in the market and therefore that leads to impact, store closures and job losses which is not in the interests of the City and it is not consistent with planning; recommending that the City protect what it has and not permit additional space beyond the cap and therefore protect the planned function of your existing and planned space in the city.

- Jim Harbell, Stikeman Elliott, North American Development Group and York Developments – indicating that he has a letter on file, along with Ms. Ward's report and a report from MHBC; stating that he has three points this evening that he wants to raise with the Committee as well as a recommendation on how he thinks this matter should be addressed; stating that his first point deals with the intent of the corridor; noting that in his submission on behalf of York Developments throughout the SWAP hearing, he was here for all eight weeks of the OMB hearing, and he acted for York Developments and North American Development Group for several years ahead of that and he has a very good view of what the intent was with respect to the SWAP corridor and it is fundamentally flawed as set out in the staff report before the Committee; indicating that there was never the suggestion that the Enterprise Corridor was going to be a continuous retail strip with residential above it, as you might imagine; stating that the Board specifically understood, and in its decision specifically says that SWAP does not contain the phrase "continuous commercial corridor"; indicating that

what SWAP contains the Board decision, “the permitted amount of commercial space will be spread out over a wider area and consequently there will be room for as of right development for other complimentary uses, thereby resulting in a mix of uses throughout the corridor” meaning that everybody knew that you could not take the jam and spread it out over the full slice of bread, that the jam was going to be interspersed on the bread because the bread was longer than the amount of retail; indicating that where there is no jam, the expectation was that there would be residential, office, institutional, maybe light industrial, but the mixed use part of this was to be interspersed among the landholdings and it was never to be a continuous retail strip; indicating that when you read the staff report they make the fundamental assumption that that is what SWAP was all about but that is not what the Board found and that is not the evidence that was before the Board; stating that when you start with a fundamental flaw like that, you end up with a fairly flawed conclusion, which is what he speaking to this evening and is what Ms. Ward has, in part, gone through; stating that Ms. Renny has four paragraphs of conclusions in her report and has addressed one of them to the Committee this evening and the other three are the points that Ms. Ward was making, which is that this Council and then staff said to the Vancouver-based marketing consultant “have a look at mitigation” and the other three paragraphs of her report relate to mitigation, they relate to basically saying “let’s spread the jam only over the full half of the bread and take it away from the other half”; stating that Ms. Renny is saying, in her other three paragraphs to look at removing the retail permissions off of retail, off of Greenhills, off of Arts, over near the new Ikea/Costco site and a couple of sites on Wharncliffe; indicating that that part of her recommendations is not addressed at all in the staff report; noting that his third point to the Committee is that the way this process is operated, given that the appeals on this are going to go to LPAT, has been unfair; indicating that what he means by that is that appeals go to LPAT and LPAT is the new OMB and the appeals are on the record; stating that everything they want in front of that tribunal they have to make sure is in front of Council, and that is fine, Council should have that information before Council makes a decision; indicating that they had forty-five hours from the time the staff report was released last Wednesday at noon until 9:00 AM on Friday to complete a planning report filed with the Committee, the market report filed with the Committee as well as his letter that was filed with the Committee and if they do not get it in on time they are not allowed to put it forward in the future; stating that the forty-five hours is an unfair process and the City of London, as a municipality need to think about that and he may file more information before Council but the process needs to be considered and that his letter, which is part of the Added Agenda has a series of recommendations which is how they think this matter ought to be addressed, which is to send it back to the planners because the fair process cuts both ways, if they do not give you a full review of the provincial policy statement or of the London Plan, that is not going to be in front of LPAT and they may not be able to reach a decision that supports whatever Council decides to do here; stating that this matter needs to be sent back for a very comprehensive review.

- Anna Lee Ferreira, Ferriera Law, on behalf of Southside Group, for the properties located at 3244, 3263 and 3274 Wonderland Road South and Westbury International, for the property located at 3680 Wonderland Road South – advising that both of her clients have made applications for Official Plan Amendments that would result in increases to the commercial cap and those applications have been appealed to the Ontario Municipal Board due to lack of decision; expressing support for the staff recommendation with respect to the removal of the cap.
- R. Zelinka, Zelinka Priamo Limited, on behalf of Southside Group, for the properties located at 3244, 3263 and 3274 Wonderland Road South and Westbury International, for the property located at 3680 Wonderland Road South – indicating that this recommendation is based on what they considered to be a comprehensive review of the matter of commercial use within this part of the City, the City went beyond its initial market consultant and hired a second market consultant to determine, with certainty, whether the proposed action of removing this cap would be appropriate and would have adverse impacts that Council had identified as being a concern the first time this came to the Planning and Environment Committee and Council; believing that staff reviewed this from an independent standpoint and looking very carefully at the land use planning considerations, the vision for this area, the vision for the Corridor, the vision for London, both as set out in the South West Area Plan (SWAP) and as set out in The London Plan

which, while it is not in force right now, certainly is envisioned that planning staff and Council have been looking towards; indicating that when the cap was established, there was no strategy established at that time for how there would be fair and equitable distribution of the commercial floor area and, more importantly, there was no strategy established to ensure an allocation that was in the interest of good planning and in the community interest; advising that the result of the process was simply an ad-hoc allocation of various lands to landowners that happened to be first in line and some of these approvals basically came before the Ontario Municipal Board even had its opportunity to review the SWAP and even make a decision on the SWAP; this ad-hoc allocation has resulted in some key parcels being left without commercial allocation, parcels that both planning staff and he believes Council, as representatives of the City, would seem to be logical extensions of the existing commercial node and, in fact, the lands at Southside, at the south side of Bradley Avenue and Wonderland Road were in the initial recommendations of staff in the draft SWAP process, they were identified as the key of first priority lands for designation for commercial purposes because they were contiguous, because it would mean greater access and ease of access for the citizens of London because there was an emphasis by Council of nodal development and these lands were left out of the allocation; pointing out that he listened with interest to the submissions by York Developments and York was one of the parties that was able to achieve, in their case, more than half of the allocation to their lands, but even on the York lands, if one looks at where those lands have been developed to this point, they are all at the north end of the York lands which would certainly indicate that that is where commercial interests want to locate, that is where residents of London and consumers want to be, closest to the commercial node that is there existing right now; *(Councillor Turner advising that Mr. Zelinka is at his five minutes and that a previous speaker provided an extension; and an extension was granted.);* advising that Mr. J. Harbell, Stikeman Elliott, in his presentation brought the Planning and Environment Committee's attention to the intent of the Corridor and the Ontario Municipal Board's decision and the wording of the Ontario Municipal Board's decision for the spreading out of this commercial land; unfortunately, the lands of York Developments had already gone through a process and therefore the determination of the appropriateness of the amount of commercial space on their site was not subsequent to the Ontario Municipal Board hearing; noting that it was a matter that was settled between commercial parties at that hearing, between certain commercial parties, at that hearing; emphasizing the main points that planning staff have put forward to the Planning and Environment Committee that, through their consultant, recognition that there are key parcels that because of the commercial cap that is in place right now are not being allocated commercial floor space that should, in the public interest, should be allocated commercial floor space; indicating that there are also market forces in place that have been addressed by the City of London's commercial consultants that will ensure that there is not an oversupply of commercial floor space in this area, the lands will not be built out in advance of need and the need has been identified for this area; indicating that the approach being taken by planning staff is to allow the market, which includes the consumer, the London residents, to determine the appropriate location for commercial floor space; asking the Planning and Environment Committee to support the staff recommendation.