Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: George Kotsifas P. Eng.,

Managing Director, Development & Compliance Services and

Chief Building Official

Subject: 1830145 Ontario Limited

1761 Wonderland Road North

Public Participation Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 1830145 Ontario Limited relating to the property located at 1761 Wonderland Road North:

- (a) the request to amend the 1989 Official Plan to **ADD** a Special Area Policy to section 10.1.3 Policies for Specific Areas to permit a maximum residential density of 220 units per hectare within the Neighbourhood Commercial Node designation **BE REFUSED** for the following reasons:
 - i) it is not consistent with the Provincial Policy Statement, 2020 (PPS) which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses and which is facilitated by the existing land use designation;
 - ii) it does not conform to the in force policies of the 1989 Official Plan, including but not limited to the application of specific policies areas intended for sites where existing policies do not accurately reflect the intent of Council with respect to the future use of the land;
 - the proposed density of 220 uph is too intense as it is beyond the typical range of the high density residential intensity outside of the downtown and Central London.
- (b) the request to amend The London Plan to **ADD** a Special Area Policy in the Shopping Area Place Type applicable to the subject lands to permit a building form having a maximum height of 17 storeys, exclusive of the mechanical penthouse **BE REFUSED** for the following reasons:
 - it is not consistent with the Provincial Policy Statement, 2020 (PPS) which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses and which is facilitated by the existing land use designation;
 - ii) it does not conform to the in-force policies of The London Plan, including but not limited to:
 - the Key Directions relating to the strategic location of more intensive forms of development, high-intensity, mixed-use development to strategic locations-along rapid transit corridors and within the Primary Transit Area and new development that is a good fit within existing neighbourhood;
 - ii. the City Structure Plan policies of The London Plan that create a hierarchy of residential intensity with the most intensive forms of development directed to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors;
 - iii. the Evaluation Criteria for Planning and Development Applications in the Our Tools chapter of The London Plan;

- iv. the Shopping Area Place Type policies reference the maximum height of 4-storeys or 6-storeys with Type 2 Bonusing and as such, a development proposal of 17-storeys is not appropriate;
- (c) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Holding Neighbourhood Shopping Area Special Provision (h-17/h-103/NSA5(5)) Zone **TO** a holding Neighbourhood Shopping Area Special Provision Bonus (h-17/h-103/NSA5(5)/NSA3(___)*B(_)) Zone to permit a maximum density of 220 units per hectare, a maximum height of 63 metres, off street parking of 322 spaces, a maximum of 600m² of non-residential space within an apartment building, a maximum of 600m² of Gross Floor Area (GFA) for an individual permitted non-residential use, exclude this Zone variation from the compound zoning permissions of Section 3.9 1) of the Zoning By-law and add pharmacy as an additional permitted use **BE REFUSED** for the following reasons:
 - i) the same reasons noted in Clauses a) and b) above;
 - ii) a rezoning to permit the requested site-specific residential density does not conform to the in-force policies of the 1989 Official Plan;
 - iii) a rezoning to permit the requested site-specific height does not conform to the in-force policies of The London Plan;
 - iv) the requested amendment to effectively facilitate a residential use erodes the employment opportunities that this site was intended to accommodate;
 - v) the proposal for a stand-alone apartment building with an accessory commercial use is not consistent with the planned function of a commercial node which deviates from the planned commercial function intended by policy;
 - vi) the requested rezoning is not consistent with the Shopping Area Place Type regarding coordinated and comprehensive applications for intensification;
 - vii) the subject site, given its location outside the Primary Transit Area with the proposed intensity and form, is not appropriate and is not good planning;
 - viii) the proposed density of the residential component within this proposed commercial development of 220 uph and 17-storeys is too intense and should be directed to the specific areas for intensification as outlined by Council;
 - the provision of 5% affordable housing units at 85% of average market rent for 10 years have not been endorsed by the City's Housing Development Corporation;
 - the requested rezoning is not appropriate within this commercial area, as residential should be complementary to commercial to ensure that character and compatibility with the surrounding neighbourhood is maintained; and
 - xi) the subject site does not have any special attributes which warrant a site specific amendment to permit the proposed use, form and intensity of development.

Executive Summary

Summary of Request

The applicant proposes to construct a 17-storey mixed-use building with a maximum of 228 residential units, in a building generally configured in an "L" shape along Wonderland Road North. The proposal includes a variety of indoor and outdoor amenity areas intended to serve residents of the building. 133 surface parking spots are proposed to be provided, as well as underground parking accommodating 189

underground stalls, indoor bicycle storage and internal loading areas with one access from Wonderland Road North.

The applicant requested an amendment to the 1989 Official Plan to add a Special Policy Area to permit a high-rise form within the Neighbourhood Commercial Node designation having a maximum residential density of 220 units per hectare for this site.

The applicant requested an amendment to The London Plan to add a Specific Area Policy in the Shopping Area Place Type for this site to permit a maximum building height of 17-storeys, exclusive of the mechanical penthouse.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Holding Neighbourhood Shopping Area Special Provision (h-17/h-103/NSA5(5)) Zone to a holding Neighbourhood Shopping Area Special Provision Bonus (h-17/h-103/NSA5(5)/NSA3(__)*B(_)) Zone to permit a maximum density of 220 units per hectare, a maximum height of 63 metres, off street parking of 322 spaces, a maximum of 600m² of non-residential space within an apartment building, a maximum of 600m² of Gross Floor Area (GFA) for an individual permitted non-residential use, exclude this Zone variation from the compound zoning permissions of Section 3.9 1) of the Zoning By-law and add pharmacy as an additional permitted use.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to refuse the requested amendments to the Official Plan, The London Plan and Zoning By-law Z.-1 to permit a 17-storey mixed-use building.

Rationale of Recommended Action

- 1. The requested amendments are not consistent with the policies of the 2020 Provincial Policy Statement (PPS) which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses and which is facilitated by the existing land use designation.
- 2. The requested amendments do not conform to the in force policies of the 1989 Official Plan.
- 3. The requested amendments do not conform to the in force policies of the London Plan.
- 4. The requested amendment to effectively facilitate a residential use erodes the employment opportunities that this site was intended to accommodate;
- 5. The proposal for a stand-alone apartment building with an accessory commercial use is not consistent with the planned function of a commercial node which deviates from the planned commercial function intended by policy;
- 6. The requested rezoning is not consistent with the Shopping Area Place Type regarding coordinated and comprehensive applications for intensification;
- 7. The subject site, given its location outside the Primary Transit Area with the proposed intensity and form, is not appropriate and is not good planning;
- 8. The proposed density of the residential component within this proposed commercial development of 220 uph and 17-storeys is too intense and should be directed to the specific areas for intensification as outlined by Council;
- The provision of 5% affordable housing units at 85% of average market rent for 10 years have not been endorsed by the City's Housing Development Corporation;
- 10. The requested rezoning is not appropriate within this commercial area, as residential should be complementary to commercial to ensure that character and compatibility with the surrounding neighbourhood is maintained; and

11. The subject site does not have any special attributes which warrant a site specific amendment to permit the proposed use, form and intensity of development.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on Wonderland Road North, north of Fanshawe Park Road West. The lands are currently vacant with a lot frontage of approximately 91 metres and a lot area of approximately 1.07 ha. The subject lands are located within the urban growth boundary and abut commercial to the south, commercial across Wonderland Road North to the east, commercial, communication towers and residential to the west, and offices to the north. There are no significant vegetation or natural features on the lands.

View from Wonderland Road North (Photo 1)



View from corner of Wonderland Road North and Fanshawe Park Road West (Photo 2)



1.2 Current Planning Information (see more detail in Appendix C)

- Official Plan Designation Neighbourhood Commercial Node
- The London Plan Place Type Shopping Area
- Existing Zoning Holding Neighbourhood Shopping Area Special Provision (h-17/h-103/NSA5(5) Zone

1.3 Site Characteristics

- Current Land Use Vacant
- Frontage –(91.0 meters (298.56 feet)
- Depth 117.0 meters (384 feet)
- Area 1.07 hectares (2.64 acres)
- Shape Rectangular

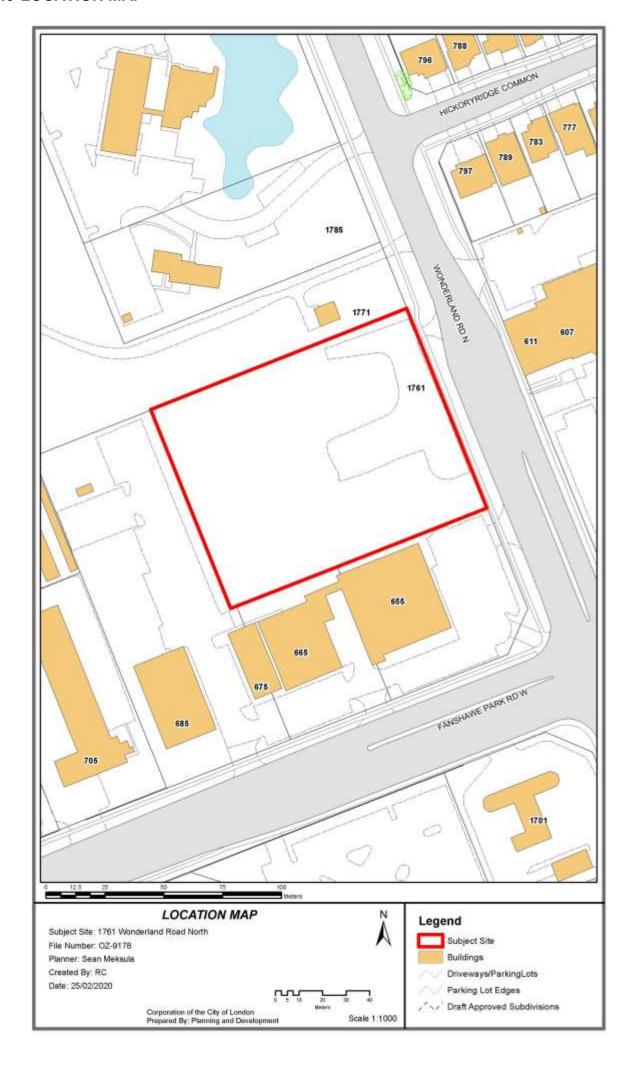
1.4 Surrounding Land Uses

- North Utility Buildings, Bell Canada and Offices Uses
- East –, Sunningdale Village Commercial Plaza, and High-rise Residential
- South Commercial Plaza and Offices Uses
- West Mastermind Toys, Commercial Uses and Residential Uses

1.5 Intensification (228 units)

- The proposed residential units represent intensification within the Built-area Boundary
- The proposed residential units represent intensification outside the Primary Transit Area

1.6 LOCATION MAP



2.0 Description of Proposal

2.1 Development Proposal

The proposal would redevelop the lands with a 17-storey mixed-use building with a maximum of 228 residential units with approximately $600m^2$ of commercial, in an "L" shape format with the building facing along Wonderland Road North. The building design positions and orients the building mass toward Wonderland Road North and steps down the building height from 17-storeys to 4-storeys along the street frontage. The commercial component along with some residential are proposed for the first two storeys. The parking consists of surface parking at the rear of the site along with underground parking and bicycle parking.

Figure 1 – Site Concept

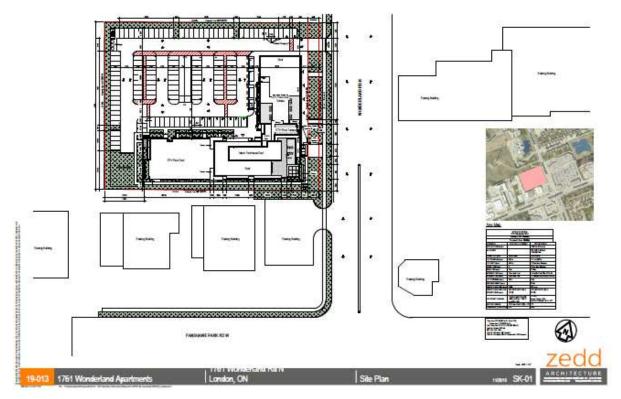


Figure 2 - Site Concept (First Floor)

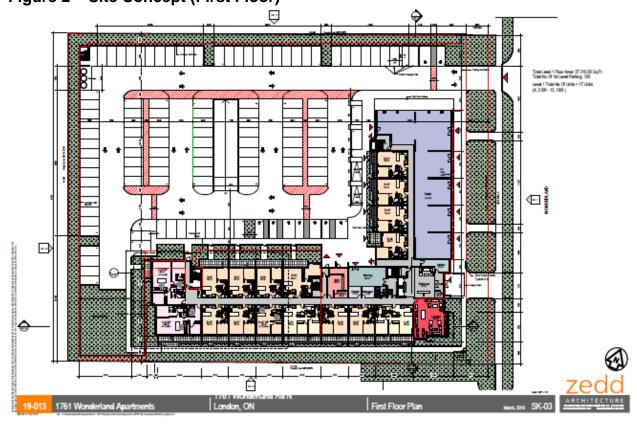


Figure 3 – Building Rendering (View from corner of Wonderland Road North and Fanshawe Park Road West)



Figure 4 – Building Rendering (View from Wonderland Road North)



Figure 5 – Building Rendering (View from Fanshawe Park Road West)



3.0 Relevant Background

3.1 Planning History

Fox Hollow Community Plan

The subject site is located within the Foxhollow Community Planning Area (1999). The Plan states that the existing commercial uses along Wonderland Road North and Fanshawe Park Road West will be maintained as Restricted/Highway Service Commercial. In December 2009, OPA 438 came into force and effect which redesignated the lands at Wonderland Road North and Fanshawe Park Road West to Neighbourhood Commercial Node with the new commercial locations to be provided to service the area throughout the planning area.

Sunningdale Community Plan

The subject site, 1761 Wonderland Road North is located abutting the west boundary of the Sunningdale Planning Area and Sunningdale Community Plan (1998). The Sunningdale Community Plan Area is comprised of lands located between Wonderland Road North and Richmond Street from Fanshawe Park Road West to the northern boundary of the City of London. The Sunningdale Community Plan was adopted as a guideline document, in conjunction with the Official Plan, for the review of future development applications, for the planning of public facilities and services and as the basis for amendment to the Official Plan and Zoning By-law.

The subject lands were also part of a previous Official Plan and Zoning By-law Amendment OZ-7825 which was brought forward to the Built and Natural Environment Committee (BNEC) on December 13, 2010. At the time of submission of the application, the subject lands were designated and zoned for Office uses. The purpose and effect of that Official Plan and Zoning amendment was to change the lands use permissions from Office to Commercial to permit the construction 'supermarket' with a maximum floor area of 3,600 m² (38,750 ft²) and a maximum front yard setback of 3m (9.84 ft.) from Wonderland Road North. Staff recommended support for the requested amendment.

As part of the justification for the requested amendment, the applicant indicated that the "...subject property is well suited for commercial development with direct frontage along Wonderland Road North and in close proximity to the intersection of two major arterial

roads - Wonderland Road and Fanshawe Park Road. The Site is situated across Wonderland Road from an existing shopping centre that includes a Shoppers Drug Mart, No Frills supermarket, and a number of retail commercial uses." Staff agreed with the qualities of the site's location to accommodate commercial uses and recommended that the requested amendments be approved.

On January 24, 2011, Municipal Council adopted the Staff recommendation and amended the Official Plan and Zoning By-law. On February 25, 2011, an appeal was submitted on behalf of Loblaw Properties Limited, FCHT Holdings (Ontario) Corporation, Barvest Realty Inc. Sunningdale Developments Inc. and Aubum Developments against Council's decision to approve the above Official Plan and Zoning By-law amendments.

The Ontario Municipal Board dismissed the appeal thereby bringing into force and effect the decision of Municipal Council to amend the Official Plan and Zoning By-law. As of the OMB decision dated May 15, 2013.

3.2 Requested Amendments

The applicant requested an amendment to add a Special Area Policy to Chapter 10 (Policies for Specific Areas) to permit to permit a high-rise residential form within the Neighbourhood Commercial Node designation having a maximum residential density of 220 units/ha.

The applicant requested an amendment to The London Plan to add a Special Area Policy in the Shopping Area Place Type for this site to permit a maximum building height of 17-storeys, exclusive of the mechanical penthouse.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Holding Neighbourhood Shopping Area Special Provision (h-17/h-103/NSA5(5)) Zone to a holding Neighbourhood Shopping Area Special Provision Bonus (h-17/h-103/NSA5(5)/NSA3(__)*B(_)) Zone to permit a maximum density of 220 units per hectare, a maximum height of 63 metres, off street parking of 322 spaces, a maximum of 600m² of non-residential space within an apartment building, a maximum of 600m² of Gross Floor Area (GFA) for an individual permitted non-residential use, exclude this Zone variation from the compound zoning permissions of Section 3.9 1) of the Zoning By-law and add pharmacy as an additional permitted use.

The applicant has requested a bonus zone that would permit the following site-specific development regulations:

Building height (maximum) – 63 m Number of dwelling units (maximum) – 228 Density – 220 uph Gross floor area for commercial (maximum) – 600m²

The applicant provided a summary of the bonus zoning elements proposed for the mixed-use development as follows:

Summary of Bonusable Items (1989 Official Plan)

- Common open space
- Underground parking
- Enhanced landscaped open space
- Innovative/sensitive design
- Universal accessibility
- Affordable housing

Summary of Type 2 Bonusable items (The London Plan)

- Exceptional site and building design
- Sustainable development forms
- Contribution to transit facilities

- Large quantities of secure bicycle parking and cycling infrastructure
- Affordable housing
- Care parking, car sharing and bicycle sharing facilities accessible to the general public
- Extraordinary tree planting

3.3 Community Engagement (see more detail in Appendix A)

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on March 4, 2020 and was published in *The Londoner* on March 5, 2020. One "Possible Land Use Change" sign was placed on the subject site, fronting onto Wonderland Road North. No replies from the public were received for this application.

3.4 Policy Context (see more detail in Appendix B)

The subject site is located in the Neighbourhood Commercial Node designation in the 1989 Official Plan. The site is located in the Shopping Area Place Type, and Wonderland Road North is a street classified as "Neighbourhood Connector" in The London Plan. Note that certain London Plan maps and policies are under appeal before the Local Planning Appeal Tribunal (LPAT).

Provincial Policy Statement, 2020

The *Provincial Policy Statement, 2020* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation.

In accordance with section 3 of the Planning Act, all planning decisions shall be consistent with the Provincial Policy Statement (PPS).

The Provincial Policy Statement 2020 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 "Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns" of the PPS encourages healthy, livable, and safe communities over the long-term. These communities must be sustained through a number of measures, including: accommodating an appropriate range and mix of affordable and market-based types of residential land uses, as well as employment, institutional, recreation and open space land uses (s. 1.1.1.b); promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (s. 1.1.1.e).

The PPS encourages areas inside the urban growth boundary (i.e. "settlement areas" per s. 1.1.3 Settlement Areas) to be the main focus of growth and development, including opportunities for intensification and redevelopment. Appropriate land use patterns within urban growth boundaries are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public services facilities and are also transit-supportive (s.1.1.3.2).

Municipalities are required to identify and promote opportunities for intensification and redevelopment, taking into consideration an area's existing building stock (s. 1.1.3.3), accommodating a significant supply and range of housing options, including various housing types, densities, and a variety of affordable and market-based housing arrangements (s. 1.1.3.3), promoting development standards which facilitate intensification, redevelopment and compact form (s. 1.1.3.4).

The PPS 2020 promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses. (s. 1.3)

The PPS 2020 also requires that municipalities provide an appropriate range and mix of affordable and market-based housing options and densities to meet projected requirements of current and future residents (s. 1.4.1). It directs planning authorities to permit and facilitate growth through lands available for residential intensification and redevelopment within the existing built-up areas.

The PPS also encourages the range and mix of affordable and market-based housing to be built at densities that meet projected needs, by establishing targets for affordable housing (s. 1.4.3.a). Planning authorities are also required to permit and facilitate all housing options and all types of residential intensification.

Also, the PPS 2020 requires Planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns. This directs to promote compact form and structure of nodes and corridors, along with to promote the use of active transportation and transit in and between residential, employment(including commercial and industrial), and to focus major employment, commercial on sites which are well serviced by existing and planned transit. (s.1.8.1)

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies and maps under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) are not in force and effect and are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The London Plan is organized into nine parts. The "Our Strategy" part of the Plan establishes eight key directions that serve as the foundation for the policies and place types of the Plan (London Plan, s. 54). Under each key direction a number of planning strategies are identified. Relevant Key Directions are outlined below:

The London Plan provides direction to plan strategically for a prosperous city:

- Revitalize our urban neighbourhoods and business areas (s. 55_, Direction 1.4);
- Invest in, and promote, affordable housing to revitalize neighbourhoods and ensure housing for all Londoners (s. 55_, Direction 1.13);

The London Plan provides direction to build a mixed-use compact city by:

- Plan to achieve a compact, contiguous pattern of growth looking "inward and upward" (s. 59, Key Direction 5.2);
- Sustain, enhance, and revitalize our downtown, main streets, and urban neighbourhoods (s. 59_, Key Direction 5.3);
- Plan for infill and intensification of various types and forms to take advantage of existing services and facilitate and to reduce our need to grow outward (s. 59_, Key Direction 5.4);
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place (s. 59_, Key Direction 5.5); and
- Manage outward growth through the use of an Urban Growth Boundary and by supporting infill and intensification in meaningful ways (Key Direction 5.8).

The London Plan provides direction to place a new emphasis on creating attractive mobility choices by:

- Link land use and transportation plans to ensure they are integrated and mutually supportive (s. 60_, Key Direction 6.4); and
- Dependent on context, require, promote, and encourage transit-oriented development forms (s. 60_, Key Direction 6.6).

The London Plan provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

• Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services (s. 61_ Key Direction 7.2).

The London Plan provides direction to make wise planning decisions by:

- Ensure that all planning decisions and municipal projects conform with the London Plan and are consistent with the Provincial Policy Statement (s. 62_, Key Direction 8.1); and
- Ensure new development is a good fit within the context of an existing neighbourhood (s. 62_, Key Direction 8.9).

The London Plan also includes a City Structure Plan that identifies the framework for growth and change over the planning horizon which establishes a clear hierarchy for development intensity inside the Urban Growth Boundary. It places a high level of importance on growing "inward and upward" (Policy 79_), while directing the most intensive forms of development to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors (Policy 86_*). Intensification is to occur in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83_*).

Within this City Structure, the subject site is located within the urban area (within Urban Growth Boundary and Built Area) but not within the Primary Transit Area (PTA). The PTA is a focus of residential intensification and transit investment within London, and intensification will vary depending on the Place Type and if it will be a good fit within neighbourhoods (s. 90). The London Plan also includes a city-wide intensification target and it is an objective of the London Plan that 75% of intensification will occur within the PTA. Regeneration projects will also be focused on neighbourhoods within the PTA, and such development and redevelopment should be transit-oriented (s. 92).

The subject site is within the Shopping Area Place Type which permits broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses. Mixed-use buildings will be encouraged. Where a Shopping Area Place Type abuts a Neighbourhoods Place Type the City Design policies of this Plan will be applied to ensure that a positive interface is created between commercial and residential uses (Permitted Uses 877_)

It is the intent of The London Plan to allow for the more intense and efficient use of Shopping area sites through redevelopment, expansion and the introduction of residential development. Buildings within the Shopping Area Place Type will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted in conformity with the Our Tools policies of this Plan. Development within the Shopping Area Place Type will be sensitive to adjacent land uses and employ such methods as transitioning building heights and providing sufficient buffers to ensure compatibility. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites. However, the full extent of intensity will not necessarily be permitted on all sites. (878_).

Official Plan 1989

The City's *Official Plan (1989)* 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 compatibility among land uses. While 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 lands are within the Neighbourhood Commercial Node land use designation of the 1989 Official Plan. The Neighbourhood Commercial Node designation is intended to provide for the daily or weekly convenience shopping and service needs of nearby residential and, to a lesser extent, passing motorists. (4.3.8.1) Although this designation contemplates mixed-use developments, the policies require the residential component

to be implemented through specific zoning by-law amendments and concurrent site plan applications. These processes will address and prevent conflicts between the different land uses within and adjacent to the node by requiring, but not limited to:

- i) compliance with maximum heights and densities of the new use;
- ii) appropriate location of mixed use projects within the nodal area to ensure that such projects enhance the amenity, visual and functional aspects of the node they serve;
- iii) safe accessible pedestrian, cycling, vehicular and public transit access and parking;
- iv) screening of noise, visual, odour or other nuisances;
- v) appropriate set backs;
- vi) interior and exterior amenity spaces;
- vii) adequate transportation, water, sewer and other utility capacity; and;
- viii) adequate park, community and neighbourhood facilities.

Permitted uses include small retail stores; food stores; pharmacies; convenience commercial uses; personal services; financial institutions; service-oriented office uses such as real estate, insurance and travel agencies; community facilities such as libraries or day care centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhood-scale trade area. Residential units above ground floor commercial uses may be allowed. Multi-family high or medium density residential uses may also be permitted through a zoning by-law amendment application, concurrent site plan application and consideration of design features which allow integration of the two uses. Zoning on individual sites or areas may be for less than the full range of permitted uses. (4.3.8.3)

Free-standing structures along the street frontage should be developed to improve the design of the street edge, provide access to transit stops and reduce the visual impact of large open parking lots. The design, appearance and scale shall be in harmony with the surrounding residential area with adequate screening and buffering between uses. Parking areas should be carefully designed and shared parking areas should be accommodated where possible. (4.3.8.4)

Multi-Family, High Density Residential designation provides direction regarding the anticipated scale of high density development with residential densities varying by location and directed as such. The net residential densities will normally be less than 350 units per hectare in the Downtown Area, 250 units per hectare in Central London and 150 units per hectare outside Central London (3.4.3).

The subject lands are also part of the Foxhollow Area Plan Specific Policies in the Official Plan.

The Fox Hollow Community Plan was adopted by Council pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of planning and development applications, for the planning of public facilities and services, and as the basis for amendments to the Official Plan and Zoning By-law within the Planning Area. The goals for the Fox Hollow Community Plan, which were adopted by Council in March 1999, are:

- To provide an appropriate mix of housing types and to allow for choice in housing;
- To provide the required community facilities (ie. parks, schools, passive recreational facilities, etc.) for future residents;
- To facilitate the efficient movement of vehicular traffic (including public transit) and pedestrian traffic (ie. trails and walkways) within the community; and,
- To ensure adequate access to and utilization of community-wide public facilities.

4.3.8.6. Special Policies

1761 Wonderland Road North

Notwithstanding policy 4.3.8.5, additional commercial development may be permitted on the lands located at 1761 Wonderland Road North. In addition to the uses permitted in the Neighbourhood Commercial Node designation, a Supermarket is also permitted. (OPA 546 (OMB Order # PL110251 – May 15, 2013.)

4.0 Key Issues and Considerations

4.1 Use

Provincial Policy Statement

The PPS 2020 states that "Healthy, liveable and safe communities are sustained by... accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial),...and other uses to meet long-term needs" (1.1.1.b). With regard to the requirement for the provision of a mix of residential types, it should be noted that Council has recently supported a requested amendment by the applicant for a land use change in the immediate area to accommodate two high-rise residential apartment buildings which are currently under construction and thereby facilitating a mix of uses in the area. And with regard to the requirement for a mix of affordable housing, it should be noted that while the applicant has proposed to provide 5% affordable housing units at 85% of average market rent for 10 years, the number of units and the duration have not been endorsed by the City's Housing Development Corporation (HDC).

Additionally, the PPS requires planning authorities to "...promote economic development and competitiveness by...providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs [and]... providing 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, and take into account the needs of existing and future businesses." (1.3.1.a) & 1.3.1b)). The existing land use designation promotes the mix of uses envisioned by the PPS while providing opportunities for a diversified economic base. Recognizing that the subject site was previously redesignated from Office to Commercial, the requested amendment to effectively facilitate a residential use erodes the employment opportunities that this site was intended to accommodate.

1989 Official Plan

In the general Commercial Node policies of the 1989 Official Plan, mixed-use developments are permitted. These policies recognize that older commercial nodes may have vacant land where additional uses, such as residential, may be integrated with retail functions to achieve a more mixed-use commercial environment. (4.3.3.) However, as previously noted, the proposal includes a substantial residential component, with only an accessory commercial use, which deviates from the planned commercial function intended by policy which the applicant sought to have applied to the site through a requested amendment in 2010.

More specifically, the subject lands are designated Neighbourhood Commercial Node in the 1989 Official Plan. While the Neighbourhood Commercial Node designation is primarily intended to provide for the daily or weekly convenience shopping and service needs of nearby residential and, to a lesser extent, passing motorists, (4.3.8.1) the policies contemplate Multi-family, High Density Residential uses through a zoning by-law amendment application, concurrent site plan application and consideration of design features which allow integration of the two uses. (4.3.8.3) The Multi-family, High Density Residential policies specify that net residential densities will normally be less than 150 units per hectare (60 units per acre) outside of Central London where bonus zoning is not being applied. (3.4.3) The applicant has requested a Specific Area Policy to permit a

maximum residential density of 220 units per hectare within the Neighbourhood Commercial Node.

Specific Area policies may be applied where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the lands. Under these circumstances, the adoption of Specific Area policies may be considered where the change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use. (10.1.1.ii)) As previously mentioned, the designation of the subject site was changed by Council in 2010 from Office Area to Neighbourhood Commercial Node after several Staff recommendations were presented in support of the proposed commercial function of the site. Council's decision was subsequently upheld by the Ontario Municipal Board. As such, it is challenging to suggest that the commercial designation currently applied to the subject site "would not accurately reflect the intent of Council" to warrant consideration of a special area policy to permit the requested high-rise apartment building. It is therefore inconsistent with the intent of the Specific Area policies.

While the applicable commercial policies contemplate mixed-use development, they anticipate that the primary function will be the provision of commercial uses with the "integration" of residential. This is emphasized in the requirement for concurrent applications which consider "design features which allow for the integration of the two uses" (emphasis added). The proposal for a stand-alone apartment building with an accessory commercial use is not consistent with the planned function of a commercial node. The proposed development is more compatible within a Multi-family, High Density Residential designation, which is not applied to the subject site. Neighbourhood Commercial Node designations cannot simply be interpreted to be a proxy for a Multi-family, High Density Residential land use designation. They are distinct from the latter on the basis of their planned commercial function.

The London Plan

The Shopping Area Place Type policies permit a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses. Mixed-use buildings will be encouraged. (877_1 & 877_2) While recognizing that other place types also support varying amounts of retail, office and service, uses, the role of Shopping Areas within the City Structure is to evolve as the primary Place Type that will allow for commercial uses. (873)

In order to encourage the development of a mixed-use compact city, The London Plan envisions the implementation of a city structure plan that focuses high-intensity, mixed-use development to strategic locations - along rapid transit corridors and within the Primary Transit Area. (59_1) The Primary Transit Area ("PTA") will be the focus of residential intensification and transit investment within London. It includes the Transit Villages and the Rapid Transit Corridors. Intensification will be directed to appropriate place types and locations within the Primary Transit Area and will be developed to be sensitive to, and a good fit within, existing neighbourhoods. (90_*)

Similar to the policies of the 1989 Official Plan, The London Plan contemplates and encourages mixed-use development within the Shopping Area Place Type. However, the policies speak to the primacy of commercial uses with the supplemental inclusion of complementary non-commercial uses. Additionally, the City Structure Plan establishes a framework for where these types of high-rise apartment buildings are to be located, including the Primary Transit Area. Although the subject site abuts lands located within the Primary Transit Area, the site is not located within the area and the boundaries of the PTA cannot be interpreted otherwise.

The requested amendment for a high-rise residential apartment building is not consistent with the intent of the Shopping Area Place Type policies.

4.2 Intensity and Form

Provincial Policy Statement

The PPS states that land use patterns within settlement areas are to provide for appropriate densities and opportunities for intensification and redevelopment (1.1.3.2). Also, the PPS 2020 requires municipalities to identify appropriate locations and promote redevelopment, taking into account existing building stock (s.1.1.3.3), is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4), and speaks to creating a system of nodes and corridors to direct intensification which are transit supportive (s. 1.8.1).

The City of London has identified appropriate locations and promoted opportunities for intensification and redevelopment through Official Plan policies that establish a hierarchy within the Urban Growth Boundary Furthermore, Council specifically identified areas where intensity will be directed which includes a system of nodes and corridors within the Primary Transit Area in the London Plan.

Within the City Structure Plan of the London Plan, the framework for growth and change over the planning horizon establishes a clear and strategic hierarchy for development intensity inside the Urban Growth Boundary. In reference to the identified areas above, it places a high level of importance on growing "inward and upward" (Policy 79_), while directing the "most intensive forms of development to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors (Policy 86_*) along with the objective that 75% of intensification will occur within the PTA."

The subject site is located within the urban area (within Urban Growth Boundary and Built Area) but not within the Primary Transit Area (PTA). It is also Shopping Area Place Type in The London Plan which is not an area identified as an area for intensity. This type of development should be directed to an appropriate area as outlined above.

The PPS also discusses long-term economic prosperity and that it should be supported "by maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets" (1.7.1.d). The City's system of nodes and corridors within the PTA looks to implement this. The subject site is not a mainstreet or Downtown and with the limited market for high density residential in London, applications that are approved outside of the appropriate areas makes it more difficult to enhance the vitality and viability of our Downtown and mainstreets.

1989 Official Plan

The 1989 Official Plan directs this type of high density residential development to appropriate areas within and adjacent to the downtown, near the periphery of regional and commercial shopping areas and in selected locations along major arterial roads and specific transit nodes. (4.3.8.3)

The proposed mixed-use development with a high residential density component is not appropriate within this Neighbourhood Commercial Node. It is not identified as an appropriate area of intensification as its intended for commercial with accessory residential.

Furthermore, within the Multi-Family, High Density Residential designation provides direction regarding the anticipated scale of high density development with residential densities varying by location and directed as such. The net residential densities will normally be less than 350 units per hectare in the Downtown Area, 250 units per hectare in Central London and 150 units per hectare outside Central London (3.4.3).

In this context, the subject site is within the outside central London area with a maximum residential density of 150 units per hectare. The applicant has requested to add a specific area policy to permit 220 units per hectare which is beyond the maximum permitted by the HDR policies that the applicant is trying to avail of.

The proposed use as a mixed-use building is permitted in the Neighbourhood Commercial Node and as noted above, an increase in density may be increased by adding a site specific policy to the Neighbourhood Commercial Node. In this proposal the proposed density of 220 units per hectare is too intense as it is beyond the typical range of the high density residential intensity outside of the downtown and central London.

A further review of the 1989 Official Plan policies focus on small scale commercial for the subject site which do not contemplate a high rise residential. These policies speak to strip plaza focus with a combination of small, free-standing uses or small uses in a plaza format but can be applied to a collection of small stores intended to serve the surrounding neighbourhood. (4.3.8.4)

With the subject lands being located with the Neighbourhood Commercial Node at Wonderland/Fanshawe which currently contains several commercial plazas and stand alone commercial uses, it is clear that the intent of the subject lands is as such, to develop as commercial in a form to complete the rest of the node.

Based on the above policies along with criteria for mixed-use developments in the commercial land use designations, this development is not appropriate. The proposed density of the residential component within this proposed commercial development of 220 units per hectare is too intense and should be directed to the specific areas for intensification as outlined by Council.

The London Plan

The City Structure Plan provides a framework for London's growth and change over the next 20 years. It informs the other policies of the Plan by illustrating the desired future shape of our city within 5 frameworks including the growth framework. One of the elements of the growth framework includes the policies for the Urban Growth Boundary and intensification within this area. The London Plan places an emphasis on growing "inward and upward" to achieve a compact form of development. In accordance with the Key Directions for a mixed-use compact city, and subject to the Place Type, City Design, Our Tools and other relevant policies of this Plan, the most intense forms of development will be directed to the Downtown, Transit Villages, and at station locations along the Rapid Transit Corridors, where they can be most effective in meeting multiple objectives of the Plan (Policy 86_*).

The London Plan controls how intense lands can develop through specific criteria and a height framework, however, it does not limit densities of development by Place Type. The subject lands are within the Shopping Area Place type not intended for this type of intensity. Buildings within the Shopping Area Place Type will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted in conformity with the Our Tools policies of this Plan. The applicant has requested a site specific amendment to permit 17- storeys.

The London Plan also speaks to having a broad range of uses at a "moderate" intensity. (789_4) A 17 storey mixed-use development with high density residential with accessory commercial is not a moderate use and not at a moderate intensity.

When looking at form, the London Plan (876_5) talks about introducing mid-rise into existing plazas. The proposed development has no integration with commercial and is not a mid-rise.

Based on the policies mentioned above and a review of the Evaluation Criteria for Planning and Development Applications, the site is not conducive to this level of intensification. While some amount and form of residential accessory to commercial would be appropriate on the site to take advantage of existing services and facilities, to reduce our need to grow outward, and to support active transportation, the request for a 17 storey mixed use development would result in an allowable height that does not conform to the City Structure Plan and represents an inappropriate level of intensification within the Shopping Area Place Type. The intensity is not in keeping with

the key directions of the London Plan that relate to the strategic location of more intensive forms of development.

4.4 Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal. For this application, the criteria has been reviewed and the proposal is not appropriate for the subject site.

Also, it is important to note staff's concern that an ad-hoc Zoning By-law amendment on the subject site would set precedent for the approval of increased intensity on other lands in commercial nodes. An amendment could establish a benchmark and create a level of expectation upon which other requests for amendments may be based, making it difficult to refuse an application with high intensity not in keeping with the intent of the Neighbourhood Shopping Area Zone and the locations Council has specifically identified where intensity will be directed.

Given the proposed density and height with high density residential as the main use and commercial accessory and that there is nothing unique about the subject site and the proposed redevelopment is not appropriate, and does not conform to the 1989 Official Plan and The London Plan policies.

5.0 Conclusion

The requested amendments are not consistent with the policies of the 2020 *Provincial Policy Statement* (PPS) which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses and which is facilitated by the existing land use designation;. The proposed development does not conform to the in force policies of the 1989 Official Plan, including but not limited to the application of specific policies areas intended for sites where existing policies do not accurately reflect the intent of Council with respect to the future use of the land, and does not conform to the in-force policies of The London Plan, including but not limited to the City Structure Plan policies of The London Plan to create a hierarchy of residential intensity with the most intensive forms of development directed to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors; proposed intensity and form, is not appropriate and is not good planning. Also, given its location outside the Primary Transit Area with the proposed intensity and form, is not appropriate and is not good planning.

The proposed density of the residential component within this proposed commercial development of 220 uph and 17-storeys is too intense and should be directed to the specific areas for intensification as outlined by Council. Recognizing that the subject site was previously redesignated from Office to Commercial, the requested amendment to effectively facilitate a residential use erodes the employment opportunities that this site was intended to accommodate. The proposal for a stand-alone apartment building with an accessory commercial use is not consistent with the planned function of a commercial node which deviates from the planned commercial function intended by policy.

The provision of 5% affordable housing units at 85% of average market rent for 10 years have not been endorsed by the City's Housing Development Corporation.

Prepared by:	
	Alanna Riley, MCIP, RPP Senior Planner, Development Services
Recommended by:	
	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	
	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief building Official

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

October 9, 2020

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

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Appendix A - Public Engagement

Community Engagement

Public liaison: A Notice of Application was sent to property owners within a 120 metre radius of the subject site on March 4, 2020 and was published in *The Londoner* on March 5, 2020. One "Possible Land Use Change" sign was placed on the subject site, fronting onto Wonderland Road North. No replies from the public were received for this application.

Nature of Liaison:

Requested Amendment to the Current Official Plan

To add a Specific Area Policy to Chapter 10 (Policies for Specific Areas) to permit to permit a high-rise form within the Neighbourhood Commercial Node designation having a maximum residential density of 220 units/ha.

Requested Amendment to The London Plan (New Official Plan)

To add a Specific Area Policy in the Shopping Area Place Type to permit a building form having a maximum height of 17 storeys, exclusive of the mechanical penthouse.

Requested Zoning By-law Amendment

To change the zoning from a Holding Neighbourhood Shopping Area Special Provision (h-17/h-103/NSA5(5)) Zone to a holding Neighbourhood Shopping Area Special Provision Bonus (h-17/h-103/NSA5(5)/NSA3(__)*B(_)) Zone to permit a maximum density of 220 units per hectare, a maximum height of 63 metres, off street parking of 322 spaces, a maximum of $600m^2$ of non-residential space within an apartment building, a maximum of $600m^2$ of Gross Floor Area (GFA) for an individual permitted non-residential use, exclude this Zone variation from the compound zoning permissions of Section 3.9 1) of the Zoning By-law and add pharmacy as an additional permitted use. Council may also consider the application of a bonus zone to implement the above zoning amendment.

Responses: No comments received.

Agency/Departmental Comments

Engineering

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned pre-application:

• TIA comments:

- For background traffic include the full development of 545-549 Fanshawe Park Road
- The recommendation for a left turn lanes is supported, however the conversion of the existing left turn lane to 595-615 Fanshawe Park Road will cause operational and safety concerns as this is a high volume commercial development. A side by side left turn lane will be required.
- The TIA will need be updated or an addendum prepared to acknowledge the comments above.

Sewers comments:

- Based on City's record drawing # 21758, the subject lands are asking for a higher density than originally allocated.
- o It is noted there are constraints downstream in the sanitary system specifically within the sanitary sewer easement that extends to Fanshawe Park Road West. There was not sufficient detail or review of the sanitary system provided with this submission. The Applicant's Engineer can contact SED for more detail and what to include in their capacity report.
- The Applicant's consultant engineer is to submit a capacity report. SED is agreeable that the subject lands being proposed for development can be design based on a per capita flow of 230 L/capita/day. However, there is no expectation that the entire drainage area plan and design sheet be

recreated and all other areas are to remain at the per capita criteria of the day being 295L/capita/day. Any review of the downstream system and accompanying area plan and design sheet should include the downstream sanitary system including the 300mm diameter sewer in the easement that connects to the sewer on Fanshawe Park Road West.

 Sewer Engineering' expectation is that holding provision remain in place until capacity can be addressed and demonstrated to satisfaction of the SED and the City Engineer.

Additionally, the following items are to be considered during the SPA stage:

Transportation:

- A road widening dedication of 24.0m from centre line will be required along Wonderland Road North
- The construction of a side by side left turn lane on Wonderland Road north will be required
- Detailed comments regarding access design and location as well as external works will be made through the site plan process

Water, Sewers and Stormwater:

• Additional Water, Sewers and Stormwater related comments will be provided upon future review of this site During Site Plan Approval process.

Heritage

Archaeological requirements can be considered satisfied for this application.

Upper Thames Conservation Authority

No Objection

Urban Design

- The applicant is commended for providing a building and site design that incorporates the following design features; a building that is located close to and along the majority of the Wonderland road street edge, the inclusion of active building uses along the street frontage, a four story podium, an appropriately sized floorplate for the tower, the incorporation of underground parking and surface parking at the rear of the site.
- Provide elevations for all four sides of the building and include proposed materials, further comments regarding the design of the building may follow upon receipt of the drawings. Ensure the refined design incorporates the following:
 - Podium design
 - Ensure the design of the podium incorporates high quality masonry materials in order to be in keeping with the surrounding neighbourhood while incorporating a high proportion of glazing on the commercial storefronts on the ground floor.
 - Ensure the design of the principle entrance to the tower located along the Wonderland Road frontage is designed as a prominent feature.
 - Ensure that the proposed commercial uses include their principle unit entrances along the Wonderland road frontage in order to provide for an active edge along the public realm.
 - Tower Design
 - Explore opportunities to provide for a greater step back from the podium along the Wonderland Road frontage;
 - Include a high level of glazing on the tower portion of the building;

• Ensure the top or "cap" of the building integrates the mechanical and elevator penthouses into an architectural feature for the building that will add visual interest to the skyline.

<u>Urban Design Peer Review Panel</u>

The Panel commends the applicant for providing a thoughtful solution to the site which addresses Wonderland Road through a podium design that accommodates street-facing commercial units and the main building entrance. The Panel also commends the applicant for a logical site circulation, accessibility and concealing the surface parking from the street.

Recognizing the desire to accommodate the surface and below grade parking as well as distance the tower from the nearby cell tower, the Panel questioned the positioning and treatment of the east-west wing and its relationship to the corner property to the south. The following comments were provided:

- How does the position of the east-west wing impact future development of the corner site to the south? What would the experience be living in the south-facing units if the corner site were developed with a similar density? What is an appropriate tower separation for this condition? Does this necessitate allocating for of the density to the N-S wing?
- Have all opportunities been explored to flip the building including discussions
 with the City regarding the extent of the median to gain vehicular access along
 the south edge of the property? Alternatively, maintaining the site access along
 the north as proposed but having the east-west wing face the internal driveway
 with appropriate landscape buffering for the ground floor units?
- If remaining as proposed, how can the living experience be improved for those units? Consider further development of a landscaped mews connecting Wonderland Road through the site with ground entry units and a clear definition of public and private space.

The Panel recommended the following site considerations:

- Consider reducing the surface parking in favour of more amenity space.
- Consider access and vehicular movement to parking spaces in the southwest corner of the site.
- Consider an area for bicycle parking along Wonderland Road.

Appendix B – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, bylaws, and legislation are identified as follows:

Provincial Policy Statement, 2020

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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1.1.1 b, e, f, h, i
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1.1.3 Settlement Areas

1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6

1.4 Housing

1.4.1, 1.4.3

1.6.7 Transportation Systems

1.6.7.4

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1

2.0 Wise Use and Management of Resources

2 1

3.0 Protecting Public Health and Safety

3.1, 3.1.1, 3.1.7

1989 Official Plan

- 3.4.3 High Density Residential
- 4.3 General Objectives of all Commercial Nodes
- 4.3.3 Mixed Use Development
- 4.3.8 Neighbourhood Commercial Node
- 4.3.8.1 Funcition
- 4.3.8.3 Permitted Uses
- 4.3.8.4 Form
- 4.3.10 Applications to Add, Expand or Upgrade Commercial Nodes

The London Plan

Key Directions – 55 to 62

City Structure Plan (Intensification, Primary Transit Area) – 79 to 92

Our City (Urban Regeneration) - 152, 154, 161

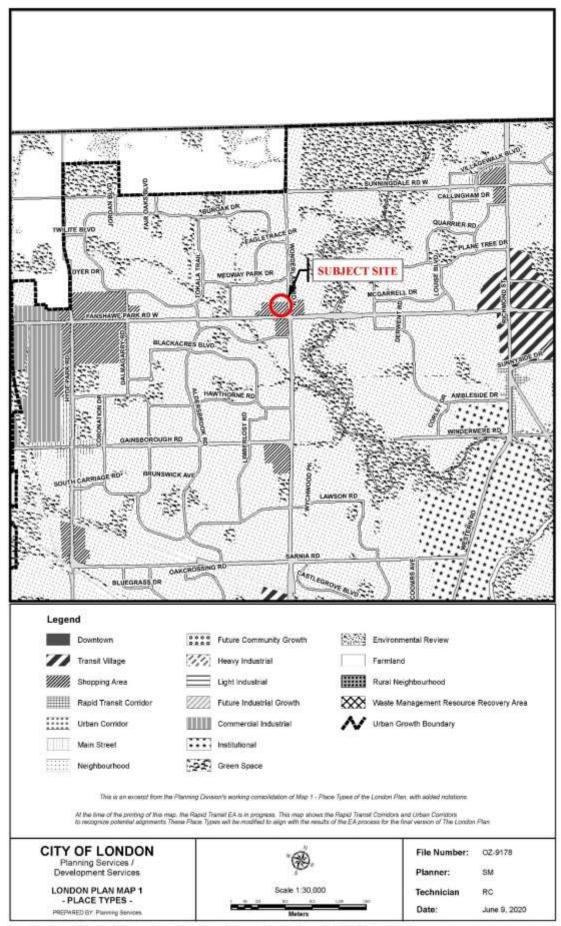
City Design (Streetscapes) – 221 to 241 City Design (Site Layout) – 252 to 269

Urban Place Types (Shopping Area) – 916 to 936

Our Tools (Specific Area Policies) - policies 1729 to 1734

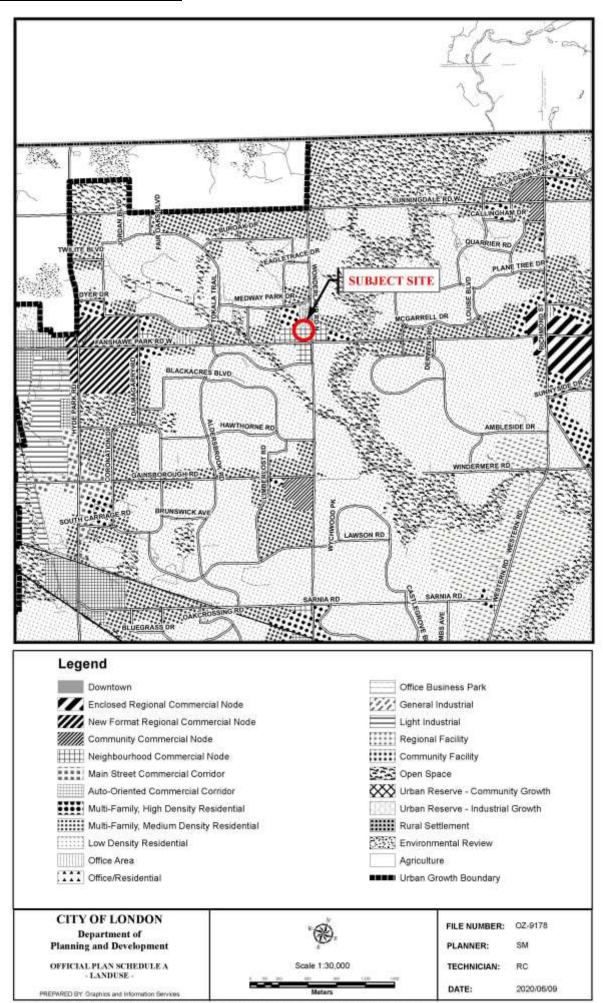
Appendix C - Additional Maps

London Plan Designation



Project Location: E. Planning Projects of official plan work consol 00 excerpts London Plan imxds IOZ-9178-Map1-Place Types mxd

Official Plan Designation



PROJECT LOCATION: e:planning/projects/p_officialplaniworkconsol00/excerpts/mxd_templates/scheduleA_NEW_b&w_&x14.mxd

Existing Zoning

