

VIA EMAIL

October 14, 2021

City Planning
City of London
206 Dundas Street
London, ON
N6A 1G7

Attention: Mayor and Members of Council

**Re: Masonville Secondary Plan (File O-9881) – August 2021 Draft
Preliminary Comments on Behalf of Choice Properties REIT
1740 Richmond Street
London, Ontario
Our File: CHO/LON/20-02**

We are the planning consultants for Choice Properties REIT (“Choice”) and BMOLA as it relates to the City of London Masonville Secondary Plan process. Choice and BMOLA are the owner of lands within the area subject to the Masonville Secondary Plan, including lands municipally known as 1740 Richmond Street, and generally located at the northeast intersection of Richmond Street and Fanshawe Park Road East (“Choice Lands”). The Choice Lands are built for single storey commercial retail uses and associated parking, and are currently anchored by a Loblaws food store. The existing tenant (Loblaws) occupying the site has occupied these lands for several years, and continues to maintain a long-term lease agreement for ongoing operations.

On behalf of Choice, we have been monitoring the Masonville Secondary Plan. We submitted comments regarding the Masonville Secondary Plan dated March 24, 2021, and met with Staff on April 14, 2021 to discuss the same. We have reviewed the Draft Secondary Plan dated August, 2021 and the August 30, 2021 Staff Report in the context of the Choice Lands.

Based on our review of the Masonville Secondary Plan:

- Schedule 2: Community Structure identifies the Choice Lands as “Commercial Priority Area”, “High-Rise”, and “Mid-Rise”. The Choice Lands are located at the only identified “Main Intersection”, and a “Future Connection” is identified through the Choice Lands;
- Schedule 3: Land Use identifies the Choice Lands as “Mixed Use”;
- Schedule 4: Heights identifies the Choice Lands as “High-Rise [2-22 Storeys]”, “Mid-Rise [2-8 Storeys]”, and with a “Future Connection” through the lands;
- Schedule 5: Connections identifies a “Future Connection” through the Choice Lands, generally where the existing food store is located. The adjacent Fanshawe Park Road West and Richmond Street are identified as “Enhanced Cycle Routes”; and

- Schedule 6: Priority Streets identifies both Richmond Street and Fanshawe Park Road East as “Commercial Character Streets” where they align with the Choice Lands. A “Future Connection” is identified within the Choice Lands, where there is an existing food store.

We note that the London Plan is subject to ongoing appeal, and is not yet in full force. As several policies in the proposed Secondary Plan are derived from the London Plan, in our submission, it would be premature to adopt a Secondary Plan until such time as the London Plan is in full force and effect. The Secondary Plan should be consistent with and based upon the overarching direction provided by the London Plan, which as noted has yet to be fully established.

PRELIMINARY COMMENTS ON DRAFT MASONVILLE SECONDARY PLAN

As noted in our March 24, 2021 letter, at this time Choice does not have specific plans for the redevelopment of 1740 Richmond Street, and are seeking to maintain existing operations while allowing for short and medium term modest infill or expansion to the existing commercial function of the site to respond to the market demand, as applicable. Further, it is also our intent to consider and protect for potential comprehensive redevelopment scenarios in accordance with the City’s growth objectives for the area, should this be contemplated in the future.

We continue to encourage Staff to consider first, interim development policies in recognition of the existing uses of the Secondary Plan area, and second, that the realization of the direction provided by the Secondary plan will take years or decades to fully establish. In the interim, it is our opinion that modest expansion or growth that is reflective of existing commercial functions is appropriate, and should be guided based on market demands.

We continue to have concern with the identification of a new road through the Choice Lands, proximate to the existing food store, in particular considering the policy framework that would guide new road creation. It is evident from the draft policies that new road creation as identified on Schedule 5 is a requirement, and is to be established through certain means that include site plan approval. While the policies allow for flexibility in the precise location of roads, the draft policies would require an Official Plan Amendment to proceed with development that does not include an identified road (draft Policy 7.9). This is challenging for future development/redevelopment of the Choice Lands, as the public road is intended to be within, if not directly in front of, the existing food store. In order to redevelop the Choice Lands to any degree, the draft Policy requires that a new public road be created in front of the existing food store. As noted in our March 24 letter, food stores require a significant amount of parking in front of the store to allow for safe and efficient customer access and navigation of shopping carts. A new road in this location would compromise the viability of continued operations of the food store, which as noted is the owner’s intent for the lands. There are large surface parking areas in the Choice Lands that could be targeted for phased redevelopment in the future, accomplishing numerous overarching goals of the Secondary Plan. However, the policy framework would discourage phased development of the Choice Lands in accordance with the draft Secondary Plan policy by compromising the predominant function of the site as a food store through the introduction of a Public Road. We would suggest additional clarification be provided for when it would be appropriate for new public roads to be created within the Secondary Plan area. Our suggested change would be for Policy 7.9 to adopt similar flexible language as drafted in Policy 3.1.1iv), while removing the rigid reference in Policy 7.9 that requires an Official Plan Amendment for

substantive changes or eliminations, as these policies appear contradictory. This concern was further outlined in our March 24 Letter, and clarified in a May 12, 2021 email to Staff.

We reiterate from our March 24, 2021 letter that the under appeal London Plan seeks to establish a grid-like road system in the secondary plan area, but that the policy direction uses flexible language in identifying the creation of new roads (Policy 813). We would encourage the City to maintain this flexible language in consideration of the implications for redevelopment of lands.

Further to the above comments, at this time our preliminary comments for the Draft Secondary Plan are as follows:

- Draft Policy 3.1.1iv) states that “The provision and construction of connections in Schedule 5 are required where a development parcel fronts on, is adjacent to, or requires the access of a connection, and shall be determined at the time of planning and development applications such as...”. It is unclear the function of this draft policy, and clarification is sought. We would interpret that the intent is to allow for flexibility in when an identified public road would be created, to be able to respond to scenarios as outlined above, where development may be appropriate but road creation considered premature or would interfere with ongoing operations. The issue is the rigidity of Policy 7.9, which clearly states: “Substantive changes or eliminations of any road alignments will require an Official Plan amendment”. For Policy 3.1.1iv) to have the result of introducing flexibility in when the public road may be created, it is necessary to modify the rigidity of Policy 7.9;
- Draft Policy 3.1.2ix) requires all new multi-unit residential developments include indoor and outdoor communal amenity spaces. In our submission, flexibility is important for site design and we suggest that “shall” be replaced with “should”;
- Draft Policy 3.1.3.1 would require an easement to be established over every private road in the Secondary Plan area, the purpose of which would allow public access. We seek clarification on the intent and nature of implementing this policy. For instance, who would assume liability of the private road, and could there be instances where it is generally not necessary for the broader public to have access to a private road? We suggest that there may be instances where a public access easement may not be warranted, and suggest that the corresponding policy be more flexible in nature to only pursue easements where deemed appropriate;
- Draft Policy 3.8i) (Formerly 3.7i)) would require a range of housing types to be provided on every site. In our submission, flexibility should be introduced to best respond to market demand;
- Draft Policy 3.8ii) (Formerly 3.7ii)) would require all properties to provide for live-work opportunities. We continue to encourage flexibility so as to best respond to market demand, and in particular considering the proposed cap on employment generating uses by draft Policy 4.1v);
- Draft Policy 3.8iii) (Formerly 3.7iii)) requires a range and mix of unit sizes and types. We continue to encourage flexibility in this Policy to best respond to market demand, and suggest “shall” be replaced with “should”;
- Draft Policy 4.1v) caps office use for the Secondary Plan area at 20,000sq.m. We continue to have concerns with a cap that is plan wide, and wherein a single building could occupy upwards of 1/4 of the overall cap. The implementation of a plan-wide cap remains unclear. We suggest the overall cap be reconsidered, and that should the cap be maintained, replace “building” with “development”;

- Draft Policy 4.2.1iii) would restrict any new stand-alone single tenant commercial buildings, whereas we continue to encourage Staff to consider interim development permissions prior to realization of the plan objectives; and
- Draft Policy 6.5iii) (Formerly 5.1iii)) requires buildings and main entrances to be located and oriented towards public streets. We suggest flexibility be introduced to accommodate site specific circumstances, and suggest replacing “shall” with “should”.

We will continue to review the Masonville Secondary Plan in more detail, will monitor the implementation, and may provide additional comments as required.

Please kindly ensure that the undersigned is notified of any further meetings or notices related to this matter.

Yours very truly,

ZELINKA PRIAMO LTD.



Rob MacFarlane, MPL, MCIP, RPP
Planner

cc. Choice Properties REIT (via email)
BMOLA (via email)