Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: Gregg Barrett

Director, City Planning and City Planner

Subject: 1525993 Ont. Ltd (Bruce Sworik)

820 Cabell Street

Public Participation Meeting on: September 21, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to the application by Bruce Sworik relating to the property located at 820 Cabell Street:

- the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 29, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Light Industrial (LI1) Zone **TO** a Light Industrial (LI2) Zone;
- (b) the request to amend Zoning By-law No. Z.-1 to increase the amount of ancillary commercial allowed and/or allow non-ancillary retail commercial space to a maximum of 40% of total Gross Floor Area (GFA) **BE REFUSED** for the following reasons:
 - i) an increase in the amount of ancillary retail space allowed from 25% to 40% is excessive for the existing use;
 - ii) ancillary retail space is only permitted for goods manufactured on the premises; and,
 - iii) non-ancillary retail space is not permitted in industrial areas and needs an Official Plan and Zoning By-law amendment to change to a commercial Official Plan designation/London Plan Place Type and zone.

Executive Summary

Summary of Request

The applicant has requested the zoning by-law amendment to do two things; 1) to recognize and permit the existing cannabis growing facility and 2) to allow more of the building to be leased for ancillary and/or non-ancillary commercial uses. As indicated by the building owner, no exterior changes are proposed at this point, any changes will be within the existing building.

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is first, to change the zoning from a Light Industrial (LI1) Zone variation to a Light Industrial (LI2) Zone variation to recognize the existing marijuana growing and processing facility. Second, the purpose and effect of the recommended action is to refuse a requested increase in the gross floor area permitted for ancillary retail sales from 25% to 40%, or a maximum of 100m², to a maximum of approximately 1230m² of total building area and to allow non-ancillary retail uses

Rationale of Recommended Action

Approval of the recommended change from LI1 to LI2 is consistent with the Provincial Policy Statement which encourages retention and re-use of older industrial uses by providing for a broader range of low impact industrial uses in close proximity to an existing residential area. The recommended zone also conforms with the Light Industrial Place Type of the London Plan and the Light Industrial designation in the 1989 Official Plan.

Refusal of the request for more ancillary and non-ancillary retail floor space because an increase in the amount of ancillary retail space allowed from 25% to 40% is excessive for the existing use; ancillary retail space is only permitted for goods manufactured on the premises; and, non-ancillary retail space is not permitted in industrial areas and needs an Official Plan and Zoning By-law amendment to change to a commercial London Plan Place Type/Official Plan designation and zone.

Analysis

1.0 Site at a Glance

1.1 Property Description

The property is occupied by an 1½ storey (8 m height), older, brick industrial building (total GFA of 3065 m² (33,000 ft²)) built in circa 1880 (Former George White & Sonsmaker of threshing machines). The building is listed on the City of London Register of Cultural Heritage Resources, but is not designated under the *Ontario Heritage Act*. The building covers most of the site (57%) except for small, gravelled parking areas to the west and east which have 25 parking spaces. The building is located right up to the street line with only one door to the street which doesn't appear to be currently used. The front elevation is brick and all former windows have been covered over with cladding. There is another door into the building from the east parking lot.

Photo 1 – Building Frontage on Cabell Street



Photo 2 – Cabell Street looking East, Subject Building on Left



Photo 3 – Door on Cabell Street



Photo 4 – East Parking Lot for 820 Cabell Street



The property was acquired by current owner in 1985. Prior to that it had been leased since 1978.

Cabell Street is a Neighbourhood Street in the London Plan.

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

- The London Plan Place Type Light Industrial
- 1989 Official Plan designation Light Industrial
- Existing Zoning Light Industrial (LI1) Zone

1.3 Site Characteristics

- Current Land Use Cannabis growing facility licensed through Health Canada (existed since 1980), approximately 929 m² (10,000 ft²) in size.
 There are other uses in the building including storage, a repair business and a slot racing club.
- Frontage 91.44 metres
- Depth 40.84 metres
- Area 3734 m² or .37 hectares (.91 acres)
- Shape Rectangular

1.4 Surrounding Land Uses

- North Vacant industrial land and Canadian National (CN) railway yard
- East Recycling business, heating and cooling company and auto repair
- South Storage business and London Hydro utility building, small scale industrial uses-mostly auto repair
- West Various auto body and auto repair businesses.

There are also listed heritage properties of interest at 825 Cabell Street (1921-Art Deco/London Hydro), 20 Kitchener Ave (London Concrete Machinery) and 720 Cabell Street (George White and Sons-Central Heating and Cooling).

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The applicant has requested the zoning by-law amendment to do two things; 1) to recognize and permit the existing cannabis growing facility and 2) to allow more of the building to be leased to ancillary and/or non-ancillary commercial uses. As indicated by the building owner, no exterior changes are proposed at this point; any changes will be within the existing building.

3.0 Relevant Background

3.1 Planning History

There have been no previous zoning by-law amendment or minor variance applications on this property.

3.2 Requested Amendment

The applicant has requested a zoning by-law amendment from a Light Industrial (LI1) Zone to a Light Industrial Special Provision (LI2 ()) Zone to recognize and permit the existing cannabis growing facility and allow any vacant space to be leased for more ancillary commercial uses and for non-ancillary commercial uses.

The current Light Industrial (LI1) Zone variation permits seventeen (17) light industrial uses including; bakeries; business service establishments; laboratories; manufacturing and assembly industries; support offices; paper and allied products industries; pharmaceutical and medical products industries; printing, reproduction and data processing industries; research and development industries; warehouse establishments; wholesale establishments; custom workshops; brewing on premises establishments; service trades; existing self -storage establishments; artisan workshops and craft breweries.

A change to a Light Industrial (LI2) Zone variation would add six (6) additional uses including; food, tobacco and beverage processing industries excluding meat packaging; dry cleaning and laundry plants; leather and fur processing excluding tanning; repair and rental establishments; service and repair establishments and textile processing industries. The existing cannabis growing facility would be allowed under the definition of food, tobacco and beverage processing industry.

Section 40.3 2) (Retail Sales as an Ancillary Use) of Zoning By-law Z-1 allows retail sales as an ancillary use for goods manufactured on site for manufacturing and assembly; food, tobacco and beverage processing; printing, reproduction and data processing and processed goods industries but;

The ancillary use must;

- be in the main building or unit;
- be a maximum of 25% of total building gross floor area (GFA) or 100 m² (1100 ft²); whichever is lesser, and with no more than 30 m² (323 ft²) devoted to sale of goods not manufactured on site;
- provide parking at the retail rate (I space per 25m²or 15m², depending on location); and,
- for ancillary retail uses, be located at the front of the building.

File: Z-9196

Planner: Chuck Parker

3.3 Community Engagement (see more detail in Appendix B)

Individual public notice was provided on May 11, 2020 to all property owners within 120 metres of the property boundary and Londoner notice was provided May 21, 2020. A sign was posted on the property in May 2020 and a City website page was created for this application.

In response we received one phone call objecting to the application. No specific reason was provided but indicated they would provide something further at a later date.

3.4 Policy Context (see more detail in Appendix C)

The following Provincial and City policies are relevant to this application.

PROVINCIAL POLICY STATEMENT 2020

The application to change the zoning from LI1 to LI2 is consistent with the 2020 Provincial Policy Statement because it broadens the range of permitted industrial uses in an effort to reuse existing industrial buildings and conserve existing industrial areas.

The request to allow more commercial uses on this site does not conform to the 2020 PPS because it doesn't protect existing industrial uses by allowing other non-industrial uses. In addition, the introduction of commercial uses into this internal site may introduce additional traffic which could impact the existing residential neighbourhood to the south and reduce compatibility.

Sections 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns), 1.2.6 (Land Use Compatibility), 1.3 (Employment), 1.7. (Long Term Economic Prosperity) and 2.6 (Cultural Heritage) of the Provincial Policy Statement are all relevant to this application.

Some of the key directions from the Policy Statement include;

- Creating efficient, sustainable land use patterns;
- · Reusing existing infrastructure and buildings;
- Facilitating economic growth;
- Conserving industrial land;
- Maintaining long term viability of industrial land;
- Preservation of employment areas; and,
- Conserving cultural heritage sites.

LONDON PLAN

The request to change the zoning from LI1 to LI2 conforms to the London Plan policies because it expands the range of uses permitted to encourage more infill and intensification and increases the economic viability of this older industrial area.

The request for more ancillary retail space and/or non-ancillary commercial space is inconsistent with the Light Industrial London Plan Place Type and zoning by-law regulations which limit the amount of non-industrial uses in industrial areas to protect industrial areas.

The London Plan contains policies which provide for, and support, the following:

- an adequate supply of industrial lands for all sizes of industrial uses;
- infill and intensification in existing industrial areas and provide for the reuse of existing buildings for new industrial uses such as innovation "parks";
- the remediation of brownfields;
- heritage preservation; and,
- the use of Community Improvement Plans to improve older industrial areas.

1989 OFFICIAL PLAN

The Plan policies are similar to those in the London Plan.

The request to change the zoning from LI1 to LI2 conforms to the Light Industrial 1989 Official Plan policies because it expands the range of uses permitted to encourage more infill and intensification and increases the economic viability of this older industrial area.

The request for more ancillary retail space and/or non-ancillary commercial space is inconsistent with the Light Industrial 1989 Official Plan and zoning by-law regulations which limit the amount of non-industrial uses in industrial areas to protect industrial areas.

HAMILTON ROAD COMMUNITY IMPROVEMENT PLAN

The Hamilton Road Community Improvement Plan generally provides for community improvement for above- (eg. sidewalks and roads) and below-ground infrastructure (eg. services) and provides for incentives for building and business rehabilitation in these older industrial areas. Specifically, there are no references currently to this property or the general area in the Plan. The continued use of the property is consistent with the Community Improvement Plan, and the application does include consideration of any amendment does not include any of the identified programs.

3.5 Additional Background

As part of the application submission process the applicant completed a **Ministry of the Environment and Energy D6 Analysis** which concluded;

Class I Industrial Facility

A place of business for a small scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.

The existing property meets these criteria.

Existing and committed industrial land use (4.2.3)

When there are existing and committed industrial uses, the Ministry recommends that the category designation of "Class I", "Class II" or "Class III". This property is "Class I".

The existing use is currently within the building and there are no proposals to expand the building. The existing uses have no exterior presence and should create no additional impacts. The uses comply with the D6 guidelines.

Recommended minimum separation distances (4.3)

Class I—20 metres minimum separation distance Property meets this criterion for separation distances.

D-6-1 Industrial Categorization Criteria

The subject property meets these criteria:

- Sounds/noise are not audible off property
- Dust/Odour are negligible, infrequent and not intense.
- There is no ground borne vibration on plant property
- There is no outside storage.
- The small-scale plant in relation to all other criteria for this class.
- It is a self-contained building which produces/stores a packaged product. Low probability of fugitive emissions
- Daytime operations only; and,
- Infrequent movement of products or heavy trucks.

4.0 Key Issues and Considerations

4.1 Is the Light Industrial (LI2) Zone variation appropriate?

Yes, a change from a Light Industrial (LI1) Zone variation to Light Industrial (LI2) Zone variation is appropriate because it provides for a broader range of low impact light industrial uses in close proximity to an existing residential area and recognizes an existing use, permitted by LI2, which has been at this location for over two years. The current zoning allows a number of uses but this amendment adds additional, similar uses.

The change is supported by policies in the 2020 Policy Statement (for complete policies see Appendix C 1)) related to efficient land use and development patterns (Section 1.1.1), conserving industrial land (Section 1.1.2), land use compatibility (Section 1.2.6), preservation of employment lands (Section 1.3) and reuse of existing land for long term economic prosperity (Section 1.7). The addition of uses supports all of these policies by providing more options for the use of the property.

In addition, the landowner has indicated he intends to retain the existing structure, at the present time, which meets Section 2.0 (specifically 2.6) relating to wise use and management of cultural heritage resources.

The zoning by-law amendment also meets relevant London Plan policies (for complete policies see Appendix C 2)) relating to planning for a prosperous City (Policy 55), building a mixed use compact city (Policy 59), encouraging intensification and urban regeneration (Policies 85 and 153), protection of employment lands (Policy 137), providing for community improvement plans (Policies 164, 165 and 1723), conservation of heritage resources (Policies 557 and 568) and the Light Industrial policies (Policies 1110, 115, 1116, 1124 and 1125). The 1989 Official Plan policies address similar rationale.

In conclusion, both the Provincial and City policies support the zoning amendment from LI1 to LI2.

4.2 Is an increase to the amount of ancillary retail space and/or to allow non-ancillary retail space appropriate?

No, the request is not supported by both the Provincial and City policies. It is not supported by Provincial Policy Statement policies related to conserving industrial land (Policy 1.1.2), land use compatibility and long term viability of existing industrial areas (Policy 1.2.6) and preservation of existing industrial areas (Policy 1.3).

Similarly it does not conform to London Plan and 1989 Official Plan policies related to protection of employment lands (Policy 137) and the Light Industrial Place Type policies (Policies 1110, 1115, 1116, 1124 and 1125).

In the past, the City has undertaken a number of reviews in response to requests for non-industrial uses in industrial areas. The most recent review occurred in 2013-2014 (OZ-8219/City of London-City-wide) and resulted in an Official Plan Amendment (No. 578) and zoning by-law amendments to remove, restrict the location and restrict size of non-industrial uses in industrial areas. Reports were presented to Planning and Environment Committee (PEC) on December 10, 2013 and March 10, 2014 and provided the following rationale for the amendments;

"Industrial land is comparatively inexpensive relative to other land available in the City of London. Keeping a supply of affordable industrial land available is important to attracting industry to London, and the maintenance of a supply of lower priced land designated for industrial land uses is important to the future of the city. Inexpensive land is also attractive to non-industrial uses looking to locate in the city. This also often results in the additional issue of driving up costs on the remaining industrial land while also making industrial areas less efficient to operate as a result of the infiltration of non-industrial users in industrial areas.

Non-industrial uses often pay higher lease rates than industrial uses do. This hinders the areas' long term function for industrial uses because once a "commercial value" is assigned to the property its price rises which can price it out of industrial use. Industrial locations are not good locations for these non-industrial uses. Industrial uses produce nuisance impacts (sound, vibration, pollution, etc.) which would have impacts on non-industrial uses. ... The purpose of zoning is to regulate the use of land so that negative land use impacts are minimized. This would suggest the need to separate sensitive uses from necessary land uses which produce nuisance impacts.

Non-industrial uses not only make industrial areas less efficient by their presence but in some instances make industrial uses unviable entirely. In all cases industrial areas see decreased utility when they are broken up by sensitive non-industrial uses. (Planning and Environment Committee Report-December 10, 2013, pp 4-5)

Specifically with regard to retail uses in industrial areas, retail uses typically produce a source of external traffic through industrial areas. Current zoning regulations allow retail as an ancillary use where the retail portion sells goods made on site and the retail portion does not exceed a given fraction (25%) or maximum limit of 100 m², whichever is lesser, of the building and does not exceed 30m² should the goods sold be manufactured off-site. By restricting the size and location of ancillary retail potential traffic impacts on industrial uses are minimized. In addition, the subject property is located on a Neighbourhood Street and is not ideal for commercial uses which are more appropriate on a higher order street.

Furthermore the regulation requires developments with a retail portion to provide parking for the retail portion in accordance with the retail parking provisions set out in the by-law to reduce on street retail parking. These regulations allows for local businesses to diversify their sales approach and supply the community.

The amendments were adopted by Council on April 1, 2014 to protect industrial lands as employment lands, provide for uses which support industrial areas not interfere with their operation and prevent the loss of existing industrial lands.

In conclusion, the request for more ancillary retail space and non-ancillary retail space is not appropriate. Any future requests for non-ancillary commercial space will require an Official Plan and Zoning By-law amendment and will be considered on the application merits.

5.0 Conclusion

It is recommended that City Council **Approve** the requested amendment from LI1 to LI2, as it is consistent with the Provincial Policy Statement which encourages retention and re-use of older industrial uses by providing for a broader range of low impact uses in close proximity to an existing residential area.

It is recommended that City Council **Refuse** the requested amendment to permit additional ancillary and non-ancillary retail floor space, as an increase in the amount of ancillary retail space allowed from 25% to 40% is excessive for the existing use; ancillary retail space is only permitted for goods manufactured on the premises; and, non-ancillary retail space is not permitted in industrial areas and needs amendments to the London Plan, 1989 Official Plan, and Zoning By-law to permit commercial uses.

| Prepared by: | |
|-----------------|---|
| | W.J. Charles Parker, MA Senior Planner, Planning Policy |
| Submitted by: | |
| | Justin Adema, MCIP, RPP |
| | Manager, Planning Policy |
| Recommended by: | |
| | Gregg Barrett, AICP |
| | Director, City Planning and City Planner |
| • | ained herein are offered by a person or persons or opinion. Further detail with respect to qualifications |

September 11, 2020 MT/mt

can be obtained from Planning Services

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Appendix A

Appendix "A"

Bill No.(number to be inserted by Clerk's Office) 2020

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 820 Cabell Street.

WHEREAS Bruce Sworik (1625993 Ont. Ltd.) has applied to rezone an area of land located at 820 Cabell Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 820 Cabell Street, as shown on the attached map comprising part of Key Map No. A108, from a Light Industrial (LI1) Zone to a Light Industrial (LI2) Zone.

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

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

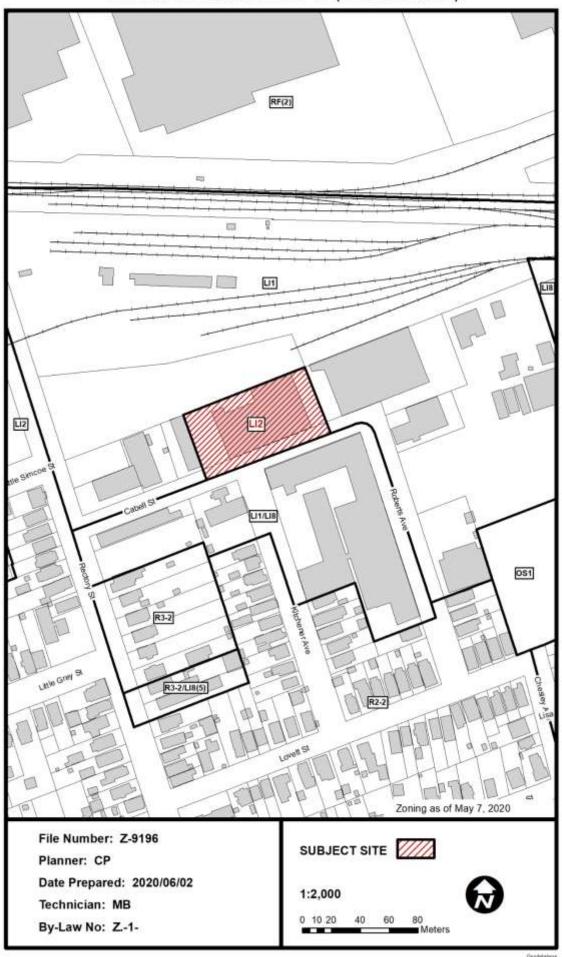
PASSED in Open Council on September 29, 2020.

Ed Holder Mayor

Catharine Saunders
City Clerk

First Reading – September 29, 2020 Second Reading – September 29, 2020 Third Reading – September 29, 2020

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On May 11, 2020, Notice of Application was sent to 38 property owners within 120 metres in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 21, 2020. A "Planning Application" sign was also posted on the site and a webpage for the application was created on the City website at www.london.ca.

One reply was received

Nature of Liaison: 820 Cabell Street – The purpose and effect of the proposed Zoning By-law amendment is to change the zoning from a Light Industrial (LI1) Zone to a Light Industrial Special Provision (LI2 ()) Zone to recognize the existing marijuana growing and processing facility and allow an increase in the gross floor area permitted for ancillary retail sales to increase from 25% to 40%, or a maximum of 100m², to a maximum of approximately 1230m² of total building area.

Responses: A summary of the various comments received include the following:

One telephone call from the wife of a neighbouring business owner who objected on behalf of her husband but didn't provide any reasons.

Responses to Public Liaison Letter and Publication in "The Londoner"

| Telephone | Written |
|--------------------------------|---------|
| Alia Omar 818 Cabell Street | |
| | |

Agency/Departmental Comments

Engineering has no comments related to the re-zoning application considering the minor nature of the requested change. For a future development application, we have provided the following comments/concerns;

- 1. If the number of proposed parking spaces exceeds 29, the owner shall be required to have a consulting Professional Engineer confirming how the water quality will be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) with a minimum of 70% TSS removal to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators or any LID filtration/infiltration devises.
- 2. Are agreements in place with adjacent land owners for access and parking?

London Hydro comments;

This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining save clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16weeks. Contact the Engineering Dept. to confirm requirements & availability.

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

The **Upper Thames River Conservation Authority (UTRCA)** comments;

DRINKING WATER SOURCE PROTECTION: Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/

RECOMMENDATION

As indicated, the subject lands are not regulated by the UTRCA and a Section 28 permit application will not be required. The UTRCA has no objections to this application.

No comments and concerns from Parks Planning and Design.

Appendix C – 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:

1) PROVINCIAL POLICY STATEMENT 2020 (In effect May 1, 2020)

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

- 1.1.1 Healthy, liveable and safe communities are sustained by:
 - a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - accommodating an appropriate affordable and market-based range of ..., employment (including industrial and commercial) to meet long-term needs;
 - c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
 - e) 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;
 - g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- 1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area. Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas. Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

- 1.1.3.1 Settlement areas shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

- 1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
- 1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:
 - a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and
 - b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.

1.2.6 Land Use Compatibility

- 1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial quidelines, standards and procedures.
- 1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:
 - a) there is an identified need for the proposed use;
 - b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations:
 - c) adverse effects to the proposed sensitive land use are minimized and mitigated; and
 - d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

1.3 Employment

- 1.3.1 Planning authorities shall promote economic development and competitiveness by:
 - a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
 - b) 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;
 - c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;

d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and

e) ensuring the necessary infrastructure is provided to support current and projected needs.

1.3.2 Employment Areas

- 1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.
- 1.3.2.2 At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area.

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent nonemployment areas.

- 1.3.2.4 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.
- 1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:
 - there is an identified need for the conversion and the land is not required for employment purposes over the long term;
 - b) the proposed uses would not adversely affect the overall viability of the employment area; and
 - c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

1.7 Long-Term Economic Prosperity

- 1.7.1 Long-term economic prosperity should be supported by:
 - a) promoting opportunities for economic development and community
 - I nvestment-readiness;
 - e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help

define character, including built heritage resources and cultural heritage landscapes;

f) promoting the redevelopment of brownfield sites;

2.6 Cultural Heritage and Archaeology

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

2) LONDON PLAN (Council approved June 23, 2016, Ministry approved December 28, 2016)

The relevant policies in the London Plan include;

Policy 55_ Our Strategy-Direction #1- Plan strategically for a prosperous city

9. Identify and strategically support existing and emerging industrial sectors. 10. Ensure an adequate supply of employment lands.

Policy 59_ Our Strategy- Direction #5 - Build a mixed-use compact City

4. Plan for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward.

Policy 85_ Our City - City Structure/Intensification

In addition to residential intensification, non-residential forms of development that represent a greater intensity of use will also be encouraged, where appropriate, within mixed use, commercial, industrial, and institutional areas subject to the policies of this Plan.

Policy 137_ Our City - City Structure/Employment Lands

Adequate land is included within the Urban Growth Boundary to ensure there is an ample supply of strategically-sized and located sites for attracting industrial businesses of various kinds.

Policy 153_ Our City - City Structure/Urban Regeneration

Urban regeneration is about supporting sensitive growth and change within our urban areas so that they are sustainable and prosperous over the long term.

- 7. Support the remediation of brownfield sites to create new opportunities for the useful redevelopment of these lands within urban neighbourhoods.
- 10. Reduce long-standing land-use conflicts in urban neighbourhoods.

Policy 164/165_ Our City - City Structure/Community Improvement Plans

Subject to the Community Improvement Plan policies in the Our Tools part of this Plan, City Council may designate, by by-law, community improvement project areas anywhere within the municipal boundary. Existing Community Improvement Project Areas are shown on Map 8 - Community Improvement Project Areas. New Community Improvement Project Areas identified by City Council will be added by an amendment to Map 8 of this Plan. A community improvement plan may be used to provide Council with

a set of tools that could include grants, loans, or other incentives that are intended to support community economic development, or to address social or environmental conditions that the City has identified as important to improve.

165_ Community improvement plans may also be used to encourage heritage conservation, the provision of affordable housing or the redevelopment of old industrial and brownfield sites.

Policy 543_ City Building - Culturally Rich and Diverse City/Adaptive Reuse

Encourage adaptive re-use of older industrial buildings to create spaces for new uses that support the development of the knowledge economy and labour force attraction.

Policy 557_ City Building – Culturally Rich and Diverse City/Register of Cultural Heritage Resources

In accordance with the Ontario Heritage Act, City Council, in consultation with the London Advisory Committee on Heritage (LACH), will prepare and maintain a Register listing properties of cultural heritage value or interest. The Register may also be known as The City of London Inventory of Heritage Resources. In addition to identifying properties designated under the Ontario Heritage Act, the Register may include properties that are not designated but that Council believes to be of cultural heritage value or interest.

Policy 568_ City Building - Culturally Rich and Diverse City/ Conservation

Conservation of whole buildings on properties identified on the Register is encouraged and the retention of façades alone is discouraged. The portion of a cultural heritage resource to be conserved should reflect its significant attributes including its mass and volume.

Policy 1107_ Industrial Place Type/General

Industrial Place Types represent a critical part of our City Structure – where one-third of Londoners work and where many of the goods and services we produce as a city are designed, manufactured, processed, assembled and then transported to the world. These lands have been strategically located where there is a strong demand for them and where they are well connected to the region and the world – locations that have easy access to rail, the airport, major highways, and the existing industrial sectors that have evolved over time. Many of the industrial lands in the core of our city that formed 50 to 100 years ago are losing their attraction, and some are now transitioning to new uses that create both employment and opportunity for new urban neighbourhoods.

Policy 1110_ Place Type - Light Industrial/General

The Light Industrial Place Type is where industries generating more minimal planning impacts will be permitted. It is appropriate to separate these uses from heavier industrial users, to avoid land use conflicts and to allow for positive industrial environments. It may also be necessary to separate some uses within the Light Industrial Place Type from sensitive land uses on adjacent lands.

Policy 1115 Place Type - Light Industrial/Permitted Uses

The following uses may be permitted in the Light Industrial Place Type:

- 1. A broad range of industrial uses that are unlikely to impose significant impacts on surrounding light industrial land uses due to their emissions such as noise, odour, particulates and vibration, may be permitted.
- 2. Industrial uses with large amounts of outdoor storage may not be permitted in the Light Industrial Place Type, dependent upon the character of the surrounding industrial area, specific policies at the end of this chapter, or any applicable guideline documents.
- 3. Warehouses may be permitted.
- 4. Small-scale service office uses may be permitted.
- 5. Accessory office uses of any scale will be permitted.
- 6. General offices will not be permitted.
- 7. Uses that are not compatible with light industrial uses will not be permitted, to ensure that there are no encumbrances to the operation of the uses primarily intended for this place type.
- 8. Service trades and contractors shops may be permitted.
- 9. The Province's D-series Guidelines will be implemented to ensure that industrial uses and sensitive land uses are not located inappropriately close to one another.
- 10. The following uses may be permitted only in appropriate locations, subject to a zoning by-law amendment application and full planning analysis:
 - a. Automotive body shops, provided that their location and operation will not detract from the industrial operations of the surrounding area.
 - b. Automobile service stations or gas bars if they are located on a Civic Boulevard.
 - c. To provide convenient services to those who work in the Light Industrial Place Type, small-scale retail and service commercial uses that will not detract from the industrial operations of the surrounding lands may be permitted, up to 1,000m 2. Uses within these categories that generate high automobile traffic will not be permitted.
 - d. Recycling and composting facilities in conformity with the Diversion -Reducing, Reusing, Recycling, Composting and Recovery policies in the Civic Infrastructure chapter and the Specific Policies for Composting and Recycling Facilities section in this chapter.
- 11. An accessory retail use may be allowed in connection with a permitted industrial use provided the retail component is clearly ancillary to the industrial use of the property, is directly related with the products being made or assembled on site, is smaller in floor area than the industrial uses to which it is ancillary, is carried on within the main building of the industrial use, and does not generate traffic or parking that may have an adverse impact on adjacent properties.
- 12. The full range of uses described above will not necessarily be permitted on all sites within the Light Industrial Place Type.

Policy 1116_ Place Type- Light Industrial/Innovation Parks

Within the Light Industrial Place Type, zoning regulations may be utilized to establish an appropriate context for Innovation Parks. In addition to the permitted use policies identified above for the Light Industrial Place Type, the following policies shall apply and prevail over the Light Industrial policies in the event of a conflict:

1. Innovation Parks may allow for the clustering of research, development and commercialization uses such as research centres, laboratories, industrial-related centres of excellence, testing facilities, light assembly and light manufacturing uses, training facilities and related support uses.

2. Medium-scale office uses of up to 5,000m² that are in association with these facilities may also be permitted provided they are not general offices, and where it can be shown that they are directly related to the research and development park activity and that their location outside of the Downtown will not have a negative impact on the health of the Downtown office market. Limits may be placed on the aggregate floor area of office uses within a research and development park.

Policy 1124- Place Types- Intensity Policies for All Industrial Place Types

The following intensity policies apply within all Industrial Place Types;

- 1. Industrial uses will be encouraged to utilize land efficiently. High building coverage ratios and high employment densities will be sought wherever possible.
- 2. The intensity of industrial uses may be moderated by zoning regulations, where appropriate, to limit the extent of their noise, vibration, dust and odour emissions.
- 4. Accessory office uses will not be limited in size provided they meet the definition of accessory office.
- 5. Service offices will be no larger than 2000m².
- 6. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites.
- 7. The full extent of intensity described above will not necessarily be permitted on all sites within the applicable Industrial Place Type.

Policy 1125_Place Types- Form Policies for All Industrial Place Types

The following form policies apply to all Industrial Place Types:

- 1. City Council may prepare urban design guidelines to establish design goals and direction for new industrial development.
- 5. Large open storage areas will be screened with fencing and landscaping that is appropriate within the surrounding context and view corridors.
- 6. Loading facilities will be located in areas that minimize visual impact to other industrial uses and the street.
- 7. Sites will be large enough to accommodate on-site truck movements for loading, unless it is deemed appropriate to utilize streets where there are no viable alternatives.
- 8. Office components of industrial buildings should be strategically located to take advantage of important views from entrances to industrial parks or from adjacent streets.
- 10. Subdivision, site and building layout will be designed to be transit-supportive where appropriate.
- 11. Guideline documents may be prepared for all industrial areas or for specific industrial parks.

Policy 1723 - Our Tools - Community Improvement Plans

3. Commercial, residential, industrial and mixed-use areas with poor physical condition and/or poor visual quality of the built environment, including but not limited to building façades, building condition, streetscapes, public amenity areas and urban design.

3) 1989 OFFICIAL PLAN (Council adopted June 19, 1989)

The 1989 Official Plan policies are similar to the London Plan policies. The following are the relevant policies from the Plan;

- 7.3.1. Main permitted uses in the Light Industrial category include: industrial uses that involve assembling, fabricating, manufacturing, processing and/or repair activities; are located within enclosed buildings; require only a limited amount of outdoor storage; and are unlikely to cause adverse effects with respect to air, odour or water pollution, or excessive noise levels. Other types of permitted uses include research and communication facilities; printing and publishing establishments; warehouse and wholesale outlets; technical, professional and business services such as architectural, engineering, survey or business machine companies; service trades; and contractor's shops that do not involve open storage; and, residential and other source recycling facilities subject to the provisions of Section 17.5. Office uses and retail outlets subject to policy 7.5.3. which are ancillary to any of the above uses are also allowed. Zoning on individual sites may not allow for the full range of permitted uses.
- 7.3.3. **Operation Criteria** for Permitted uses in the Light Industrial designation shall include those uses which are likely to have a minimal adverse effect on surrounding uses in terms of noise, smoke, odour or visual appearance, and which can be located in relatively close proximity to other land uses and entryways into the City.

Compliance with City and Provincial Guidelines

- i) Permitted uses shall comply with Ministry of the Environment guidelines and standards regarding the emission of noise, vibration, and air contaminants such as dust, smoke, fumes and odours; water quality, including the quality of waste water discharge and run-off; waste control and disposal; and additional requirements as set out in this Section of the Plan and in the City of London's Waste Discharge By-law. Nuisance Factor Reduction
- ii) Where it is demonstrated that any nuisance factors related to a proposed industry not permitted by the Zoning By-law can be reduced to acceptable levels for the Light Industrial designation and the applicable zone, the industrial use may be permitted through an amendment to the Zoning By-law.

7.3.5. Area and Site Design Criteria

The development of Light Industrial areas will be subject to the following area and site design considerations:

- i) Buffering The Zoning and Site Plan Control By-laws may specify higher standards or setbacks, the location of parking and loading areas, signage, and screening of outside storage areas along major entryways to the City and adjacent to residential areas.
- ii) Traffic Industrial traffic should be directed away from, and not through, residential areas.
- iii) Compatibility- Separation, buffering, and landscaping may be required to provide visual compatibility among adjacent land uses.

7.8.1. PLANNING IMPACT ANALYSIS

Planning Impact Analysis will be used to evaluate applications for an Official Plan amendment and/or zone change, to determine the appropriateness of a proposed change in land use and to identify ways of reducing any adverse impacts on surrounding uses. Planning Impact Analysis is intended to document the majority of criteria reviewed by municipal staff through the application review process to assess an application for change. Depending upon the situation, other criteria may be considered.

7.8.2. Scope of Planning Impact Analysis

Planning Impact Analysis w will be undertaken by municipal staff and will provide for participation by the public in accordance with the provisions for Official Plan amendments and/or zone change applications as described in Section 19.12. of this Plan. Proposals for changes in the use of land which require the application of Planning Impact Analysis will be evaluated on the basis of criteria relevant to the proposed change. Other criteria may be considered through the Planning Impact Analysis to assist in the evaluation of the proposed change.

- i) Where an Official Plan amendment and/or zone change application is for a general change in land use and does not relate to a specific development proposal, or where site specific information on the future development of the site is not required, all or some of the following criteria may be considered:
 - (a) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses:
 - (b) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to provide adequate services for industrial development;
 - (c) the supply of vacant land in the area which is already designated and/or zoned for the proposed use;
 - (d) the location of any proposal for industrial development where there is good access to arterial roads and/or rail lines;
 - (e) impacts of the proposed change on the transportation system, including transit;
 - (f) For non-industrial uses within industrial designations the potential of the proposed uses to deter future industrial development; and,
 - (g) Secondary uses which may be considered as sensitive land uses are not to be located within 300m of an area designated General Industrial and are located on either a primary collector or arterial road.

4) HAMILTON ROAD AREA COMMUNITY IMPROVEMENT PLAN (Council adopted March 27, 2018)

There are no specific references to the Rectory Street/Cabell Street Area but the Plan includes general references to older industrial areas;

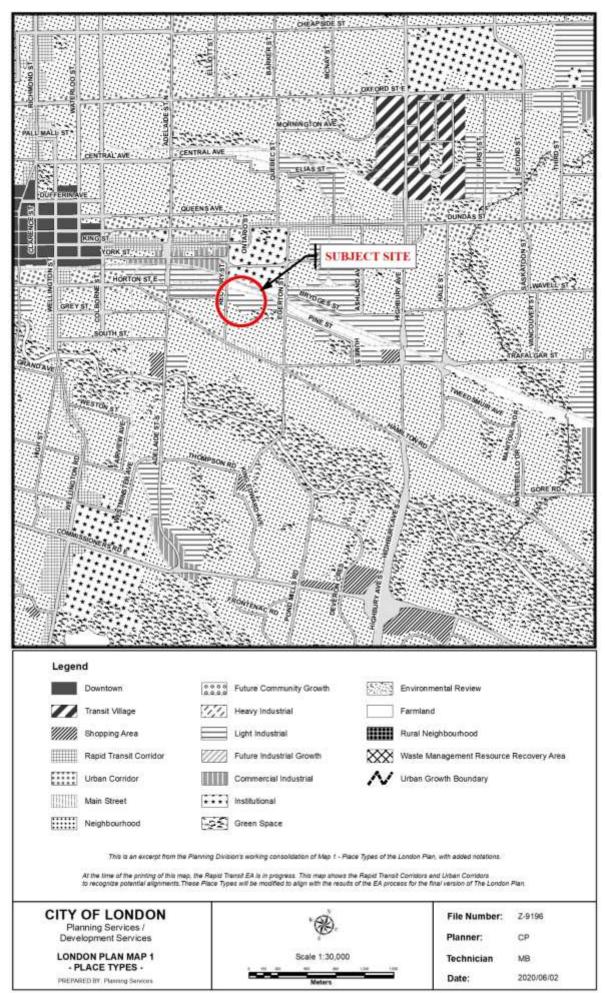
The Light Industrial Place Type is where industries generating more minimal planning impacts will be permitted. The industrial areas are included in the Hamilton Road Area Neighbourhood Sub-Area p. 16

Zoning related to parking requirements, setbacks, and expanded the range of permitted uses needs to be updated to better support revitalization and improvement efforts. P 24

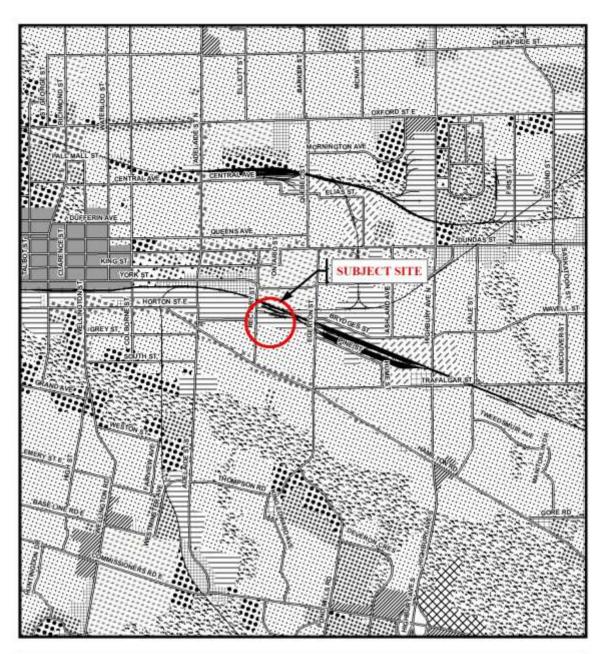
Strong Business Environment: 3.1 Implement greater mixed use zoning, an expanded range of permitted uses . p. 45

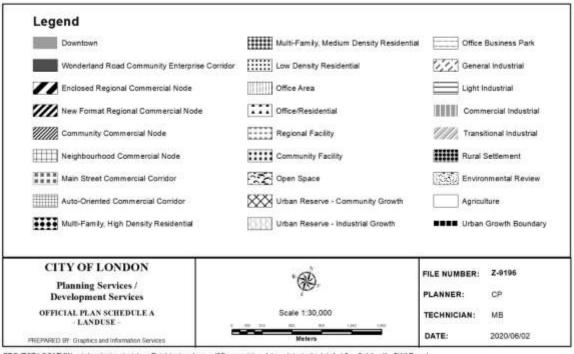
Appendix D – Relevant Background

LONDON PLAN MAP



1989 OFFICIAL PLAN MAP





PROJECT LOCATION: eliplanning/projects/p_officialplan/workconsol00-excerpts/imad_templates/acheduleA_b&w_8x14_with_SWAP.mxd

ZONING BY-LAW Z-1

