

PLANNING JUSTIFICATION REPORT

Proposed Zoning By-law Amendment

Europa Foods & Fish

430 First Street

London, Ontario



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1.0 INTRODUCTION

This Planning Justification Report has been prepared for Europa Foods & Fish in support of a Zoning By-law Amendment application to permit a commercial bakery, restaurant, and small scale complementary uses (i.e., catering, restaurant, artisan workshop) on the lands municipally known as 430 First Street (“subject lands”) in the City of London. It is understood that Europa Foods & Fish is currently seeking to lease a commercial unit in the existing building on the subject lands; their current operation is located on the lands adjacent to the west (1474 Dundas Street, London, Ontario) of the subject lands.

Europa Foods & Fish is seeking to add the above-noted uses on the subject lands to allow their operation to be in compliance with the City of London Zoning By-law. More details are provided in Section 4.4, below.

The intent of this report is to analyze the land use planning merits to determine the appropriateness of the proposed Zoning By-law Amendment within the context of the surrounding community and the relevant planning documents including the Provincial Planning Statement (2024), the London Plan (City of London’s Official Plan), and the City of London Zoning By-Law.

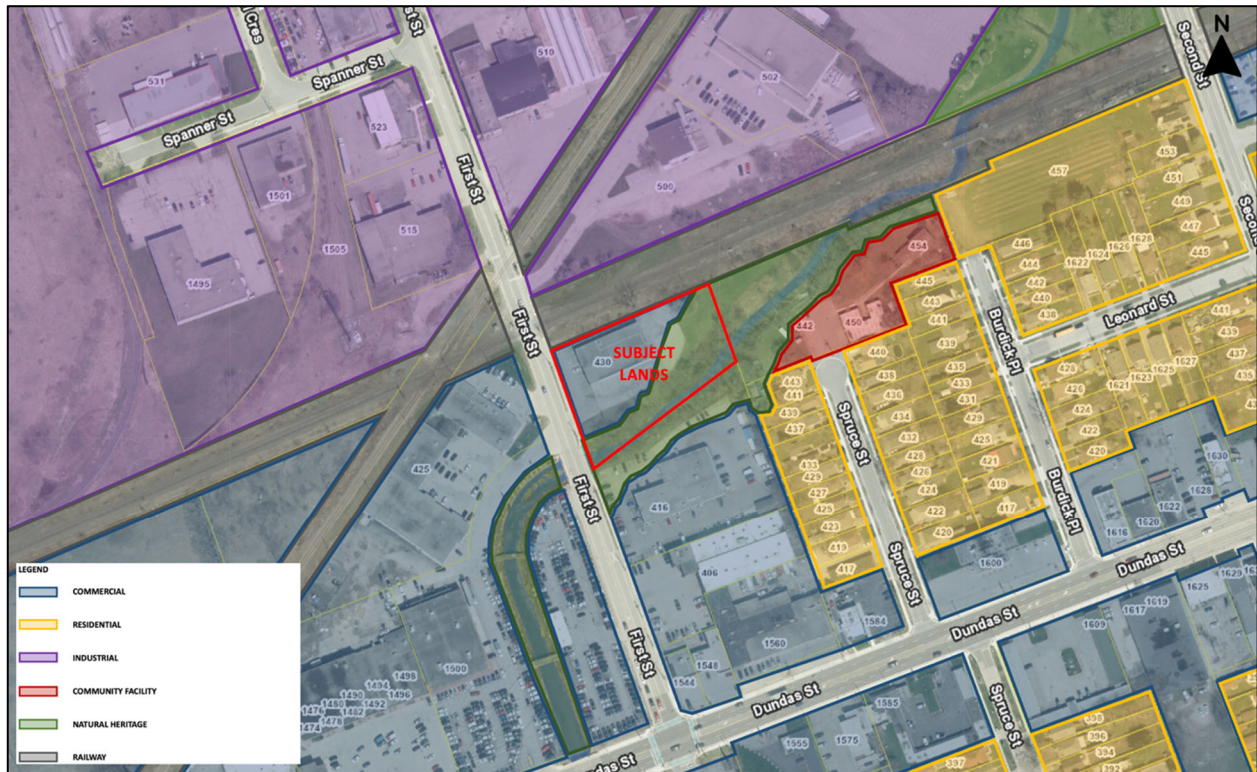
2.0 SITE DESCRIPTION

The subject lands are located within the Argyle Planning District, north of the Dundas Street and First Street T-intersection, in an established commercial and industrial community in East London. The property, irregular in shape, has a total area of approximately 1.38 acres (0.56 hectares), with approximately 70.00 metres of frontage along First Street.

The subject lands are currently occupied by a one-storey, 9080.43 square foot (843.60 square metre) commercial building, split into two leasable units, with front and rear surface parking. Europa Foods & Fish is anticipated to occupy Unit 1 (approximately 5,000 square feet), while Unit 2 is currently occupied by Jesus Victorious Church International (‘JVCI’).

The subject lands are directly adjacent to a railway running east-west (owned and operated by Canadian Pacific Kansas City (CPKC)) to the north, and Pottersburg Creek runs along the southerly property limit. The subject lands are in proximity to light industrial and associated uses (i.e., The Top Shop, Citywide Moving Supplies Inc., Ring London Boxing Club, Winners Chapel International London, triOS College Business Technology Healthcare - London Campus) to the north, low-density, single detached dwellings along Spruce Street, Burdick Place and Leonard Street to the east, and Community and Associated Shopping Area to the south and west (i.e., Eastown Plaza).

Figure 1 | Subject Lands & Surrounding Context



Source: London City Map, 2023 Overlay

3.0 DEVELOPMENT PROPOSAL

Europa Foods & Fish is a local commercial bakery and grocer, supplying Londoners with fresh fish, meats, cheeses, preserves, breads, sweets, ingredients and spices, and hot takeout. The business has been operating in the Eastown Plaza (1474 Dundas Street) adjacent to the west of the subject lands, and is now seeking to lease a commercial unit the “subject lands” (at 430 First Street).

Through discussions with City of London Planning Staff, it was identified that a Zoning By-law Amendment is required to permit the use under the existing “Restricted Service Commercial, Zone Variation 1” (“RSC1”) Zone that currently applies to the subject lands. Specifically, the Zoning By-law Amendment would seek to recognize a ‘bakery’, ‘caterer’s establishment’, ‘restaurant’, and ‘artisan workshop’ (small scale food preparation and processing) on the subject lands, to support the various elements that make up the business.

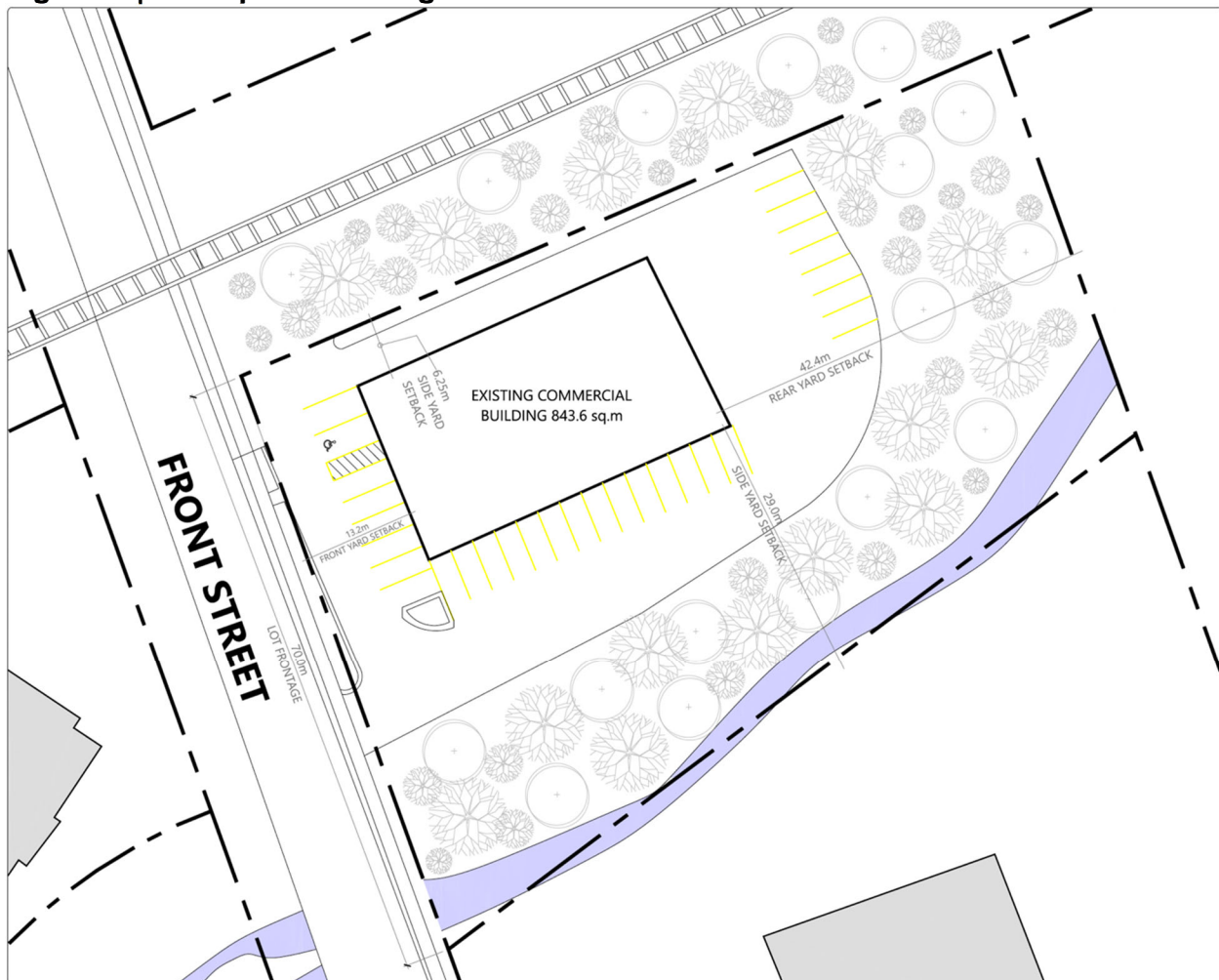
The proposed uses are wholly contained within the existing commercial building; no new or expanded buildings or structures are proposed as part of the Zoning By-law Amendment. Further, the proposed amendment maintains the standard zone regulations that guide development and built form under the RSC1 zone and the existing site

conditions are anticipated to meet the regulations in the existing RSC1 zone. The amendment to the Zoning By-law addresses the proposed use(s) only.

The proposed Zoning By-law will provide the permissions to support the on-going viability of the existing building at 430 First Street in a manner that is compatible with the existing commercial land use nature of the surrounding area, and allow Europa Foods & Fish to continue to serve the Argyle Community, as they historically have.

An Existing Conditions Plan has been submitted as part of the complete application submission package; the Plan is also shown below in **Figure 2**.

Figure 2 | Excerpt of Existing Conditions Plan



Source: Limitless Design & Drafting, 2024

4.0 PLANNING FRAMEWORK AND ANALYSIS

The following section offers an overview and analysis of the current planning framework, highlight the relevant policies and by-laws associated with the subject lands, and discuss the Zoning By-law Amendment needed to allow the previously noted uses (bakery, caterer's establishment, restaurant, and artisan workshop) within the existing leasable commercial building on the subject lands.

4.1 Provincial Planning Statement, 2024

The Ontario government unveiled the 2024 Provincial Policy Statement (“2024 PPS”) on August 20, 2024, marking significant changes in growth planning across the Province. This new PPS consolidates and replaces the previous key policy documents governing land use planning in southern Ontario, specifically the former Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

The 2024 PPS came into effect on October 20, 2024, and applies to all decisions regarding planning matters made on or after that date. As such, justification on how the proposed development and associated planning applications is consistent with the policies of the 2024 PPS is outlined below.

In brief, the proposed amendment to the City’s Zoning By-law is consistent with the policies of the 2024 PPS, which seek to:

- Direct growth and development to existing settlement areas (Policy 2.3.1.1, 2.4.1.1);
- Support land use patterns within settlement areas based on a mix of land uses and densities which efficiently use land and resources, optimize existing and planned infrastructure and public service facilities, and are transit-supportive (Policy 2.3.1.2);
- Promote economic development and competitiveness by providing for an appropriate range and mix 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 (Policy 2.8.1.1);
- Promote development on municipal services to support protection of the environment and minimize potential risks to human health and safety (Policy 3.6.1, 3.6.2); and,
- Protect natural heritage features, and direct development to areas outside of hazardous lands (Policy 4.1.1, 5.2.2).

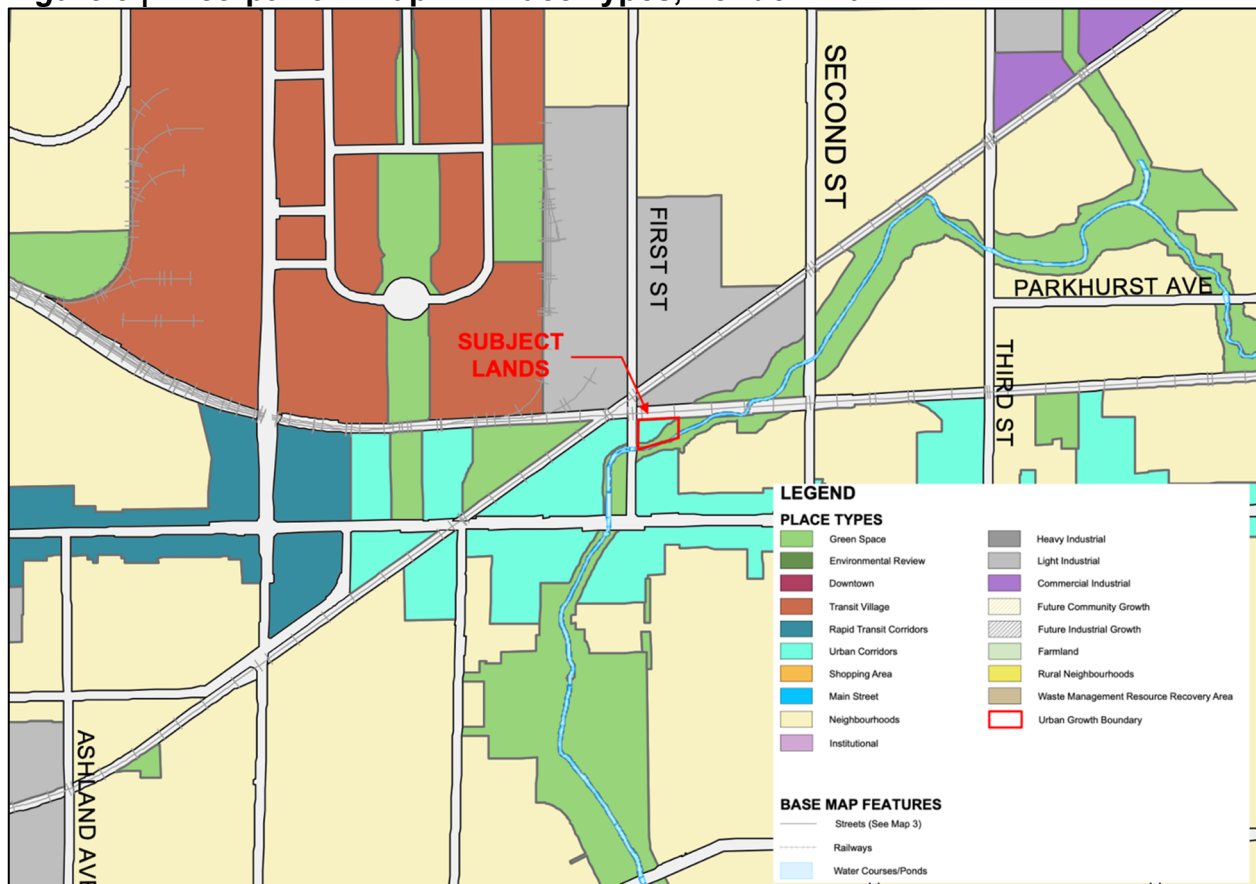
The proposed uses will complement, and contribute to, the appropriate range and mix of commercial and employment-type uses on and within the surrounding area. Permitting the proposed use would also support economic activity, diversity, and choice to account for the needs of existing and future residents and businesses within the Argyle community. The proposed amendment further allows Europa Foods & Fish to continue to conveniently serve the Argyle Community, as well as the travelling public. No new development, buildings, or structures, are proposed within the natural heritage features on and adjacent to the subject lands (as discussed further below).

Based on the above analysis, the proposed amendment is consistent with the PPS.

4.2 London Plan (City of London's Official Plan)

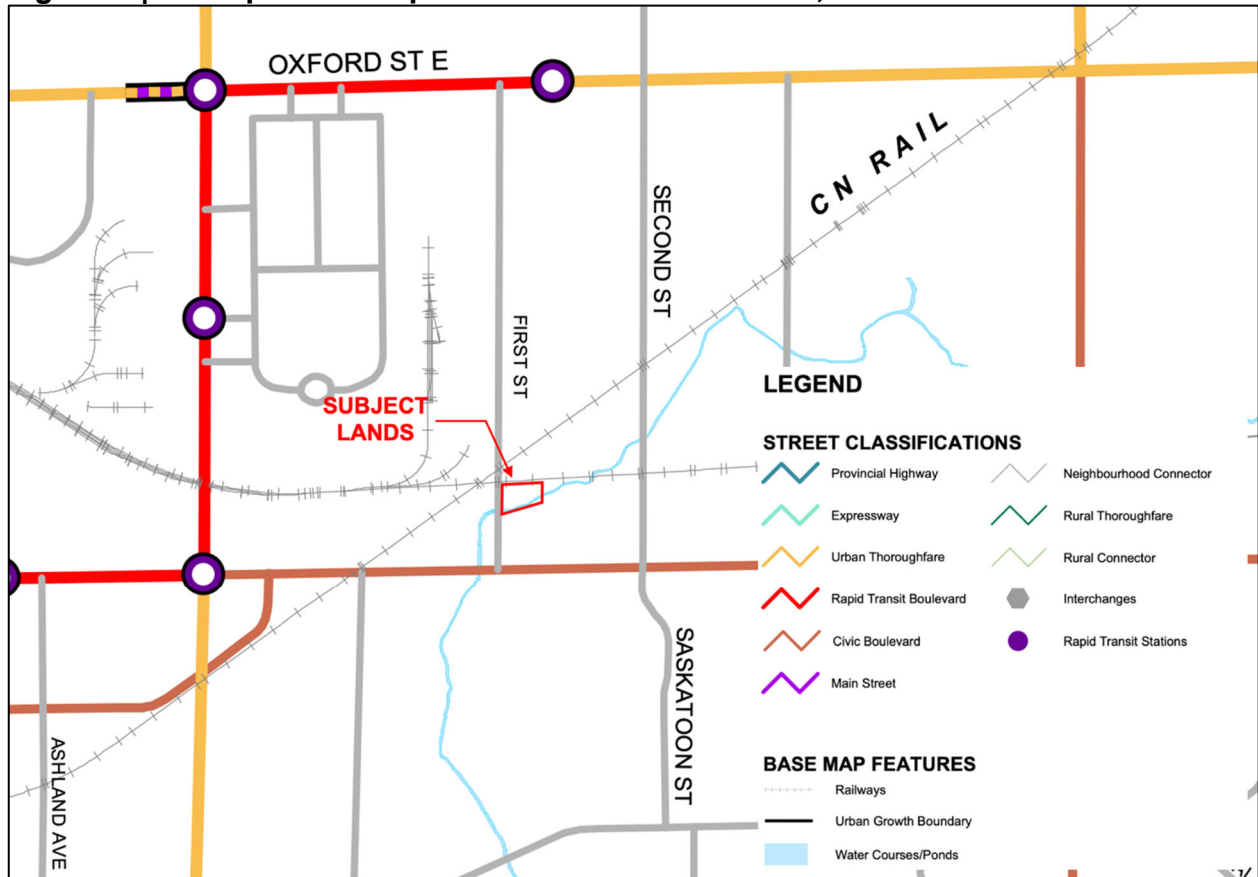
The subject lands are situated within the 'Urban Corridors' Place Type (See **Figure 3**, below), along a 'Neighbourhood Connector' (First Street) (See **Figure 4**, below) on Map 1 and 3 of the London Plan, respectively. Further, the lands associated with the Pottersburg Creek are delineated within the 'Green Space' Place Type on Map 1 of the London Plan.

Figure 3 | Excerpt from Map 1 – Place Types, London Plan



Source: London Plan

Figure 4 | Excerpt from Map 3 – Street Classifications, London Plan



Source: London Plan

Lands within the 'Urban Corridors' Place Type are intended to support forms of development similar to Rapid Transit Corridors, but at a slightly lower intensity. More specifically, Urban Corridors encourage intensification and support residential and mixed-use development, and different segments of these Urban Corridors may vary in use, character and intensity (Policy 828).

Permitted uses within the Urban Corridor (and Rapid Transit Corridor) Place Type include a range of residential, retail, service, office, cultural, recreational, and institutional uses. Mixed-use buildings will be encouraged, with retail and service uses within a mixed-use building encouraged to front the street at grade (Policy 837).

By applying the additional proposed uses to the site, the proposed amendment will provide for complementary retail, service, and employment use on the subject site. As such, the proposed uses (bakery, caterer's establishment, restaurant, and artisan workshop) fall within the broad permitted range of uses under the 'Urban Corridors' Place

Type, and the general nature of the Place Type. The proposed uses are expected to be low-impact, free of nuisance-related issues (such as noise and odour), and will broaden the range of permitted retail and commercial activities without causing incompatibility concerns for new site users.

With respect to the Intensity Policies for lands within the 'Urban Corridor' Place Type, the proposed use has regard for the following 'Intensity' policies:

- The proposed development is sensitive to adjacent land uses, by proposing uses that are permitted within the 'Urban Corridor' Place Type and complementary of the surrounding area, within an existing building that is sensitive to adjacent land uses and building heights (Policy 840_1);
- The existing building does not exceed 6,000 square metres in size, which is the maximum building size for commercial buildings (Policy 840_2); and,
- The lot is sufficiently sizes and configured to accommodate the use, and does not create planning impacts on adjacent uses (Policy 840_4).

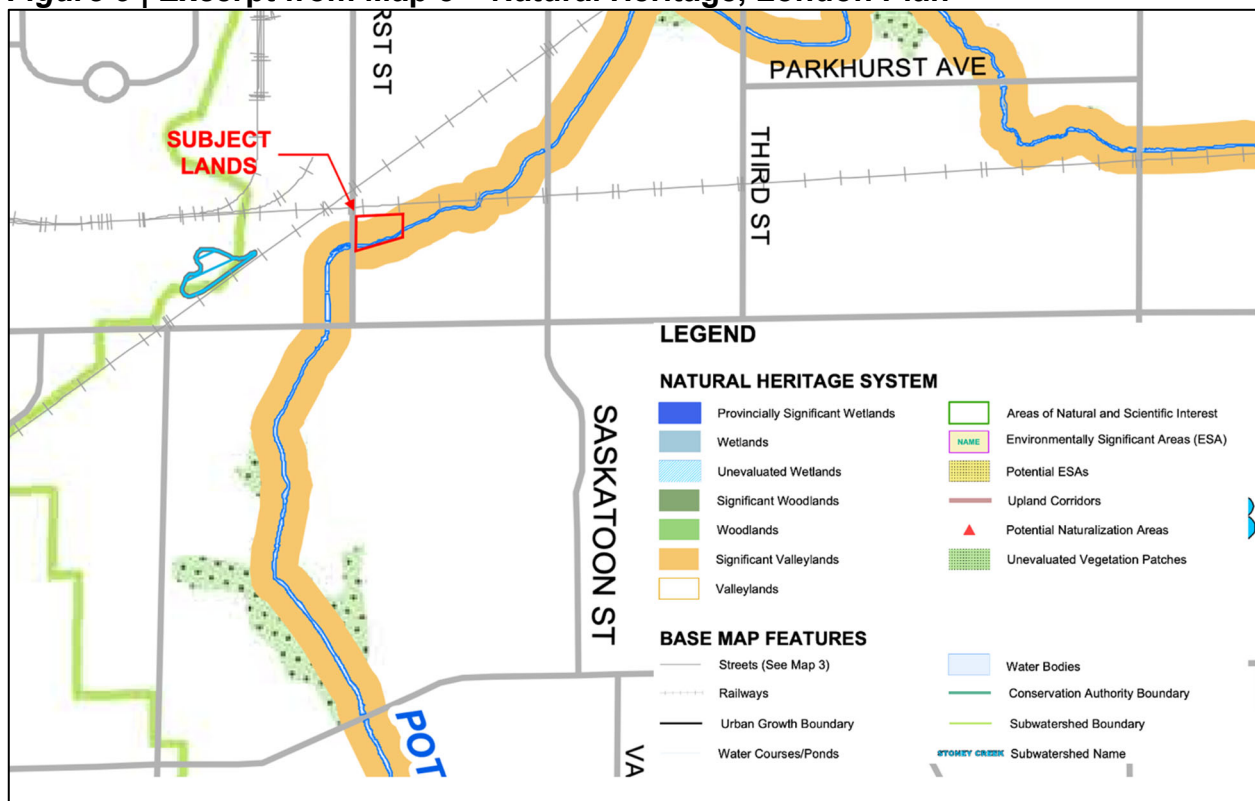
Table 9 of the London Plan provides the minimum, standard maximum, and upper maximum heights permitted in the 'Urban Corridor Place Type'. Specifically, the 'Urban Corridor' Place type permits a minimum height of 2 storeys or 8 metres, a standard maximum of 8 storeys, and an upper maximum of 10 storeys. Notwithstanding the heights provided in Table 9 (detailed above), no new buildings or structures are proposed for the site; the Zoning By-law Amendment seeks to permit additional uses within an existing building on the site.

With respect to the 'Green Space' Place Type, the 'Green Space' Place Type applies to the Natural Heritage System, the parks and open space system, hazard lands, and natural resources. The Environmental Policies of the London Plan provide clear guidance on how the Natural Heritage System will be protected, conserved and enhanced within this Place Type, in accordance with provincial policy (Policy 756_1). The Green Space Place Type permits the following uses:

- Expansion to existing development and uses provided that it can be demonstrated to the satisfaction of City Council that there will be no negative impacts on natural heritage features and areas or their ecological functions.
- Recreational uses associated with the passive enjoyment of natural features including pathways and trails provided that such uses are designed, constructed and managed to protect the natural heritage features and their ecological functions.
- Creation or maintenance of infrastructure subject to the infrastructure policies below.
- The harvesting of trees in accordance with good forestry management practices and applicable federal, provincial and municipal requirements.
- Conservation, mitigation and rehabilitation works (Policy 1389).

In consultation with City Staff, it was advised that the Upper Thames River Conservation Authority (“UTRCA”) indicated no issues reusing the existing building if there is no alteration to the building or parking lot. In addition, City Staff did not raise any concerns with respect to the Green Space Place Type applied to a portion of the site, and the proposed uses. As previously discussed, the proposed uses are wholly contained within the existing commercial building; no new or expanded buildings or structures are proposed as part of the Zoning By-law Amendment. As such, it is anticipated that the proposed uses will not have a negative impact on the natural features associated with Pottersburg Creek. No new development, buildings, or structures, are proposed within the ‘Green Space’ Place Type.

Figure 5 | Excerpt from Map 5 – Natural Heritage, London Plan



Source: London Plan

The southerly limit of the subject lands, associated with Pottersburg Creek, is delineated as ‘Significant Valleylands’ (See **Figure 5**, above) and within the ‘Conservation Authority Regulated Limit’ (See **Figure 6**, below) on Map 5 (Natural Heritage) and Map 6 (Hazards and Natural Resources), respectively. For context, these natural heritage features correspond with the ‘Green Space’ Place Type in Map 1 of the London Plan.

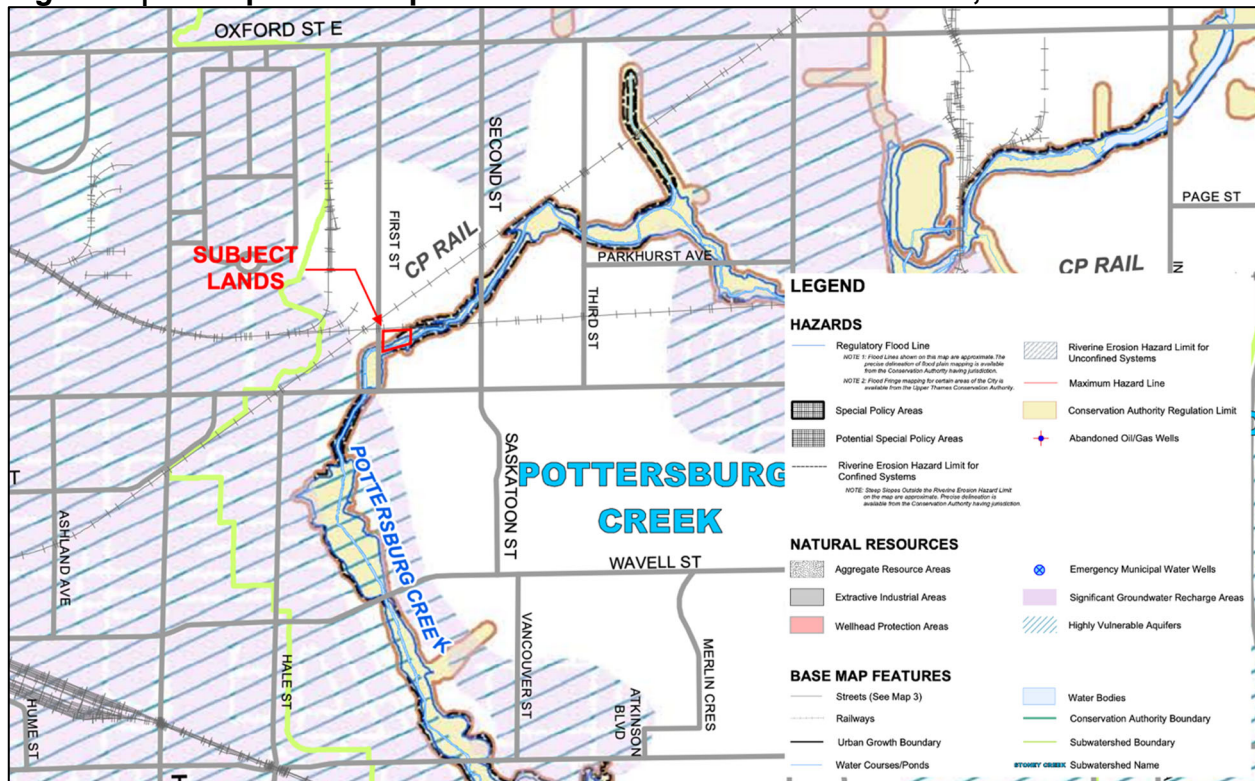
Valleylands are defined as a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year, and

includes rivers, streams, other watercourses and ravines (Policy 1344). Further, valleylands (including significant valleylands) provide opportunities for the logical extension of the City’s trail and pathway systems (Policy 1344A). Development and site alteration shall not be permitted in significant valleylands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (Policy 1349).

As discussed above, in consultation with City Staff, it was advised that the Upper Thames River Conservation Authority (“UTRCA”) indicated no issues reusing the existing building if there is no alteration to the building or parking lot. In addition, City Staff did not raise any concerns. As previously discussed, the proposed uses are wholly contained within the existing commercial building; no new or expanded buildings or structures are proposed as part of the Zoning By-law Amendment. As such, it is anticipated that the proposed use will not have a negative impact on the natural features associated with Pottersburg Creek.

It is understood that clearance from UTRCA, and potentially a Section 28 Permit, may be required from the Conservation Authority.

Figure 6 | Excerpt from Map 6 – Hazards and Natural Resources, London Plan



Source: London Plan

The proposed development conforms with the policies of the London Plan. As such, an Official Plan Amendment is not anticipated to be required.

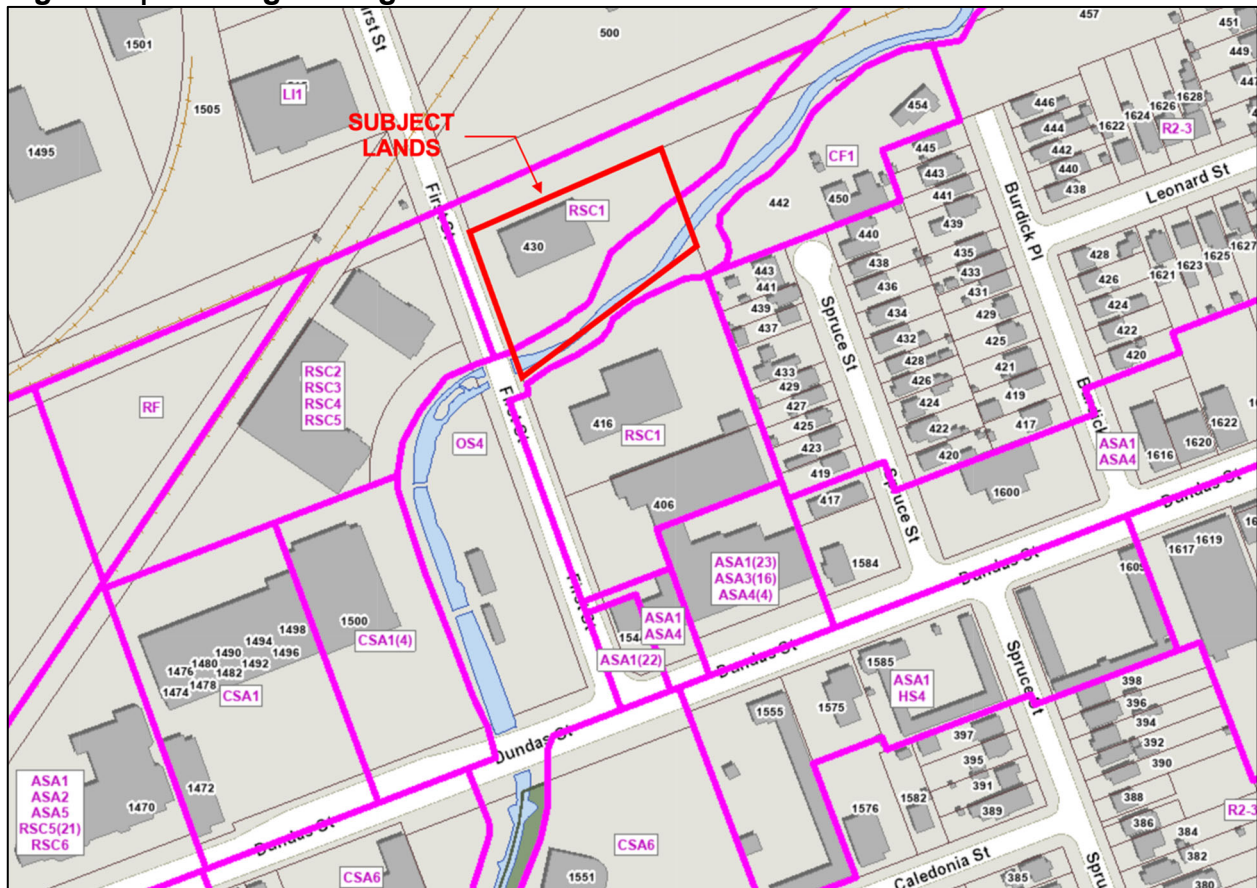
4.3 Area Studies

The subject lands are not located in any Council-adopted Area Studies.

4.4 City of London Zoning By-law

The City of London Zoning By-law zones the majority of the subject lands as 'Restricted Service Commercial, Zone Variation 1' ('RSC1'), with the southerly limit of the subject lands, associated with Pottersburg Creek, zoned 'Open Space, Zone Variation 4' (See Figure 7, below).

Figure 7 | Existing Zoning



Source: City of London Zoning Map

The RSC zone provides for and regulates a range of moderate intensity commercial uses, and trade service uses, which may require significant amounts of land for outdoor storage or interior building space and a location on major streets (s.s. 28.1).

More specifically, the RSC1 zone variation permits the following uses:

- Animal clinics;
- Automobile rental establishments;
- Automobile repair garages;
- Automobile sales and service establishments;
- Automobile supply stores;
- Automotive uses, restricted;
- Catalogue stores;
- Duplicating shops;
- Home and auto supply stores;
- Home improvement and furnishing stores;
- Kennels;
- Repair and rental establishments;
- Service and repair establishments;
- Studios;
- Taxi establishments;
- Self-storage Establishments; and,
- Tow Truck Business.

The OS4 zone variation is intended to be applied to hazard lands; specifically the floodway, steep slopes and lands that may be subject to erosion as well as landfills and contaminated sites. Development within the OS4 Zone is regulated pursuant to the *Conservation Authorities Act*. The OS4 zone variation permits the following uses:

- Conservation lands;
- Conservation works;
- Golf courses without structures;
- Private parks without structures;
- Public parks without structures;
- Recreational golf courses without structures;
- Cultivation or use of land for agricultural/horticultural purposes; and,
- Sports fields without structures.

Zoning By-law Amendment

As previously discussed, a Zoning By-law Amendment is required to **ADD** ‘bakery’, ‘caterer’s establishment’, ‘restaurant’, and ‘artisan workshop’ (small scale food preparation and processing) as permitted uses on the subject lands, to support Europa Foods & Fish’s operation. These uses are not currently permitted under the existing RSC1 zone that applies to the subject lands, and thus a special provision RSC1(x) zone is being sought.

As previously mentioned, the general RSC zone regulates a range of moderate intensity commercial uses, and trade service uses. In this case, the uses proposed as part of Europa Foods & Fish’s operation maintain the commercial nature of the RSC zone by serving to produce and sell of goods and services, including those manufactured on the premise.

For context, Section 2 (Definitions) of the Zoning By-law defines the above proposed uses as follows:

"BAKERY" means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products and may include an accessory retail store which sells goods manufactured on the premises.

"CATERER'S ESTABLISHMENT" means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, but does not include a food service establishment.

"RESTAURANT" means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, including a licensed dining lounge, but excluding a tavern as defined herein.

"ARTISAN WORKSHOP" means an establishment used for the processing or manufacturing of specialty or craft goods, including food and non-alcoholic beverages, by the use of hand tools or small-scale, light mechanical equipment.

In reviewing the existing Commercial Zones in the City, the 'bakery' and 'restaurant' use is permitted in the RSC1(8) zone – which applies to Angelos Italian Bakery & Market at 755 Wonderland Road North (a similar commercial operation to Europa Foods & Fish) – and RSC4 Zone, while the 'caterer's establishment', and 'artisan workshop' has been flexibly applied in a number of commercial zones, including the 'Regional Shopping Area, Zone Variation 2, Special Zone 3' ('RSA2(3)') zone, 'Business District Commercial' ('BDC') zone, Arterial Commercial, Zone Variation 4' ('AC4') zone, and 'Arterial Commercial, Zone Variation 4, Special Zone 16 ('AC4(16)') zone.

As such, acknowledging that the above-noted uses have been incorporated appropriately into various commercial zones across the City and recognizing that the uses are anticipated to be low-impact, will not produce nuisance-related issues (i.e., noise, odour), and will expand on the range of permitted commercial land uses on the subject lands without posing incompatibility land use issues with new site users, it is anticipated that the proposed uses will not impose adverse effects if permitted through a special provision RSC1(x) zone, proposed to be applied to the subject lands.

As previously discussed, the proposed uses are wholly contained within the existing commercial building; no new or expanded buildings or structures are proposed as part of the Zoning By-law Amendment. Further, the proposed amendment maintains the standard zone regulations that guide development and built form under the RSC1 zone, and as such, the existing site conditions meet the regulations in the existing RSC1 zone.

The proposed special provision text to expand the range of permitted uses on the site, to accommodate the Europa Foods & Fish's operation, is provided below.

Proposed Special Provision Text

RSC1 Zone Variation

RSC1(X) – 430 First Street

a) Additional Permitted Uses:

- i) Bakery*
- ii) Caterer's establishment*
- iii) Restaurant*
- iv) Artisan workshop*

5.0 SUMMARY

Based on the above analysis, the proposed Zoning By-law Amendments is consistent with the Provincial Planning Statement, 2024, is in conformity with the London Plan, maintains the general intent and purpose of the City of London's Zoning By-Law. As such, the Zoning By-law Amendment should be approved.

Respectfully Submitted,

Limitless Design & Drafting