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File: OZ-8048  
Planner: M. Tomazincic

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: SOUTHSIDE CONSTRUCTION MANAGEMENT LTD 75 BLACKFRIARS STREET PUBLIC PARTICIPATION MEETING ON JULY 16, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of Southside Construction Management Ltd relating to the property located at 75 Blackfriars Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 24, 2012 to amend the Official Plan **TO** add a site-specific special policy to permit medium scale office uses, and a gymnasium as an accessory to a permitted Office use, within the existing building with a maximum total gross floor area of 2,555m<sup>2</sup> for all Office uses and a maximum total gross floor area of 1,245m<sup>2</sup> for Medical/dental offices, Medical/dental laboratories, Clinics, and Gymnasium uses.;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on July 24, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Neighbourhood Facility (NF) Zone which permits Churches and Elementary schools **TO** an Office Special Provision (OF2( )) Zone to permit Clinics, Medical/dental offices, Medical/dental laboratories, and Offices, subject to a special provision to: permit a gymnasium as an accessory use to a permitted Office use, include a requirement that all uses be contained within the existing building, permit a maximum total gross floor area of 2,555m<sup>2</sup> for Office uses, and permit a maximum total gross floor area of 1,245m<sup>2</sup> for all Medical/dental offices, Medical/dental laboratories, Clinics and gymnasium uses;
- (c) the request to amend the Official Plan **TO** add a site-specific special policy to permit small scale offices and an associated gymnasium in addition to the uses permitted Low Density Residential designation, **BE REFUSED** for the following reasons:
  - i) the Low Density Residential uses requested as part of this amendment are not consistent with the interim policies applied in the West London Special Policy Area which prohibit new residential uses;
  - ii) the request to permit 2,555m<sup>2</sup> of gross floor area for general office uses exceeds the maximum gross floor area for small scale office uses;
  - iii) the request to add a site-specific special policy does not include a provision requiring that the new uses be confined to the existing building; and,
  - iv) the request to add a site-specific special policy does not include a provision to limit the maximum gross floor area of the requested office uses; and,
- (d) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Neighbourhood Facility (NF) Zone which permits Churches and Elementary schools **TO** an Office Special Provision (OF2( )) Zone to permit Clinics, Medical/dental offices, Medical/dental laboratories, and Offices, subject to a special provision to permit a gymnasium as accessory use to a permitted Office use and a maximum gross floor area of 2,055m<sup>2</sup> for Clinics, Medical/dental offices, Medical/dental

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laboratories, and gymnasium uses **BE REFUSED** for the following reasons:

- i) the parking standard required for the requested amount of maximum gross floor area for all non-Office uses exceeds the number of parking spaces available on-site;
- ii) there has been no request to reduce the parking standard to accommodate the requested maximum gross floor area for all non-Office uses; and,
- iii) the request to amend the Zoning By-law does not include a provision requiring that the new uses be confined to the existing building.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

None

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The proposed amendment to the Official Plan and Zoning By-law is to permit medium scale office uses (defined as office development with a gross floor area between 2,000-5,000m<sup>2</sup>) within the existing building and to permit the existing gymnasium to be used as an accessory use to the proposed offices uses.

**RATIONALE**

**Rationale for recommended Official Plan and Zoning By-law amendment**

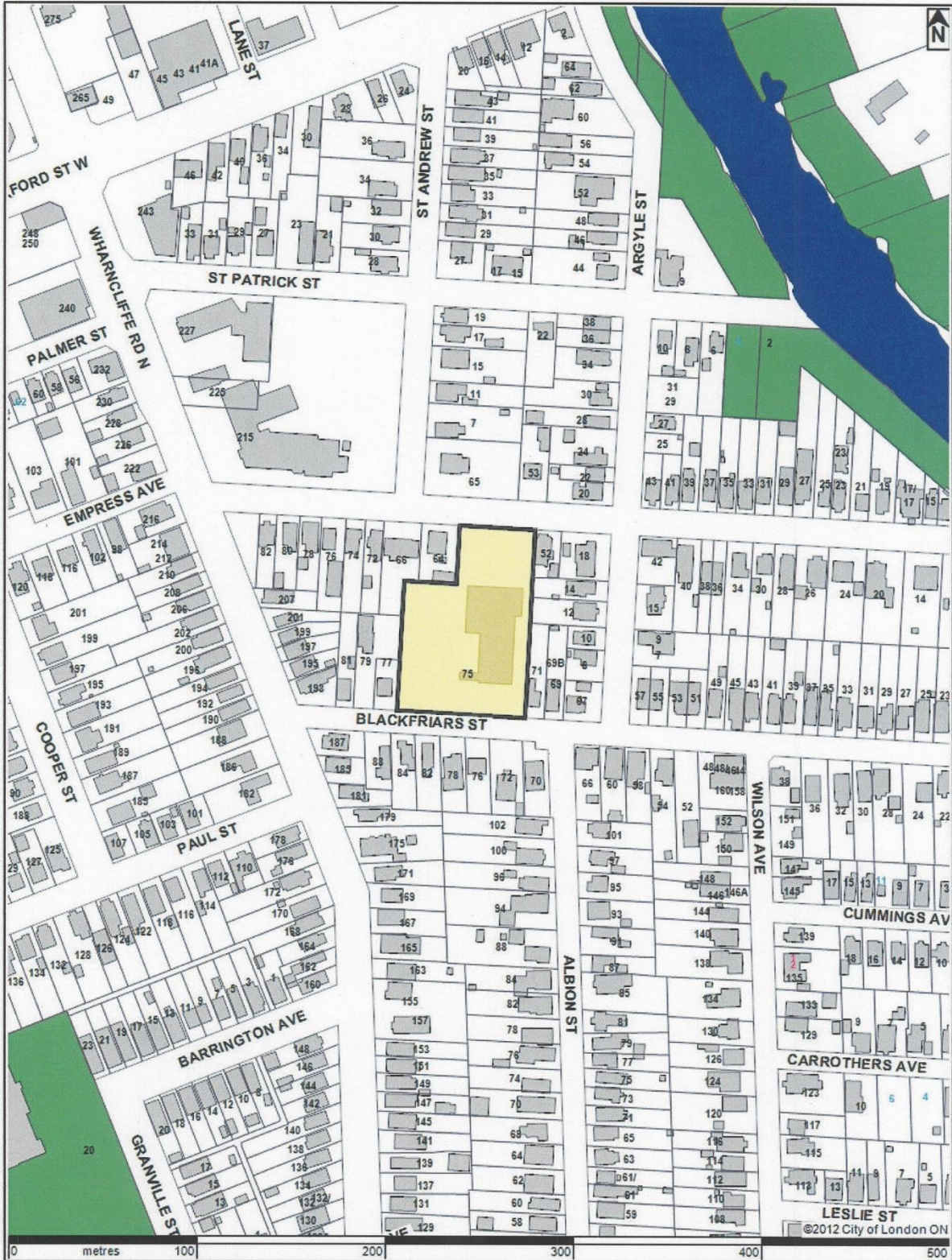
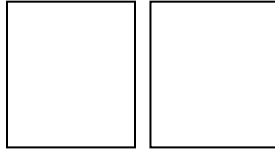
- 1. The recommended amendments are consistent with the policies of the *Provincial Policy Statement, 2005*.
- 2. The recommended amendments are consistent with the Interim Policies for Potential Special Policy Areas.
- 3. The recommended amendments are consistent with the necessary conditions required for the adoption of Policies for Specific Areas.
- 4. The recommended amendments will facilitate an adaptive reuse of a vacant building.
- 5. The recommended amendments include provisions which require that all new uses be confined to the existing building.
- 6. The recommended amendments implement an intensity of use that can be accommodated by the available number of on-site parking spaces.

**Rationale for refusal of the requested Official Plan amendment:**

- 1) The request to continue to allow uses that are permitted in the existing Low Density Residential designation is contrary to the interim policies applied in the West London Special Policy Area.
- 2) The request to permit up to a maximum of 2,555m<sup>2</sup> of gross floor area for general office uses exceeds the maximum gross floor area of small scale office uses as requested by the applicant.
- 3) The request to add a site-specific special policy does not include a provision requiring that the new uses be confined to the existing building.
- 4) The request to add a site-specific special policy does not include a provision to limit the maximum gross floor area of the requested office uses.

**Rationale for refusal of the requested Zoning By-law amendment:**






- 1) The parking standard required for the requested amount of gross floor area for all non-Office uses exceeds the number of parking spaces available on-site.
- 2) There has been no request to reduce the parking standard to accommodate the requested gross floor area for all non-Office uses.
- 3) The request to amend the Zoning By-law does not include a provision requiring that the new uses be confined to the existing building.



**LOCATION MAP**

Subject Site: 75 Blackfriars St  
 Applicant: Southside Construction Management Limited  
 File Number: OZ-8048  
 Planner: Michael Tomazincic  
 Created By: Michael Tomazincic  
 Date: 2012-04-19  
 Scale: 1:2500

**LEGEND**

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



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<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> 11 April 2012	<b>Agent:</b> Melissa Campbell (Zelinka Priamo)
<p><b>REQUESTED ACTION:</b> Possible amendment to the Official Plan <b>FROM</b> a Low Density Residential Designation which permits single detached; semi-detached; and duplex dwellings as primary permitted uses and multiple attached housing, such as row housing, as secondary permitted uses up to a maximum density of 30 units per hectare <b>TO</b> a Special Policy (Chapter 10 – Policies for Specific Areas) to permit small scale office uses and an accessory gymnasium use in addition to the current Low Density Residential designation.</p> <p>Possible amendment to the Zoning By-law Z.-1 <b>FROM</b> a Neighbourhood Facility (NF) Zone which permits churches and elementary schools <b>TO</b> an Office Special Provision (OF2( )) Zone to permit: Clinics; Medical/dental offices; Medical/dental laboratories; Offices; and, a Gymnasium (accessory to a permitted Office use) subject to a special provision to limit the gross floor area for the proposed clinics, medical/dental offices, and, medical/dental laboratories to a maximum of 2,055m<sup>2</sup> (22,151sq.ft.).</p>	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Place of Worship</li> <li>• <b>Frontage</b> – Approx. 68.0m (223.1 ft) along Blackfriars Street                  – Approx. 40.0m (131.2 ft) along Empress Avenue</li> <li>• <b>Depth</b> – Approx. 100.0m (328.1 ft)</li> <li>• <b>Area</b> – Approx. 0.6 hectares (1.48 acres)</li> <li>• <b>Shape</b> – Irregular</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> – Single Detached Dwellings (Jean Sauvé School to the north west)</li> <li>• <b>South</b> – Single Detached Dwellings &amp; Converted Dwellings</li> <li>• <b>East</b> – Single Detached Dwellings &amp; Converted Dwellings</li> <li>• <b>West</b> – Single Detached Dwellings</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map on pages 6, 7, and 8)
<p><b>LOW DENSITY RESIDENTIAL – SCHEDULE A (LAND USE)</b> – The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of the Official Plan and provided they do not exceed a density of 30 units per hectare.</p>



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**BIG PICTURE META-CORES AND META-CORRIDORS – SCHEULE B1 (NATURAL HERITAGE FEATURES)** – In addressing opportunities for Potential Naturalization Areas that will form part of the Natural Heritage System, consideration will be given to the context of London within the surrounding ecological region. The “Big Picture Meta-Cores and Meta-Corridors” have been refined to reflect local conditions and are identified on Schedule “B1” for reference purposes. The core areas and corridors are represented conceptually, and not to be interpreted as rigid boundary delineations. The “Big Picture” concept is not a component of London’s Natural Heritage System. While policies for land use and development activity within the area will continue to be guided by the designations on Schedule “A”, naturalization projects and landowner stewardship initiatives that support the “Big Picture” system of core natural areas and corridor connections will be encouraged by the City of London.

**REGULATORY FLOODLINE AND POTENTIAL SPECIAL POLICY AREA – SCHEULE B2 (NATURAL RESOURCES AND NATURAL HAZARDS)** – The extent of the floodway will be generally defined by the one hundred year flood standard. On individual watercourse reaches the floodway may vary from the one hundred year flood standard according to critical flood depth and velocity, existing and proposed development in the immediate area, and the potential for adverse impact on upstream or downstream development or lands. The precise delineation of the floodway is the responsibility of the Upper Thames River Conservation Authority.

**EXISTING ZONING:** (refer to Zoning Map on page 9)

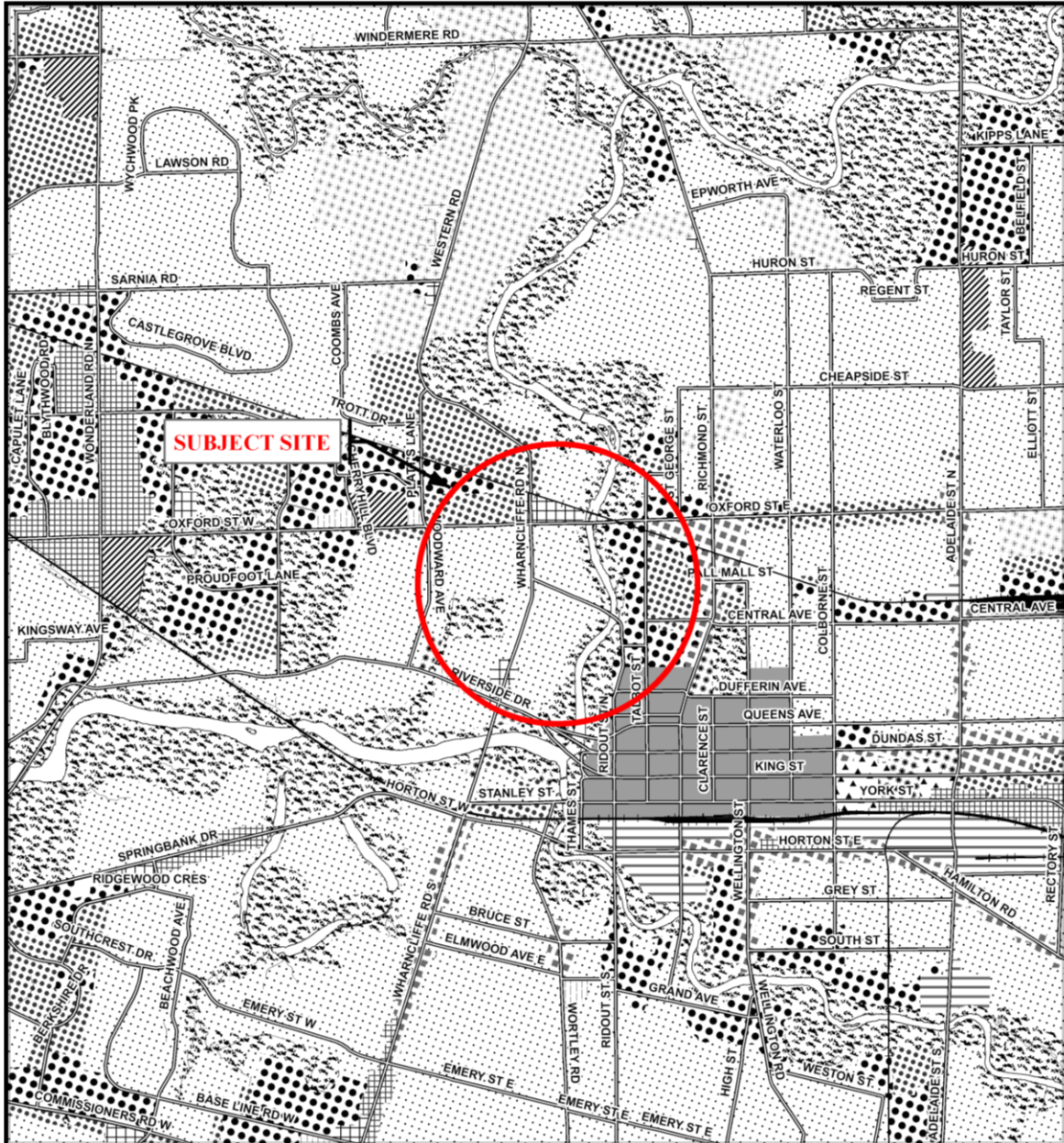
**NEIGHBOURHOOD FACILITY (NF)** - This Zone provides for and regulates public and private facility uses which primarily serve a neighbourhood function. They include small to medium scale uses which have minimal impact on surrounding land uses and may be appropriate adjacent to or within residential neighbourhoods. The NF Zone variation permits the lowest impact uses permitted in the zone and typically uses are developed independently.

**PLANNING HISTORY**

On April 11, 2012, the applicant submitted an application for an Official Plan and Zoning By-law amendment to add a site-specific special policy to permit small scale office uses and an accessory gymnasium use in addition to the current Low Density Residential designation and to change the zoning of the subject lands from a Neighbourhood Facility (NF) Zone to an Office Special Provision (OF2( )) Zone to permit: Clinics; Medical/dental offices; Medical/dental laboratories; Offices; and, a Gymnasium (accessory to a permitted Office use) subject to a special provision to limit the gross floor area for the proposed clinics, medical/dental offices, and, medical/dental laboratories to a maximum of 2,055m<sup>2</sup>.

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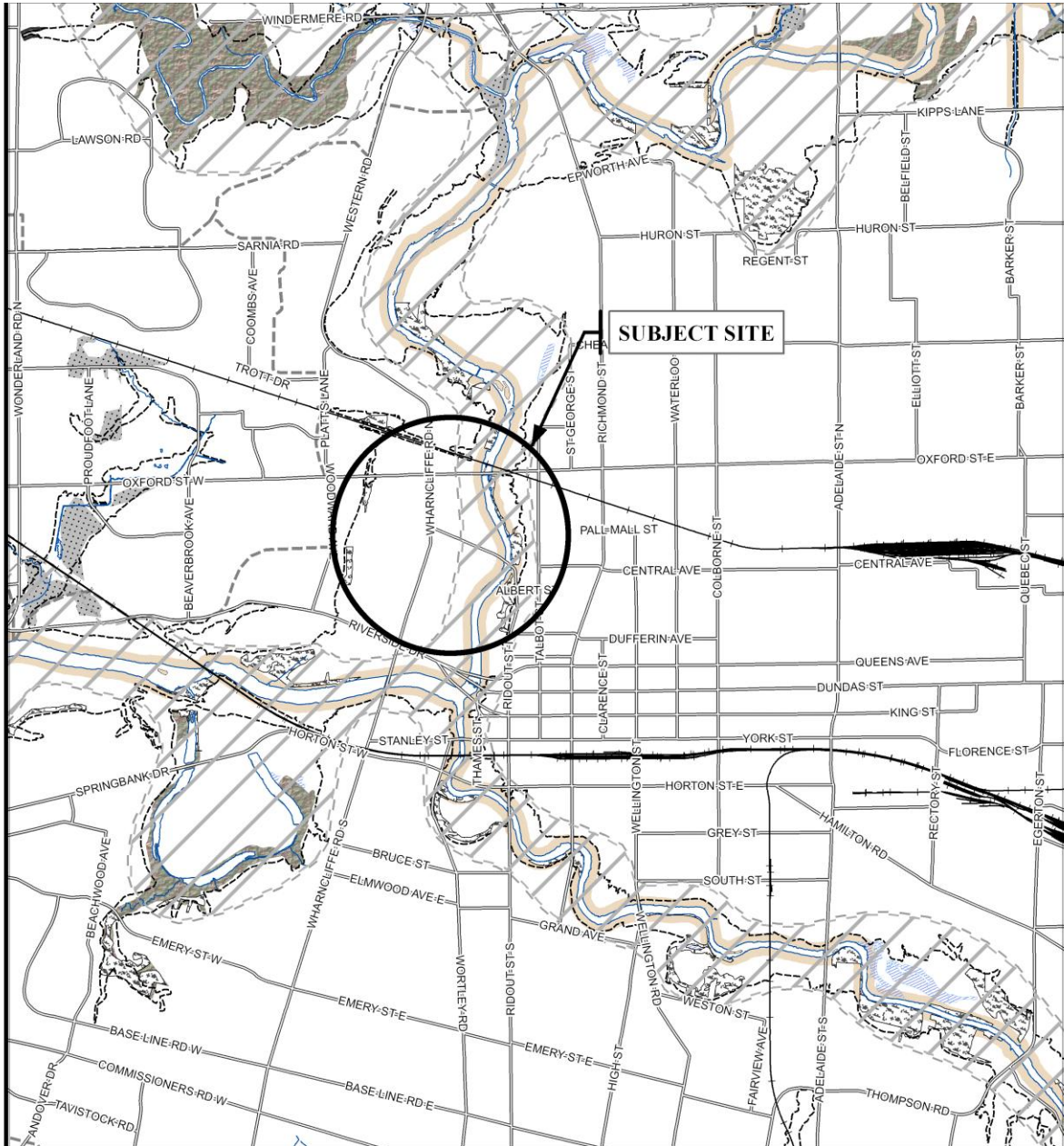
Legend	
	Downtown Area
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

<p><b>CITY OF LONDON</b> Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 Scale 1:30,000 0 100 200 400 600 800 1,000 Meters	<p>FILE NUMBER: OZ-8048</p> <p>PLANNER: MT</p> <p>TECHNICIAN: CK</p> <p>DATE: 2012/06/26</p>
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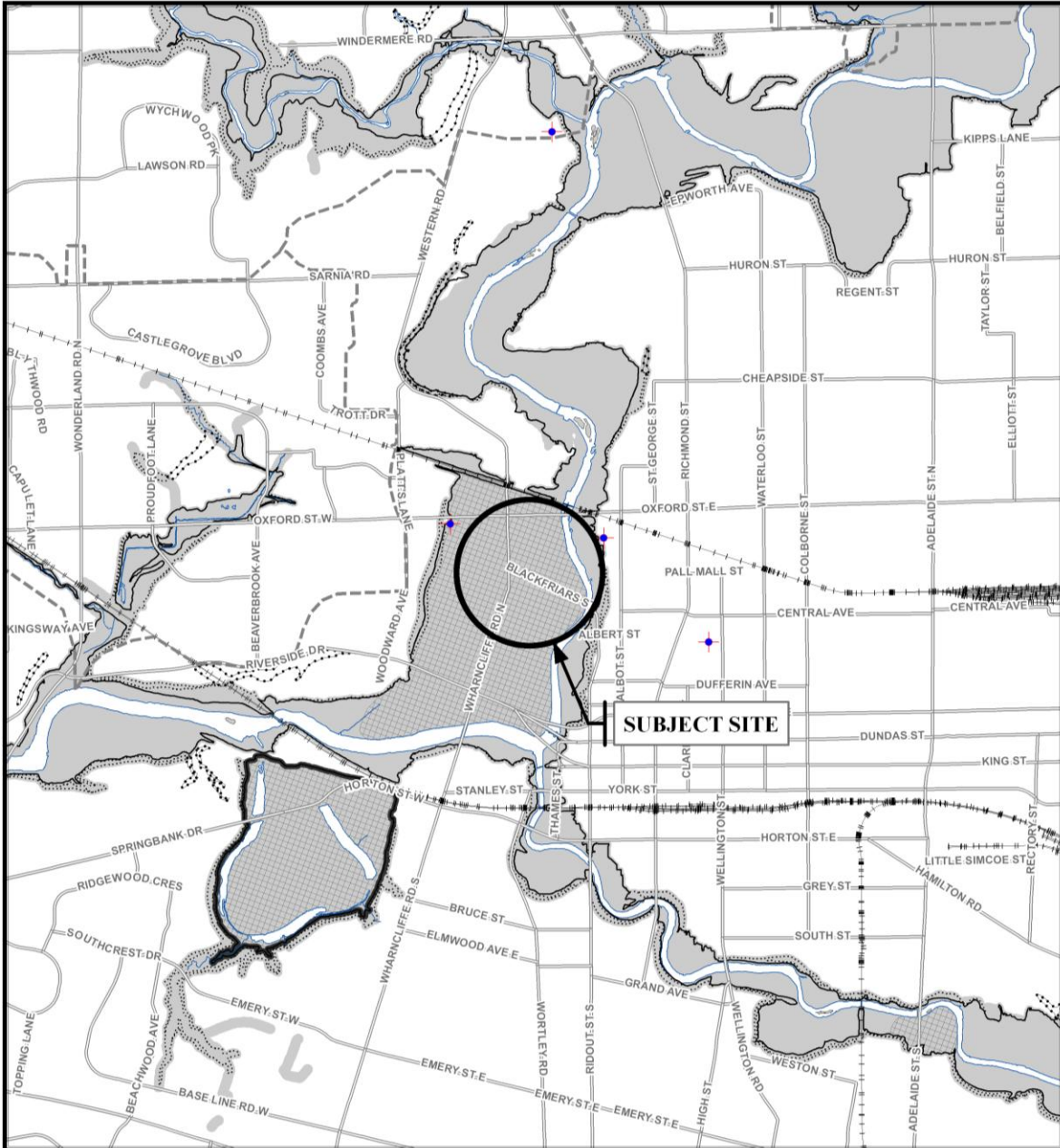
File: OZ-8048  
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<p><b>NATURAL HERITAGE SYSTEM</b></p> <ul style="list-style-type: none"> <li> ESAs</li> <li> Potential ESAs</li> <li> Significant Woodlands</li> <li> Woodlands</li> <li> Unevaluated Vegetation Patches</li> <li> Significant River, Stream, and Ravine Corridors</li> <li> Unevaluated Stream and Ravine Corridors</li> <li> Provincially Significant Wetlands</li> <li> Locally Significant Wetlands</li> <li> Unevaluated Wetlands</li> <li> Potential Naturalization Areas</li> <li> Potential Upland Corridors</li> <li> Ground Water Recharge Areas</li> </ul>	<p><b>NATURAL HAZARDS</b></p> <ul style="list-style-type: none"> <li> Maximum Hazard Line</li> </ul> <p><small>NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.</small></p> <p><small>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</small></p> <p><b>Base Map Features</b></p> <ul style="list-style-type: none"> <li> Railways</li> <li> Water Courses/Ponds</li> <li> Streets (refer to Schedule "C")</li> <li> Conservation Authority Boundary</li> <li> Subwatershed Boundary</li> <li> Big Picture Meta-Cores and Meta-Corridors</li> </ul>	
<p><b>CITY OF LONDON</b> Department of Planning and Development</p> <p><b>OFFICIAL PLAN SCHEDULE B1 - NATURAL HERITAGE FEATURES -</b></p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>0 160 320 640 960 1280 1600 Meters</p>	<p><b>FILE NUMBER:</b> OZ-8043</p> <p><b>PLANNER:</b> MT</p> <p><b>TECHNICIAN:</b> CK</p> <p><b>DATE:</b> 2012/06/26</p>

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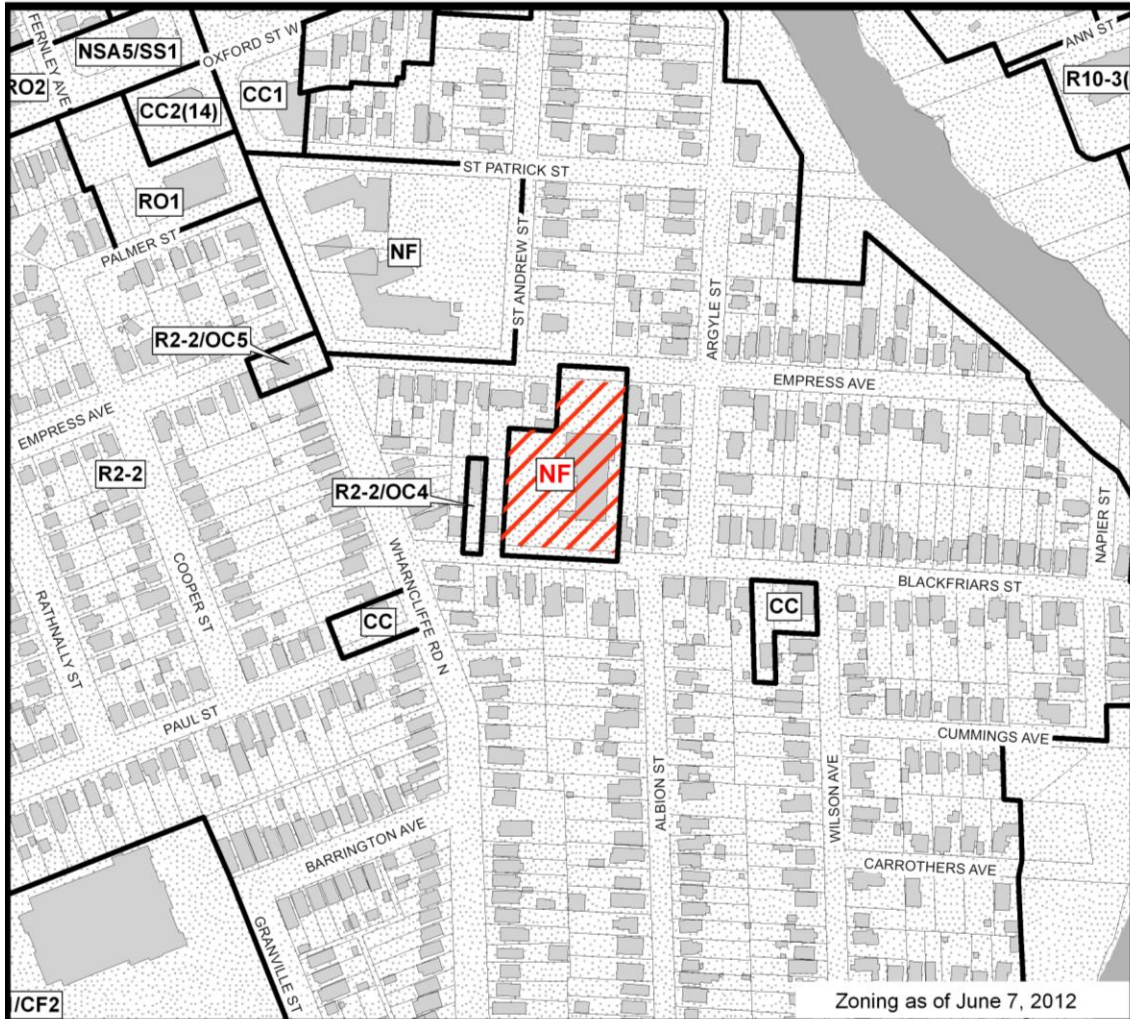


<p><b>NATURAL RESOURCES</b></p> <ul style="list-style-type: none"> <li> Aggregate Resource Areas</li> <li> Extractive Industrial</li> <li> Emergency Municipal Water Wells</li> </ul> <p><b>Base Map Features</b></p> <ul style="list-style-type: none"> <li> Railways</li> <li> Water Courses/Ponds</li> <li> Streets (refer to Schedule "C")</li> <li> Conservation Authority Boundary</li> <li> Subwatershed Boundary</li> <li> Potential Special Policy Areas</li> <li> Special Policy Area</li> </ul>	<p><b>NATURAL HAZARDS</b></p> <ul style="list-style-type: none"> <li> Regulatory Flood Line <i>NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.</i> <i>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</i></li> <li> Riverine Erosion Hazard Limit For Confined Systems</li> <li> Riverine Erosion Hazard Limit For Unconfined Systems</li> <li> Steep Slopes Outside of the Riverine Erosion Hazard Limit</li> <li> Abandoned Oil/Gas Wells</li> <li> Conservation Authority Regulation Limit</li> </ul>	
<p><b>CITY OF LONDON</b> Department of <b>Planning and Development</b> OFFICIAL PLAN SCHEDULE B2 NATURAL RESOURCES AND NATURAL HAZARDS</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>0 145 290 580 870 1160 1450</p> <p>Meters</p>	<p><b>FILE NUMBER:</b> OZ-8043</p> <p><b>PLANNER:</b> MT</p> <p><b>TECHNICIAN:</b> CK</p> <p><b>DATE:</b> 2012/06/26</p>



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**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: NF**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE
  
- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE
  
- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE
  
- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW
  
- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
  
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION
  
- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

**CITY OF LONDON**

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING  
BY-LAW NO. Z.-1  
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:

OZ-8048

MT

MAP PREPARED:

2012/06/26

CK

1:3,500

0 15 30 60 90 120  
Meters

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**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**Urban Forestry**

*Urban forestry has no comments for this rezoning. It does not appear that the street trees in the general area will be affected by this change and it is not adjacent to any open space or natural area.*

**Stormwater Management Unit**

*No comment.*

**Upper Thames River Conservation Authority (UTRCA)**

*The Upper Thames River Conservation Authority (UTRCA) has reviewed the subject application with regard for the policies in the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006). These policies include regulations made pursuant to Section 28 of the Conservation Authorities Act, and are consistent with the natural heritage policies contained in the Provincial Policy Statement (2005). The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject property is located within a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.*

**Proposal**

*The applicant is proposing to convert an existing church to permit medium-scale office uses and an accessory gymnasium in addition to the permitted low density residential uses.*

**Conservation Authorities Act**

*As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act. The Regulation Limit is comprised of the regulatory flood plain associated with the Thames River, in a potential Special Policy Area (SPA) known as the West London SPA. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.*

*The City of London and the UTRCA have adopted a set of interim policies to deal with proposed lands use changes and development in potential SPAs. The intent of these policies is to maintain the status quo of the land uses in these neighbourhoods so that the final outcome of the SPA review is not compromised. At the present time, the West London SPA has not been approved by the Province. However, once approved, it is anticipated that the West London area would be formally recognized as an established neighbourhood where the standard two zone flood plain concept cannot be reasonably applied. This recognition would allow for the implementation of area specific policies that would help minimize flood impact and permit the upgrading or redevelopment of properties that would otherwise not be permitted under the Provincial flood plain policy.*

**UTRCA Environmental Planning Policy Manual**

*Policy which is applicable to the subject property includes:*

**3.2.2 General Natural Hazard Policies**

*These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated.*

**3.2.3 Riverine Flooding Hazard Policies**

*These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach (one zone vs. two zones), and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.*

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**3.2.3.3 Special Policy Areas**

As indicated, the UTRCA has adopted an interim set of policies for Potential Special Policy Areas. These include the need to implement specific construction requirements such as maximizing floodproofing through the Authority’s Section 28 Permit process. Conversion to commercial uses is also encouraged.

AREA OF VULNERABILITY	VULNERABILITY SCORE	THREATS & CIRCUMSTANCES
Highly Vulnerable Aquifer (HVA)	6	Moderate & Low Threats

NOTE: At this time, certain activities on this property may be considered Moderate or Low threats to drinking water

*Provincial Policy Statement (PPS, 2005)*

Section 2.2.1 requires that:

“Planning Authorities shall protect, improve or restore the quality and quantity of water by: d) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and
2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions”

In Section 2.2.2 that:

“Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.”

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Recommendation

Given that the applicant is proposing to convert an existing structure to a commercial use which is consistent with the Authority’s interim policies for Potential Special Policy Areas, the UTRCA has no objections to this application to amend the Official Plan and Zoning By-law.

**Wastewater and Drainage Engineering Division (WADE)**

Wastewater and Drainage has no objection to this official plan, and zoning amendment for the above mentioned application

**Transportation Planning and Design Division**

Concerns have been expressed by an area resident regarding the amount of traffic this site will generate and the impact this traffic will have on the neighbourhood and Blackfriars Bridge. We estimate the site will generate approximately 50 trips during both the A.M & P.M. peak traffic time periods. There are four streets that can be used to gain access to this site – Wharncliffe Rd, Ridout St/Blackfriars Bridge, Wilson St or Empress Ave. Based on existing traffic distribution we would anticipate the majority of motorists coming to the site access on Blackfriars St via Wharncliffe Rd. The access on Empress Ave will also draw motorists to the site. We do not anticipate there will be a significant impact on the Blackfriars Bridge that would cause any undue concern for the bridge’s structural integrity.

Transportation has the following additional comments to those previously provided (above) regarding the Official Plan and Zoning By-law amendment OZ-8048 for 75 Blackfriars St.

- The proposed zoning amendment will not only permit general office space but also medical dental offices. If the site is developed with approximately 2,000 sq m of medical dental offices the site will require 150 on-site parking spaces and generate approximately 55 trips in the am peak hour and 80 trips in the pm peak hour. The site currently has only 83 parking spaces. If parking is not increased on the site motorists will park on abutting streets like Blackfriars St and Empress Ave not intended for this purpose



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- *Blackfriars St is a narrow two lane secondary collector street intended to collect and distribute traffic between the area, Wharncliffe Rd and Blackfriars Bridge - a minor access to downtown*
- *Empress Ave is a narrow local street with a public school*
- *It is possible that due to the additional traffic generated by the site, with medical/dental offices, that parking will need to be eliminated on the section of Blackfriars St east of Wharncliffe Rd across the frontage of the site forcing motorists to park further into the area. Parking on Empress Ave and streets surrounding the school have significant parking during busy school drop-off and pick-up times.*
- *Based on the lack of on-site parking for the medical/dental land use we request a holding provision be applied to the zoning until sufficient and functional parking is supplied for this land use.*

**London Police Services**

- *Parking along Blackfriars is only allowed on the south side of the roadway and there is a limited amount of parking both for visitors and residents along this street. Numerous side streets are also one side parking. A large amount of parking spots in this area would certainly create a traffic concern if people were not following the existing parking laws and signage. Emergency vehicles would be impeded or blocked if persons parked illegally*
- *A strict enforcement and tow away zones would hopefully combat the problem.*
- *It is noted that the church parking may have been limited to Sunday use and it is uncertain when the high demand for parking spots on the street would occur with this new planned facility. High demand for parking will create busy streets in the area but would be similar to events at Labatt Park.*
- *With the information provided to date [London Police Services are not] opposed but do raise concerns for the level of parking enforcement by Commissionaires if needed*

<b>PUBLIC LIAISON:</b>	On 20 April 2012, Notice of Application was sent to 144 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on Saturday, April 21, 2012. A "Possible Land Use Change" sign was also posted on the site by 01 May 2012. Notice of Public Meeting was sent to 146 property owners in the surrounding area. Notice of Public Meeting was published in the "Living in the City" section of the London Free Press on Saturday, June 30, 2012.	4 replies were received  2 opposed to the requested amendments  2 requests for general information
<p><b>Nature of Liaison:</b> Possible amendment to the Official Plan <b>FROM</b> a Low Density Residential Designation which permits single detached; semi-detached; and duplex dwellings as primary permitted uses and multiple attached housing, such as row housing, as secondary permitted uses up to a maximum density of 30 units per hectare <b>TO</b> a Special Policy (Chapter 10 – Policies for Specific Areas) to permit medium-scale office uses and an accessory gymnasium use in addition to the current Low Density Residential designation.</p> <p>Possible amendment to the Zoning By-law Z.-1 <b>FROM</b> a Neighbourhood Facility (NF) Zone which permits churches and elementary schools <b>TO</b> an Office Special Provision (OF2( )) Zone to permit: Clinics; Medical/dental offices; Medical/dental laboratories; Offices; and, a Gymnasium (accessory to a permitted Office use) subject to a special provision to limit the gross floor area for the proposed clinics, medical/dental offices, and, medical/dental laboratories to a maximum of 2,055m<sup>2</sup> (22,151sq.ft.).</p>		

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**Responses:** 4 Responses received:

- 2 responses were opposed to the proposed amendments. The reasons cited include:
  - insufficient parking and the potential for increasing the amount of on-street parking
  - the intrusion of commercial uses into the interior of a stable residential area
  - access for emergency services
  - the intensity of the requested uses
  - the potential of putting the users of this proposed facility in harm's way and the impediment to evacuation it represents for the neighbourhood in the event of a flood
  - the potential for night time use of the gymnasium (similar to the way in which public ice rinks are being used during the night; the use of the parking lot for professional basketball practices)
  - increased traffic on area streets and on Blackfriars Bridge
  - traffic idling as it accumulates at the intersection of Wharnccliffe/Blackfriars
  - the use of the parking area throughout the day and the potential for impacts onto abutting properties
  - the proposal to use the gymnasium as a practice facility for a professional basketball team where hours of operation are not regulated
- 2 responses received for general information

**ANALYSIS**

**Subject Site**

The subject site is located on the north side of Blackfriars Street, east of Wharnccliffe Road North. This portion of Blackfriars Street is classified as a Secondary Collector Road on Schedule C – Transportation Corridors – to the City of London Official Plan with an approximate traffic volume of 4,000 vehicles per day.

The subject site is designated Low Density Residential on Schedule A to the City of London Official Plan (Land Use) and identified as Flood Plain and Potential Special Policy Area on Schedule B-2 to the City of London Official Plan (Natural Resources and Natural Hazards).

The existing building is oriented towards, and has access from, Blackfriars Street. Additionally, the subject site also has frontage and access onto Empress Avenue, which is classified as a Local Road. The subject site has a Blackfriars Street frontage of approximately 68.0 metres, an Empress Avenue frontage of approximately 40 metres, and an approximate lot area of 0.6 hectares. A former place of worship currently occupies the site and the building is surrounded on the west and north sides by a surface parking area totalling 83 spaces. The applicant has indicated that the former place of worship had a capacity of 600 patrons requiring 150 parking spaces thereby creating a legal non-conforming parking deficiency of 67 parking spaces.

The existing building (former place of worship) has a raised basement (1<sup>st</sup> floor), ground level that includes an existing gymnasium to the rear of the church sanctuary (2<sup>nd</sup> floor), and a mezzanine (3<sup>rd</sup> floor). The existing gross floor area measures approximately 2,044m<sup>2</sup> (22,000 sq.ft.) with a potential to add an additional 511m<sup>2</sup> (5,500 sq.ft.) of gross floor area should the mezzanine be built out as a full 3<sup>rd</sup> floor.

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**Nature of the Application**

The applicant has requested an amendment to the Official Plan to add a site-specific special policy by adding the subject site to the list of *Policies for Specific Areas (Chapter 10)* of the Official Plan to permit small scale offices and an associated gymnasium while also maintaining the existing Low Density Residential designation.

The applicant has also requested an amendment to the Zoning By-law from a Neighbourhood Facility (NF) Zone, which permits churches and elementary schools, to an Office Special Provision (OF2( )) Zone to remove the existing uses and add: Clinics, Medical/dental offices, Medical/dental laboratories, and Offices, subject to a special provision to permit a gymnasium as an accessory use to a permitted Office use and limit the gross floor area of all medical/dental offices, medical/dental laboratories, clinics, and gymnasiums to a maximum of 2,055m<sup>2</sup>.

Given the parking standards for Medical/dental offices and Clinics which require that 1 parking space be provided for every 15m<sup>2</sup> of gross floor area, a maximum gross floor area of 2,055m<sup>2</sup> for these uses would require 137 on-site parking spaces. The applicant requests that the remaining 500m<sup>2</sup> of gross floor area be allocated toward other (non-medical) office uses which require that 1 parking space be provided for every 40m<sup>2</sup> of gross floor area requiring an additional 13 parking spaces. The number of parking spaces required to accommodate the maximum gross floor area for the requested uses totals 150 spaces. Although the subject site can only accommodate 83 parking spaces, the applicant is requesting to avail of the existing legal non-conforming parking deficiency of 67 parking spaces.

**Provincial Policy Statement**

The *Provincial Policy Statement, 2005* (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. The PPS provides some direction to this matter.

Policy 1.1.1 of the PPS states that, healthy, liveable and safe communities are sustained by:

- *Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term*

The requested amendment proposes to reuse an existing building on an existing lot of record within an established community representing an efficient development and land use pattern

- *Accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs*

While there is an existing medical/dental office building located within the immediate area, the range of uses requested in this application also include more specialized uses including head office uses for Southside Construction Management Ltd, administrative offices for the London Lightning Basketball Club, and an associated gymnasium for the London Lightning which cannot be accommodated within the existing office buildings. This application proposes to add to the range and mix of employment uses.

- *Avoiding development and land use patterns which may cause environmental or public health and safety concerns.*

The site is located within a floodplain where the development of new sensitive land uses is not permitted. The conversion of existing buildings to commercial uses is encouraged

- *Promoting cost-effective development standards to minimize land consumption and servicing costs*

The subject site contains an existing building that utilizes the existing infrastructure while requiring no additional works to be undertaken.

Policy 1.1.3.1 of the PPS states that, “Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted”. The PPS defines “Settlement Area” as, “...urban areas...within municipalities that are built up areas where development is concentrated and



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which have a mix of land uses and lands which have been designated in an official plan for development over the long term planning horizon...” This area of London, formally known as Petersville, meets the definition of “Settlement Area”. The fact that this area is also categorized as a “Potential Special Policy Area” further strengthens the fact that this is a settlement area in which vitality and regeneration shall be promoted. The intent of Special Policy Areas is to recognize areas of well-established development within the floodplain and allow flexibility to permit additional development, as exceptions to the normal provincial flood plain standards, which may not typically be permitted due to flood plain restrictions. These exemptions to the normal provincial flood plain standards are intended to promote the continued vitality of this established community. The requested amendments to facilitate the adaptive reuse of an existing building located within a settlement area is consistent with the PPS.

Policy 1.1.3.3 of the PPS states that, “*Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs*” [Emphasis added]. The classification of the Petersville area as a “Potential Special Policy Area” is indicative of Council’s efforts to identify and promote opportunities for redevelopment within this area. The fact that the requested amendments intend to utilize the existing building stock is also consistent with this policy. Additionally, there is suitable existing infrastructure in the immediate area required to accommodate the projected needs of the proposed uses.

Policy 1.3.1 (Employment Areas) of the PPS requires planning authorities to promote economic development and competitiveness by such means as, “*providing for a mix and range of employment opportunities*” and “*providing opportunities for a range and choice of suitable sites for employment uses*”. The requested amendments seek to add to the mix and range of employment opportunities by adding a wider range of office and associated uses to the existing inventory of offices uses in the immediate area.

Section 3 of the PPS generally directs development to areas outside of floodplain lands. However, Policy 3.1.3 of the PPS does allow some flexibility in the application of this policy by permitting development and site alteration in areas identified as floodplain in circumstances where a Special Policy Area has been approved. The policy states that such Special Policy Areas must be approved by the Ministers of Natural Resources and Municipal Affairs and Housing. It is important to note that the West London Special Policy Area (in which the subject site is located) has not been approved by the Province at this time. However, the Upper Thames River Conservation Authority (UTRCA) has approved interim policies to guide development within this Potential Special Policy Area until such time as the West London Special Policy Area is adopted. These interim policies encourage the conversion of sensitive uses, such as residential, to commercial uses.

Additionally, Section 3 of the PPS prohibits development of institutional uses, including schools, in hazard lands. Given that the subject site only permits two uses (churches and elementary schools) the usability of the subject site is largely diminished given its location within a floodplain and the addition of the proposed non-sensitive uses is appropriate.

**Official Plan**

The Official Plan 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 the 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 subject site is designated Low Density Residential on Schedule A – Land Use – to the City’s Official Plan. The primary permitted uses in areas designated Low Density Residential include single detached; semi-detached; and duplex dwellings. The Official Plan policies also contemplate the development of community facilities as secondary permitted uses, such as

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churches and schools, that are normally associated with, and integral to, a residential environment. The subject site is also identified as Floodplain and a Potential Special Policy Area (West London) on Schedule B-2 – Floodplain and Environmental Features – to the City’s Official Plan.

Given the site’s location within the floodplain and its previous use a place of worship, the site cannot be redeveloped for new residential uses as contemplated by the Low Density Residential designation. And while the use of the subject site as an elementary school or a church may conform to the Official Plan designation, schools are not a preferred use within a floodplain and the potential for a new church use did not materialize during the listing of the site for sale, leaving the site with few opportunities to implement its Official Plan land use designation.

Policy 15.6.2 of the Official Plan, which provides guidance for development in the Floodplain, states that:

The zoning of flood plain lands will reflect the restricted use of these lands, and will prohibit any new development, with the exception of existing uses and minor additions and/or renovations to existing structures. A permit may be required from the appropriate Conservation Authority and flood proofing may be required. *Less restrictive zoning may be applied to Special Policy Areas in accordance with policy 15.6.4. [Emphasis added].*

Policy 15.6.4 of the Official Plan provides direction for the establishment of a Special Policy Area. This policy enables Council to apply to the Province for approval of a "Special Policy Area" status for specific areas of the City where development would not normally be permitted due to flood plain restrictions.

The purpose of a Special Policy Area status is to provide for the maintenance and upgrading of existing development and to recognize and permit limited, additional development in built-up areas to retain the socio-economic viability and nature of the area, without adding undue risk to life and property.

Special Policy Areas incorporate appropriate policies to address such matters as the circumstances under which new development will be considered, the minimum acceptable level of floodproofing required for new development in each Special Policy Area, and the permitted types and locations of new development.

As previously indicated West London Special Policy Area has not been approved by the province at this time. However, the City of London and the UTRCA have adopted a set of interim policies to provide guidance for proposed land use changes and development in the West London Special Policy Area. These interim policies are found in the *UTRCA Environmental Planning Policy Manual*. The following interim policies are applied in the West London Special Policy Area:

- a) *Intensification of use, either through the creation of lots or through zoning, is not permitted;*  
Intensification of use has not been requested as part of this application for a Zoning By-law amendment. Although it may be difficult to measure the differences in the intensity of an institutional use versus the intensity of an office use, one way that is often used to compare the levels of intensity is to evaluate the parking requirements of each. The previous church use required a minimum of 150 parking spaces and the applicants are requesting an intensity of use that would also require minimum of 150 parking spaces. However, it should be noted that Staff are recommending an intensity of use that would require 83 parking spaces given that this represents the number of on-site parking spaces available, thereby representing a *decrease* in the intensity of use.
- b) *New basements are not permitted;*  
The applicant is not proposing the creation of a new basement.
- c) *The conversion of non-residential uses to residential uses is not permitted. Conversion of residential uses to commercial uses is encouraged;*

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While not specifically mentioned above, the recommended amendments represent a conversion of an institutional use to a commercial use. Given that the proposed use is not introducing new sensitive land uses to the subject site and the above policies encourage the conversion to new commercial uses, Planning Staff find no inconsistencies with the requested range of uses and the above interim policy.

- d) *Specific construction requirements, including maximizing flood proofing, are implemented through the Section 28 Permit process*

While the applicants may be required to apply for a Section 28 permit prior to the undertaking of certain works such as placing or dumping of fill or the construction of buildings or structures, this requirement is not necessary as part of this application for a land use change.

Given that the existing Low Density Residential designation no longer adequately provides guidance for the development of these lands as a result of the subject site's location in the floodplain, the applicant has requested that a Policy for Specific Area (Chapter 10) be applied to the subject site. The Official Plan states that, "*Notwithstanding the other land use policies..., Policies for Specific Areas 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 land.*" A site that is designated Low Density Residential but cannot avail of the uses permitted by that designation meets the above criteria for the application of Policy for Specific Areas.

The Official Plan requires that one of the four conditions listed below must apply prior to the consideration of a Policy for Specific Area. These criteria are:

- i) *The change in land use is site specific, is appropriate given the mix of uses in the area, and cannot be accommodated within other land use designations without having a negative impact on the surrounding area.*

While the requested amendments represent a site specific amendment and it is appropriate given the mix of uses in the area and the limited ability of the subject site to accommodate uses typically permitted within the existing designation, the requested uses *may* be accommodated within other land use designations without having a negative impact on the surrounding area. The requested amendment fails to meet all of the criteria outlined in this condition.

- ii) *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.*

The requested amendments represent a site specific amendment and the subject site is located in an area where Council wishes to maintain the existing Low Density Residential designation while allowing for site specific offices uses and an associated gymnasium on the subject lands. The requested amendment meets all of the criteria outlined in this condition.

- iii) *The existing mix of uses in the area does not lend itself to a specific land use designation for directing future development and a site specific policy is required.*

The existing mix of uses consist of low density residential uses immediately surrounding the subject site with institutional uses to the northwest and small scale commercial uses to the southeast. A site specific land use designation such as Office Area is not appropriate for the subject site given that such a designation promotes the development of purpose-designed office buildings – whereas the intent of this application is to retain the existing building – and contemplates a wider range of secondary uses that may be too broad for the subject site. Therefore, a site specific policy is required to ensure that: the requested uses are confined to the existing building; a maximum gross floor area is applied to limit the intensity of use; and, the range of permitted uses is specified. The requested amendment meets all of the criteria outlined in this condition.

- iv) *The policy is required to restrict the range of permitted uses, or to restrict the scale and density of development normally allowed in a particular designation, in order to protect other uses in an area from negative impacts associated with excessive noise, traffic, loss of privacy or servicing constraints*

The site-specific policy is requested to *expand* the range of permitted uses for the subject lands which have been limited by the fact that the uses permitted in the existing Low Density



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Residential designation cannot be accommodated on the subject site given its location within a floodplain. And while the applicant has requested to restrict the scale of the development, the above condition typically describes a situation where the scale of development that would normally be permitted within a specific land use designation is reduced to mitigate negative impacts while leaving the range of uses intact. This condition is not applicable to this request to permit a site-specific amendment for office uses within Low Density Residential areas to add to the range of permitted uses.

Whereas the Official Plan requires that one of these conditions apply prior to the consideration of a Policy for a Specific Area, Staff have identified two conditions that apply in support of the requested amendments.

*Planning Impact Analysis*

A Planning Impact Analysis is evaluated on the basis of criteria relevant to this request to permit medium scale office uses within the existing building. Where an Official Plan amendment and/or zone change application is being reviewed, the following criteria may be considered:

- *Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.*  
The recommended uses are not anticipated to create additional impacts beyond those that may be created by the current range of permitted uses. Although Planning Staff have been advised by a concerned neighbour that the previous church use was limited in the number of days/hours used in operation, Planning Staff note that this is a function of the user not the use. Many church uses in the City also have weekday/weeknight functions that may include worship and accessory uses as well, including day care centres. The concerned neighbour also expressed concern about the weekday function of the requested office uses that had not existed at the subject site during its use as a church. However, Planning Staff recognize that the subject site is entitled to be used for elementary schools which also operate during the weekday hours.
- *The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;*  
The requested uses are intended to be accommodated within the existing building located on the subject site. The applicant has requested a level of intensity that requires 150 parking spaces be provided on the subject site where only a total of 83 parking spaces are provided. This level of intensity exceeds the ability of the subject site to accommodate the intensity of the requested uses by requiring that an additional 67 parking spaces be offloaded to the local street network. Planning Staff are recommending that the level of intensity of the requested uses be reduced such that 83 parking spaces are required and provided on-site.
- *The supply of vacant land in the area which is already designated and/or zoned for the proposed use.*  
Although there are lands in the area that are designated and/or zoned to permit some of the office uses requested by the applicant, these lands are not vacant nor are they zoned to permit the associated gymnasium use requested by the applicant.
- *The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses.*  
No new buildings are proposed as part of this application
- *The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area.*  
The applicant has provided Planning Staff with a conceptual site plan depicting the maintenance of the existing landscaped areas.

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- *The location of vehicular access points and their compliance with the City’s road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties.*  
The adaptive reuse of the subject site will maintain the existing vehicular access points. Transportation Planning and Design Staff have indicated a concern with the request to permit 2,055m<sup>2</sup> of medical/dental offices which will require 150 parking spaces and generate approximately 55 trips in the am peak hour and 80 trips in the pm peak hour. Alternatively, Transportation Planning and Design Staff have not expressed concern with an amendment which limits the level of intensity to a gross floor area that requires a maximum of 83 parking spaces.
- *The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;*  
The existing building is intended to remain which has achieved a level of acceptability in the community.
- *The potential impact of the development on surrounding natural features and heritage resources;*  
The building’s existing exterior features are intended to remain unchanged. Any alterations are to be undertaken in the interior of the building only. Additionally, there are no listed heritage resources abutting the subject site. Therefore, no potential impacts are anticipated on surrounding natural features and heritage resources.
- *Compliance of the proposed development with the provisions of the City’s Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law.*

The requested uses are consistent with the requirements of Policies for Specific Areas of the Official Plan as well as with the Potential Special Policy Areas interim policies. However, the Zoning By-law amendment requested by the applicant intends to avail of the legal non-conforming parking deficiency permitted for the former church use is not consistent with the provisions of the Zoning By-law (see Zoning By-law section below). Staff propose a modified zoning amendment to limit the intensity of the requested uses to a gross floor area that requires 83 parking spaces, consistent with the provisions of the Zoning By-law. As it relates to the Site Plan By-law, Development Services Staff have previously indicated that Site Plan approval will not be required to facilitate the building alterations given that no *development* (as defined in the *Planning Act*) is taking place. Compliance with the Sign Control By-law can be evaluated if/when the applicants choose to incorporate signage.

- *Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.*

The Planning Impact Analysis has not identified any adverse impacts on surrounding lands emanating from the subject site beyond the moderate impacts that may be generated from the existing permitted range of uses. In other words, it is anticipated that no new negative impacts are being introduced that cannot be generated from the permitted church and school uses.

- *Impacts of the proposed change on the transportation system, including transit.*

As previously indicated, Transportation Planning and Design Staff have expressed concern about the potential impacts to the transportation system if the subject site is developed to permit 2,055m<sup>2</sup> of medical/dental offices as requested by the applicant. Transportation Staff are concerned that if additional off-street parking is not provided beyond the existing 83 parking spaces, motorists will park on abutting streets such Blackfriars Street and Empress Avenue which are not intended to accommodate this level of on-street parking.

Blackfriars Street is a narrow two lane Secondary Collector Road intended to collect and distribute traffic between the immediate area, Wharncliffe Road North and Blackfriars Bridge

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and Empress Avenue is a narrow Local Road containing an elementary school. It may be possible to require the elimination of on-street parking on Blackfriars Street, east of Wharncliffe Road North, across the frontage of the subject site due to the additional traffic generated by the intensity of the requested medical/dental offices thereby forcing motorists to park further into the interior of the neighbourhood. Empress Avenue and other local streets in proximity to the school have significant on-street parking during busy school drop-off and pick-up times. However, as previously noted, Transportation Planning and Design Staff have not expressed concern with the modified amendment recommended by Planning Staff which limits the level of intensity to a maximum gross floor area that can be accommodated by 83 parking spaces.

**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.

Section 19.1 – General Purpose of the OF Zone – describes the rationale behind the Office zone variations. The OF Zone provides for and regulates new office uses outside of the Downtown area in small to medium scale office buildings primarily in areas designated Office Area in the Official Plan. The range of office uses and secondary uses which are provided for in the Official Plan have been differentiated on the basis of function, intensity and potential impacts.

The main OF Zone variation accommodates professional offices, the lowest intensity of office use. An expanded range of uses and/or more intensive use of a site may be permitted at appropriate locations through the use of the remaining zone variations. All secondary or accessory uses which are permitted must be contained within the office building and are not intended as free standing uses.

The applicant has applied to rezone the subject site to an Office Special Provision (OF2( )) Zone. The subject site meets the minimum zoning regulations of the standard Office OF2 zone variation. The requested amendment is intended to add: Clinics, Medical/dental offices, Medical/dental laboratories, and Offices as permitted uses, with a special provision to include a gymnasium as an accessory use to a permitted Office use to facilitate the administrative offices of the London Lightning Basketball Club as well as an associated practice facility for the team. The special provision will also be used to limit the gross floor area of the requested Clinics, Medical/dental offices, Medical/dental laboratories, and gymnasium uses to a level of intensity that can be accommodated by the available parking. The location of the subject site outside of the Downtown area in a building that will accommodate small to medium scale office uses is consistent with the General Purpose of the OF Zone. Furthermore, the accessory gymnasium use shall be contained within the building also in conformity to the General Purpose of the OF zone.

The applicant has indicated that the previous church use had a seating capacity of 600 patrons thereby requiring 150 off-site parking spaces while only providing 83 parking spaces. The establishment of the previous church use predates the requirements of the current Zoning By-law and, as such, the 67 parking space deficiency is recognized as legal non-conforming (i.e. grandfathered). The applicant is requesting that the new office uses comprise a level of intensity that will require 150 parking spaces by availing of the 83 on-site parking spaces and the 67 space legal non-conforming parking deficiency. To support this request the applicant and is citing Section 4.19(8) of the Zoning By-law which states:

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*Where a building or structure has insufficient parking spaces on the date of passing of this By-Law to conform to the requirements herein, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a **change of use** provided, however, that any additional parking spaces required by this By-Law for such addition or change of use are provided in accordance with all provisions hereof respecting parking spaces and parking areas. [Emphasis added]*

To paraphrase, this section of the Zoning By-law allows a grandfathered parking deficiency to be transferred from one use to another use as long as this change of use does not increase the parking deficiency and, if it does, any additional parking spaces shall have to be provided.

However, the requested zoning amendment does not represent a *change of use*; it represents an addition of uses. While this distinction may be subtle, the difference is that section 4.19(8) has been adopted to allow legally permitted uses to avail of a grandfathered parking deficiency of other legally permitted uses within an existing zone variation. For example, the current Neighbourhood Facility (NF) zoning permits churches and schools. A legal non-conforming parking deficiency for the *permitted* church use may be transferred to the *permitted* school use noting that both uses were permitted at the time of the passing of the Zoning By-law. However, the same does not apply to the introduction of new uses that were not permitted at the time of the passing of the Zoning By-law such as the uses requested by the applicant. This position is supported by section 1.3(4) of the Zoning By-law which states:

*Where any building or structure was in existence and used in compliance on the 30th day of June, 1993 with the applicable regulations of the predecessor of this By-law or a minor variance thereto but, were it not for this provision, is not in compliance with one or more of the applicable regulations of this By-law, that building or structure is hereby deemed to be in compliance with those regulations of this By-law, despite anything in this By-law to the contrary, **so long as that building or structure exists and so long as it***

- a) *is used and continues to be used as it was on the 30th day of June, 1993, or*
- b) *is used for a purpose that was permitted for that building or structure on the 30th day of June, 1993 by the predecessor of this By-law or a minor variance thereto and that is also permitted for that building or structure by this By-law.*  
*[Emphasis added]*

To paraphrase, where any building was legally permitted and conformed to the zoning regulations of the previous Zoning By-law, but no longer complies with the current zoning regulations, that building is recognized as being compliant with the current zoning regulations regardless of any other section of this Zoning By-law, as long the building has continuously been used since June 30, 1993, or the building is used for a use that was permitted on June 30<sup>th</sup>, 1993.

Given that the previous church use was legally permitted and conformed to the regulations of a previous zoning by-law, it is then deemed to conform to the current zoning regulations as a legal non-conforming land use. However, the previous church use relinquished its legal non-conforming status when it no longer continued to be used (as per clause (a) above) and given that the office uses requested as part of this application were not permitted on June 30<sup>th</sup>, 1993, (as per clause (b) above) this section of the Zoning By-law cannot be applied to permit the requested new office uses from availing of the non-conforming parking deficiency.

Section 1.3(4) above identifies two exhaustive tests, as twice denoted by the phrase “*so long as*”, to qualify for a legal non-conforming zoning deficiency. These two tests require that: 1) the building or structure continues to exist and, 2) is used either for (i) the use that existed on June 30<sup>th</sup>, 1993 or (ii) another use that was permitted on June 30<sup>th</sup>, 1993. Section 1.3(4) also supersedes all other section of the Zoning By-law that may be contrary this section, including the application section 4.19(8) to allow new uses to avail of a legal non-conforming parking



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**Planner: M. Tomazincic**

deficiency. An interpretation of 4.19(8) which would allow *new* uses to avail of a legal non-conforming parking deficiency would be contrary to the second test, thereby allowing 1.3(4) to govern and effectively prohibit the continued use of this parking deficiency.

As a result, Planning Staff do not support an interpretation of 4.19(8) of the Zoning By-law that would permit uses added after June 30<sup>th</sup>, 1993, to avail of the non-conforming parking deficiency. Therefore, Planning Staff recommend that the Zoning By-law regulations limit the gross floor area of all new uses to an intensity of use that would require a maximum of 83 parking spaces given that this represents the number of on-site parking spaces available.

**CONCLUSION**

The subject lands are designated Low Density Residential and located in the West London Potential Special Policy Area. The subject site contains a vacant church that is surrounded on the west and north sides by a surface parking area totalling 83 spaces. The applicant has indicated that the former place of worship had a capacity of 600 patrons requiring 150 parking spaces creating a legal non-conforming parking deficiency of 67 parking spaces.

The application requests an amendment to the Official Plan to add a site-specific special policy for the subject site by adding the subject site to the list of *Policies for Specific Areas (Chapter 10)* of the Official Plan to permit small scale offices and an associated gymnasium within the existing building while also maintaining the existing Low Density Residential designation. Staff recommend that a modified site specific amendment be adopted to recognize that the requested gross floor area represents a medium scale office and to include parameters which limit the maximum gross floor area to 2,555m<sup>2</sup> and to limit the uses to the existing building.

The application also requests an amendment to the Zoning By-law from a Neighbourhood Facility (NF) Zone to an Office Special Provision (OF2( )) Zone to remove the existing uses and add: Clinics, Medical/dental offices, Medical/dental laboratories, and Offices, subject to a special provision to permit a gymnasium as an accessory use to a permitted Office use with a maximum gross floor area of 2,055m<sup>2</sup> for all medical/dental offices, medical/dental laboratories, clinics, and gymnasium uses. Staff recommend that the maximum gross floor area be reduced to 1,245m<sup>2</sup> for these uses to ensure that the intensity of the requested uses can be accommodated by the 83 available on-site parking spaces.

The recommended amendment is consistent with the policies of the *Provincial Policy Statement, 2005*, the Interim Policies for Potential Special Policy Areas, and the necessary conditions required for the adoption of Policies for Specific Areas identified in Chapter 10 of the Official Plan.

The recommended amendment will facilitate an adaptive reuse of a vacant building and the recommended regulations are intended to confine the floor area of all new uses to within the existing building. The recommended amendment implements an intensity of use that can be accommodated by the available number of on-site parking spaces.

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**File: OZ-8048**  
**Planner: M. Tomazincic**

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MICHAEL TOMAZINCIC, MCIP, RPP PLANNER II, COMMUNITY PLANNING AND URBAN DESIGN SECTION</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN SECTION</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>	

July 10, 2012  
MT/mt

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File: OZ-8048  
Planner: M. Tomazincic

**Responses to Public Liaison Letter and Publication in “Living in the City”**

<u>Telephone</u>	<u>Written</u>
Deanna Niebergall 72 Blackfriars Street	
Donald Cornell 79 Blackfriars Street	Donald Cornell 79 Blackfriars Street
Tina Hickey 33 Blackfriars Street	
Julius Ehiemua 128b Wharnclyffe Road North	

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**File: OZ-8048**  
**Planner: M. Tomazincic**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2012

By-law No. C.P.-1284-\_\_\_\_\_

A by-law to amend the Official Plan for the City of London, 1989 relating to 75 Blackfriars Street.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on July 24, 2012.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – July 24, 2012  
Second Reading – July 24, 2012  
Third Reading– July 24, 2012



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**File: OZ-8048**  
**Planner: M. Tomazincic**

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to adopt a policy in Section 10.1.3 of the Official Plan for the City of London to add a site-specific special policy to allow medium scale office uses within the existing building with an associated gymnasium. A maximum total gross floor area for all Office uses will be limited to 2,555m<sup>2</sup> while the maximum total gross floor area for Medical/dental offices, Medical/dental laboratories, Clinics, and Gymnasium uses will be limited to 1,245m<sup>2</sup>.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to lands located at 75 Blackfriars Street in the City of London.

**C. BASIS OF THE AMENDMENT**

This amendment is consistent with the policies of the *Provincial Policy Statement, 2005* which promotes settlement areas as the focus of growth, vitality, and regeneration. This amendment is also consistent with the Interim Policies for Potential Special Policy Areas which encourage the conversion of sensitive uses to commercial uses. The subject site and recommended uses exhibit the necessary conditions required for the adoption of Policies for Specific Areas.

The recommended amendment will facilitate an adaptive reuse of a vacant building and limit the floor area of all new uses to within the existing building.

**D. THE AMENDMENT**

The Official Plan for the City of London is hereby amended as follows:

1. Section 10.1.3 – Specific Areas of the Official Plan for the City of London is amended by adding the following:

75 Blackfriars Street

- \_) In the Low Density Residential designation at 75 Blackfriars Street, medium scale office uses, and a gymnasium as an accessory use to a permitted Office use, may be permitted within the existing building with a maximum total gross floor area of 2,555m<sup>2</sup> for all Offices uses and a maximum total gross floor area of 1,245m<sup>2</sup> for all Medical/dental offices, Medical/dental laboratories, Clinics, and Gymnasium uses.

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**File: OZ-8048**  
**Planner: M. Tomazincic**

**Appendix "B"**

Bill No. (number to be inserted by Clerk's Office)  
 2012

By-law No. Z.-1-12\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 75 Blackfriars Street.

WHEREAS Southside Construction Management Ltd has applied to rezone an area of land located at 75 Blackfriars Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 75 Blackfriars Street, as shown on the attached map comprising part of Key Map No. 67, from a Neighbourhood Facility (NF) Zone to an Office Special Provision (OF2( )) Zone.

1) Section Number 19.4 of the Office (OF2) Zone is amended by adding the following Special Provision:

- ) OF2( ) 75 Blackfriars Street
  - a) Additional Permitted Use
    - i) Gymnasium in association with a permitted Office use
  - b) Regulations
    - i) Total gross Floor Area for Clinics, Medical/dental offices, Medical/dental laboratories, and gymnasium (Maximum) 1,245 square metres (13,401 square feet)
    - ii) Total gross floor area for all Office uses (Maximum) 2,555 square metres (27,501.8 square feet)
    - iii) Permitted uses confined to existing building

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 July 24, 2012.

Agenda Item # Page #

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**File: OZ-8048**  
**Planner: M. Tomazincic**

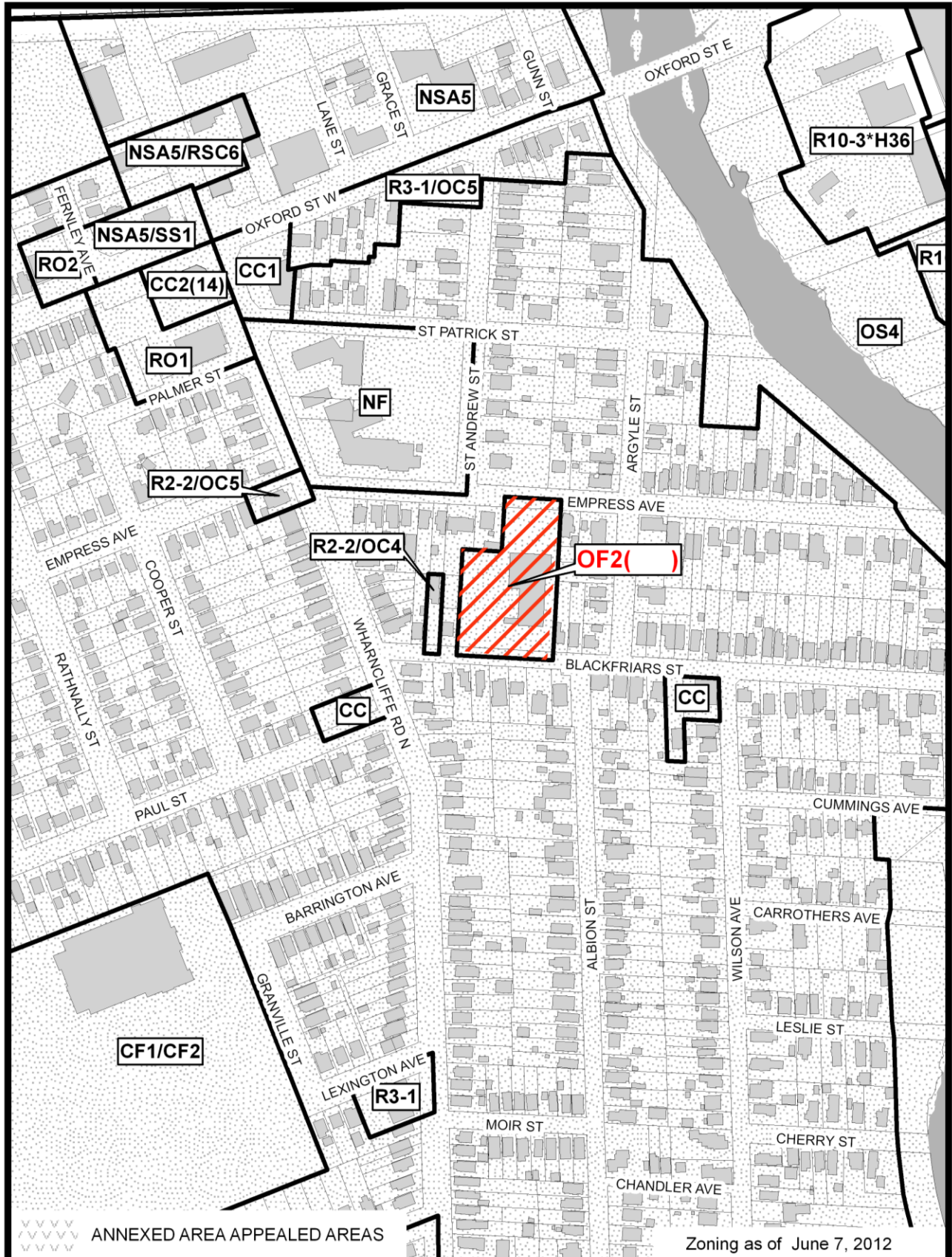
Joe Fontana  
Mayor

Catharine Saunders  
City Clerk


First Reading – July 24, 2012  
Second Reading – July 24, 2012  
Third Reading – July 24, 2012

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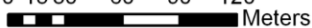
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)




File Number: OZ-8048  
 Planner: MT  
 Date Prepared: 2012/06/26  
 Technician: CK  
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,500

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**Bibliography of Information and Materials**  
**OZ-8048**

**Request for Approval:**

City of London Combined Official Plan and Zoning By-law Application Form, completed by Zelinka Priamo (Authorized Agents).

Zelinka Priamo. Planning Justification Study

Southside Construction Management Ltd. Conceptual Site Plan and Elevations – February 2012

City of London. Zoning Referral Record – 21 June 2012

**Reference Documents:**

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended.

UTRCA Environmental Planning Policy Manual. June 28, 2006

The Petersville Neighbourhood Project. February 1994

**Correspondence: (located in City of London File No. OZ-8048 unless otherwise stated)**

**City of London**

- Tomazincic, Michael. City of London Planning Division. E-mail to J. Bryant. 16 April 2012
- Tomazincic, Michael. City of London Planning Division. E-mail to A. Couvillon. 30 April 2012
- Tomazincic, Michael. City of London Planning Division. E-mail to D. Goarley. 21 June 2012
- Tomazincic, Michael. City of London Planning Division. E-mail to M. Campbell. 21 June 2012

**Zelinka Priamo Limited**

- Campbell, Melissa. Zelinka Priamo Ltd. E-mail to M. Tomazincic. 13 June 2012
- Zelinka, Richard. Zelinka Priamo Ltd. E-mail to M. Tomazincic. 21 June 2012

**Donald Cornell**

- Cornell, Donald. Property owner 79 Blackfriars Street. E-mail to M. Tomazincic. 13 June 2012
- Cornell, Donald. Property owner 79 Blackfriars Street. E-mail to M. Tomazincic. 15 June 2012

**Upper Thames River Conservation Authority (UTRCA)**

- Creighton, Christine. Upper Thames River Conservation Authority. E-mail to M. Tomazincic. 26 June 2012

**Agency Review and Public Responses: (located in City of London File No. OZ-8048 unless otherwise stated)**

**Urban Forestry**

- Postma R. Forestry Technologist. E-mail to M. Tomazincic. 24 April 2012

**Stormwater Management Unit**

- Galloway A. Engineering Technologist. E-mail to M. Tomazincic. 03 May 2012

**Upper Thames River Conservation Authority (UTRCA)**

- Creighton C., Land Use Planner. Letter to M. Tomazincic. 15 May 2012

**Wastewater and Drainage Division (WADE)**

- Masschelein B. Technologist II. E-mail to M. Tomazincic. 18 May 2012

**Transportation Planning and Design Division**

- Couvillon A. Senior Transportation Technologist. E-mail to M. Tomazincic. 22 May 2012
- Couvillon A. Senior Transportation Technologist. E-mail to M. Tomazincic. 27 June 2012

**London Police Services**

- Goarley D. Crime Prevention Officer. London Police Services. E-mail to M. Tomazincic. 26 June 2012



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**File: OZ-8048**  
**Planner: M. Tomazincic**

**Public Responses**

Written

Donald Cornell, 79 Blackfriars Street

Telephone

Deanna Niebergall, 72 Blackfriars Street

Tina Hickey, 33 Blackfriars Street

Donald Cornell, 79 Blackfriars Street

Julius Ehiemua, 128b Wharncliffe Road North

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**File: OZ-8048**  
**Planner: M. Tomazincic**

**Tomazincic, Michael**

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**From:** Donald Cornell [REDACTED]  
**Sent:** Friday, May 11, 2012 12:09 PM  
**To:** Tomazincic, Michael  
**Cc:** Fontana, Joe [REDACTED]; Donald Cornell  
**Subject:** App for amending Official Plan and Zoning File OZ 80 48

Mr Tomazincic, we have spoken several times by telephone pertaining to the above mentioned app. and we thank you for your valuable input,as we both oppose the application that has been presented to the City of London.

I have had brief conversation with Mr Carl Grabowski regarding the poor state of the Heritage Bridge over the Thames river at Blackfriars Street.

I have had a conversation with my Ward councillor Ms Bryant

To date and time 11.29 am May 11 2012, no one has returned my telephone calls pertaining to max allowed people capacities!!!!

We have numerous objections that we will relay at a later date, and with detailed reasons.

Traffic loads will be paramount, along with noise,changing the zoning ( who might be next?), enviromental concerns (traffic idling at several junctions, recall Tim Hortons drive throughs etc ???).

20 years or so ago, the City DOWN ZONED many properties in this area, sometimes AGAINST property owners wishes!!!!!!!!!!

These are but a FEW of our reasons to oppose .

As I have related to you by telephone earlier, NONE of the application makes good planning sense, we should leave well alone, let the residents and homeowners enjoy the relative peace and quiet of the area in which they have purchased.

The application is much too INTENSIVE. We are not NIMBY people, we ENCOURAGE economic development, AND as we have SUGGESTED, this development would be welcome in the East end of London, where there are so many derelict sites, also allowing the applicant (as we understand his vision) to include a basketball practice/training court) on the site ,to enjoy ALMOST ONE WAY TRAFFIC from and to the JLC, on King Street AND Queens Av.

We could go on, and will. But for now, we feel that our input is totally sufficient for you to NOT support the application. If we could honestly think of a reason why you should, we would have included same.

Michael , many thanks for your detailed help in this matter, greatly appreciated, Donald and Shirley Cornell. 79, Blackfriars Street.

( we will be away until June 04 2012 and respectfully ask that we will NOT be overlooked and that NO official decision will be made prior to our return). We would care to officially register that concern. PLEASE, a favour could you let Ms Judy Bryant have a copy of this email? I do not have her email address, and I am not too computer savvy, thanks.