

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Deputy City Manager, Planning and Economic Development
Subject: E. & E. McLaughlin Ltd.
100 Kellogg Lane
Public Participation Meeting
Date: January 10, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application of E. & E. McLaughlin Ltd. relating to the property located at 100 Kellogg Lane, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 25, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Business District Commercial Special Provision (BDC1/BDC2(12)) Zone **TO** a revised Business District Commercial Special Provision (BDC1/BDC2(12)) Zone.

Executive Summary

Summary of Request

The owner has requested to rezone the front (north) portion of the subject site to include Place of Entertainment and Amusement Game Establishments as additional permitted uses, and to add a special zoning provision to allow outdoor patios in any yard, at or above grade, whereas the Zoning By-law limits the locations and elevations of outdoor patios associated with a restaurant or tavern when the property is adjacent to a residential zone.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law amendment is to permit Places of Entertainment and Amusement Game Establishments as additional permitted uses for the north part of the subject property, provided individual uses do not exceed a gross floor area of 2,200 square metres, and to allow outdoor patios in any yard, at or above grade, provided they are located a minimum of 65 metres from lands owned by the Canadian National Railway

The Zoning By-law amendment affects only the north part of the property that is currently in the Business District Commercial Special Provision (BDC1/BDC2(12)) Zone. It does not affect permitted uses or regulations on the south part of the property that is already zoned to permit, among other uses, Commercial Recreation Establishments, Place of Entertainment and Amusement Game Establishments.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020.
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Rapid Transit Corridor Place Type;
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Main Street Commercial Corridor designation;
4. The recommended amendment provides for further compatible adaptive reuse of a large industrial site located within a community in transition, comprised of legacy industrial uses and existing residential and commercial uses.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes efficient use of existing urban lands and infrastructure. It also includes aligning land use planning with transportation planning to facilitate transit-supportive developments and encourage active transportation.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

OZ-8794 – On October 17, 2017, City Council adopted a Zoning By-law amendment for the entire site to permit a variety of residential, commercial, office and light industrial uses while providing for accessory parking on abutting lands. The north part of the site that is the subject of this report was placed in the Holding Business District Commercial/ Business District Commercial Special Provision (h-112*BDC1/BDC2(_)) Zone, permitting a number of entertainment-related uses including commercial recreation establishments, private clubs, restaurants, cinemas, and craft breweries. Special provisions allowed self-storage establishments (restricted to the basement floor of the existing building), a maximum building height of 15 metres, a minimum of 400 parking spaces that can be provided on-site and on accessory parking lots, and limited offices to a maximum of gross floor area applicable to the entire site.

Z-8893 – On May 18, 2018, City Council adopted a Zoning By-law amendment to add “Place of Entertainment and Amusement Game Establishment as permitted uses to the south part of the site, both uses to be in association with a Commercial Recreation Establishment. The Civic Administration initiated this amendment as a technical change to clarify the range of permitted uses rather than rely on an interpretation of the Commercial Recreation Establishment use.

H-8957 – On November 20, 2021, City Council adopted a Zoning By-law amendment to remove the Holding (h-112) Zone, which required the submission of a D-6 Guideline Compatibility Study for sensitive land uses. This study was completed as part of the Site Plan Approval process (SPA18-129) which was completed in September, 2019.

1.2 Property Description

The subject site is the former site of the old Kellogg’s Factory which has been undergoing adaptive re-use toward the achievement of a mixed-use development including a multi-faceted entertainment complex since 2019. Notable uses on the site include the Powerhouse Brewery and Paradigm Spirits Co.. The Factory, an indoor adventure park, is located on the south part of the property, outside the area subject to this application.



Figure 1: 100 Kellogg Lane viewed from Dundas Street

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

- Official Plan Designation – Main Street Commercial Corridor
- The London Plan Place Type – Rapid Transit Corridor
- Existing Zoning – Business District Commercial/Business District Commercial Special Provision (BDC1/BDC2(12))

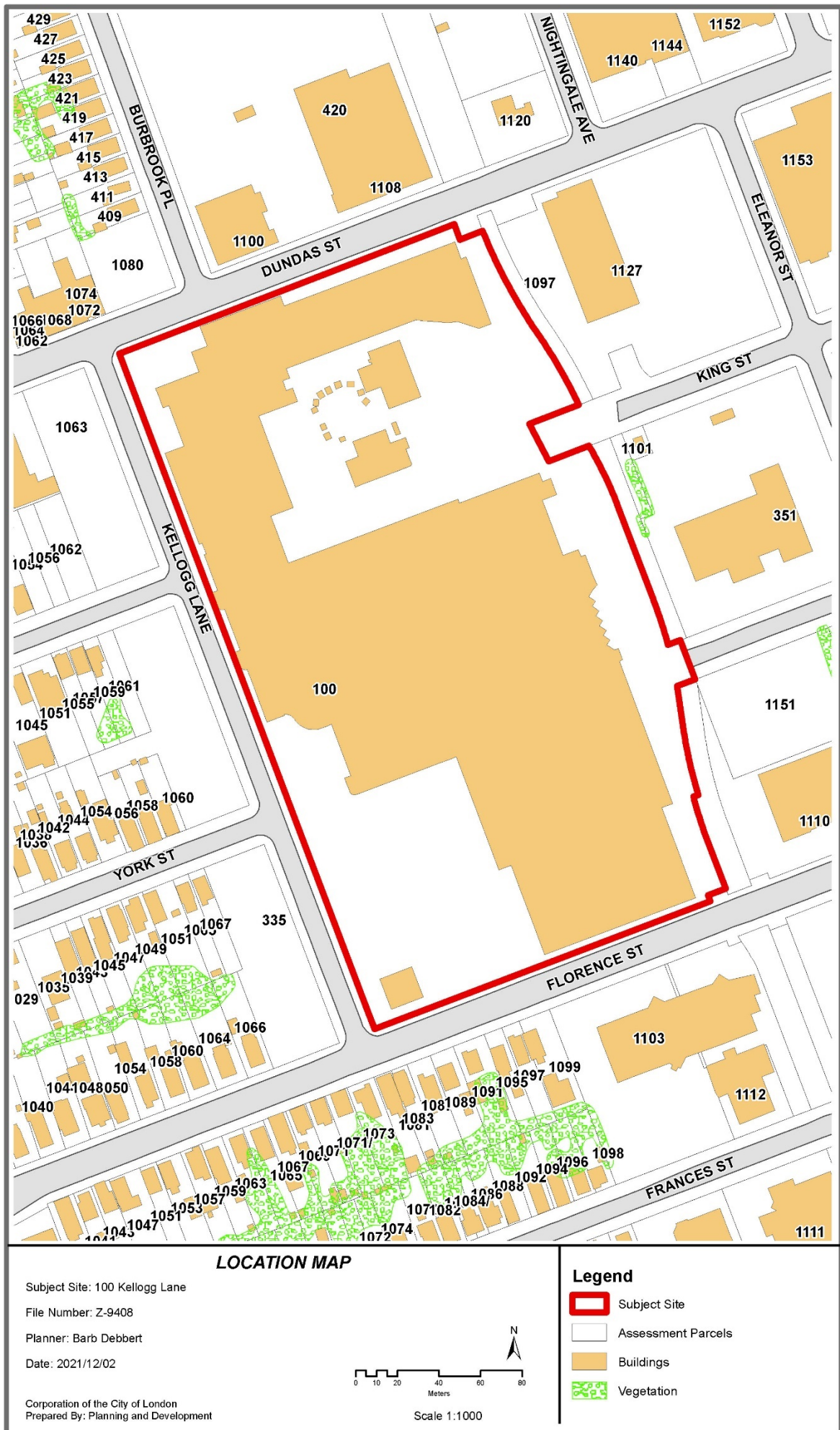
1.4 Site Characteristics (entire property)

- Current Land Use – Entertainment complex, craft brewery, offices
- Frontage – 185.0 metres
- Area – 6.6 ha
- Shape – irregular

1.5 Intensification

This proposal does not represent residential intensification

1.6 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The applicant is proposing a 2,118.2 square metre event centre on the third floor of the existing building, south of the new Atrium as shown in Figure 2 below. Minimal additions are proposed within the courtyard area, to provide access from upper storeys of the building to the interior of the site.



Figure 2 – Building Layout

2.2 Requested Amendment

2.3 Community Engagement (see more detail in Appendix B)

No written responses were received.

2.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreation, parks and open space and other uses to meet long-term needs. It also aims to avoid development and land use patterns which may cause public health and safety concerns. Settlement areas shall be the focus of growth and development, as the vitality and regeneration of these areas is critical to the long-term economic prosperity of our communities. It seeks to ensure the effective use of infrastructure and public service facilities. Land use patterns shall be based on a mix of land uses that support active transportation and are transit-supportive, where transit is planned, exists or may be developed.

Section 1.7.1 of the PPS encourages Long-Term Economic Prosperity, which should be supported by: a) promoting opportunities for economic development and community investment-readiness; d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets; e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes; and h) providing opportunities for sustainable tourism development.

The London Plan

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

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

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

- Creating a strong civic image by improving the downtown, creating and sustaining great neighbourhoods, and offering quality recreational opportunities;
- Revitalizing our urban neighbourhoods and business areas; (Key Direction #1, Directions 3 and 4);

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

- Sustaining, enhancing and revitalizing our downtown, main streets and urban neighbourhoods (Key Direction #5, Direction 3);

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

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character;
- Protecting what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features. (Key Direction #7, Directions 3 and 5).

The front portion of the site is in the Rapid Transit Corridor Place Type, as identified on Map 1 – Place Types. Our Rapid Transit Corridors will be vibrant, mixed-use, mid-rise communities that border the length of our rapid transit services (826_). The vision for Rapid Transit Corridors is intended to be realized by planning for a mix of residential and a range of other uses along corridors to establish demand for rapid transit services (830_ 4.). Permitted uses within this Place Type include a range of residential, retail, service, office, cultural, recreational, and institutional uses. Mixed-use buildings will be encouraged (*837_1., 2.)

The site is subject to Specific Policies that allow self-storage establishments in the basement of the existing buildings on the front portion of the property, office uses to a maximum gross floor area of 8,361 square metres within the existing buildings for the entire property, and accessory parking associated with these uses on adjacent and nearby sites (864E_).

1989 Official Plan

The front portion of the site is designated Main Street Commercial Corridor in the 1989 Official Plan. Planning Objectives of this designation include;

- Providing for the redevelopment of vacant, underutilized or dilapidated properties for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development;
- Encouraging development which maintains the scale, setback and character of existing uses;

- Encouraging the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics. (4.4.1.1 and 4.4.1.2)

Permitted uses in Main Street Commercial Corridors include small-scale retail uses; service and repair establishments; food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; financial institutions; small-scale offices; small-scale entertainment uses; galleries; studios; community facilities; and residential uses (4.4.1.4).

The site is also subject to a Specific Area Policy similar to Policy 864E_ of The London Plan, noted above.

3.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1. Issue and Consideration #1: Use

Consistent with the Provincial Policy Statement, the in-force policies of The London Plan, and the 1989 Official Plan, the addition of the requested Amusement Game Establishment and Places of Entertainment as permitted uses for the front part of this site will;

- Build on the mix and range of uses already permitted on the site to maintain long term needs for entertainment uses;
- Support the regeneration of the neighbourhood by ensuring a broad range of uses that will bring vitality and economic prosperity to the surrounding community;
- Enhance Dundas Street by ensuring the existing building is used to its greatest capacity;
- Enhance the cultural identity, neighbourhood character and sense of place by ensuring the continued maintenance and adaptive re-use of a building with cultural significance to Londoners;
- Support active transportation and transit supportive development as it is anticipated some users will use the bus rapid transit system to access the site;
- Offering quality recreational opportunities and provide for sustainable tourism development, as it is anticipated certain events permitted by the recommended additional uses will draw from both local and the regional market.
- Create additional opportunities for adaptive re-use of the existing building without negatively impacting the surrounding community.

Commercial Recreation Establishments, along with a number of other entertainment-related uses including private clubs, restaurants and craft breweries, assembly halls and community centres are already permitted on the front part of the site. The zoning on the back part of the site already permits the above-noted uses, and as a result of the technical amendment to the Zoning By-law in 2018, amusement game establishments and places of entertainment in association with a commercial recreation establishment are also permitted.

The existing uses on the site appear to have integrated well with the surrounding uses and existing community. The addition of the two new recommended uses is not intended to allow for more intensive development than is already permitted, as the applicant proposes to operate these uses within the third floor of the west wing of the existing building behind the atrium.

The following definitions from Zoning By-law No. Z.-1 are informative:

“Commercial Recreation Establishment” means a building, or part thereof, used for the purposes of an arena, assembly hall, billiard or pool room, bingo hall, bowling alley, dance hall, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool, or sports simulation, but not including a place of entertainment, an amusement games establishment, cinema, theatre, drive-in theatre, amusement park or any other place of entertainment or amusement otherwise defined or classified herein.

“Amusement Game Establishment” means a building or part thereof within which more than three amusement game machines are available to the public.

“Place of Entertainment” means a building, or part thereof, used for the general purpose of entertainment and includes cinemas, theatres, art galleries, commercial recreation establishments, auditoriums and all other places of amusement, but excludes amusement game establishments.

The recommended new Amusement Game Establishment and Place of Entertainment uses share many of the same characteristics as many of the uses that are already permitted or exist elsewhere on the site, for example typical time of day, activity and noise levels and parking requirements. It is noted that a parking rate anticipating full re-use of the site as a whole was established at a minimum of 400 parking spaces total, located both on-site and on ancillary sites adjacent to and near the subject site.

City staff have reviewed the Evaluation Criteria for Planning and Development Applications in The London Plan, and the Planning Impact Analysis for commercial uses in the 1989 Official Plan with respect to use and are satisfied that the evaluation criteria are satisfied.

4.2. Issue and Consideration #2: Intensity of Entertainment Uses

As discussed above the addition of the recommended two new uses will provide significant value to the local community and the City as a whole, the scale of use should also respect the intent of City policies respecting the desired prominence of the Downtown and the Western Fairgrounds for larger entertainment facilities.

In The London Plan, the vision for the Downtown Place Type states that the Downtown will be the preeminent destination place for Londoners, residents from our region, and tourists to experience diverse culture, arts, recreation, entertainment, shopping and food (793_). To realize that vision, the Plan directs that major government buildings, hotels, convention centres, and large entertainment and cultural centres be located in the Downtown (799_ 15.). The 1989 Official Plan objectives for the Downtown Place Type promote the continued development of the Downtown as the primary business, administrative, institutional, entertainment and cultural centre for the City of London and as a regional centre for Southwestern Ontario, concentrating the development of major office buildings, hotels, convention facilities, entertainment and cultural uses, major indoor sports facilities and government buildings, having City-wide or regional significance, within the Downtown (4.1.1 i) and ii).

As such, the overall scale of individual places of entertainment and amusement game establishments within the entertainment complex at 100 Kellogg Lane should be small-scale in nature. Accordingly, City staff are recommending a maximum permitted gross floor area of 2,200 square metres per use; this is consistent with the applicant's intent to use the third floor of the westerly building for a pre-function area and event centre on the third floor of the existing building behind the Atrium. This new regulation is intended to apply only to the two new recommended uses, and only to the portion of the property within the Business District Commercial (BDC) Zone variations.

City staff have reviewed the Evaluation Criteria for Planning and Development Applications in The London Plan, and the Planning Impact Analysis for commercial uses in the 1989 Official Plan with respect to intensity and are satisfied that the evaluation criteria are satisfied.

4.3. Issue and Consideration #3: Patio Locations and Heights Adjacent to Residential Zones

The request to allow patios in any yard, at or above-grade is viewed primarily as a technical amendment to ensure that outdoor patio activities associated with the range of permitted uses are allowed.

Section 4.18 of the Zoning By-law states that “Notwithstanding any other provisions of this By-law, the following shall apply to an outdoor patio associated with a permitted restaurant:

- 2) LOCATION
 - a) No outdoor patio shall be permitted where any lot line adjoins lands which are in a residential zone class which is not in combination with another zone, or is separate therefrom by a lane;
 - c) No outdoor patio shall be located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane.

The only lands adjacent to the front portion of Kellogg Lane that are in a residential zone class adjacent to the subject site, are the accessory parking lots also owned and operated by E & E McLaughlin in association with 100 Kellogg Lane. These lands are in the Residential Special Provision (R2-2(22)) Zone, permitting single, semi-detached, and duplex dwellings, as well as accessory parking in favour of 100 Kellogg Lane. It is anticipated that these lands will continue to be used for accessory commercial parking and would not be negatively impacted by patios associated with 100 Kellogg Lane.

Canadian National Railway originally expressed concerns about the proximity of the new uses to the existing branch line located adjacent to the east property line of 100 Kellogg Lane. Upon receiving further information from the applicant regarding the existence of many similar uses already operating on the site in accordance with the Zoning By-law and with the appropriate building permits, CNR withdrew its concerns. Through the interim discussions, City staff identified that there was a potential land use conflict for patio areas immediately adjacent to the rail line, particularly since the fence has openings to provide vehicular access for on-site parking. The patio areas for existing businesses at 100 Kellogg Lane are using the interior courtyard framed on all sides by the existing main and accessory buildings. In order to maintain a similar type of separation, City staff are recommending a minimum setback for patios of a minimum of 65 metres from CNR lands.

Conclusion

The recommended amendment would provide for the addition of Amusement Game Establishments and Places of Entertainment to a site which is already successfully transitioning from industrial use to a mixed-use development including entertainment-related uses. Special Zoning provisions will limit the size of individual uses to ensure they remain small-scale; and allow patios in any yard at and above-grade provided they are a minimum of 65 metres from the adjacent Canadian National Railway lands to minimize land use conflicts and safety risks. It is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of 1989 Official Plan and The London Plan.

Prepared by: Barb Debbert
Senior Planner, Development Services

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng
Deputy City Manager, Planning and Economic
Development

Appendix A

Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at part of
100 Kellogg Lane.

WHEREAS E & E McLaughlin Ltd. has applied to rezone an area of land located at 100 Kellogg Lane, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section Number 25.4 of the Business District Commercial (BDC2) Zone is amended by repealing the existing Business District Commercial Special Provision (BDC2(12)) Zone and replacing it with the following:
 -) BDC2(12) 100 Kellogg Lane
 - a) Additional Permitted Uses
 - i) Self-Storage Establishments (restricted to basement floor of the existing building)
 - ii) Place of Entertainment
 - iii) Amusement Game Establishments
 - b) Regulations
 - i) Height 15 metres (49.21 feet)
(Maximum)
 - ii) Notwithstanding the provisions of Section 4.19(10) of Zoning By-law No. Z.-1, a minimum of 400 parking spaces is required for the entirety of 100 Kellogg Lane and can be provided in combination with parking spaces on site and lands zoned to permit accessory parking lots in favour of 100 Kellogg Lane.
 - iii) A maximum Gross Floor Area of 8,361m² (89,997ft²) shall be permitted for Office Uses (within existing building), in combination with the Office uses permitted in the LI1(18) zone on 100 Kellogg Lane.
 - iv) A maximum Gross Floor Area of 2,200m² (23,680ft²) shall be permitted for individual Places of Entertainment and Amusement Game Establishments.
 - v) Notwithstanding the provisions of Section 4.18 2) of Zoning By-law No. Z.-1, outdoor patios may be permitted in any yard, at or above grade, but shall be located a minimum of 65 metres from lands owned by the Canadian National Railway.

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 January 25, 2022.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – January 25, 2022
Second Reading – January 25, 2022
Third Reading – January 25, 2022

Appendix B – Public Engagement

Community Engagement

Notice of Application:

On October 8, 2021, Notice of Application was sent to 179 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 7, 2021. A “Planning Application” sign was also posted on the site.

No replies were received.

Nature of Liaison: The purpose and effect of this zoning change is to permit Places of Entertainment and Amusement Game Establishments within a proposed event centre on the property. Possible change to Zoning By-law Z.-1 **FROM** a Business District Commercial Special Provision (BDC1/BDC2(12)) Zone **TO** a revised Business District Commercial Special Provision (BDC1/BDC2(12)) Zone to include the existing special provisions, and **ADD** Place of Entertainment and Amusement Game Establishment as permitted uses. A new special provision is also requested to allow outdoor patios in any yard, at or above-grade, whereas Section 4.18(2) of the Zoning By-law limits the locations and elevations of outdoor patios associated with a restaurant or tavern when the property is adjacent to a residential zone. The City may also consider additional special provisions including but not limited to the maximum allowable gross floor area or location within the complex to be occupied by the proposed new uses.

Departmental and Agency Comments

Urban Design (November 3, 2021)

- If any patios are proposed adjacent to residential land uses, ensure the patios are well screened to reduce negative impacts on neighbouring properties.
 - Further urban design related comments may be provided through the site plan approval process if this process is required.

Site Plan

- No site plan comments were provided. It is noted that prior to submission of the application, site plan staff indicated that no site plan approval will be required if any exterior renovations do not exceed 10% of the existing building area.

Archaeological (November 7, 2021)

- This memo is to confirm that I have reviewed the following and find the report’s analysis, conclusions and recommendations to be sufficient to fulfill the archaeological assessment requirements for Z-9408.
 - TMHC Inc. Stage 1 Archaeological Assessment 100 Kellogg Lane, City of London [...] Middlesex County, Ontario (PIF P324-0595-2021), May 5, 2021.
- Please be advised that heritage planning staff recognizes the conclusion of the report that states that: “[b]ased on the Stage 1 background research and site inspection, the entire subject property is considered to be extensively disturbed and there are no indicators that any deeply buried deposits of archaeological interest would be present on the property. As such, the subject property should be considered free of archaeological concern and not further archaeological assessment is recommended.” (p i)
- An Ontario Ministry of Heritage, Sport, Tourism, Culture Industries (MHSTCI) archaeological assessment compliance letter has also been received, dated May 19, 2021 (MHSTCI Project Information Form Number P324-0595-2021, MHSTCI File Number 0013817).
- Archaeological conditions can be considered satisfied for this application.

Engineering (October 28, 2021)

- Engineering has no concerns with the re-zoning application.
- A 24.0 metre road widening measured from centreline along Dundas Street will be required as part of any future site plan application.

Canadian National Railway (October 15, 2021)

- Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is adjacent to CN's Branch Line and within 1000m of CN's rail yard. CN has concerns of developing/densifying sensitive uses in proximity to railway activities. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.
- CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:
 1. Safety setback of buildings from the railway rights-of-way to be a minimum of 15 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2 meters above grade at the property line, with side slopes not steeper than 2.5 to 1.
 2. The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.
 3. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
 4. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:
 - "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development. CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
 5. The storm water management facility must be designed to control the storm water runoff to pre-development conditions and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.

6. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
 7. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
 8. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
- CN anticipates the opportunity to review a detailed site plan, a N&V study and a storm water management report taking into consideration the CN development guidelines.
 - Thank you and do not hesitate to contact me with any questions.

Canadian National Railway (December 4, 2021)

Hello Barb,

Thank you for your email summarizing our phone discussion regarding the matter mentioned in subject. However, I would like to bring some minor corrections to your comments. Please, consider these following CN comments instead:

1. Submit a more detailed and dimensioned site plan showing the location of the railway lands and property line, the location of existing fencing and fencing details (material and height), and the area of the site where the proposed uses subject to this application are to be located (both indoor and outdoor).
2. Submit a letter prepared by a certified professional (AECOM) confirming that a crash barrier will not be needed given the location of the new proposed sensitive use on the site and in the existing building.
3. Submit a letter prepared by a certified professional confirming that the existing fencing is in good condition.
4. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN and imposition of a warning clause registered on title.

Thank you and do not hesitate to contact me with any questions.

Canadian National Railway (December 10, 2021)

Hello John,

Thank you for your clarifications. Since the existing building has already been converted to be occupied by the commercial sensitive uses listed below in the past and has been occupied by these uses for many years following authorisations granted by the municipality, CN Rail does not have any comments concerning this application to add a complementary commercial use to the uses already authorised and in operation for this building.

London Hydro (October 14, 2021)

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

Appendix C – Policy Context

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

Provincial Policy Statement, 2020

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

1.1.1 a), b), c), e),

1.1.3 – Settlement Areas

1.1.3.1

1.1.3.2

1.1.3.4

1.2.6 – Land Use Compatibility

1.2.6.1

1.3 – Employment

1.3.1 a), b), d)

Section 1.7 – Long Term Economic Prosperity

1.7.1 a), d), e) h)

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 54_ Our Strategy, Key Directions

Policy 55_ 3. and 4. Our Strategy, Key Directions, Direction #1 – Plan Strategically for a Prosperous City

Policy 59_ 3. Our Strategy, Key Directions, Direction #5 – Build a Mixed-use Compact City of London

Policy 61_ 3. And 5. Our Strategy, Key Directions, Direction # 7 – Build Strong, Healthy and Attractive Neighbourhoods for Everyone

Policy 793_ - Downtown, Our Vision for the Downtown Place Type

Policy 799_ 15. - Downtown, How Will We Realize Our Vision?

Policy 826_ - Place Type Policies, Urban Place Types, Rapid Transit and Urban Corridor, Our Vision for the Rapid Transit and Urban Corridor Place Types

Policy 830_ 4. – Place Type Policies, Urban Place Types, Rapid Transit and Urban Corridor, How Will We Realize Our Vision?

*Policy 837_ 1., 2. - Place Type Policies, Urban Place Types, Rapid Transit and Urban Corridor, Permitted Uses

*Policies 839_ and 840_ 1. Place Type Policies, Urban Place Types, Rapid Transit and Urban Corridor, Intensity

Policy 860A_ through 860F_ - Place Type Policies, Urban Place Types, Rapid Transit and Urban Corridor, Rapid Transit Corridor Protected Major Transit Station Areas

Policy 864E_ - Place Type Policies, Urban Place Types, Rapid Transit and Urban Corridor, Specific Policies for the Rapid Transit and Urban Corridor Place Types, 100 Kellogg Lane and 1063, 1080, 1097 and 1127 Dundas Street

Policy 1578_ Our Tools, Planning and Development Applications, Evaluation Criteria For Planning and Development Applications

Policies 1766_ and 1772_ 1. Our Tools, Noise, Vibration and Safety

Map 1 – Place Types

Map 7 – Specific Policy Areas

Official Plan (1989)

4.1. Downtown Designation

4.1.1 Planning Objectives

4.4.1 Main Street Commercial Corridor

4.4.1.1 Planning Objectives

4.4.1.2 Urban Design Objectives

4.4.1.4 Permitted Uses

4.5 Planning Impact Analysis

10. Policies for Specific Areas

10. cxii) 100, 335 and 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street

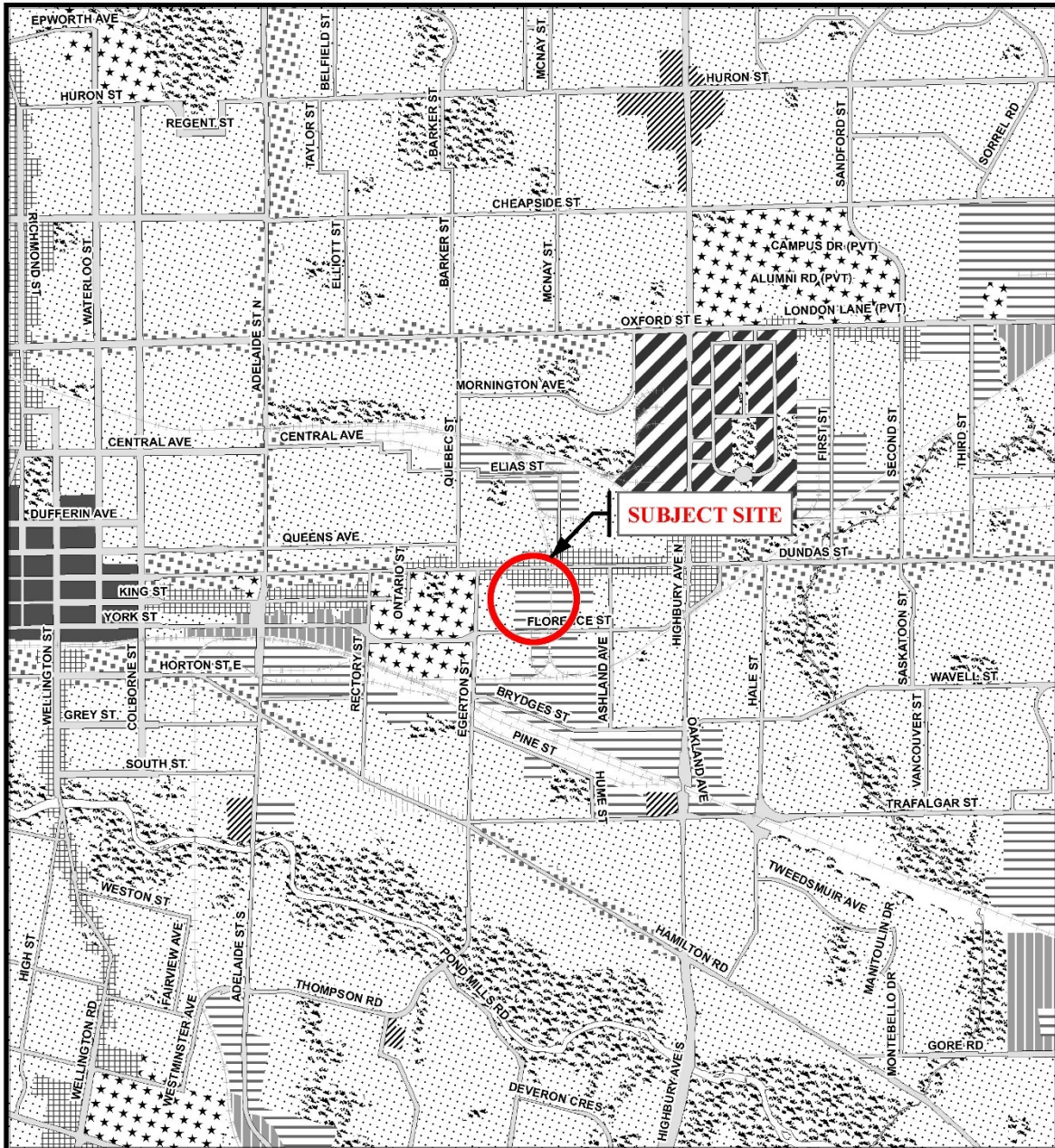
19. Implementation

19.9.5. Noise, Vibration and Safety

19.9.5. iii) Rail Safety

Appendix D – Relevant Background

The London Plan – Map 1 – Place Types



Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

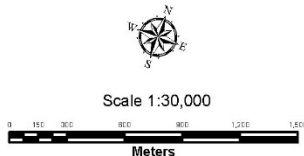
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

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LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



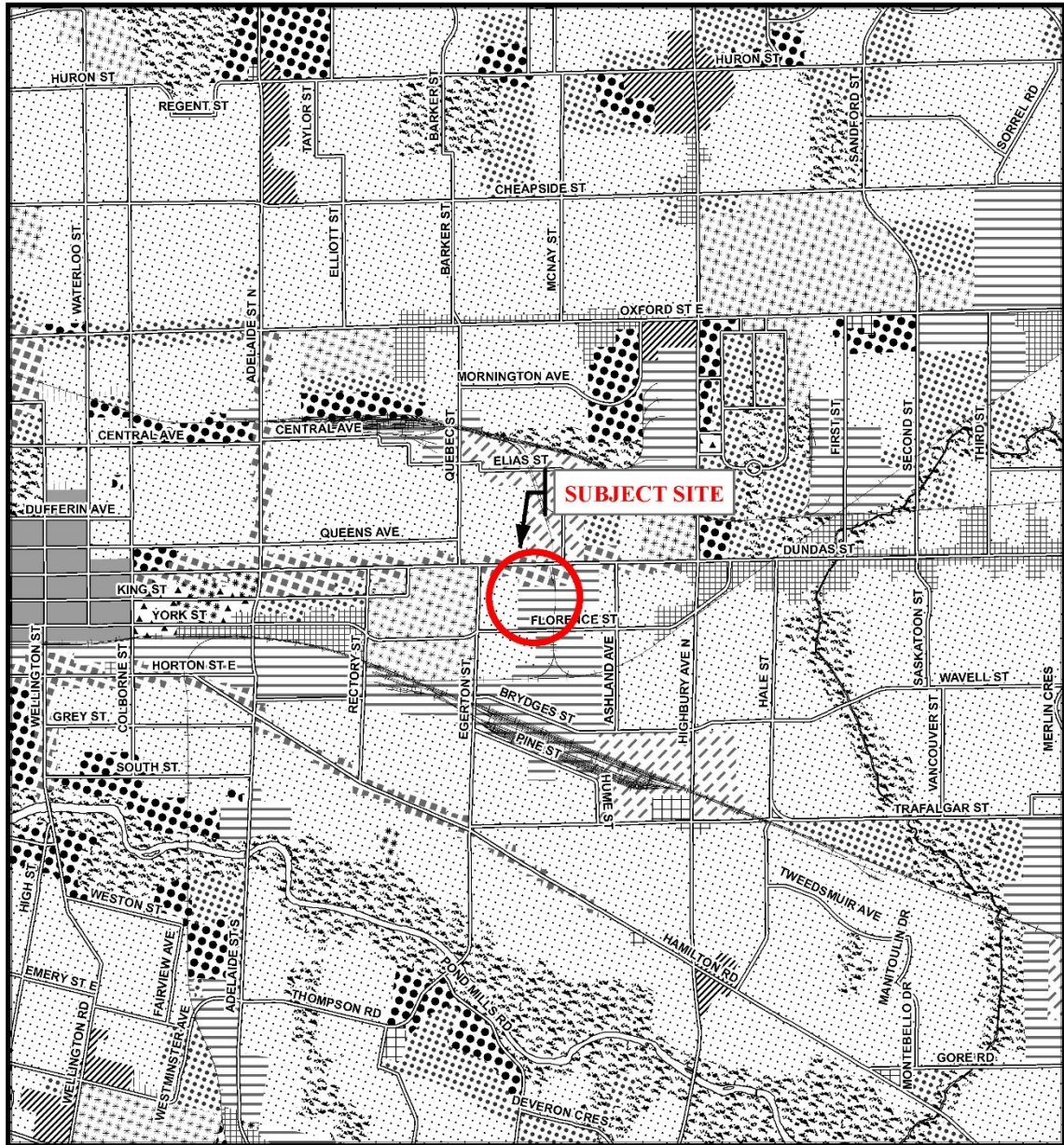
File Number: Z-9408

Planner: BD

Technician: RC

Date: December 2, 2021

1989 Official Plan – Schedule A – Land Use

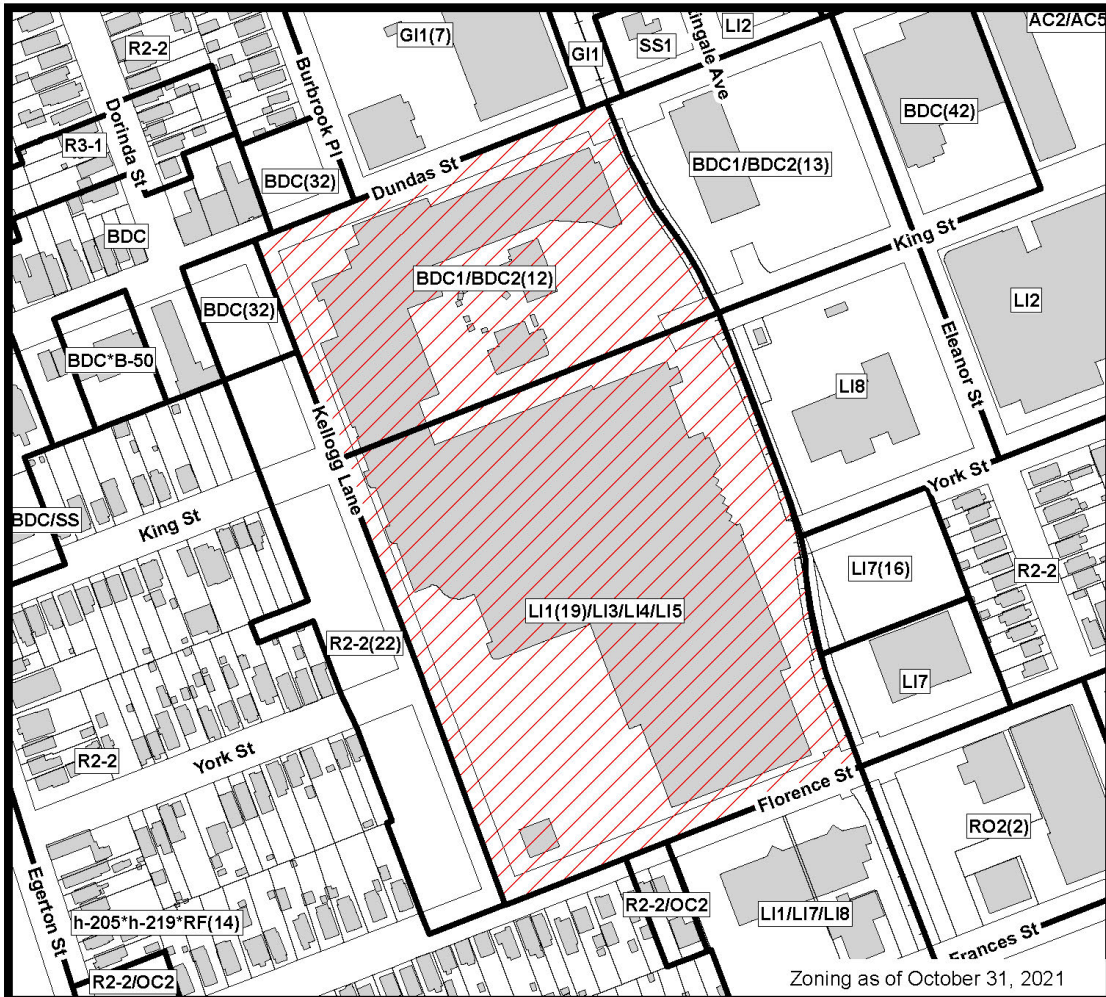


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p>CITY OF LONDON</p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 600 900 1,200 1,500</p> <p>Meters</p>	FILE NUMBER: Z-9408
		PLANNER: BD
		TECHNICIAN: RC
		DATE: 2021/12/02

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT 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:

Z-9408

BD

MAP PREPARED:

2021/12/02

RC

1:3,000

0 15 30 60 90 120
Meters