

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: 1407 - 1427 Hyde Park Road (at South Carriage Road)
City File: OZ-9438/York Developments - Ward 7
Public Participation Meeting

Date: March 27, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of York Developments relating to the properties located at 1407-1427 Hyde Park Road:

- (a) the request to amend the Official Plan to permit a single storey building height within the Main Street Place Type in The London Plan, **BE REFUSED** for the following reasons:
- i) the proposal is not in conformity with the 2020 Provincial Policy Statement;
 - ii) the proposal is not in conformity with the Main Street policies in The London Plan; and,
 - iii) the proposal is not in conformity with the Hyde Park Community Plan - Community and Urban Design Guidelines.
- (b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject properties to permit a site-specific Business District Commercial Special Provision (BDC2(_)) Zone, **BE REFUSED** for the following reasons:
- i) the proposal is not in conformity with the 2020 Provincial Policy Statement;
 - ii) the proposal is not in conformity with the Main Street policies in The London Plan;
 - iii) the proposal is not in conformity with the Main Street Commercial Corridor policies in the 1989 Official Plan; and,
 - iv) the proposal is not in conformity with the Hyde Park Community Plan - Community and Urban Design Guidelines.

Executive Summary

Summary of Request

The applicant initially requested amendments to:

1. add a Specific Policy Area to permit a single-storey building within the Main Street Place Type in The London Plan, whereas a minimum of two storeys are required, and to add the subject site to Map 7 – Specific Policy Areas.
2. change the zoning from a Holding Business District Commercial Special Provision (h*BDC2(4)) Zone and a Business District Commercial Special Provision (BDC2(3)) Zone to a Business District Commercial Special Provision (BDC2(_)) Zone with special provisions to permit stacked townhouses, maintain the existing special provision exempting the site from the maximum 3.0 metre front yard depth (South Carriage Road); to permit a maximum mixed-use density of 65 units per hectare, a maximum building height of 14.5 metres in place of 12.0 metres, a drive-through facility associated with a restaurant, whereas drive-

through facilities are not permitted, a minimum of 202 off-street parking spaces in place of 222 spaces and parking in the front yard, whereas parking in the front yard is not permitted.

A second submission received on December 21, 2022 removed the request for the restaurant with a drive-through facility and made further minor changes to the proposal. In addition, due to a recent change in City-wide parking standards, the required parking is now 77 vehicle spaces and 9 bicycle spaces but the applicant is proposing 177 vehicle spaces and 36 bicycle spaces, all exceeding the requirements. All other requests remained the same.

Purpose and the Effect of Recommended Action

The purpose of the recommended action is to refuse all the requested amendments. The effect of the recommended action would not allow for single storey buildings, whereas a minimum of two storeys are required, and not allow for a Business District Commercial zoning with special provisions for a use that does not meet the long term planned vision for the area.

Rationale of Recommended Action

1. The requested amendments are not consistent with the PPS, 2020 because it will result in an inappropriate form of development, is an underutilization of the site and will create safety concerns for pedestrians and residents on the subject site;
2. The proposed site layout and function between the residential and commercial uses as to how they integrate with one another and lack of amenity space for the residential uses are major concerns;
3. The requested amendments are not in conformity with the Main Street Place Type policies in The London Plan with regard to intensity and form;
4. The requested amendments do not conform to the policies of the 1989 Official Plan because it creates a form of development not consistent with the Main Street Commercial Corridor policies; and,
5. The requested amendments do not conform to the policies of the Hyde Park Community Plan – Community and Urban Design Guidelines because it creates a form of development not consistent with the Business District policies.

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. Refer to Appendix C for further details on the characteristics of the proposed application related to the City's climate action objectives.

Analysis

1.0 Site at a Glance

1.1 Property Description

The property is relatively flat with no designated natural features except for a municipal drain which traverses the site. The Van Horik drain runs along the southern boundary of the site and across a portion of the site to the northeast.

1.2 Current Planning Information

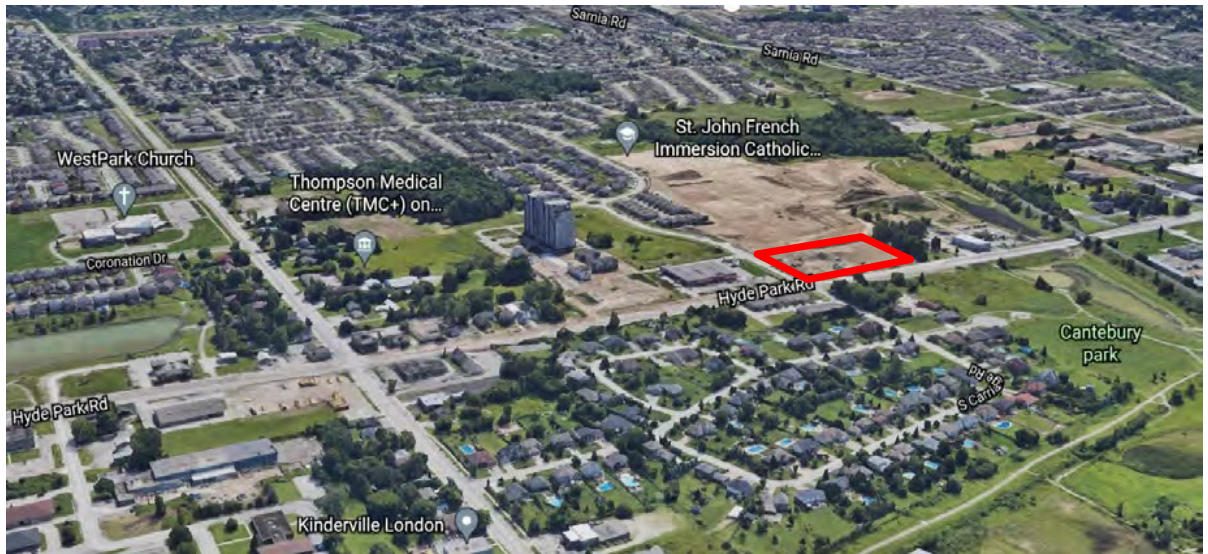
- 1989 Official Plan Designation – Main Street Commercial Corridor
- Hyde Park Community Plan – Business District
- The London Plan Place Type – Main Street
- Existing Zoning – Business District Commercial Special Provision (BDC2(3)) and Holding Business District Commercial Special Provision (h.BDC2(4)) Zones.

1.3 Site Characteristics

- Current Land Use – Undeveloped
- Frontage – 93 metres (South Carriage Road)
- Depth – 149 metres (Hyde Park Road)
- Area – 1.4 hectares
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – South Carriage Road, hardware store (Peavey Mart), retail commercial businesses, apartment building and townhouses
- East – low density residential including street townhouses and single family detached dwellings.
- South – Commercial uses with a street-orientated design, SWM pond and CPR railway corridor
- West – Hyde Park Road (4 lane road with turning lanes), vacant land, low density residential subdivision and Canterbury Park.



Aerial Photo of Subject Site looking Southeast

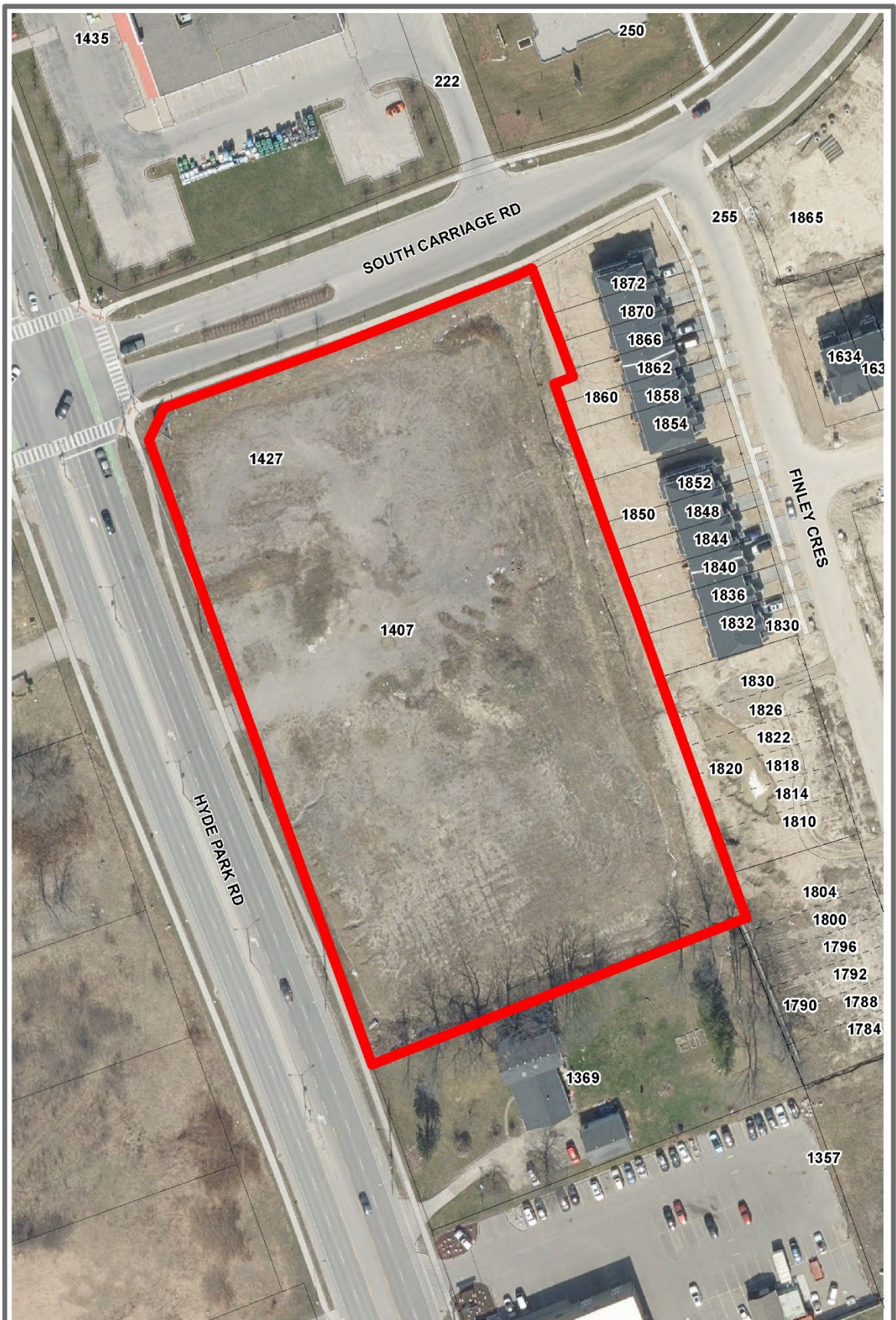


Aerial Photo of Subject Site looking Southwest

1.5 Intensification (72 stacked townhouse units)

The proposal includes residential units that do not represent intensification within the Built-Area Boundary nor the Primary Transit Area but are within the Urban Growth boundary.

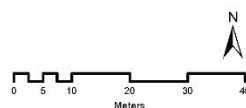
1.6 LOCATION MAP



LOCATION MAP

Address: 1407-1427 Hyde Park Road
 File Number: OZ-9438
 Planner: Chuck Parker
 Date: 2022/08/05

Corporation of the City of London
 Prepared By: Planning and Development



Scale 1:1000

Legend

- Subject Site
- Buildings
- Assessment Parcels
- Driveways/Parking Lots
- Draft Approved Subdivisions

2.0 Description of Proposal

Proposal

The initial design concept developed for the Site integrated the following three main components:

- A multiple-unit, single storey commercial structure along Hyde Park Road accommodating a variety of service/retail commercial uses with seven individual units ranging in gross floor area (GFA) from approximately 109 m² to 140 m² and a total gross floor area of 921 m²;
- A stand-alone restaurant (McDonalds) at the corner of Hyde Park Road and South Carriage Road with an accessory drive through facility and an approximate gross floor area (GFA) of 410 m² ;
- Two, 3.5 storey stacked, back-to-back townhouse buildings accommodating a total of 72 dwelling units in the central portion of the property;
- A common parking area comprised of 187 surface parking stalls, including barrier free spaces, and integrating 76 bicycle parking stalls and internal loading areas;
- An internal walkway system (1) providing pedestrian connectivity to commercial and residential units, adjacent sidewalks and the parking field and (2) incorporating enhanced landscaping elements (e.g., gazebo feature); and,
- Vehicular access from Hyde Park Road and South Carriage Lane with internal drive aisle connections, pedestrian walkways and loading areas. A joint access with 1369 Hyde Park Road is proposed to accommodate the southern entrance.

In response to City comments and deferral of the application at Planning and Environment Committee on September 12, 2022, the applicant made the following revisions to their proposal which was submitted November 21, 2022 and circulated for additional comments (see below);

- Increased the amount of commercial gross floor area from 1340m² to 1668m²;
- Removed the request for a restaurant with a drive-through facility;
- Adjusted the provided parking following a general City-wide parking reduction to provide more than required, 177 vehicle spaces instead of 77 and 36 bicycle spaces in place of 9;
- Increase the lot coverage from 26% to 28%; and,
- Increase the landscaped open space from 32% to 35%.



Proposed Site Plan – Second Submission



Commercial Buildings along Hyde Park Road looking North- East



Stacked Townhouses in the Central Portion of the Site

3.0 Relevant Background

3.1 Planning History

The subject site was part of the Hyde Park Community Plan area (1989 Official Plan), on lands that were annexed from London Township on July 1, 1993. At the time of annexation, Hyde Park had a considerable amount of existing industrial, community facility, commercial and residential uses within its boundaries. The existing commercial area centred on the intersection of Hyde Park and Gainsborough Roads had a distinct “village form” at the time, with street-orientated businesses along both Hyde Park Road and Gainsborough Road.

In 1999 the developers (First Professional Management) of the commercial area at Hyde Park and Fanshawe Park Road and the City initiated the Hyde Park Community Plan. In December 1999 the Hyde Park Community Plan – Community and Urban Design Guidelines were completed to guide future development in the area. Those guidelines are still used and form part of The London Plan City Design Guidelines in Policy 1716_6 of the Plan. The Hyde Park Community Plan was Council adopted December 2, 2000 and formed part of the 1989 Official Plan policies. The Hyde Park Community Plan has now been incorporated into The London Plan and is no longer in force and effect although it has to be considered in the evaluation of this application because it was in force and effect when this application was submitted.

Not soon after the completion of the Hyde Park Community Plan, an application (OZ-6368/Braskal Corporation) was initiated on a portion of the subject property requesting amendments to allow service commercial uses on these lands and on lands to the north of the proposed South Carriage Road. On September 2, 2003 Council passed a Zoning By-law amendment (BDC2(3)) which removed the maximum front yard depth of 3.0 metres from the northern portion of the subject property and lands north of the proposed future road allowance (South Carriage Road) to allow the development of a hardware store (TSC, now Peavey Mart) on the latter lands. The maximum setback regulation had been put in place to implement policies in the Hyde Park Community Plan and guidelines in the Hyde Park Urban Design Guidelines which encouraged street-orientated development to maintain the “village character of commercial development in that area.

It is important to note that the report from Planning staff to Planning Committee on August 25, 2003 recommended that;

- (a) *The request to amend the Official Plan by adding a site specific policy to allow for flexibility in the orientation and setback of buildings in the Business District designation (1989 Official Plan) **BE REFUSED**;*
- (f) *The request to amend the Zoning By-law by adding a special provision to permit drive-through restaurants, tavern, and an increased setback for buildings in the Business District designation, **BE REFUSED**; ...*

On September 2, 2003 Council concurred with those recommendations but approved a special provision zone only for the north portion of the subject property to delete the maximum front yard setback regulation.

Since that time a number of other commercial developments in the area (eg. Dentist office at 994 Gainsborough Road; residential/retail development at the intersection of Hyde Park and Gainsborough Road and new commercial development at 1331, 1351 and 1600-1622 Hyde Park Road) have all developed consistent with the Hyde Park Community Plan and Guidelines, which encouraged pedestrian-orientated forms of commercial development, ie. buildings located close to the street with rear yard parking.

In summary, policies and guidelines in the Hyde Park Community Plan (Secondary Plan under the 1989 Official Plan) and Urban Design Guidelines have been in place since the late 1990's and development since, except for one exception at 1435 Hyde Park Road (TSC/Peavey Mart), has conformed to those policies and guidelines. The proposal on the subject site does not meet the intent of The London Plan, 1989 Official Plan and Urban Design Guidelines.

3.2 Requested Amendments

The applicant initially requested amendments to:

1. add a Specific Policy Area to permit a single-storey building within the Main Street Place Type in The London Plan whereas a minimum of two storeys are required and to add the subject site to Map 7 – Specific Policy Areas.
2. change the zoning from a Holding Business District Commercial Special Provision (h*BDC2(4)) Zone and a Business District Commercial Special Provision (BDC2(3)) Zone, to a Business District Commercial Special Provision (BDC2(_)) Zone with special provisions to permit stacked townhouses, maintain the existing special provision exempting the site from the maximum 3.0 m front yard depth (South Carriage Road); to permit stacked townhouses at a maximum mixed-use density of 65 units per hectare, a maximum building height of 14.5 metres in place of 12.0 metres, a drive-through facility associated with a restaurant whereas drive-through facilities are not permitted, a minimum of 202 off-street parking spaces in place of 222 spaces, and parking in the front yard whereas parking in the front yard is not permitted.

The applicant did not revise their requested amendments but did revise their proposal in response to City staff's previous comments.

3.3 Public Engagement (see more detail in Appendix A)

On December 2, 2021 a Notice of Application for the initial application/first submission was sent to 159 property owners within 120 metres of the property boundaries. Notice of application newspaper notice was also placed in the Londoner on December 3, 2021. A notice of public meeting for the September 12, 2022 Planning and Environment Committee meeting was also sent on August 24, 2022 and Londoner notice was provided August 25, 2022.

In response to those notices eight comments were received.

The issues identified by the public included;

1. *increased traffic and reduction in pedestrian safety from commercial development and drive-through;*
2. *increased litter and garbage;*
3. *need for another McDonald's restaurant;*
4. *impact of restaurant/drive-through on climate change; and,*
5. *disrespects the nearby memorial for the Afzaal family.*

As a result of changes made by the applicant in the second submission, concerns raised in #1, #3 and #4 related to a commercial use with a drive-through facility are no longer relevant.

3.4 Policy Context

Provincial Policy Statement 2020

The PPS provides overall policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. Part IV of the PPS outlines that this policy instrument provides a vision for land use planning in Ontario that focuses growth within settlement areas and encourages efficient development patterns to optimize the use of land, resources and public investment in infrastructure and public service facilities.

The applicants have reviewed the policies against the proposed development plan with regard to the policy direction and provisions of the PPS in Section 4.0 (Planning Analysis) of their Planning and Design Report. Planning staff have also reviewed the policies and offer the following comments on conformity with the PPS.

The PPS tries to achieve a balance between providing for growth and creating healthy, safe, sustainable transit and pedestrian friendly communities. The PPS *“supports the provincial goal to enhance the quality of life for all Ontarians.”* (Part 1: Preamble). Further, it provides for appropriate development while protecting *“public health and safety, and the quality of the natural and built environment.”* In the PPS (Part IV) the Vision for Ontario’s Land Use Planning System states *“Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long term prosperity, human and environmental health and social well-being should take precedence over short-term considerations”*. The proposal as shown is new development; however, the site layout and function of the site and the mixing of commercial and residential parking and traffic may create a safety issue for pedestrians and residents.

In addition, this section states *“Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel”*. The proposal can be characterized as a one storey, suburban form of development on an undeveloped piece of land. Although, the commercial buildings are street-oriented and provide pedestrian connections to the sidewalk, there are large areas of surface parking which are used as an inappropriate buffer between the commercial and residential uses. Affordable housing is not proposed for the residential component of the proposed development and the provided green space/amenity space for the residential uses is limited.

Specifically, the proposed concept is not considered an *“efficient development ...pattern”* (Section 1.1.1 a)) because the commercial development is a one storey, stand-alone use within a Main Street corridor where integrated mixed use buildings are encouraged, public safety may be impacted by inappropriately mixing residential and commercial uses in the same parking lot all resulting in an underutilization of an undeveloped “greenfield” site. In addition, there is very little functional amenity space and buffering for residential uses, while an oversupply of surface parking is being proposed (1.1.1 b) and e)).

The subject site is also close to the Urban Growth Boundary to the west and there are minimal lands in this area for further development and any remaining vacant lands, including the subject property, should seek to be developed to their maximize potential within the existing policy framework for the area.

With regard to Section 1.1.2, *“sufficient land shall be made available...”*, there are ample lands already used for commercial uses a short distance to the north at Hyde Park and Fanshawe (over 100,000m² of commercial), to the east at Sherwood Forest Mall and to the south at Oakridge Mall.

The subject site is within a Settlement Area/Urban Growth boundary, but not the Built-up Area boundary, and doesn't efficiently use land... (Section 1.1.3.2 a)) or infrastructure (1.1.3.2 b)). The proposal is generally transit supportive simply due to its location and proximity to the street. The development must provide safe pedestrian connections around and into the site which is still a concern given the proximity of residential and commercial uses to one another and the sharing of parking areas. The development has potential to improve on these concerns through a more appropriate form of development (1.1.3.4.)

With regard to Section 1.4 (Housing), the proposal doesn't provide for affordable housing (1.4.3 b) because it appears to only include market based stacked townhouses.

With regard to Section 1.6 (Infrastructure and Public Service Facilities) the Main Street Place Type provides the subject site the ability to provide for a more intensive and appropriate form of mixed-use development. This would result in a more efficient use of the existing infrastructure in the area than the current proposal provides.

Section 1.6.7 (Transportation Systems) states "*A land use pattern, density and mix of uses should be promoted that minimizes the length and number of vehicle trips and support current and future use of transit and active transportation.*". The proposed site plan includes a large amount of surface parking and there are few pedestrian connections to the abutting adjacent residential neighbourhoods.

The proposal meets Section 1.7.1 a) (Long-Term Economic Prosperity) by providing an opportunity for economic development but doesn't satisfy subsection b) range of housing options, c) optimizing use of land and infrastructure, e) encouraging a sense of place, well-built form, g) integrated multi-modal transportation system and j) promoting energy conservation. All other criteria do not apply to this proposal.

Section 1.8 (Energy Conservation, Air Quality and Climate Change) also are not met due to the emphasis on parking for automobiles and the minimal amount of amenity space.

Summary

Although the proposal is development on a vacant parcel of land ("greenfield" site) within the Urban Growth boundary and is street-oriented, the proposal is not in conformity with most of the policies in the 2020 Provincial Policy Statement with regard to intensity, wise use of existing infrastructure and land, pedestrian friendliness, mix of housing, lack of amenity space and the creation of a healthy and safe environment. The low height and amount of land covered by parking are primary features which are not in conformity with the policies.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted June 23, 2016, approved by the Ministry with modifications on December 28, 2016, and in force and effect on May 20, 2022).

Use

The subject lands are in the Main Street Place Type in The London Plan, permitting a broad range of residential, retail, service, office and institutional uses to serve surrounding neighbourhoods within walking distance (Policy 908_1). Main Streets can include older business districts in the City or newer developments which have a similar form and function. Mixed-use buildings will be encouraged (Policy 908_2) and retail and service uses will be encouraged at grade, with residential and non-service office uses directed to the rear and upper floors of buildings (Policy 908_3). The proposal doesn't mix the uses in one building, instead it includes uses in separate buildings, which is not in conformity with these policies.

The proposal detracts from the “vision” of the area established by the Hyde Park Community Plan and Urban Design Guidelines in 1999 and carried forward by The London Plan through the inclusion of a single storey development, especially at the intersection of South Carriage Road. Site plan approval will be required following the zoning by-law amendment process.

Intensity

The London Plan does not use density like the previous 1989 Official Plan as a measure of intensity, it uses intensity and form to regulate development.

Policy 791 states that *“Zoning on individual sites may not allow for the full range of heights permitted within a Place Type. To provide flexibility, height limits have been described in building storeys rather than a precise metric measurement. For clarity, this is meant to convey the number of usable above-grade floors in a building. In some cases, minimum heights are to be measured by the lesser of storeys or metres. This alternative measure has been provided to allow for greater flexibility through implementation.”* Further Table 8 (Summary of Minimum and Maximum Heights by Place Type) indicates that the minimum height allowed in the Main Street Place Type is *“2 storeys or 8m”*.

Both the first submission and second submission show a 8.9 metre (29.3 ft) one storey commercial building along Hyde Park Road, which does not meet the intent of the policy. Land uses are intended to be mixed vertically as opposed to horizontally.

The applicants have requested a special policy to allow one storey for the commercial component of the development but that is not in conformity with the policies, which are attempting to encourage higher intensity development along major roadways to make better use of land and infrastructure. A one storey height is typical of previous suburban development which was focused on the private automobile.

The requested height for the stacked townhouses of 3.5 storeys meets the intent of the policies which have a maximum height of 4 storeys. The applicant also requested a parking reduction; however, Council recently approved amendments which removed the minimum parking requirement from Main Street Place Types and lowered minimum parking rates for stacked townhouses, retail and office uses. A reduction in parking could provide more room for amenity space on the site, something that is deficient in the original proposal. However, the applicant is intending to provide more parking than required; 177 vehicle spaces in place of 77 required and 36 bicycle spaces in place of the 9 spaces required.

Policy 910 also limits large floor plate commercial buildings in Main Street Place Types to a maximum gross floor area of 2000m² which may impact future leasing of the commercial buildings. No details have been provided regarding future tenants.

Form

Policy 911 states *“all new development will be designed to be well integrated with the character and design of the associated Main Street.”* The original Hyde Park Community Plan (1989 Official Plan) intended that all future commercial development along the Hyde Park and Gainsborough Road corridors would have a “village” character. For example, buildings along the street, rear yard parking, similar to the existing development at the intersection. Since these lands were annexed into the City and both the Hyde Park Community Plan and associated design guidelines were put in place, with one exception to the north of the subject property (1435 Hyde Park- TSC/Peavey Mart), new developments in the Hyde Park area have adopted the form under the framework of the design guidelines. New development is generally street-oriented with sidewalks and landscaping/street trees in front and parking to the rear. The Hyde Park Urban Guidelines (911_3) are still being used to evaluate development application proposals. They will be discussed further in Section 4.1 of this report.

Policy 911_4 requires buildings along the front property line to be consistent with other developments in the area. Along Hyde Park Road the proposal shows windows, doors and signage to the individual commercial units. The frontage along South Carriage Road is proposed to have no buildings, just landscaping and parking which does not meet the intent of the policy.

Policy 911_5 addresses pedestrian connections placing a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety. Although the proposed site plan provides a pedestrian access along the Hyde Park street edge, the proposed connections through the site require pedestrians to traverse over laneways serving commercial land uses and a large parking area between the commercial building and residential uses to the east. Doing the latter is a safety hazard. Policy 911_9 indicates that surface parking is to be located in the rear (to the south) or interior side yard (to the east). Although the Applicant's proposal demonstrates an effort to screen parking from Hyde Park there is still a large area of parking located in the front yard along South Carriage Road, which is highly visible and not in keeping with the intent of this policy.

Planning and Development Staff have suggested the following: that the northerly residential building be rotated and placed along the South Carriage Road street edge with unit entrances along the street, that the street facing parking be removed, that the building elevation at the intersection of Hyde Park and South Carriage be enhanced, and that the maximum building setbacks along Hyde Park Road (2 metres) and South Carriage Road (4 metres) be reduced to better meet the intent of the policy.

Summary

Except for the street edge along Hyde Park Road and the mix of commercial and residential, albeit in separate buildings, the proposal doesn't conform to the Main Street Place Type policies in a number of areas including street elevations, location and amount of parking, functional amenity spaces, pedestrian connections, street intersection building orientation and height of buildings.

1989 Official Plan/Hyde Park Community Plan

The London Plan is currently in force and effect and replaces the former 1989 Official Plan; however, when this application was submitted, the 1989 Official Plan and associated Hyde Park Community Plan was still in force and the policies still have to be evaluated through this application review process.

These lands were designated as Main Street Commercial Corridor in the 1989 Official Plan which is very similar to the Main Street Place Type in The London Plan discussed above.

The Main Street Commercial Corridor designation permits 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 facility, residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings as the main uses (4.4.1.4).

They are similar in regard to other policies including Planning Objectives/Character (4.4.1), common parking areas (4.4.1 iii)), mix of uses at higher densities (4.4.1 iv)), urban design objectives (4.4.1.2), function (4.4.1.3.), location (4.4.1.5), encouraging mixed use development (4.4.1.8) and urban design (4.4.1.9). The only difference between the designation and the Place Type is that there is no minimum height specified in Section 4.4.1.7 (Scale) of the previous 1989 Plan. It does indicate that any residential uses be at a Medium Density Residential scale which is a maximum of 75 units per hectare.

The Hyde Park Community Plan, and associated urban design guidelines, were a

Secondary Plan (Council approved in April 1999) under the 1989 Official Plan and included more specific policies for the area. Some relevant features include recognizing the Hyde Park Village or hamlet as a separate commercial entity and avoidance of typical “strip” commercial suburban development in commercial areas. The Plan states;

“The transformation of an existing mix of auto-orientated and pedestrian-orientated commercial uses in the Hyde Park hamlet to a commercial “village” was eagerly supported by the current business owners and the community at large. The creation of a pedestrian scale commercial focal point was desirable for the community and is supported by the Hyde Park Urban Design Guidelines. Additional lands have been designated to provide room for parking and provide for “gateways” to the business area....”

The Community Plan also did not specify a minimum height but it did encourage a form of development which was similar to existing development at the intersection of Hyde Park and Gainsborough Roads. The Design Guidelines saw this area as a proposed business district, a high activity area with streetscaping and a building orientation to create a pedestrian-friendly, mixed-use area where people can live, work and shop. (2.0 Urban Form). Section 6.0 of the Guidelines provides further direction.

Summary

The policies in the Main Street Commercial Corridor designation in the 1989 Official Plan, the Business District designation in the Hyde Park Community Plan (Council approved April 1999) and the Main Street Place Type in The London Plan are almost identical which means a consistent set of policies have been in place for this specific commercial area since the late 1990’s as the Hyde Park area developed from a rural community (annexed in 1993) into a developing community. The subject site is towards the southern end of the commercial area but is still part of the Main Street Place Type. The proposal as submitted also does not comply with the 1989 Official Plan policies.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Urban Design/Site Plan Issues

Both the Site Plan and Urban Design Sections of the Planning and Development Department and the Urban Design Peer Review Panel (UDPRP) had significant concerns about the design of the proposed development and its ability to meet the intent of the Main Street Place Type policies in The London Plan.

Comments had been provided during both the application pre-consultation (March 17, 2021) and site plan pre-consultation (June 19, 2021) with no significant changes being made prior to the formal application being submitted on September 17, 2021. The public notice was sent December 1, 2021 and through that process similar comments, including new comments from the UDPRP, were received identifying the same concerns as previously provided from staff. Planning staff offered the applicant an opportunity to revise their proposal but they declined on June 16, 2022.

The application was scheduled to be heard at the September 22, 2022 Planning and Environment Committee where Staff had prepared a report recommending refusal of the application. At the applicants request the item was deferred. The applicant met with City staff and on November 21, 2022 submitted a second proposal which removed the restaurant and associated drive-through and made minor changes to increase commercial gross floor area, reduce some yard requirements, increase coverage and landscaped open space and reduce parking.

The components of the proposal which met the intent of the Main Street Place Type policies is the limited setback next to Hyde Park Road (although staff commented it could be moved closer); the inclusion of windows, entrances and signage along Hyde Park Road for individual businesses; and the mix of uses, although they are proposed in separate buildings and not in one mixed use building as encouraged by the policies.

Below is a summary of 1) the issues raised by staff and the UDPRP and 2) possible resolutions from the UDPRP and Urban Design/Site Plan staff to meet the intent of the policies and create a better development;

1) Issues with the Submitted Second Proposal

1. The commercial building along Hyde Park Road is only one storey in height, the policies require a minimum of two storeys (London Plan Policy 908_2);
2. The site layout and function are major concerns;
3. Mix of commercial and residential parking could create a safety hazard;
4. Proposed parking in the front yard and building and parking area setbacks contrary to Main Street Place Type;
5. Inadequate outdoor amenity area particularly for residential uses;
6. UDPRP indicated the overall site design was confusing and detracted from the residential environment;
7. Joint access with 1369 Hyde Park Road requires a consent application, is not supported by Transportation , and creates tree preservation concerns; and,
8. Enclosure of municipal drain requires UTRCA approval.

2) Possible Improvements to Proposal

1. Include a minimum two storey building along Hyde Park Road with ground level retail/office uses and residential or office uses above, split Building 2 into two buildings with parking areas between the two buildings to allow for better access to the commercial units along Hyde Park Road frontage to parking area;
2. Separate commercial and residential parking areas;
4. Rotate Building 3 along South Carriage with parking behind with a 75% street wall frontage. The proposed parking along South Carriage should be removed;
5. No parking shall be located between the street frontages and the building face (The London Plan Policy 911-9) and screen all surface parking areas;
6. Ensure the proposed built form at the intersection emphasizes and addresses the corner location (The London Plan Policy 291);
7. Design the space between the building and the Right-of-Way so it is similar to other developments in the area with a main sidewalk, secondary sidewalk and large planting beds;
8. Ensure direct and safe pedestrian connections, currently there are significant barriers /obstacles to pedestrian flow; and,
9. Locate any garbage/recycling facilities away from public street frontage and in the proposed McDonalds put it in the building.

The Urban Design Peer Review Panel (UDPRP) and both the Site Plan and Urban Design Sections of Planning and Development Department indicated that “*significant modifications*” were required to meet the intent of the policies of the Main Street Place Type in The London Plan and comply with urban design policies and site plan regulations. The second submission addresses some of those concerns but the above issues still have not been addressed.

4.2 Issue and Consideration # 2 – Traffic/Pedestrian Safety

This issue was discussed above but the public responses to the application raised this as their main issue. It includes a concern about traffic at the intersection, turning into the site, traffic on Hyde Park Road and on-site traffic and its impact on pedestrians moving around and into the site. Public health and safety are important measures in the Provincial Policy Statement (See Section 3.4 – Policy Context) and need to be considered and addressed.

The current proposal does not address public/pedestrian safety into and around the site. It should also be noted that Transportation does not support the proposed southerly shared access shown on the second submission.

4.3 Zoning By-law Z.-1 Issues

The subject property is currently zoned Holding Business District Commercial Special Provision (h*BDC2(4)) on the majority of the property and Business District Commercial Special Provision (BDC2(3)) Zone on the northerly portion. Permitted uses include apartment buildings with any or all of the other permitted uses on the first floor, dwelling units restricted to the rear portion of the ground floor or on the second floor or above with any or all of the other permitted uses in the front portion on the ground floor, and a broad range of retail, service, office, recreation, entertainment, institutional and community uses subject to a holding provision for services. The northern portion has a special provision which removes the maximum front yard depth setback. Regulations include a maximum 12 metre height except for apartment buildings which require a zoning by-law amendment application to establish a maximum height for development.

The applicants have requested a Business District Commercial Special Provision (BDC2(_)) Zone with special provisions to;

- 1) permit stacked townhouses;
- 2) maintain the existing special provision exempting the site from the maximum 3.0 m front yard depth (South Carriage Road);
- 3) to permit a maximum mixed-use density of 65 units per hectare and a maximum building height of 14.5 metres in place of 12.0 metres; and,
- 4) parking in the front yard whereas parking in the front yard is not permitted.

Some of the requested zoning by-law special provisions are appropriate and in conformity with the Main Street Place Type policies with the exception of 2) and 4) based on the policy analysis and Department comments, above. Exemption from the maximum 3.0 metre setback and the proposed front yard parking are issues raised through the circulation process and are not in conformity with The London Plan Main Street Place Type policies and; therefore, no zoning by-law changes are being recommended for this site.

Hyde Park Community and Urban Design Guidelines

The guidelines were developed as part of Hyde Park Community Plan process and have been in place since December 1999 as Council adopted guidelines. Even though the guidelines were part of a Secondary Plan under the 1989 Official Plan they are still a listed guideline document (Policy 1716_6) under The London Plan because they still implement the Main Street Place Type in The London Plan. As indicated earlier, the policy approach for the commercial development surrounding the intersection of Hyde Park Road and Gainsborough Road has not changed since the late 1990's.

Section 6.0 (Hyde Park Hamlet) specifically addresses the design of development at the intersection with the following guidelines which are relevant to the subject site;

- *Buildings should be sited in close proximity to the street with walkways extending to the adjacent sidewalk.*
- *Street and pedestrian connections should be provided to neighbouring residential development.*
- *Encourage the planting of large deciduous “street” trees along the roadside to help shade and enclose the street, creating the atmosphere of an “outdoor room”.*
- *Encourage efficient and attractive design of parking lots. Reduce large expanses of asphalt into smaller visual units with landscaping.*
- *Buildings should define the public street space with building walls maximized along the street to enclose and animate the street and create a consistent street edge.*

The second submission for the subject site somewhat meets the intent of these guidelines but does not fully conform.

5.0 Conclusion

The second submission is not in conformity with the 2020 Provincial Policy Statement, the Main Street policies in The London Plan, the Main Street Commercial Corridor policies in the 1989 Official Plan, the Business District policies in the Hyde Park Community Plan and the Hyde Park Community Plan - Community and Urban Design Guidelines. Further revisions to the proposal are required to meet the intent of the policies and urban design guidelines.

Prepared by: **W.J. Charles Parker, MA**
Senior Planner, Long Range Planning and Research

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

Recommended by: **Heather McNeely, MCIP RPP**
Director, Planning and Development

Submitted by: **Scott Mathers MPA, P. Eng.,**
Deputy City Manager, Planning and Economic
Development

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

March 20, 2023

cc:

Britt O’Hagan, Manager, Current Development

Michael Pease, Manager, Site Plans

Ismail Abushehada, Manager, Development Engineering

Appendix A – Public, Department and Agency Comments

Public Engagement

Public liaison: On December 1, 2001, Notice of Application was sent to 159 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 2, 2001. A “Planning Application” sign was also posted on the site. A notice of public meeting was also sent out August 24, 2022 in advance of a public meeting to be held September 12, 2022.

8 replies have been received to date.

Nature of Liaison: Official Plan and Zoning amendments to allow:

- Mixed-use development
- Single-storey multiple-unit commercial structure
- Two, 3.5 storey stacked, back-to-back townhouse dwellings with a total of 72 dwelling units
- Special provisions regarding front yard depth, townhouse use, height and density.

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

Concern for:

1. *increased traffic and reduction in pedestrian safety from commercial development and drive-through;*
2. *increased litter and garbage;*
3. *need for another McDonald’ restaurant;*
4. *impact of restaurant/drive-through on climate change; and,*
5. *disrespects the nearby memorial for the Afzaal family.*

Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written/E-mail
	Diane Dempsey
	Samantha Watt
	A.J. Daniak
	Margaret Fuller
	Sandra Venneri
	Brandy Straub
	Jim Milliken

1) Public Comments

Diane Dempsey (to Councillor Josh Morgan)

“Proposed McDonalds restaurant

As a member of the community that sees a plan for a McDonalds being built on Hyde Park Road and South Carriage, I am compelled to communicate with you as the City Councillor for this area. I walk on a regular basis past this intersection and honestly have not recovered from the tragedy of last June. I am very happy to see the lovely tribute that has been constructed at this intersection for the Afzaal Family as a permanent reminder of the horror that occurred there. This makes this corner hallowed ground as it memorializes this lovely family. It truly seems like an extreme insult to this Memorial to allow a McDonalds Restaurant to exist exactly across from this special tribute. There are other reasons that I will also mention as to why it is not wise to move forward with any fast food restaurant. The increase in traffic is a big concern as there are always lines as cars pull over to get into the queue for take out. This area is already very busy with traffic and the pedestrians have to navigate very carefully. I predict there will be cars backed up on a regular basis especially at rush hour. Along with this will be increased litter and amounts of garbage that are generated by purchases as well as the huge carbon footprint that McDonalds inflicts on our community. It is extremely discouraging to read all the information about how McDonalds contributes to climate change by how they operate and do business everyday. Please check this data and see how bad they are in this area. The other issues that are very concerning are all the noises, smells, fumes, and light pollution that will interrupt the quietness of this residential area. I have so often enjoyed the song of the killdeer birds who nest in that open space currently and it saddens me all they will be wiped out. I do hope our City leaders will find a solution that is not going to sacrifice quality of life over a McDonalds restaurant...”

Samantha Watt

“There are already 3 McDonald’s in this area.

This would only cause congestion in a residential area, smell, and an ugly appearance. This area has a nice memorial set up across the street, and does not need an eyesore like McDonald’s to distract from it.

Please consider this... I’m sure we can also get lots of signatures to help back us all up. I really hope this isn’t a done deal.”

A.J. Daniak

“...In the conceptualized site plan, it shows a McDonald's as the restaurant. In another spot in the documents, it says that the restaurant was 'conceptualized' as a McDonald's. I was a bit unclear how they would be able to use the McDonald's logo, unless they were already in talks with the company? From the use of the logo, I assumed someone was already in talks with the franchise.

That said I did want to raise concerns that while I don't have objections to a restaurant or drive-thru necessarily I do think that a better suited restaurant could be chosen for the location. The first that comes to mind is a Starbucks (or a local independent coffee shop instead), but for sake of the conversation, a coffee shop would provide a much better lifestyle addition to the area residents, including to all those new proposed stacked townhouse residents who would be sharing a parking lot. A coffee shop would become a community hub where people can gather and meet and I think would be much more welcomed than a McDonald's - for many reasons. I understand that McDonald's would be considered an anchor tenant of the plaza, but that's why I compared it directly to a Starbucks. Less risk than an independent coffee shop. If not a coffee shop - any kind of local restaurant with good quality food would be more welcomed - think something like Dolcetto, Taverna 1331 that is right down the street, Porcino's and so forth. The Hyde Park main street that is being built up has much potential to become a hub for the city and while I have nothing personally against McDonald's, there are already 2 - one at Dalmagarry/Fanshawe Park, and one inside

the Hyde Park Walmart. I realize there is already a Starbucks as well at Fanshawe and Hyde Park road, but as Starbucks has demonstrated in certain locations there can be a Starbucks on multiple corners of the same intersection with no concern of customers served - as there is often that much demand. As well please note I am simply using Starbucks as an example in this situation, there may be many other more suitable choices.

I of course am not an official planner, do not have connections to Starbucks and am not privy to many of the other details I'm sure that go into the planning process before a decision is made, but I wanted to bring my comments to your attention for consideration and in case others share the same concerns.

Margaret Fuller

"I am a resident in the Hyde Park area and would like to be on record as opposing any zoning amendment that would permit a drive-through restaurant at the corner of Hyde Park Road and South Carriage Road.

As indicated in the "Notice of Planning Application", the London Plan does not permit a drive-through facility at this location, and I believe this check on development needs to be respected. In my opinion, the subject intersection was not designed for a drive-through facility, and by making allowances for one, the City of London would be creating an environment conducive to increased traffic problems and safety risks.

For this reason, I am strongly opposed to this proposed amendment and ask that the City respect the terms of the London Plan, which preclude a drive-through facility at the corner of Hyde Park Road and South Carriage Road."

Sandra Venneri

"I'm a resident near Hyde Park and would like to know the process of having a say in the plans. I want to speak up about the fast food restaurant and the planning of healthier options for our community that are allowed. With so many fast food options already, it seems excessive and not supporting public health initiatives that are important when city planning happens."

2) Department Comments

Urban Design (in response to the circulation of the second submission on December 9, 2022, Urban Design revised their previous comments as follows) (TLP- The London Plan, HPCPG-Hyde Park Community Planning Guidelines)

- *Consistent with the previous staff and panel comments, the following comments should be addressed in establishing appropriate zoning provisions (e.g. Setbacks, heights etc.) and as direction to site plan authority.*
- *This site is fully located within the Main Street Place Type in The London Plan[TLP] which contemplates a mid-rise mixed use-built form up to 6 storeys along Hyde Park Road[TLP 908-2; 910_4] and falls within the Hyde Park Community Plan Guidelines Area [HPCPG].*
- *For a more efficient use of the site that is in line with the vision of the London Plan Place Type, a vertically integrated mixed-use mid-rise building should be provided. Should the file planner support the density and form currently proposed, the following changes are required:*
 - *Relocate Building 3 to be closer to South Carriage Road. To create a strong street wall and active facades for a comfortable and vibrant pedestrian environment along South Carriage Road provide an enhanced elevation for Building 3's street fronting townhouse units. [TLP 911-9; HPCPG 4.1.2].*
 - *A maximum setback of 2m along Hyde Park Road and 4m along South Carriage Road from the property line should be considered to ensure buildings are located closer and oriented to the street.*
 - *Rotate "Building 3" and locate along the South Carriage Road frontage to allow for a greater portion of the built form parallel the street, with*

the surface parking located behind the building and direct access from the individual unit entrances to the public sidewalk.

- *A minimum building frontage requirement-75% of the plot frontage should also be considered to ensure a continuous street wall along street frontages.*
- *No parking shall be located between street frontages and the building faces. [TLP 911-9].*
 - *The proposed parking along South Carriage Road should be removed. This requires redesign of the site including locating the proposed stacked townhouses or alternative building typologies along South Carriage Road Frontage*
- *Ensure that the proposed built form at the intersection of Hyde Park and South Carriage emphasize and address the corner location through appropriate massing, height element and location of entrances. [TLP 291].*
- *Front doors for commercial and residential units are to be highly visible from and within convenient walking distance to the city sidewalk. Locate entrances to the end units of the commercial buildings on the north and south facades to provide convenient access from both the sidewalk and the parking lots, and to have a portion of the units with street-oriented access.*
- *Locate any garbage/recycling facilities away from the public street frontage.*
 - *Incorporate the garbage/recycling area south of “Building 2” into the building and fully wrapped with the same exterior materials;*
- *Screen any surface parking exposed to a public street with enhanced landscaping, including low landscape walls, shrubs, and street trees. [TLP 277, 278, 235]*
- *A minimum percentage of landscaped open space and perimeter buffering should be included in the zoning provisions to ensure adequate space for tree planting and to reduce the amount of impervious surface.*

The enhanced pedestrian connections and enhanced pedestrian realm along Hyde Park Road have been noted and should be carried forward through the site plan review.

Urban Design Peer Review Panel (December 15, 2021)

The Panel noted that the overall design strategy for the site was confusing and not in alignment with the intended “Main Street” character envisioned through the relevant City Documents (e.g. ’89 Official Plan & London Plan). Though the goal of integrating a mix of commercial and residential uses on the site is a good one, the organization of this site does so in a way that will detract from the residential living environment and the adjacent streetscapes. The following comment were provided to inform the on-going planning and design process for the project:

- *The Panel recommends that the site design be revised to focus a more prominent built form (e.g., 2-storey buildings min.) along the Hyde Park Road frontage in order to create the desired sense of enclosure for the main street pedestrian realm and appropriately relate to width of the adjacent ROW.*
- *Further/special attention should be paid to how the proposed built form related to the intersection of Hyde Park Road and South Carriage Road.*
- *The Panel noted that it was unclear if the principal unit entrances for the proposed commercial/retail units are, in fact, facing Hyde Park Road. Commercial buildings/units are recommended to be oriented toward Hyde Park Road to contribute to the desired Main Street character.*

- *The Panel recommends that no parking be sited between any proposed building and the adjacent public streets in accordance with City policy. This will require a significant reorganization of the site to rectify the current proposed edge condition along South Carriage Road.*
- *The Panel suggested that current proposed site layout and amount of commercial uses relative to the space provided for parking and circulation will create significant barriers/obstacles to pedestrian flow across the site, particularly for those accessing the west-facing residential units.*
- *The Panel expressed concern about the lack of amenity space provided for future residents of the site.*
- *The Panel suggests that many organizational issues noted above could be resolved by shifting to a true mixed-use concept with residential apartment units stacked above street-oriented commercial/retail space. Further density is likely achievable on the site in that scenario.*

Concluding comments:

This UDRP review is based on City planning and urban design policy, the submitted brief, and noted presentation. It is intended to inform the ongoing planning and design process. Significant modifications are recommended in order to ensure the proposed development contributes to the planned urban Main Street context of the area.

Site Plan Comments– from record of consultation comments provided June 2021

Site Design Comments:

- *Ensure the townhouses function separately from the commercial development, with adequate landscape buffering and separate entrances and parking facilities for each use.*
- *Provide an adequately sized and functional amenity space for the residential units.*
- *Locate the site access wholly on the subject property.*
- *Locate garbage/recycling facilities away from the public street frontage.*

Building Design Comments:

- *Explore opportunities to include a true mixed-use building along the Hyde Park Road frontage with commercial ground floor and residential on the upper levels, this could help resolve other site plan issues such as outdoor common amenity space and parking.*
- *Alternatively, split “Building 2” into two buildings with parking located between the two buildings to allow for better access to the commercial units along the Hyde Park Road frontage from the parking area.*
- *Orient any commercial units adjacent to Hyde Park Road to the street by including the principal building entrance on this elevation with direct access to the individual unit entrances to the public sidewalk.*
- *Rotate “Building 3” and locate along the South Carriage Road frontage to allow for a greater portion of the built form parallel the street, with the surface parking located behind the building and direct access from the individual unit entrances to the public sidewalk.*

- Design “Building 1” to have regard for its corner location. Building massing and articulation should address the intersection of Hyde Park Road and South Carriage Road.
- Design the space within the R.O.W., between the proposed building and the existing public sidewalk on Hyde Park Road, to be consistent with the design that has been implemented for other developments in the Hyde Park area.
- Provide for a store-front design for any ground-floor commercial units proposed on the Hyde Park Road frontage. This should include a higher proportion of vision glass, double doors, an increase in ground floor height, and the potential for canopies and lighting to frame the entrance.

Landscape Comments:

The City Landscape Architect provides the following comments consistent with the Official Plan, applicable by-laws, City design requirements and specifications:

- The current site plan shows site ingress across 1369 Hyde Park Rd with the removal of boundary and off-site trees.
- A tree preservation plan of the south property line is required as part of a complete application to:
 - establish the ownership of trees growing along property lines, including the identification of boundary trees that are protected by the province’s Forestry Act 1998, c. 18, Sched. I, s. 21.
 - Identify rare or endangered species that are protected by the province’s Endangered Species Act, 2007, S.O., C.6
 - Identify:
 - offsite trees 3m outside property line
 - “distinctive” trees - 50cm dbh that are protected by the City’s Tree Protection Bylaw, C.P. 1515-228
 - Identify canopy spread of all existing trees; tree symbols to reflect canopy extents
 - Detail tree removals, tree retention, tree fence alignment and construction mitigation measures.

The tree preservation plan must be completed in accordance with the City of London Design Specifications and Requirements Manual Section 12.1.2.1.

No tree removals arising from demolition, construction, or any other activity shall take place on the subject property prior to Site Plan Approval.

Tree protection measures shall be in accordance with Section 12 of the City of London Design Specifications & Requirements Manual and implemented prior to any tree removals, land clearing, demolition, excavation, construction or grading operations. A landscape plan is required as part of a complete application. The plan must be completed in accordance with the City of London Site Plan Control Bylaw Section 1.6.1, Section 9. The base plan should be the same scale as the site plan, superimposed on top of servicing plan. Include:

- cross-sections to show detailed tree and potted shrub planting methods. Planting details and specifications should be in accordance with the City of London Supplemental Standards for Tree Planting and Protection Guidelines <https://www.roadauthority.com/Standards>,
- planted islands within the parking areas a- one planter for every 50 stalls, planter 10sqm or 100 sq ft with 0.9m depth,
- tree planting along site fronting onto a public street in 3m wide landscape strip; 1 tree per 12m.
- tree planting along interior property lines in 1.5 landscape strip; 1 tree per 15m,

- screen drive through lane from Hyde Park
- tree planting along pedestrian paths to fulfill **London Plan Policies 386, 38, 388**
- (stamp) of a landscape architect,
- Consider planting vegetation that supports pollinators fulfills **London Plan Policy 249 and 649,**

Include in landscape notes:

If topsoil is to be stockpiled for use on site development, avoid mixing topsoil with subsoil. Limit height of stockpile to 3 meters to retain soil microorganisms and soil viability and fertility. Indicate on drawing intended stockpile location.

All work in the road allowance shall meet the minimum specifications of the City of London Standard drawing SR-1.0.

Ensure a minimum of 100 mm topsoil is laid in boulevard and protect the City Owned Road Allowance from compaction or soil contamination.

All tree removals must take place between September 1 and April 1st to avoid disturbing nesting migratory birds.

Tree may be removed outside this window only if a qualified bird specialist has been determined there are not nesting birds in the trees. This requirement is in accordance with the Migratory Birds Convention Act, 1994.

Ensure that tree protection fencing is installed around existing trees, do not place demolition or construction materials under tree canopy.

Tree Preservation comments (in response to the circulation of the second submission on December 9, 2022 the Landscape Architect revised her comments as follows)

The applicant has forwarded a Tree Assessment Report prepared by RKLA. There are no concerns about the assessment methods or format of report.

The inventory captured 27 individual trees within the subject site, within 3 meters of the legal property boundary, and within the City ROW adjacent to the site. No endangered species were observed during the tree inventory.

The southern ingress from Hyde Park encroaches onto adjacent property and requires the removal of several boundary trees and trees beyond the subject site.

Boundary trees are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21, and can't be removed without written consent from co-owner. Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act. 1998, c. 18, Sched. I, s. 21.

The City will not accept a Tree Preservation Plan at time of Site Plan Application with outstanding consents for the removal of boundary and offsite trees. Site Plan approval will require the letters of consent. Letters of consent for removal of offsite and boundary trees are to be forwarded to City with Site Plan Application Documents.

To remove the requirement for consent letters, move driveway ingress entirely within site and do not proposed the injury or removal of offsite and boundary trees,

Parks comments (December 1, 2021)

- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

Engineering comments

Sanitary (Dec 6, 2021):

- *Based on the recent submitted ZBA there was an attached servicing report for the above noted, SED notes that York and AGM identified the subject lands as a 1.41 ha area and was allotted an equivalent population of 141 people. As submitted, they are proposing 233 people in a mixed use of stacked townhouse residential, commercial retail and restaurant use on 1407-1427 Hyde Park.*
- *SED has no objection with the proposed population of 233.*
- *The intended outlet is a 450mm diameter on Hyde park Rd. As per record drawings there is an existing PDC stubbed to the 450mm diameter sanitary on Hyde Park for the entire subject lands when it was intended as one commercial development.*
- *As part of a future site plan application the subject lands proposed as a mixed use will need to demonstrate how they can be serviced and connected meeting all applicable standards to the abutting 450mm municipal sanitary sewers. The proposed development will require inspection MH's for the non residential uses. Further comments may be forthcoming with future development applications.*

Transportation (December 15, 2021)

- *No further widening requirements.*
- *Detailed comments regarding access design and location already provided at the site plan pre consultation in June/2021. (South access should be along projected frontage of 1407-1427 Hyde Park, joint access with 1369 Hyde Park not supported as the neighbouring property is already serviced by another access to the South and does not require an additional access.)*

Stormwater (December 21, 2021):

SWED staff have no new or additional comments for the subject site beyond those previously provided for pre-application consultation (dated March 5, 2021). Additional SWM related comments may be provided upon future review of this site.

The Stormwater Engineering Division staff have no objection to this pre-application. For the benefit of the project, please ensure the applicant is informed about the following SWM issues/requirements to be considered by the applicant's consultant engineer when preparing the storm servicing strategy for this land during the development application stage:

Specific comment for this site

- *The site is located within the UTRCA regulated area and therefore UTRCA approval/permits may be required, including confirmation as to required setbacks.*
- *As per attached as-constructed 19211 & 26822, the site at C=0.90 is tributary to the existing 525mm storm sewer stub at the western property line. The applicant should be aware that any future changes to the C-value will require the applicant to demonstrate sufficient capacity in this pipe and downstream systems to service the proposed development as well as provide on-site SWM controls. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, bioswales, etc.*
- *The number of proposed parking spaces exceed 29 and although the site is tributary to a stormwater management facility, City of London SWMF's are not designed to accommodate/treat oils. The owner shall be required to have a consulting Professional*

Engineer confirming how the water quality will be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) with a minimum of 80% TSS removal to the satisfaction of the City Engineer. Bearing in mind the City of London does not support Goss Traps/Catchbasin Hoods as standalone solutions to address water quality and should only be utilized as part of a Treatment Train Design.

- The proposed land uses of a medium density residential and commercial will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review.*
- The applicants consulting engineer shall ensure that there is no shared servicing between land uses proposed as part of the site plan application.*
- This site plan may be eligible to qualify for a Stormwater Rate Reduction (up to 50% reduction) as outlined in Section 6.5.2.1 of the Design Specifications and Requirements manual. Interested applicants can find more information and an application form at the following: <http://www.london.ca/residents/Water/water-bill/Pages/Water-and-Wastewater-Rates.aspx>.*
- Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high groundwater elevation. Please note that the installation of monitoring wells and data loggers may be required to properly evaluate seasonal groundwater fluctuations. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.*
- An Operations and Maintenance manual should be provided as a separate report/manual identifying any implemented/constructed LIDs. For examples of such report contents please refer to the following website <https://cvc.ca/low-impact-development/lid-maintenance-monitoring>.*
- As per 9.4.1 of The Design Specifications & Requirements Manual (DSRM), all multi-family, commercial and institutional block drainage is to be self-contained. The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely convey the 250 year storm event.*

General comments for sites within Stanton Drain Subwatersheds

- The subject lands are located in the Stanton Drain Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Stanton Drain Subwatershed Study that may include but not be limited to, quantity/quality control (80% TSS), erosion, stream morphology, etc.*
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.*
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.*

- *The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.*
- *Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.*
- *An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.*

Water (Dec 2, 2021):

- *There is an existing 450mm PVC watermain at Hyde Park Rd, and 300mm PVC on South Carriage Rd*
- *The area is located within the Hyde Park PS High level zone.*
- *The applicant shall identify the ownership for the buildings(one single ownership or multi). Where all buildings will remain within one ownership, a single private watermain could provide municipal water servicing to the site. Where there will be more than one ownership in the future of the buildings proposed, it will be necessary to have separate water servicing provided to each separately owned site and the buildings on that site in order to prevent the creation of a regulated drinking water system.*

3) Agency Comments

Upper Thames River Conservation Authority comments (in response to the circulation of the second submission on December 9, 2022 the UTRCA revised their comments as follows)

In our correspondence dated January 26, 2022, the Upper Thames River Conservation Authority (UTRCA) had advised that the subject lands are regulated due to the presence of a watercourse and the associated flooding hazard. We noted that the feature had not been identified on the concept/site plan.

The presence of the watercourse was to be confirmed and addressed with an appropriate setback of 15 metres being provided from the top of bank. Alternatively, if the intent was to seek approval to enclose the watercourse, proper justification was required. Furthermore, the necessary Section 28 approvals would have to be secured prior to any works being undertaken within the regulated area.

The applicant has submitted 1407 & 1427 Hyde Park Road Proposed Mixed-Use Development Regulated Channel Memo prepared by AGM dated August 2, 2022. The UTRCA is generally satisfied with the submission and we are of the opinion that the necessary approvals to enclose the watercourse can be secured. Our comments on the channel memo are as follows –

- 1. Please provide justification for why the proposed watercourse enclosure is a net environmental benefit. This may include submitting a compensation plan.*
- 2. Please confirm the existing catchment area to the site from external lands to ensure that the watercourse is an appropriate candidate for enclosure.*
- 3. Please provide the following information/confirmation:*

- a) *Engineered designs must confirm that flood conveyance/control/storage are not impacted.*
- b) *Confirmation that there will be no negative impact on SWM facility west of Hyde Park Rd.*

4. The UTRCA has reviewed the September 12, 2022 PEC Report and we concur with the City's Stormwater comments (dated December 21, 2021). Please include the Conservation Authority in the review process of the storm/drainage servicing report.

RECOMMENDATION As indicated, the UTRCA is of the opinion that the outstanding matters with respect to the proposed watercourse enclosure can be resolved through the Site Plan approval process and also that the necessary Section 28 approvals can be secured. We therefore have no objections to this application.

London Hydro comments (December 6, 2021)

- *Servicing the above proposal should present no foreseeable problems Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks, Contact Engineering Dept. to confirm requirements & availability.*
- *London Hydro has no objection to this proposal or possible official Plan and/or zoning amendment. However, London Hydro will require a blanket easement.*

Canadian Pacific Railway comments (December 2, 2021)

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Appendix C – Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. The following are characteristics of the proposed application related to the City's climate action objectives:

Infill and Intensification

Located within the Built Area Boundary: No
Located within the Primary Transit Area: **No**
Net density change: **65 units per hectare (72 units)**
Net change in affordable housing units: **N/A**

Complete Communities

New use added to the local community: **Residential and Commercial**
Proximity to the nearest public open space: **across Hyde Park Road to the west – approximately 60 metres**
Proximity to the nearest commercial area/use: on site and to the north
Proximity to the nearest food store: **N/A**
Proximity to nearest primary school: **approximately 400metres**
Proximity to nearest community/recreation amenity: **N/A**
Net change in functional on-site outdoor amenity areas: **landscaped open space of 35 percent from zero.**

Reduce Auto-dependence

Proximity to the nearest London Transit stop: **On Hyde Park Road**
Completes gaps in the public sidewalk network: **Yes**
Connection from the site to a public sidewalk: **Yes**
Connection from the site to a multi-use pathway: No
Site layout contributes to a walkable environment: No
Proximity to nearest dedicated cycling infrastructure: **N/A**
Secured bike parking spaces: **36**
Secured bike parking ratio: Unknown
New electric vehicles charging stations: **Unknown**
Vehicle parking ratio: **177 spaces, plus visitor parking is proposed-exceeding requirement**

Environmental Impacts

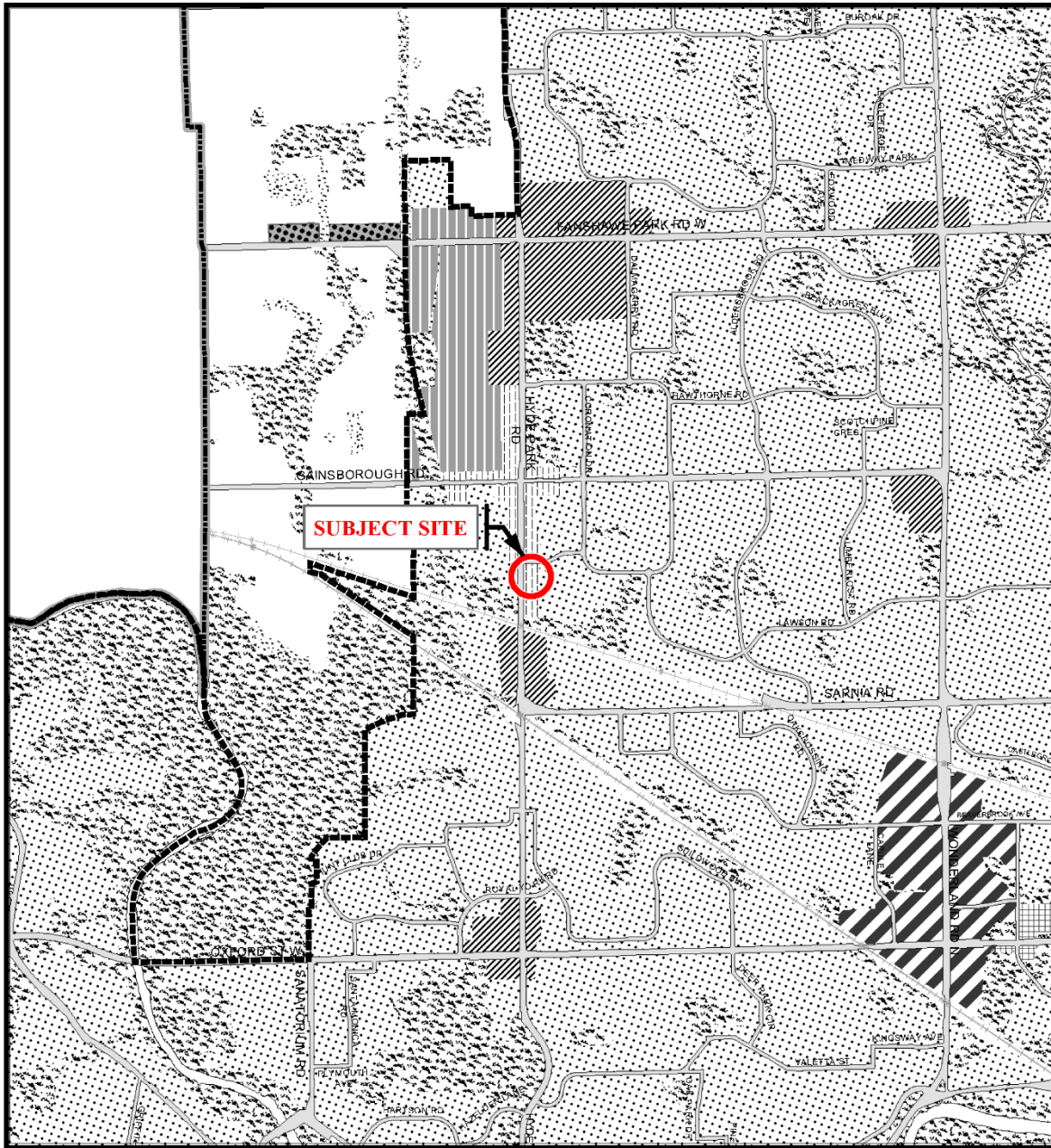
Net change in permeable surfaces: **Increased through application**
Net change in the number of trees: **Increased through application**
Tree Protection Area: **No**
Landscape Plan considers and includes native and pollinator species: **N/A**
Loss of natural heritage features: **Proposed covering of stream corridor**
Species at Risk Habitat loss: **No**
Minimum Environmental Management Guideline buffer met (Table 5-2 EMG, 2021): **N/A**

Construction

Existing structures on site: No
Existing structures repurposed/adaptively reused: **N/A**
Green building features: **Unknown**
District energy system connection: Unknown

Appendix C – Relevant Background

Additional Maps



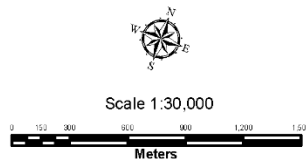
Legend

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	

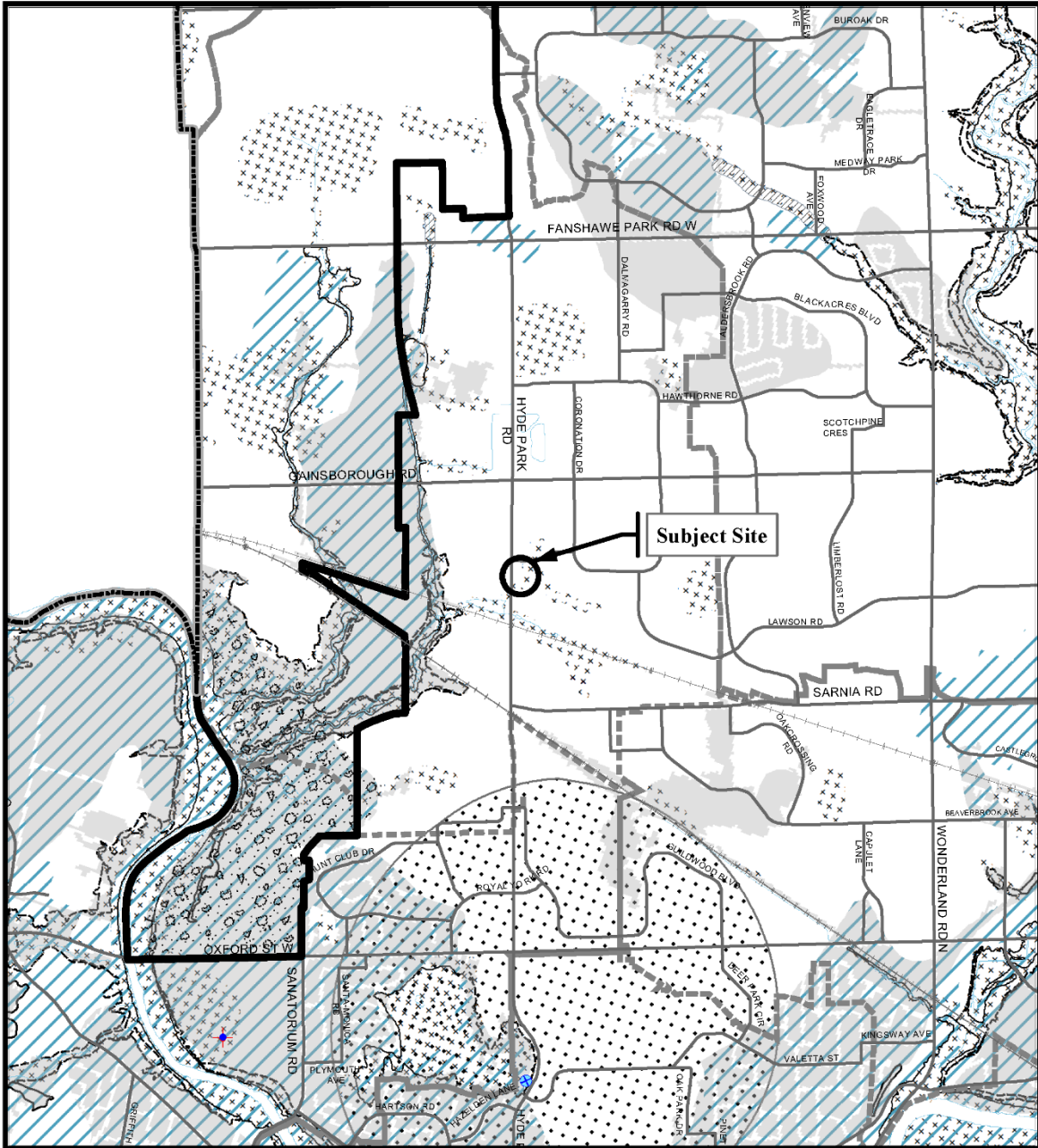
This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



File Number: OZ-9438
Planner: CP
Technician: RC
Date: 2022/08/05



HAZARDS

- Regulatory Flood Line
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.
NOTE 2: Flood Fringe mapping for certain areas of the City is available from the Upper Thames Conservation Authority.
- ▨ Special Policy Areas
- ▧ Potential Special Policy Areas
- Riverine Erosion Hazard Limit for Confined Systems
NOTE: Steep Slopes Outside the Riverine Erosion Hazard Limit on the map are approximate. Precise delineation is available from the Conservation Authority having jurisdiction.
- ▨ Riverine Erosion Hazard Limit for Unconfined Systems
- Maximum Hazard Line

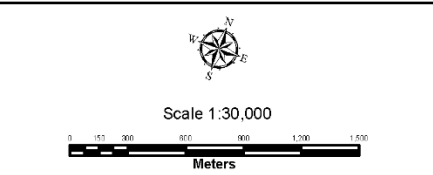
- ⊠ Conservation Authority Regulation Limit
- ⊕ Abandoned Oil/Gas Wells
- NATURAL RESOURCES**
- ⊠ Aggregate Resource Areas
- ▨ Extractive Industrial Areas
- ⊠ Wellhead Protection Area
- ⊕ Emergency Municipal Water Wells
- ▨ Significant Groundwater Recharge Areas
- ▨ Highly Vulnerable Aquifers

BASE MAP FEATURES

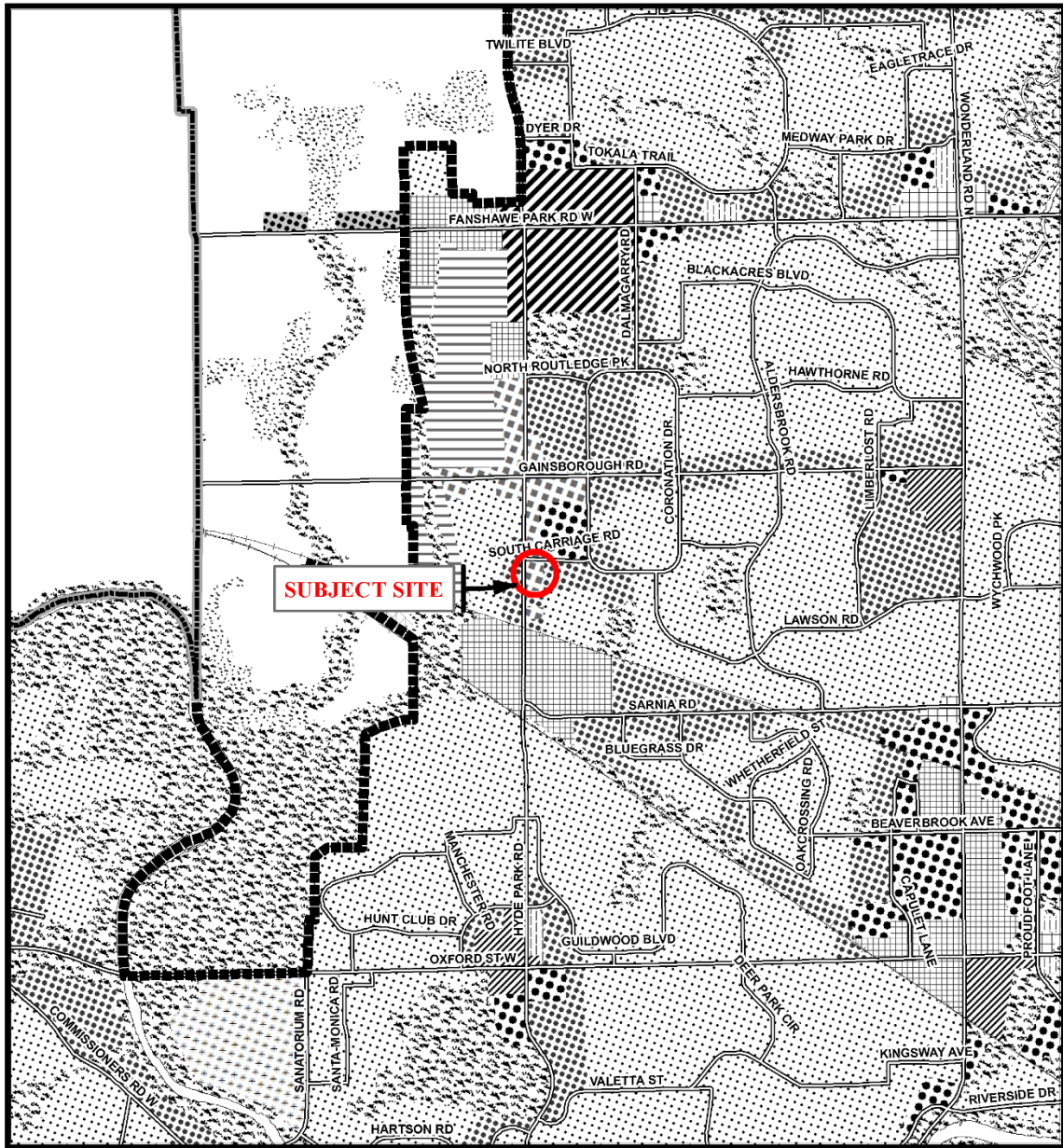
- Streets (see Map 3)
- ⊕ Railways
- Urban Growth Boundary
- Water Courses/Ponds
- Conservation Authority Boundary
- Subwatershed Boundary

This is an excerpt from Planning & Development's working consolidation of Map 6 - Hazards and Natural Resources of the London Plan, with added notations.

CITY OF LONDON
Official Plan
 LONDON PLAN MAP 6
 - NATURAL HAZARDS AND NATURAL RESOURCES -
 PREPARED BY: Planning & Development



FILE NUMBER: OZ-9438
PLANNER: CP
TECHNICIAN: RC
DATE: 8/8/2022

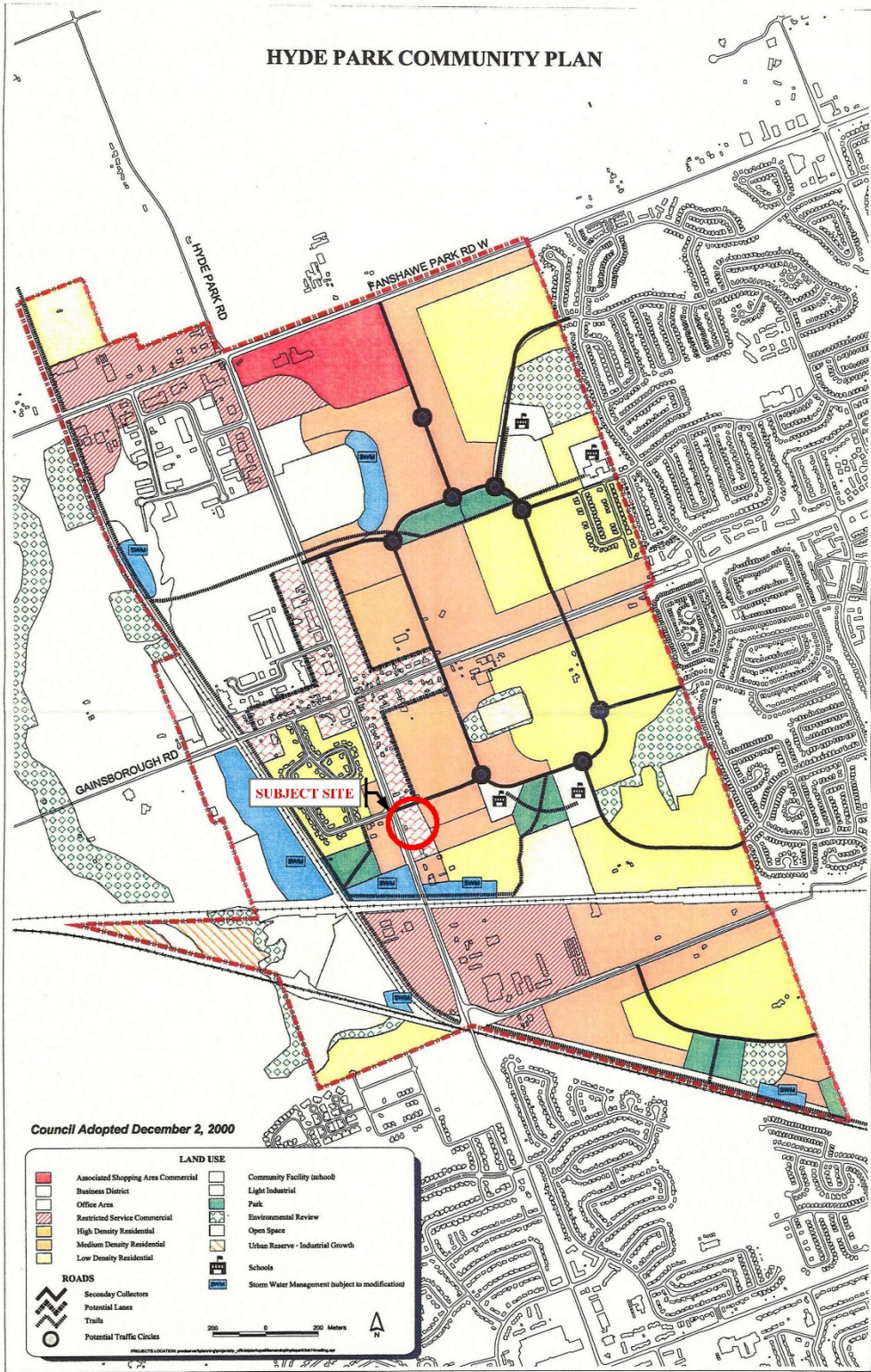


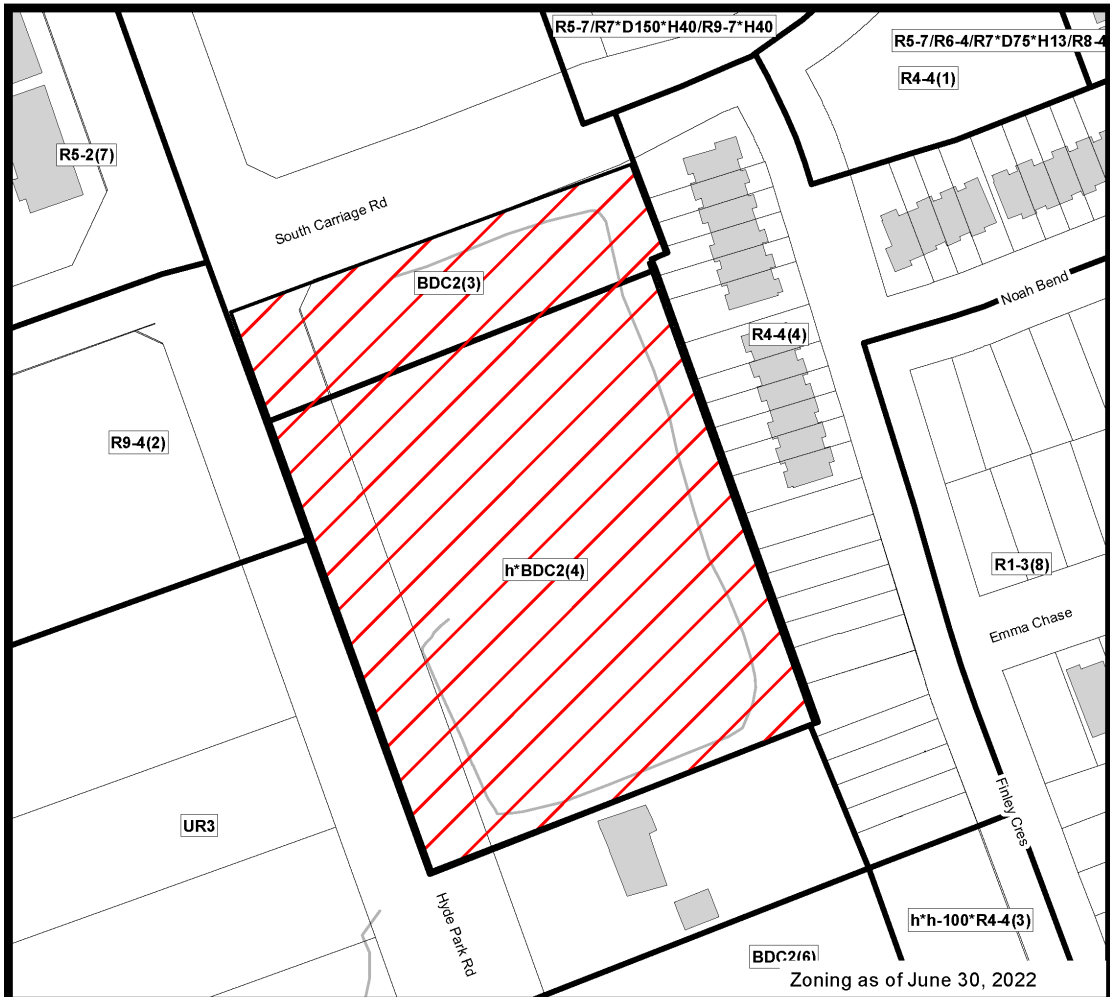
Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
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>0 150 310 620 930 1240 1550</p> <p>Meters</p>	FILE NUMBER: OZ-9438
		PLANNER: CP
		TECHNICIAN: RC
		DATE: 2022/08/05

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

HYDE PARK COMMUNITY PLAN





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:

OZ-9438

CP

MAP PREPARED:

2022/08/05

RC

1:1,500

0 5 10 20 30 40

Meters