Report to Planning and Environment Committee

To: Chair and Members

Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.

Deputy City Manager, Planning and Economic Development

Subject: Elgin Contracting & Restoration

165-167 Egerton Street

File Number: Z-9608, Ward 1 Public Participation Meeting

Date: July 17, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Elgin Contracting & Restoration relating to the property located at 165-167 Egerton Street:

- (a) the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting July 25, 2023 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Residential R2 (R2-2) Zone **TO** a Residential R5 Special Provision (R5-5(_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i) Consent to remove any boundary trees is required prior to final Site Plan Approval;
 - Fencing and/or landscaping be provided along the perimeter of the site to ensure adequate buffering is maintained between the subject lands and adjacent properties;
 - iii) Details surrounding garbage storage and collection be finalized; and,
 - iv) At the time of Site Plan Approval, the building design is to be similar to that which was considered at the time of the Zoning By-law Amendment application.

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- 1. The recommended amendment is consistent with the PPS 2020;
- 2. The recommended amendment conforms to *The London Plan*, including, but not limited to the Neighbourhoods Place Type and Key Directions; and
- 3. The recommended amendment facilitates the development of an underutilized site within the Built Area Boundary and Primary Transit Area with an appropriate form of infill development that provides choice and diversity in housing options.

Executive Summary

Summary of Request

The applicant has requested to rezone the property from a Residential R2 (R2-2) Zone to a Residential R5 Special Provision (R5-5(_)) Zone. The requested special provisions would permit a minimum front yard depth of 0.7 metres and a minimum interior side yard depth of 1.2 metres for the existing single detached dwellings.

Purpose and the Effect of Recommended Action

The recommended action will permit a 2-storey, nine (9) unit townhouse development in addition to the two (2) existing 2-storey single detached dwellings.

Staff are recommending approval with additional special provisions that will permit the

existing single detached dwellings and cluster townhouses as the only permitted uses and require a minimum separation distance between the proposed townhouse dwellings and the existing single detached dwellings.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

None.

1.3 Property Description and Location

The subject lands consist of two properties located on the west side of Egerton Street, south of the intersection of Egerton Street and Hamilton Road, in the Hamilton Road Planning District. The subject lands are relatively flat in topography and are currently developed with two existing single detached dwellings, which are proposed to be retained. The subject lands abut Trafalgar Public School to the west, which is a listed heritage property.

Site Statistics:

- Current Land Use: Single detached dwellings
- Frontage: 32.9 metres (108 feet)
- Depth: 76.9 metres (252 feet)
- Area: 0.27 hectares (0.67 acres)
- Shape: regular (rectangle)
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

Surrounding Land Uses:

- North: Single detached dwellings
- East: Single detached dwellings
- South: Single detached dwellings
- West: Single detached dwellings and institutional (Trafalgar Public School)

Existing Planning Information:

- Existing London Plan Place Type: Neighbourhoods Place Type on a Neighbourhood Connector
- Existing Special Policies: None
- Existing Zoning: Residential R2 (R2-2) Zone

Additional site information and context is provided in Appendix "B".



Figure 1 – Aerial Photo of 165-167 Egerton Street and surrounding lands



Figure 2 – Streetview of 165-167 Egerton Street (view looking west)

2.0 Discussion and Considerations

2.1 Development Proposal

The development proposal consists of nine new 2-storey townhouse units to the rear of the two existing 2-storey single detached dwellings, which are proposed to be retained, resulting in a total of 11 units and a density of 41 units per hectare.

The proposed development includes the following features:

- Land use: Single detached dwellings (2 units) and townhouse dwellings (9 units)
- Form: Cluster
- Height: 2 storeys (7.6 m) existing single detached dwellings; 3 storeys (10 m) proposed townhouse dwellings
- Residential units: 11
- Density: 41 units per hectare
- Gross floor area: 677.5 m²
- Building coverage: 25.8%
- Parking spaces: 14 surface
- Bicycle parking spaces: None
- Landscape open space: 49.9%

Additional information on the development proposal is provided in Appendix "B".

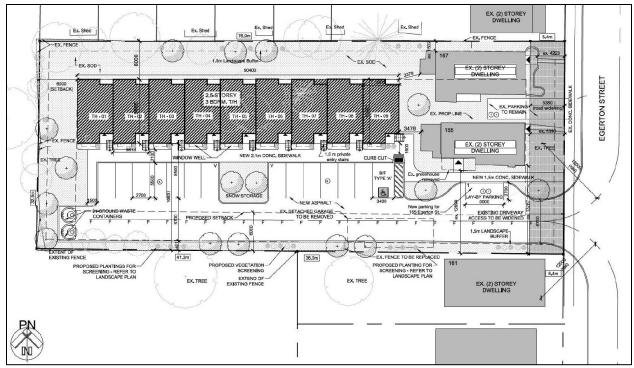


Figure 3 – Original Conceptual Site Plan (March 2023)

The applicant provided a revised site plan in June 2023 with the following key changes, illustrated below:

- Relocation of the garbage storage area
- Removal of the layby at the front of the site
- Enlarged snow storage areas
- Reduced driveway radii

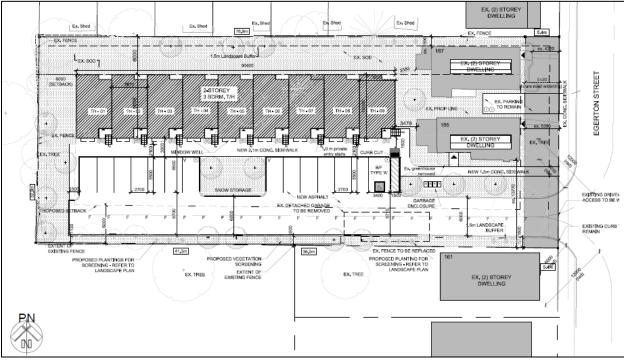


Figure 4 – Revised Conceptual Site Plan (June 2023)

Additional plans and drawings of the development proposal are provided in Appendix "C".

2.2 Requested Amendment(s)

The applicant has requested an amendment to Zoning Bylaw Z.-1 to rezone the property from a Residential R2 (R2-2) Zone to a Residential R5 Special Provision (R5-5(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (R5-5 Zone)	Permitted/Required	Proposed
Permitted Uses	Cluster townhouse dwellingsCluster stacked townhouse dwellings	Existing single detached dwellingsCluster townhouse dwellings
Front Yard Depth (Minimum)	6.0 metres	0.7 metres (existing)
Interior Side Yard Depth (Minimum)	3.0 metres	1.2 metres (existing)

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- Garbage collection
- Fencing, landscaping, and boundary trees
- Driveway access

Detailed internal and agency comments are included in Appendix "D" of this report.

2.4 Public Engagement

On April 19, 2023, Notice of Application was sent to 189 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices* and *Bidding Opportunities* section of *The Londoner* on April 20, 2023. A "Planning Application" sign was also placed on the site.

Eight (8) responses were received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Traffic and parking
- Tree removal and landscaping
- Privacy, overlook, and fencing
- Loss of property values
- Over-intensification

Detailed public comments are included in Appendix "E" of this report.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, *The London Plan*. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of *The London Plan*, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in *The London Plan* analysis below.

As the application for a Zoning By-law amendment complies with *The London Plan*, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

- 1. Consistency with the Provincial Policy Statement and all applicable legislation.
- 2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
- 3. Conformity with the Place Type policies.
- 4. Consideration of applicable guideline documents.
- 5. The availability of municipal services.
- 6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
- 7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all of the above criteria have been satisfied through the proposed zone, special provisions and site plan considerations.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed uses, being the existing single detached dwellings and proposed cluster townhouse dwellings, are supported by the policies of the *Provincial Policy Statement* and are contemplated in the Neighbourhoods Place Type for sites fronting on a Neighbourhood Connector in *The London Plan* (TLP, Table 10). However, stacked townhouse dwellings are not contemplated in the Neighbourhoods Place Type on sites fronting a Neighbourhood Connector unless located within Central London. While this use is not proposed, it is permitted in the requested Residential R5 (R5-5) Zone. As such, staff are recommending a special provision limiting the range of permitted uses to existing single detached dwellings and cluster townhouse dwellings, in conformity with *The London Plan*.

4.2 Intensity

The proposed intensity is consistent with the policies of the PPS which encourage residential intensification (PPS 1.1.3.3 and 1.4.3), an efficient use of land (PPS 1.1.3.2) and a range and mix of housing options (PPS 1.4.3). The proposed 2 storey intensity is in conformity with Table 11 in the Neighbourhoods Place Type in *The London Plan* and contributes to the intensification target within the Primary Transit Area and Built Area Boundary (TLP Table 11). Servicing is available for the proposed number of units.

4.3 Form

While the proposed townhouses are located perpendicular to the street, retention of the existing single detached dwellings results in a development that maintains street orientation despite the long and narrow configuration of the lot. The requested front and

interior side yard setback reductions relate only to the existing single detached dwellings and no changes to the form of these dwellings are proposed. The proposed townhouse dwellings comply with all regulations of the requested Residential R5 (R5-5) Zone and provide 6.0 metre rear and interior side yard setbacks to ensure adequate separation is maintained between the proposed development and adjacent properties. A separation distance of 3.3 metres is provided between the proposed townhouses and existing single detached dwellings. A special provision requiring a minimum 3.0 metre separation distance is recommended by staff to offer flexibility while ensuring adequate separation is maintained.

The following form-based issues were raised through the review of the initial site concept plan submitted with the Zoning By-law Amendment application:

- Garbage collection
- Fencing, landscaping, and boundary trees
- Driveway access and radii

In June 2023, the applicant submitted a revised site concept plan (Figure 4) to address staff's comments. The revised plan provides an alternative arrangement for garbage collection, a slightly reconfigured parking area with a larger planting island for additional snow storage, and a reduced driveway radii that no longer encroaches onto the neighbouring property. The layby parking at the front of the site was also removed. The details surrounding garbage collection, landscaping, and boundary trees will be finalized through the future site plan process and are included as recommended considerations to the Site Plan Approval Authority.

Staff are satisfied the proposed form is consistent with the Neighbourhoods Place Type policies and the City Design Policies and that the above noted form issues can be sufficiently addressed through a future Site Plan Application. The application was also reviewed by the Urban Design Peer Review Panel (the Panel) who were generally supportive of the proposed development. The full comments from the Panel are included in Appendix "D" of this report.

4.4 Heritage and Archaeology

The subject lands are adjacent to a listed heritage property (919 Trafalgar Street – Trafalgar Public School) and is identified as having archaeological potential on the City's Archaeological mapping. As part of the complete application, the applicant submitted a Heritage Impact Assessment Memo prepared by a+Link Architecture (March 2023) and a Stage 1-2 Archaeological Assessment prepared by Lincoln Environmental Consulting Corp. (November 2021). The applicant also submitted a clearance letter from the Ministry of Citizenship and Multiculturalism, dated May 30, 2023, confirming the Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports.

Planning and Development staff are satisfied that the potential heritage attributes on the adjacent property at 919 Trafalgar Street will not experience adverse impacts as a result of the proposed townhouse development. Further, Heritage staff have confirmed archaeological conditions are satisfied for this application.

4.5 Traffic and Parking

Through the review of the application, concerns were raised by the public regarding traffic and parking. The applicant is proposing 14 parking spaces on site, not including the existing driveway at 167 Egerton Street, which equates to 1.27 spaces per unit. The Zoning By-law requires parking at a rate of 1 space per unit for single detached dwellings and cluster townhouse dwellings, therefore the proposed parking exceeds the minimum required.

City Transportation staff have reviewed the application and had no concerns as the proposed development is not anticipated to impact existing traffic conditions in the area. Details surrounding site access and design will be considered as part of the standard review of a future Site Plan application.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the subject lands from a Residential R2 (R2-2) Zone to a Residential R5 Special Provision (R5-5(_)) Zone. Staff are recommending approval of the requested Zoning By-law amendment and special provisions. The recommended amendment will permit the development of an underutilized site within the Built Area Boundary and Primary Transit Area with an appropriate form of infill development that provides choice and diversity in housing options.

Prepared by: Catherine Maton, MCIP, RPP

Senior Planner, Planning Implementation

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

Copy: Britt O'Hagan, Manager, Current Development

Michael Pease, Manager, Site Plans

Ismail Abushehada, Manager, Development Engineering

Appendix A – Zoning Bylaw Amendment

Bill No.(number to be inserted by Clerk's Office) 2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 165-167 Egerton Street

WHEREAS this rezoning conforms to the Official Plan;

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

- 1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 165-167 Egerton Street, as shown on the attached map comprising part of Key Map No. A108, **FROM** a Residential R2 (R2-2) Zone **TO** a Residential R5 Special Provision (R5-5(_)) Zone.
- 2. Section Number 9.4 of the Residential R5 (R5-5) Zone is amended by adding the following Special Provisions:

R5-5(_) 165-167 Egerton Street

- a. Permitted Uses
 - i) Existing Single Detached Dwellings
 - ii) Cluster Townhouse Dwellings
- b. Regulations for Existing Single Detached Dwellings
 - i) Front Yard Depth (minimum) 0.7 metres (2.2 feet)
 - ii) Interior Side Yard Depth (minimum) 1.2 metres (3.9 feet)
- c. Regulations for Cluster Townhouse Dwellings
 - Separation Distance for New Development from the Existing Single Detached Dwellings on the Same Lot (minimum) – 3.0 metres (9.8 feet)
- 3. This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990,* c. P13, either upon the date of the passage of this bylaw or as otherwise provided by the said section.

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 comes into force and effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

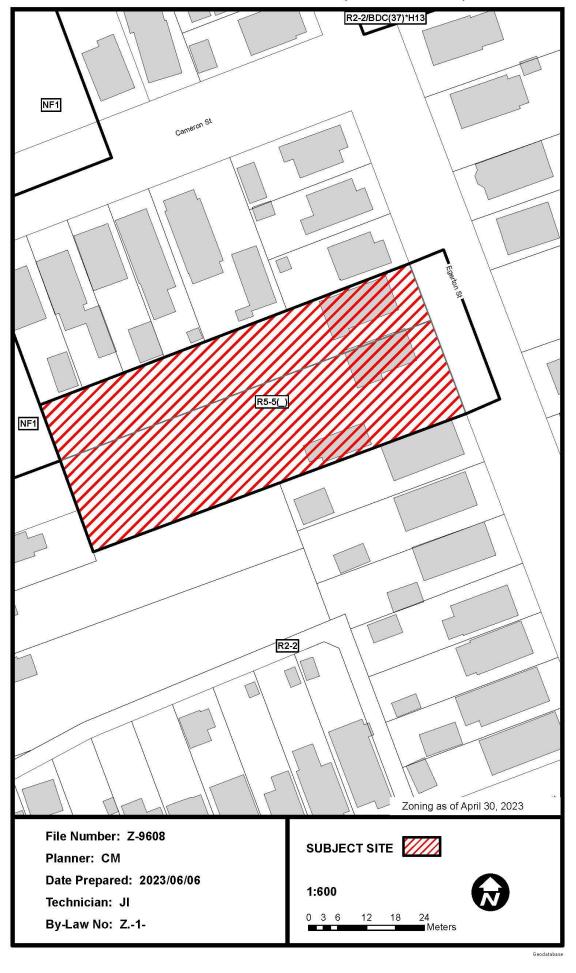
PASSED in Open Council on July 25, 2023 subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan Mayor

Michael Schulthess City Clerk

First Reading – July 25, 2023 Second Reading – July 25, 2023 Third Reading – July 25, 2023

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



Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Single detached dwellings
Frontage	32.9 metres (108 feet)
Depth	76.9 metres (252 feet)
Area	0.27 hectares (0.67 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Single detached dwellings
East	Single detached dwellings
South	Single detached dwellings
West	Single detached dwellings and institutional (Trafalgar Public School)

Proximity to Nearest Amenities

Major Intersection	Hamilton Road and Egerton Street, 130 metres
Dedicated cycling infrastructure	Egerton Street, 0 metres
London Transit stop	Hamilton Road, 180 metres
Public open space	South Branch Park, 750 metres
Commercial area/use	Hamilton Road corridor, 180 metres
Food store	Shopper Drug Mart, 500 metres
Primary school	Trafalgar Public School, 400 metres
Community/recreation amenity	Hamilton Road Seniors' Community Centre, 400
	metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Neighbourhoods Place Type, Neighbourhood Connector
Current Special Policies	None
Current Zoning	Residential R2 (R2-2) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	Residential R5 Special Provision (R5-5(_)) Zone

Requested Special Provisions

Regulation (R5-5 Zone)	Required	Proposed
Front Yard Depth (Minimum)	6.0 metres	0.7 metres (existing)
Interior Side Yard Depth (Minimum)	3.0 metres	1.2 metres (existing)

C. Development Proposal Summary

Development Overview

The development proposal for the subject lands aims to amalgamate the two (2) lots of record forming one development parcel. A 5.3m road widening dedication has been allocated along the Egerton Street frontage. The subject property would have a total lot area of 2,715.1 m2 (0.67 ac) and is intended to accommodate the construction of nine (9) new 2-storey townhouse units, in addition to the retention of the two (2) existing single detached dwellings currently on the site and fronting onto Egerton Street. The total number of residential units on site would become 11, offering an overall site density to 40.5 units per hectare (uph).

Proposal Statistics

Land use	Single detached dwellings (2 units) and townhouse dellings (9 units)
Form	Cluster
Height	2 storeys (7.6 m) – existing single detached dwellings; 3 storeys (10 m) – proposed townhouse dwellings
Residential units	11
Density	41 units per hectare
Gross floor area	677.5 m ²
Building coverage	25.8%
Landscape open space	49.9%
New use being added to the local community	Yes – townhouses

Mobility

Parking spaces	14 surface
Vehicle parking ratio	1.18 spaces per unit
New electric vehicles charging stations	0
Secured bike parking spaces	0
Secured bike parking ratio	0 spaces per unit
Completes gaps in the public sidewalk	N/A
Connection from the site to a public	Yes
sidewalk	
Connection from the site to a multi-use path	N/A

Environmental Impact

Tree removals	24
Tree plantings	17
Tree Protection Area	No
Loss of natural heritage features	N/A
Species at Risk Habitat loss	N/A
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	Yes
Green building features	Unknown

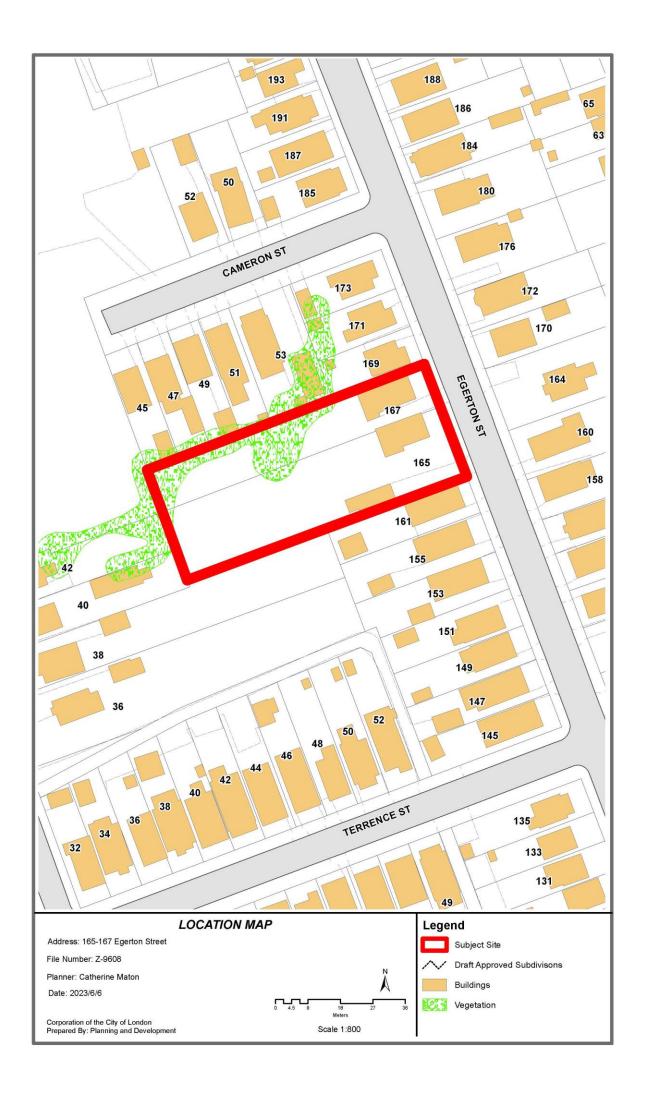
Appendix C – Additional Plans and Drawings

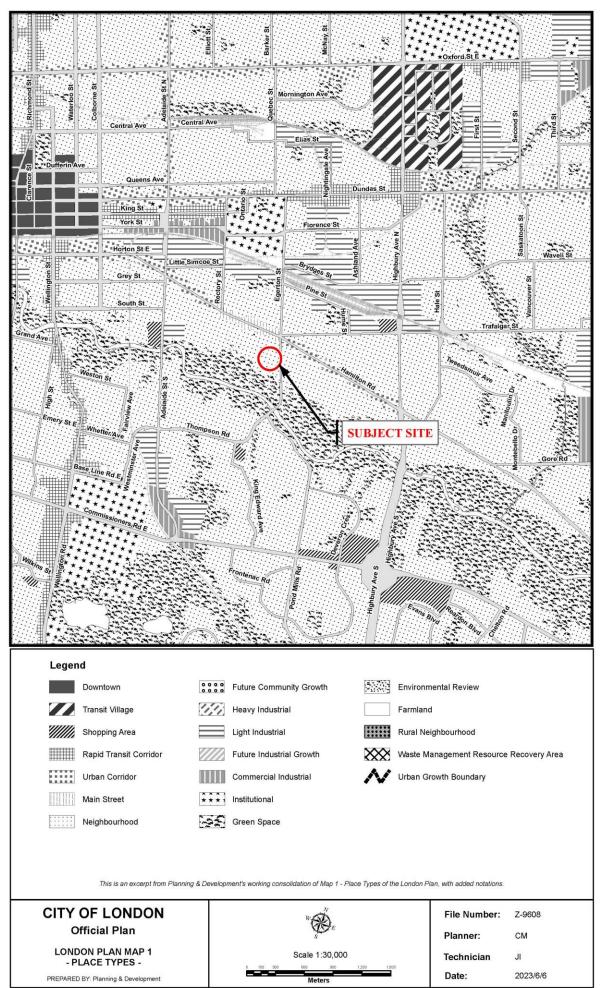














1)

COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-2

LEGEND FOR ZONING BY-LAW Z-1

- R1 SINGLE DETACHED DWELLINGS
 R2 SINGLE AND TWO UNIT DWELLINGS
 R3 SINGLE TO FOUR UNIT DWELLINGS
 R4 STREET TOWNHOUSE
 R6 CLUSTER TOWNHOUSE
 R6 CLUSTER HOUSING ALL FORMS
 R7 SENIOR'S HOUSING
 R8 MEDIUM DENSITY/LOW RISE APTS.
 R9 MEDIUM TO HIGH DENSITY APTS.
 R10 HIGH DENSITY APARTMENTS
 R11 LODGING HOUSE

- DA DOWNTOWN AREA
 RSA REGIONAL SHOPPING AREA
 CSA COMMUNITY SHOPPING AREA
 NSA NEIGHBOURHOOD SHOPPING AREA
 BDC BUSINESS DISTRICT COMMERCIAL
 AC ARTERIAL COMMERCIAL
 HS HIGHWAY SERVICE COMMERCIAL
 RSC RESTRICTED SERVICE COMMERCIAL
 CC CONVENIENCE COMMERCIAL
 SS AUTOMOBILE SERVICE STATION
 ASA ASSOCIATED SHOPPING AREA COMMERCIAL
- OR OFFICE/RESIDENTIAL
 OC OFFICE CONVERSION
 RO RESTRICTED OFFICE
 OF OFFICE

- RF REGIONAL FACILITY
 CF COMMUNITY FACILITY
 NF NEIGHBOURHOOD FACILITY
 HER HERITAGE
 DC DAY CARE

- OS OPEN SPACE CR COMMERCIAL RECREATION ER ENVIRONMENTAL REVIEW

- OB OFFICE BUSINESS PARK LI LIGHT INDUSTRIAL GI GENERAL INDUSTRIAL HI HEAVY INDUSTRIAL EX RESOURCE EXTRACTIVE UR URBAN RESERVE

- AG AGRICULTURAL
 AGC AGRICULTURAL COMMERCIAL
 RRC RURAL SETTLEMENT COMMERCIAL
 TGS TEMPORARY GARDEN SUITE
 RT RAIL TRANSPORTATION

- "h" HOLDING SYMBOL
 "D" DENSITY SYMBOL
 "H" HEIGHT SYMBOL
 "B" BONUS SYMBOL
 "T" TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



MAP PREPARED: 2023/06/06 0 5 10

FILE NO:

Z-9608

CM

JI.

1:1,000 40 ■ Meters 20 30

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

Appendix D – Internal and Agency Comments

Site Plan - April 21, 2023

1. You may want to double check with Lisa whether the vegetation conflicts with infrastructure/snow storage.

I appreciate the thought of landscaping beside the buildings, but these strips are narrow. These strips may end up looking more muddy and littered than floral, so hardscaping may be better.

A row of evergreen trees along the northern edge could enhance privacy and increase the number of trees.

- 2. You may need to consult with Jana. However, I'm wondering if waste collection would be cumbersome with this configuration.
- 3. The revised access flare is an improvement over the SPC, and it is largely existing. However, the southern corner radius seems to extend across almost half of 161 Egerton's frontage. The applicant may need to refine the access some more.
- 4. Regarding the special provisions, I advise against using two decimal places (0.73 metre front yard) because construction may not achieve such precise tolerances. Alternatively, 0.73 metres would round down to 0.7 metres.
- 5. The applicant should consider how people will access their rear yards beyond going through dwellings, especially for the purpose of carrying large accessories (e.g., lawnmowers, barbecues, patio furniture). As a solution, the applicant should confirm whether the proposal will include a peripheral pathway to access rear yards (C.P.-1455-541 Table 7). I don't imagine a shared access easement would be needed for traversing yards as a condominium but the condominium agreement may proactively include such a provision to avoid trespassing disputes between units.

London Hydro – April 25, 2023

- 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. Any new or relocation of the existing service will be at the expense of the owner.

Parks Planning and Design - May 2, 2023

Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-25 and will be finalized at the time of site plan approval if required or through the building permit process.

Heritage - May 4, 2023

Heritage Impact Assessment

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 Heritage Impact Assessment conditions for A.121/22:

• a+LiNK Architecture Inc Heritage Impact Assessment Memo, 165-167 Egerton Street, London, ON, March 9, 2023

The purpose of the Heritage Impact Assessment is to respond to policy requirements regarding the conservation of cultural heritage resources in the land use planning process. A Heritage Impact Assessment assess the potential adverse impacts of a proposed development on known or potential cultural heritage resources.

The Heritage Impact Assessment assessed the potential impacts of the proposed townhouse infill development at 165-167 Egerton Street. The HIA memo concludes:

"Our evaluation of the anticipated impacts of the proposed residential infill development at 165-167 Egerton Street to the Listed property at 919 Trafalgar Street was informed by a review of the conceptual site plan, historical research, and a visit to the site. As a result of this research and analysis we have come to the conclusion that the proposed site development will not have any direct or indirect impacts on the heritage attributes of the Trafalgar Public School, mainly due to the physical distance to the proposed development. A buffer between the original school building and the proposed development is provided by both the newer additions to the rear and the existing playing fields to the south of the school. As well, screening is provided by the mature trees at the north west corner of the development property. As such, no mitigation or conservation efforts are necessary.

Heritage staff are sufficiently satisfied that the potential heritage attributes of the property on the adjacent property at 919 Trafalgar Street will not experience adverse impacts as a result of the proposed townhouse development.

Archaeology

The City is not in receipt of the Ministry compliance letter. The applicant's archaeologist has advised the report is still awaiting review from the Ministry so we cannot consider the archaeological requirements complete until then. An h-18 holding provision is required until the Ministry has received and issued a review/compliance letter on the Stage 1-2 Archaeological Assessment.

UTRCA - May 15, 2023

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act*, the *Planning* Act, the Provincial Policy Statement (2020), and the Upper Thames River Source Protection Area Assessment Report.

CONSERVATION AUTHORITIES ACT

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

DRINKING WATER SOURCE PROTECTION: Clean Water Act

For policies, mapping and further information pertaining to drinking water source protection please refer to the approved Source Protection Plan at: https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/

RECOMMENDATION

The UTRCA has no objections to the application and we have no Section 28 approval requirements.

Engineering – May 15, 2023

The following are comments related to the rezoning application:

 The proposed access to be provided entirely within the property frontage, radii not to extend beyond projected property line to the South, as per Access Management Guidelines. Applicant to confirm a curb radius of 6.0m. Consider moving access further north as well to help avoid encroachment;

The following items are to be considered during a future development application stage: Transportation:

- Road dedication 13.0m from centerline along Egerton Street, details to be confirmed with Geomatics. Presently the width from centerline for Egerton Street adjacent to this property is 7.62m, therefore a widening of 5.38m is required to attain 13.0m from c/l.
- Provide a TMP for any servicing, restoration, new construction, etc.;
- Ensure 1.5m clearance from proposed access and any infrastructure;
- Fully Dim new access(es) reduce radii 6.0m, width 6.0m, clear throat 6.0m from property line to any internal driveway, parking space, layby, etc.;

Water:

- Water is available to the site via the municipal 200mm CI watermain on Egerton Street
- A water servicing report will be required addressing domestic water demands, fire flows and water quality.
- Water servicing to the site will be to City Standard 7.9.4.
- For the stacked townhomes, each vertical stack is to be serviced individually.
 The number of services will depend on the number of water meter's required.
- The water service pipe must be installed at right angles to the watermain and in a straight line from the watermain to the water meter.
- Water servicing to be configured in a way to avoid the creation of a regulated drinking water system.
- Further comments to be provided during site plan application.

Wastewater:

- The municipal sanitary sewer available to serve this site is 200 mm diameter sanitary sewer on Egerton Street.
- Additional comments may be forthcoming as part of a future application.

Stormwater:

Comments to the servicing feasibility report:

- Although the site does not contain 29 or more at grade parking spaces, per Case 4 of the PPS (CofL DSRM 6.9) the on-site private stormwater system must provide 100% of the quality control for the lands to be developed (70% TSS removal), as there are no downstream quality controls in place.
- For clarity, the C-value of 0.65 stipulated in the City of London as-built drawing 11707 is superceded by the pre-to-post requirements of Case 4 of the PPS. The 2-year pre-development AxC of the site shall be used to determine the allowable release rate.
- Additional SWM related comments may be provided upon future review of this site.

Additional Comments for future site plan:

- As per the City of London's Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:
 - the flow from the site must be discharged at a rate equal to or less than the existing condition flow;
 - the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;
 - the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);
 - "normal" level water quality is required as per the MOE guidelines and/or as per the EIS field information; and
 - shall comply with riparian right (common) law.

The consultant shall update the servicing report and drawings to provide calculations, recommendations and details to address these requirements.

- The site is tributary to the existing 1370x1500mm sewer on Egerton Street. As
 per the Drainage By-law, the consultant would be required to provide for a storm
 pdc ensuring existing peak flows from the 2 through 100 year return period
 storms are maintained pre to post development with any increase in flow being
 managed onsite. The servicing report should also confirm capacity in the existing
 sewers.
- Roof runoff from the proposed dwellings should be directed to controlled areas of the property, and the owner shall ensure that stormwater flows are self-contained on site.
- 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.
- The subject lands are located within a subwatershed without established targets.
 City of London Standards require the Owner to provide a Storm/Drainage
 Servicing Report demonstrating compliance with SWM criteria and environmental
 targets identified in the Design Specifications & Requirements Manual. This may
 include but not be limited to, quantity control, quality control (70% TSS), erosion,
 stream morphology, etc.

Urban Design Peer Review Panel – May 17, 2023

General Comments

 Overall the site organization and proposed scale of the buildings is appropriate for the proposed uses and the neighbourhood context. We commend the project for retaining the existing character homes on Egerton Street, and for providing an architectural character of the townhouses that seems modern and varied while sensitive to the character of the adjacent historic houses.

Site Strategy, Building Massing, Landscaping

- It is unfortunate that the mature maple tree must be removed to give way for a driveway. Provided this needs to occur, consider the following:
 - a. Reduce the width of the driveway from 6.7m to 6.0m. The extra space could be given back to the landscape buffer at the south edge of the site to allow for trees and/or more generous landscaping.
 - b. Replace the curb cut at the street edge with a depressed curb and minimize the turning radii so that the access can be read as a driveway rather than an access road
 - c. Eliminate the layby parking and replace it with landscaping and amenity space for the residents.
- With regards to parking, the panel notes that 14 parking spaces plus a layby have been provided for 11 residential units. If possible, we recommend reducing the parking count to allow for increased landscaping and open space at grade. As noted above, we recommend removing the layby at the front of the property. We suggest providing one or more designated drop-off parking spaces towards the rear of the site, which could also function as a turn around for visitors if necessary. It appears the planted island central within the parking could be reduced if necessary.
- It is not clear whether there is a designated amenity space for the two existing houses. We recommend proving this.
- Consider accommodating storage for bikes and outdoor furniture within units, as it appears outdoor storage has not been accounted for on site. Consider provision of bike racks for visitor bike parking.
- The panel notes that a turn-around for garbage pick up has not been accommodated.
- Presuming garbage pickup is to be private, ensure that the layout works with the requirements of the garbage pick-up company.

Building Layout and Architectural Expression

- The panel appreciates the general architectural character of the townhouses and the
 colour variety. However, a balanced approach is required. We suggest limiting the
 primary materials to 3 (i.e. two brick colours and once siding colour.) We suggest
 considering a material such as metal siding or cement board siding in lieu of painted
 wood so that the material is more durable and will require less ongoing maintenance
 to retain its character.
- While the recessed porch-like main entrances are appreciated, the panel notes that the entrances read quite dark, and the stairs appear to be quite narrow. We suggest that the entrances can be further refined to be more prominent on the façade.

• The panel notes that the ground floor level of the apartments is raised considerably from the adjacent grade level. We suggest lowering the ground floor level to provide a more direct relationship to the front sidewalk and rear landscape at grade, and to provide more accessible entrances for visitors, while accommodating the need for window wells to the lower level. This could also provide an opportunity for expanded patios at the rear of the townhouse units with a more integrated relationship with at grade landscaping. This would be a more useful and generous outdoor amenity space for the townhouses.

Concluding comments:

This UDPRP review is based on City planning and urban design policy, the submitted brief, and the noted presentation. It is intended to inform the ongoing planning and design process. Subject to incorporation of the comments and recommendations noted above, the proposed redevelopment of this site will make a positive contribution to the evolving neighbourhood. Consider the panel's recommendations as noted above for future refinements to the project in the interest of enhanced experience of the public realm and for current and future residents. The Panel looks forward to the proponent's response.

Landscape Architecture - May 18, 2023

The comments about snow storage and trees can be deferred to SP I think. [There will be a conflict between snow storage and tree planting in the central parking island, see comment below.

- 1. The following trees could potentially be boundary trees: 3,4,6,8,12 and 13. Every tree whose trunk is growing on the boundary between adjoining lands is the common property of the owners of the adjoining lands. Forestry Act 1998, c. 18, Sched. I, s. 21 and can't be removed without written consent from co-owner. Legal definition of a tree trunk: everything from the root-collar (at the base) to where the first branch appears. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes.
 - The applicant will need to visually determine if trunks are crossing the north property line to determine ownership. The building setback is fine. The conflict will probably arise with grading and drainage. Two potential boundary trees will have conflict with drainage structure. Consent will be needed for the development to proceed as proposed.
 - Alternatively, if the drainage structure was shift 0.4m south and tree protection fencing realigned as proposed, consents would not be required.
- 2. There will be a conflict between snow storage and tree planting in the central parking island. The Site Plan Control Bylaw will require tree planting in this location. At site plan review, we could suggest that the underground garbage storage could be relocated within site and snow stored at the end of the drive aisle.
- 3. The landscape strip along the south property line does not meet site plan requirements of 1.5m. A 1.5m landscape area cannot include concrete curbing. Volume to be composed of soil not concrete.

Ecology - May 25, 2023

There are currently no ecological planning issues related to this property and/or associated study requirements.

<u>Urban Design – May 25, 2023</u>

The applicant attended the **May 2023** Urban Design Peer Review Panel (UDPRP) meeting.

- Following the UDPRP meeting, the applicant will be circulated an UDPRP Memo from the Chair of the UDPRP.
- Prior to Site Plan submission, the applicant must forward the following to the Planner and Urban Designer <u>UD@london.ca</u> after attending the May 2023 UDPRP meeting.

- A response to the UDPRP Memo.
- Updated drawings that reflect the revisions made to address the UDPRP comments.

Major Comments:

The proposed development is located on Egerton Street, a Neighbourhood Connector Street, within the Neighbourhood Place Type. Urban Design is generally supportive of the proposed development at 165-167 Egerton Street.

Comments for Zoning Provisions:

Include the following zoning provision to ensure that the proposed development is compatible with the surrounding context:

1. **A minimum separation distance** between the existing dwelling and the proposed infill development. The separation distance should include sufficient space for landscaping. [TLP_948.3].

Items to be addressed at Site Plan:

- 1. Provide a dimensioned full set of elevations and a detailed site plan and rooftop plan. Further Urban Design comments may follow upon receipt.
- 2. Use low walls, railings, and/or landscaping to delineate private amenity areas from common outdoor spaces.

Heritage (Updated) - May 31, 2023

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-9608):

• Lincoln Environmental Consulting Corp. Stage 1-2 Archaeological Assessment of 165-167 Egerton Street in part of Lot 11, Concession B, Township of London, Now City of London, Middlesex County, Ontario (PIF P1289-0180-2021), November 2021.

Please be advised that heritage planning staff recognizes the conclusion of the report that states: "No archaeological resources were identified during the Stage 2 archaeological assessment of the study area, and as such **no further archaeological assessment of the property is recommended.**"

An Ontario Ministry of Citizenship and Multiculturalism (MCM) archaeological assessment compliance letter has also been received, without technical review, dated May 30, 2023 (MCM Project Information Form Number P1289-0180-2021, MCM File Number 0015831).

Archaeological conditions can be considered satisfied for this application at 165-167 Egerton Street.

Appendix E – Public Engagement

Public Responses: Seven (7) written responses and three (3) phone calls were received.

Concerns expressed by the public relate to:

- Traffic and parking
- Tree removal and landscaping
- · Privacy, overlook, and fencing
- Loss of property values
- Over-intensification

From: DJ Moulton

Sent: Monday, May 1, 2023 2:07 PM

To: Maton, Catherine <cmaton@london.ca> **Cc:** McAlister, Hadleigh <hmcalister@london.ca>

Subject: [EXTERNAL] re. Zoning By-Law Amendment File: Z-9608

May 1st, 2023

Attn. Catherine Maton,

re. Zoning By-Law Amendment File: Z-9608

I am writing to you as invited in the recent letter from the City of London advising me of this application.

I wish to voice my objection to the proposed zoning change. While I do not object to the development of the site, I cannot accept changing of the zoning from Residential R2-2. I firmly believe it would bring down the value of surrounding properties, including my own.

As I said, I do not object to the development of the site. I am surprised it hasn't happened sooner. But it is unacceptable to me to bring down the quality and character of this neighbourhood with the type of multi-unit dwelling as proposed. If the developer wants to put in such a poor quality of building let him do it in his own backyard.

I would be open to review a better suited development on this site that stays within the current R2-2 zoning.

I am available if you wish to discuss further.

Sincerely,

David Moulton

From: Jennifer Whitworth

Sent: Friday, May 5, 2023 5:55 PM

To: Maton, Catherine <cmaton@london.ca>

Subject: [EXTERNAL] Z-9608 165-167 Egerton St

Good Afternoon

After reviewing the paperwork sent and careful consideration I would like to oppose the by-law amendment for these properties as written.

Having lived in the neighbourhood all of my life and owned properties here for the last thirty plus years I think the density is too great for the land.

There seems to be little green space for each unit, there is not enough parking for two spaces per unit plus visitor parking. I am not sure what the guidelines are but in this day and age two spaces are barely minimum. Also what will happen in the winter when some of the spaces become snow storage as is inevitable. Such limited parking will lead to traffic snarls on Egerton(which there is already enough of) street parking on adjacent streets which on a daily basis is full to overflowing. The narrow streets will not be able to safely handle the amount of traffic nine more houses in the area will bring. I

am also worried about the aging infrastructure in my neighbourhood supporting these residences.

I know we need more housing in the city and I love the idea of infill but with not so common, common sense. To me six units would be a better number for the land size. This would allow more parking per unit, visitor spaces, green space and perhaps a space for traffic to circle the property for safe ingress and egress onto Egerton Street. Please reconsider this amendment as it stands for health and safety of all of the neighbourhood.

Sincerely

Jennifer Whitworth

From: Jennifer Whitworth

Sent: Monday, May 8, 2023 11:53 AM **To:** Maton, Catherine <cmaton@london.ca>

Subject: Re: [EXTERNAL] Z-9608 165-167 Egerton St

Good Morning Catherine Thank you for your email.

As I thought the requirements for parking are far too outdated for today's vehicle usage. Most households have at least two cars and this allows no consideration for visitor parking.

This puts too much of a strain on street parking in areas where it is just not feasible.

Maybe it is time to update the bylaw!!

Sincerely

Jennifer Whitworth

From:

Sent: Monday, May 8, 2023 1:48 PM

To: Maton, Catherine <cmaton@london.ca> **Cc:** McAlister, Hadleigh <hmcalister@london.ca>

Subject: [EXTERNAL] 165 Egerton Street

Good Day Catherine Maton.

I am writing to you regarding the proposed Zoning By-Law Amendment for 165-167 Egerton Street. I do not mind the proposed building of new town homes on the property, but I am concerned with leaving the existing buildings in place. Egerton Street is in need of revitalization and new buildings would help improve the look of the area, however hiding them behind old, poorly maintained houses defeats the purpose. If the old houses on this property were removed I would have no problem with the building of the townhouses. If the old houses on the property are not removed, only the developer benefits from this project, and the neighbourhood does not benefit at all. This area needs a major face lift, and new buildings are a welcome change, but hiding them behind the run down houses that make the area look bad is pointless. This developer should not be allowed to build new townhomes unless they are willing to tear down the old homes on the property. Lets improve the look of this neighbourhood.

Thank you Colin Hodgins

From: Anthony Circelli

Sent: Monday, May 15, 2023 3:16 PM **To:** Maton, Catherine <cmaton@london.ca>

Subject: [EXTERNAL] Zoning By Law Amendment at 165-167 Egerton

Dear Ms. Maton,

My name is Anthony Circelli and I am the Lawyer for Johannes Jongeneel.

He received the notice in the mail and we are just replying to it to state that we are not opposed to the Zoning amendment rather concerned as there is very little information what will happen to the existing fence as between the properties. My client owns a property abutting, on the very West of the properties.

If there could be some clarification as to the fencing between his property and 165/167 Egerton. My client would be prepared to officially endorse the zoning amendment.

Thank you,

Anthony N. Circelli, B.A., LL.B

From: Hannah Petro

Sent: Saturday, May 20, 2023 8:21 PM **To:** Maton, Catherine <cmaton@london.ca>

Subject: [EXTERNAL] Question regarding zoning bylaw amendment for 165-167

Egerton Street

Hi Catharine!

I had a question regarding the zoning bylaw amendment for 165-167 Egerton Street. I read through the planning documents and it is unclear if the proposed development is intended to be used as townhouses to be sold individually or townhouses to be rented out.

Is this information available to the community?

I am especially curious as the Planning and Design Report specifically mentions it will strengthen the neighborhood by offering affordability.

Thanks so much

Hannah