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L. Claro  
File No: SP11-014648

<b>TO:</b>	<b>CHAIR AND MEMBERS – BUILT AND NATURAL ENVIROMENT COMMITTEE MEETING</b>
<b>FROM:</b>	<b>D. N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: NADIO DI PANDO 1872 AND 1874 TRAFALGAR STREET PUBLIC SITE PLAN MEETING OCTOBER 17, 2011 AT 5:20 PM</b>

<b>RECOMMENDATION</b>
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That on the recommendation of the Director of Development Planning, the following actions be taken with respect to the site plan approval application of Nadio Di Pando relating to the property located at 1872 and 1874 Trafalgar Street.

- a) On behalf of the Approval Authority, the Built and Natural Environment Committee **BE REQUESTED** to conduct a public meeting and **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan approval to permit one duplex dwelling on each proposed lot;
- b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan application and **ADVISE** the Approval Authority whether they support the Site Plan and elevations for one (1) duplex dwelling at 1872 and a second duplex dwelling at 1874 Trafalgar Street subject to the attached site plan being green-line amended to include a sidewalk, and acceptance of site servicing drawings;
- c) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Development Agreement Clauses proposed on Page 8 of the report; and
- d) the applicant **BE ADVISED** that the Director, Development Finance has projected the claims and revenues information as shown on attached Schedule A.

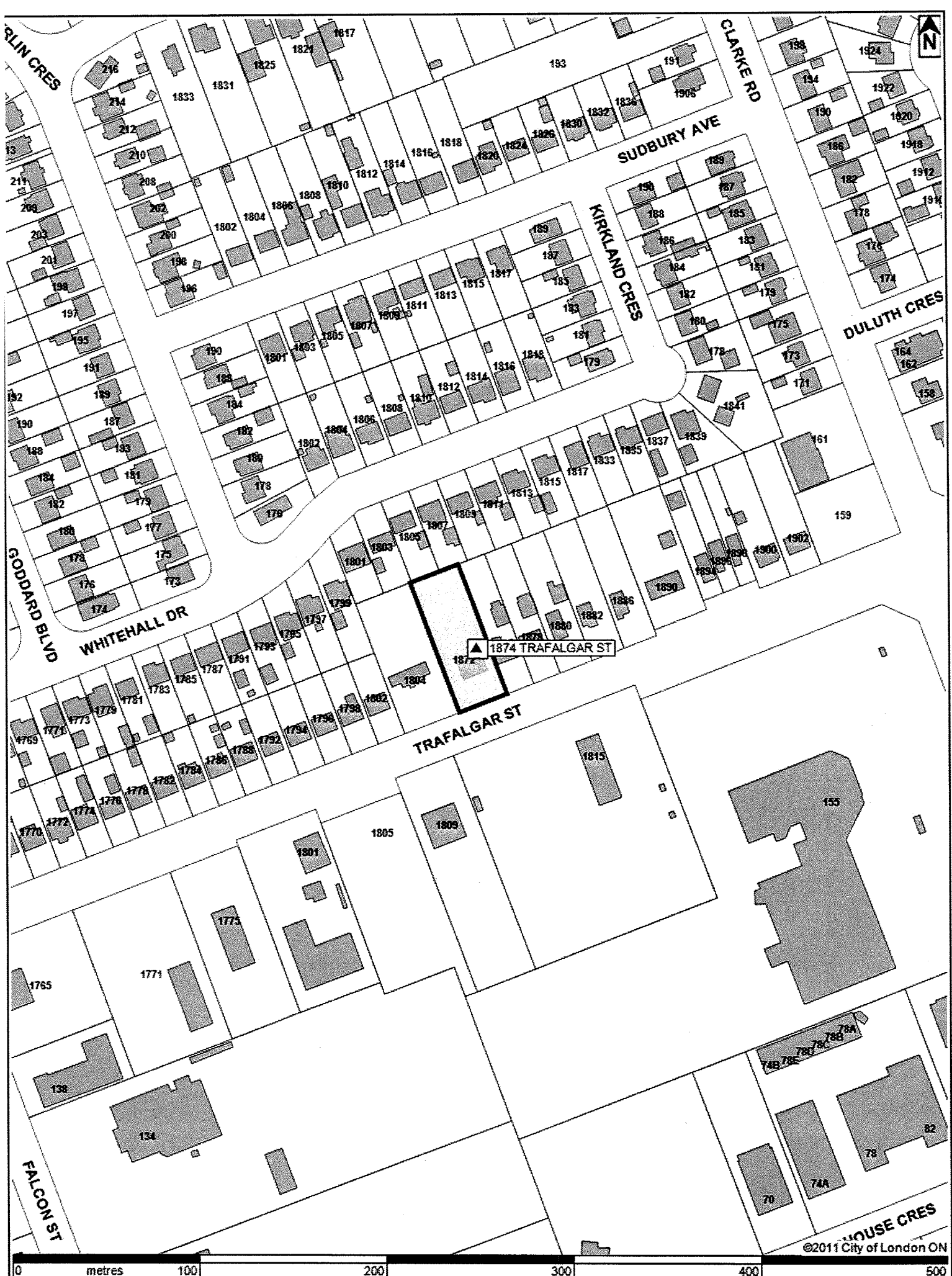
<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose of this application is to obtain site plan approval for a new duplex dwelling on 1872 and 1874 Trafalgar Street. The application for site plan approval has been made in order to satisfy a condition of the London Consent Authority. The Owner has indicated he may convert the dwelling to a triplex dwelling at a later date.

The submitted site plan conforms to the Residential R3 (R3-2) Zone. The proposed site plan and elevation will result in the construction of a duplex dwelling compatible with the neighbourhood to the exterior of the site. It is noted that no physical changes to the exterior of the property is required to convert the proposed duplex to a triplex dwelling.

<b>APPLICATION DETAILS</b>
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<b>Date Application Accepted:</b> May 16, 2011	<b>Agent:</b> Nadio Di Pando
<b>REQUESTED ACTION:</b> Conduct a public meeting and report to the Site Plan Approval Authority the public responses on the proposed site plan, elevations and conditions for site plan approval in order to fulfil a condition of the London Consent Authority.	



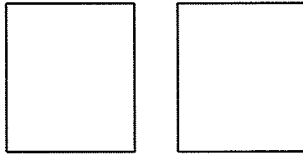
### LOCATION MAP

Subject Site: 1872 Trafalgar St  
 Applicant: Dipardo Nadio, Harvey Cindy  
 File Number: SP11-014648  
 Planner: New  
 Created By: Anna Serrano  
 Date: 2011-06-27  
 Scale: 1:2500

### LEGEND

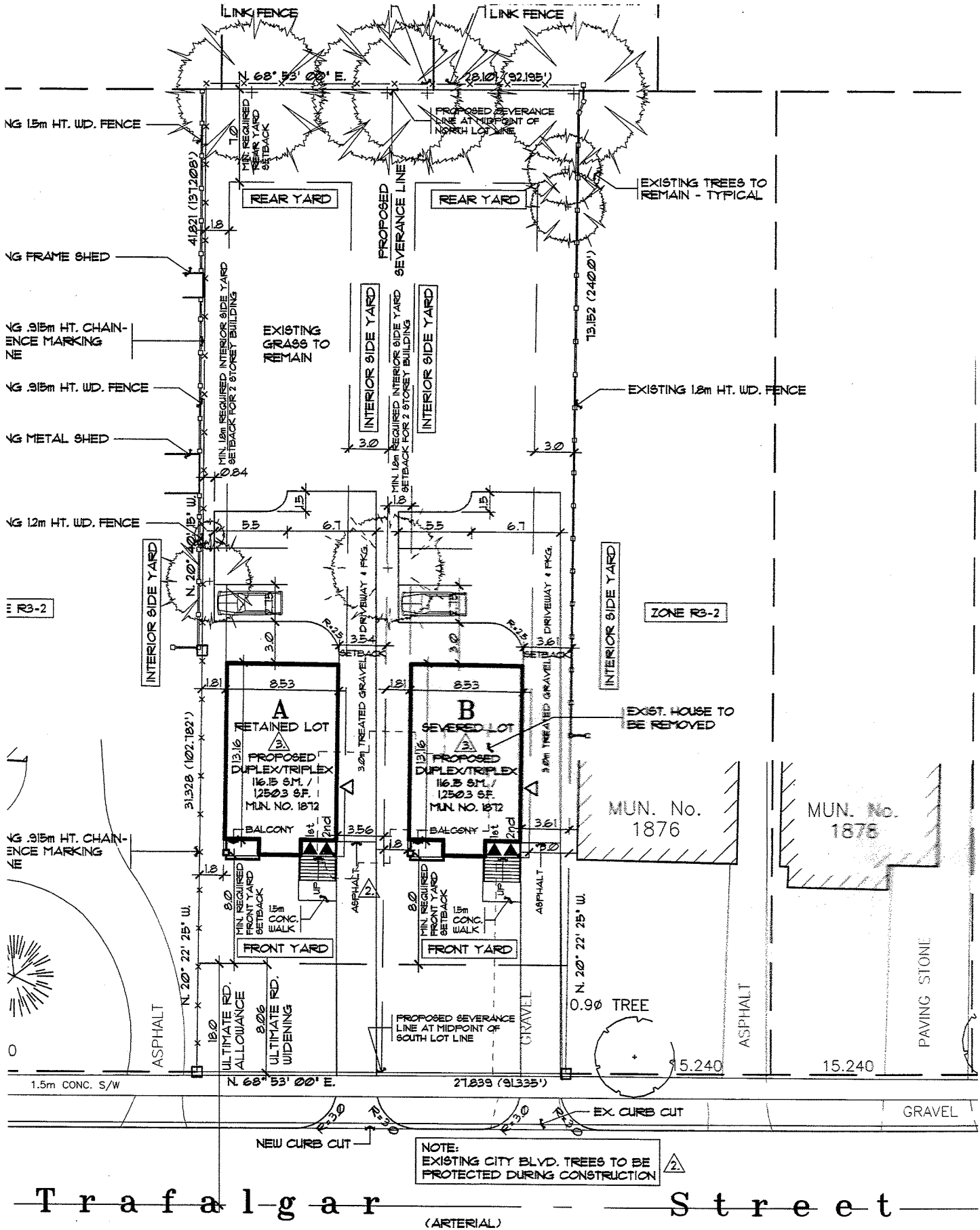
-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

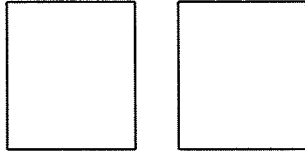




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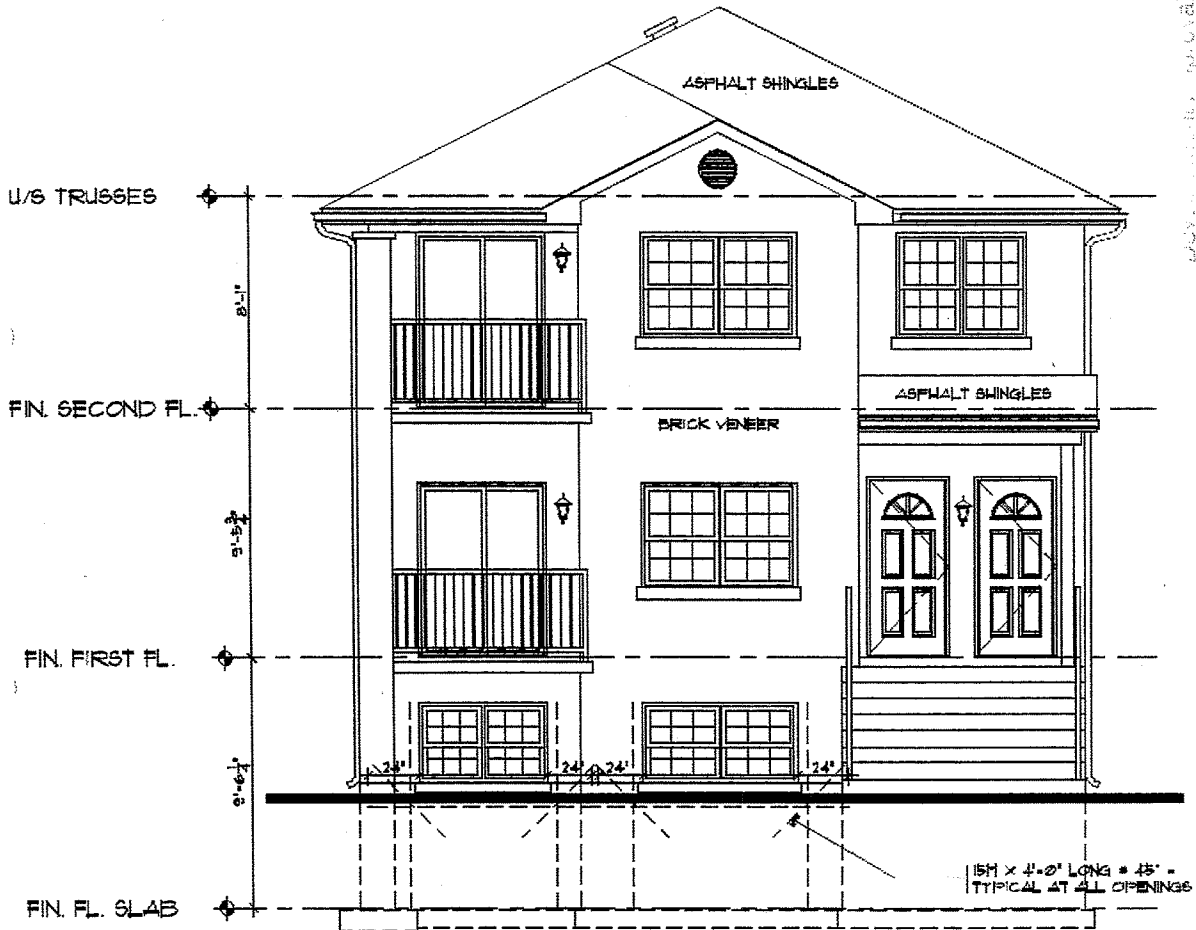
**Site Plan**



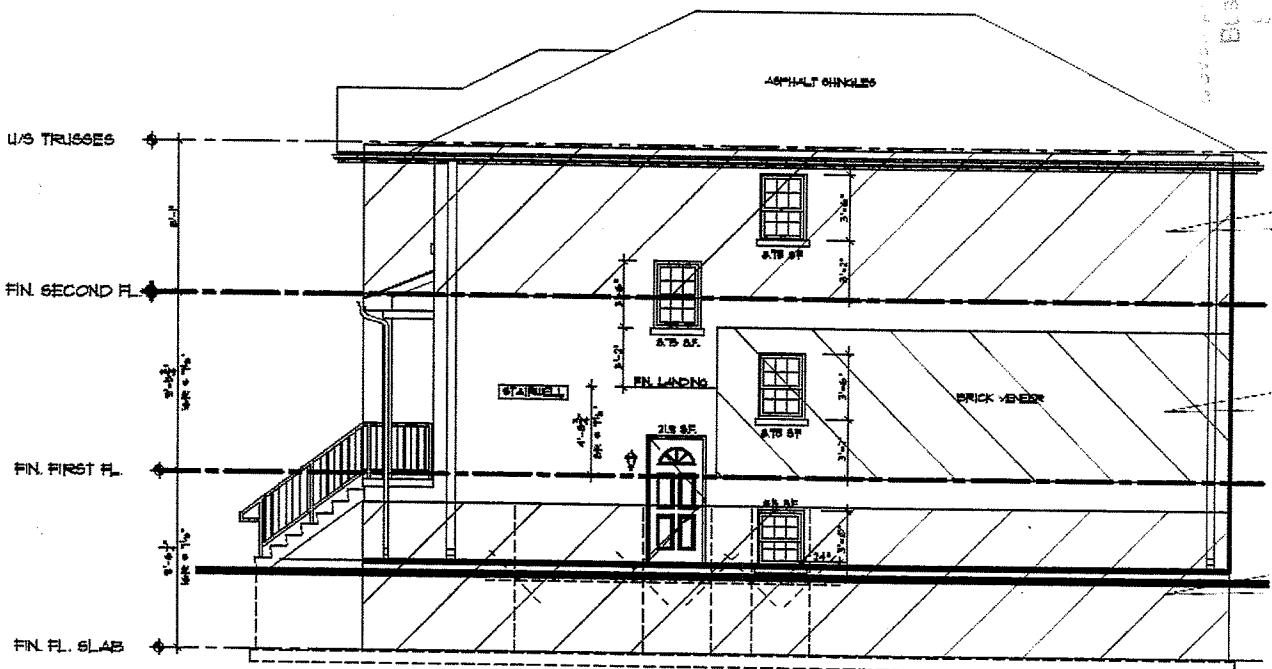


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**Elevations**



**South Elevation**



**East Elevation**

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<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Vacant (formerly a two unit converted dwelling)</li> <li>• <b>Frontage</b> – 27.8 m (91.3 ft)</li> <li>• <b>Depth</b> – 73.1 m (239.5 ft)</li> <li>• <b>Area</b> – 2036.5 m<sup>2</sup> (21,921 ft<sup>2</sup>)</li> <li>• <b>Shape</b> – Rectangle</li> </ul>
<b>SITE CHARACTERISTICS UPON COMPLETION OF THE CONSENT:</b>
<ul style="list-style-type: none"> <li>• <b>Frontage</b> – 13.92 m(45.7 ft)</li> <li>• <b>Depth</b> – 73.1 m (239.5 ft)</li> <li>• <b>Area</b> – 1019.53m<sup>2</sup> (10974.49 ft<sup>2</sup>)</li> <li>• <b>Shape</b> – Rectangle</li> <li>• <b>Access to the rear yard parking</b> – Full Access</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> – Single Detached Dwelling</li> <li>• <b>South</b> – Commercial Use</li> <li>• <b>East</b> – Single Detached Dwelling</li> <li>• <b>West</b> – Single Detached Dwelling.</li> </ul>

<b>OFFICIAL PLAN DESIGNATION: Low Density Residential</b>
<b>EXISTING ZONING: - Residential R3 (R3-2)</b>

<b>BACKGROUND</b>
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**Application for Consent:**

An application for consent to sever (File B.024/11) was received on April 16, 2011 for the property located at 1872 and 1874 Trafalgar St. The consent application was a request to sever 1022.94m<sup>2</sup> for a duplex dwelling and retain 1019.53 m<sup>2</sup> for a second proposed duplex dwelling on 1872 and 1874 Trafalgar St. In accordance with Section 3.2.3 of the City of London Official Plan which includes lot creation as residential intensification, the London Consent Authority imposed among others the following condition:

9. *“the applicant shall apply for site plan approval in accordance with section 3.2.3.5. of the Official Plan, including a public site plan meeting. The site plan shall be submitted to the Development Planning Division and Site Plan approval must be granted and effect prior to the issuance of the consent certificate”.*

There were no appeals to the decision of the London Consent Authority.

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**Application for Site Plan**

An application for Site Plan was accepted on May 16, 2011. The application was circulated and no concerns were received from the public or from circulated agencies/departments.

- On July 18, 2011 a public meeting was held before the Built and Natural Heritage Committee. At the meeting area residents questions whether the applicant was proposing a duplex or a triplex partially because the building contains three doors. The applicant indicated he was proposing a duplex dwelling with the option to convert the building to a triplex at a later date. The Committee recommended the application BE REFERRED BACK to the Civic Administration for further consultation with the applicant with respect to the proposed development of the subject properties. On July 25, 2011 Municipal Council adopted the BNEC recommendation.

**Committee of Adjustment Application**

On August 12, 2011 the Owner made an application to the Committee of Adjustment for a variance to allow two triplexes on the subject lands with a lot frontage of 13.9m in place of 15m. The Committee of Adjustment approved the requested variances on September 6, 2011 subject to the following conditions: 1) That a Character Statement be submitted to Planning staff for review; and, 2) That the elevations for the two triplexes be compatible with the elements of the Character Statement described in Section 3.2.3.3. of the Official Plan to the satisfaction of the Director of Land Use Planning and City Planner. There were no appeals to this decision.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**Environmental and Engineering Services Department**

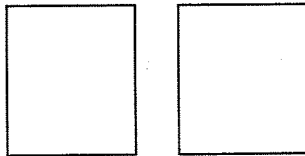
No Comments

<b>PUBLIC LIAISON:</b>	<p>On May 17, 2011, 70 letters were sent out to area property owners within 120 metre radius and Notice of the Public Site Plan Meeting was sent out to area residents. On July 2, 2011 Notice of the Public Meeting was published in the London Free Press.</p> <p>On September 26, 2011, 2011, Notice of the Public Site Plan Meeting was sent out to area residents. On October 1, 2011 Notice of the Public Meeting was published in the London Free Press.</p>	
<b>Nature of Liaison:</b> Same as Requested Action		
<b>Responses:</b> None		

**ANALYSIS**

**Description of the Site Plan**

The Owner has demolished a two unit converted dwelling with the intent to erect a new duplex dwelling. The design of the building is such that it may be converted to a triplex dwelling at a later date. The applicant intends to erect a duplex dwelling on the retained lot and a second duplex dwelling on the severed lot. Similarly the duplex dwelling on the severed lands may be converted to a triplex dwelling at a later date. This application for site plan approval is for the both proposed lots.



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The proposed duplex dwelling on 1872 Trafalgar Street is a two and a half building. Access to each dwelling is from the front of the building. The building is proposed to generally maintain the existing street line, specifically it is to be located 8.0 m from the street. Parking for three vehicles is proposed at the rear of the building with a single car driveway along the east side of the building. The rear façade of the building is in excess of 40 m from the rear property line while the northern limit of the parking area approximately 30 m from the rear property line. There are no new trees or significant vegetation planned for the rear yard. Existing trees along the rear property line are to remain. A mirror duplex dwelling is proposed for 1874 Trafalgar Street.

One of the objectives of the Site Plan Design Manual is to provide safe and convenient pedestrian access from building to public street sidewalks. For this reason it is recommended the submitted site plan be green-lined to add a 1.0 m walkway front of the building to the sidewalk along Trafalgar Street.

**Is the Proposed Site Plan in conformity with the Official Plan and is it consistent with the Provincial Policy Statement?**

The subject lands are designated Low Density Residential in the Official Plan. Duplex dwellings are listed as main permitted uses in areas designated Low Density Residential. Full municipal services are available to this site including public transit. Trafalgar Street is classified as an arterial road in this location.

The Official Plan contains policies to evaluate residential development on arterial roads and the criteria of Section 19.9.6 is to be applied to all applications. In this situation, alternative land uses such as commercial, institutional, high density residential or medium density residential are not applicable. Subsection 19.9.6.4. states where alternate designs are not applicable, then a noise impact study will be undertaken to determine the appropriate noise attenuation mechanism. The applicant has submitted a noise impact study and it contains recommendations to mitigate noise including EW5 construction, central air conditioning units and warning clauses. The extensive rear yard provides adequate Outdoor Living Areas.

The development of a duplex on both the retained and severed lots, which may be converted to a triplex dwelling at a later date, with appropriate noise attenuation measures, on full municipal services, would be in conformity to the Official Plan and consistent with the Provincial Policy Statement.

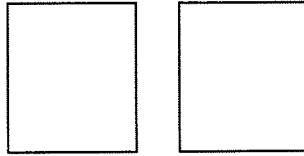
**Does the Plan Conform to the Residential R3-2 Zoning?**

The subject lands are zoned Residential R2 (R3-2). Permitted uses include single detached dwellings, duplex dwellings, triplex dwellings, fourplex dwellings and converted dwellings. Duplex dwellings shall have a minimum lot area of 550 m<sup>2</sup> (5,920 ft<sup>2</sup>); a minimum lot frontage of 12.0 m (39.4 ft), a minimum height of 10.5 m (34.4 ft), together with specific front, interior and rear yard setbacks. The proposed lots would have a lot frontage of 13.9 m and a lot area in the order of 1020 m<sup>2</sup>. The proposed site plan has been reviewed against Residential R3 (R3-2) Zone regulations and been deemed to conform to those regulations.

The R2-3 Zone permits triplex dwellings on lots that have a minimum lot frontage of 15 m and a lot area of 600 m<sup>2</sup>. In this instance, the Committee of Adjustment has granted a minor variance to permit a triplex dwelling with a lot frontage of 13.9 m. Conversion of the duplex dwelling to a triplex dwelling would be permitted under the zoning by-law as varied by the Committee of Adjustment.

**Proposed Site Plan Agreement**

The applicant has made an application for a duplex dwelling on each proposed lot. The site plan is consistent with the Site Plan Control By-law and the elevations have been accepted by the City Community Planning and Urban Design Section. Site servicing drawings have yet to be accepted. One issue yet unresolved is how to deal with storm drainage for the rear yard. Generally applications which are subject to site plan approval require their parking areas to be connected to storm drains. Alternatively dry wells can be installed. Section 12.1. of the Site Plan Design Manual indicates that proper grading and disposal of storm, surface and waste



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waters are to be optimized. "Proper storm drainage such that storm water is generally contained within the site and directed to an internal storm drainage system, thereby generally preventing drainage onto adjacent properties." In this instance, the applicant is proposing to drain the small crushed gravel parking area to other portions of the lot but away from abutting lands. Given the small parking area proposed, staff is recommending forgoing the requirement for either a storm drain or dry well provided the applicant's consulting engineer can demonstrate stormwater from the parking area will not impact abutting properties.

The submitted Site Plan and elevations are consistent with the site plan guidelines considered appropriate for the development of the lands. The land abuts an arterial and noise mitigation clauses are recommended to be included in the Development Agreement. Such mitigation measures include EW5 construction, mandatory central air conditioning units and warning clauses. The following standard clauses are recommended to be included in the Site Plan Agreement – together with the Site Plan and elevations.

Standard Clauses to be Incorporated into the Development Agreement

1. Include standard clauses 1,2,3,7,8,10,11,12,13,14,15,16,19,20,21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
2. Delete standard clauses 4, 5, 6, 9, 17, 18, 23, 24, 26.

Special Provision Clauses

1. Noise Study Mitigation Recommendations Clause



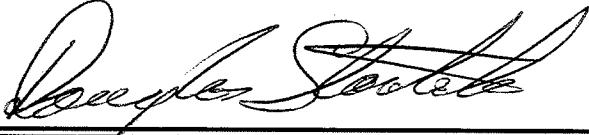
Should the applicant wish to convert the duplex dwellings to triplex dwellings at a later date no physical changes to the exterior of the lands are required. He would be required to submit a building permit application and amend the Development Agreement. The nature of the amendment to the Development Agreement would be a change to the description of the proposal.

**CONCLUSION**

The applicant has submitted a site plan application to fulfill a condition of a provisional consent. The proposed site plan for a duplex dwelling on 1872 and 1874 Trafalgar Street has been reviewed against applicable Official Plan policies, the Provincial Policy Statement and the existing Zoning By-law and been determined to be in conformity with the applicable policies and regulations. The proposed site plan, as amended to add a sidewalk, and elevations will result in development that will maintain the character of the area and comply with the Site Plan Control By-law. The plans are considered good land use planning and are acceptable to be recommended for approval. If the applicant wishes to convert the duplex dwelling to a triplex dwelling at a later date it would be permitted by the zoning by-law; however, other permits/approvals are required.



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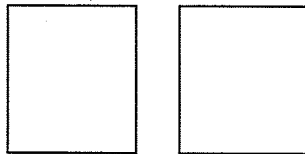
<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>LUIS CLARO</b> SITE PLAN APPROVAL OFFICER DEVELOPMENT PLANNING	<b>JEFF LEUNISSEN, MCIP RPP</b> MANAGER OF DEVELOPMENT PLANNING
<b>RECOMMENDED BY:</b>	
	
<b>D. N. STANLAKE</b> DIRECTOR OF DEVELOPMENT PLANNING	

October 6, 2011

DA/DNS/JL/LS/KP

c: David Ailles, Managing Director, DABU  
Pat McNally, Executive Director, PEES Department

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**Bibliography of Information and Materials**

Reference Documents:

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

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

City of London, Notice of Application, May 17, 2011.

City of London, Notice of Public Meeting, June 17, 2011.

City of London, Notice of Public Meeting, September 26, 2011.

City of London, Living in the City – Saturday, July 2, 2011.

City of London, Living in the City – Saturday, October 1, 2011.

City of London, Site Plan By-law C.P.-1455-451

City of London, Consent Authority Provisional Decision File No. B.024/11

City of London Committee of Adjustment Decision File No. A.101/11

Provincial Policy Statement, March 1, 2005

Nadio Di Pardo, Explanation Letter, August 4, 2011 (Received September 8, 2011)

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**Schedule A**

The Director, Development Finance has projected the claims and revenues information for a duplex dwelling on the retained lands (1872 Trafalgar Street) as shown below:

- 1)      Claims and revenues for the first duplex dwelling will be as follows:

	<u>Estimated Revenue</u>	<u>Estimated Claims</u>
Urban Works Reserve Fund	\$7,604.00	\$NIL
Other Reserve Funds	\$18,898.00	\$NIL
Demo Credit	\$26,502.00	
<b>TOTAL</b>	<b>\$NIL</b>	

- 2)      Claims and revenues for the second duplex dwelling will be as follows:

	<u>Estimated Revenue</u>	<u>Estimated Claims</u>
Urban Works Reserve Fund	\$7,604.00	\$NIL
Other Reserve Funds	\$18,898.00	\$NIL
<b>TOTAL</b>	<b>\$26,502.00</b>	