



# PLANNING COMMITTEE AGENDA

---

Planning Committee Meeting  
**Monday, January 20, 2020**  
Tom Davies Square - Council Chamber

---

## COUNCILLOR FERN CORMIER, CHAIR

---

**Robert Kirwan, Vice-Chair**

12:15 p.m. CLOSED SESSION, COMMITTEE ROOM C-12

1:00 p.m. OPEN SESSION, COUNCIL CHAMBER

City of Greater Sudbury Council and Committee Meetings are accessible and are broadcast publicly online and on television in real time and will also be saved for public viewing on the City's website at:

<https://agendasonline.greatersudbury.ca>.

Please be advised that if you make a presentation, speak or appear at the meeting venue during a meeting, you, your comments and/or your presentation may be recorded and broadcast.

By submitting information, including print or electronic information, for presentation to City Council or Committee you are indicating that you have obtained the consent of persons whose personal information is included in the information to be disclosed to the public.

Your information is collected for the purpose of informed decision-making and transparency of City Council decision-making under various municipal statutes and by-laws and in accordance with the *Municipal Act, 2001, Planning Act, Municipal Freedom of Information and Protection of Privacy Act* and the City of Greater Sudbury's *Procedure By-law*.

For more information regarding accessibility, recording your personal information or live-streaming, please contact Clerk's Services by calling 3-1-1 or emailing [clerks@greatersudbury.ca](mailto:clerks@greatersudbury.ca).

Resolution to meet in Closed Session to deal with two (2) Proposed or Pending Acquisition or Disposition of Land Matters:

- Land Exchange - Lasalle Boulevard, Sudbury
- Sale of Property - Patterson Street, Sudbury

in accordance with the *Municipal Act, 2001, s. 239(2)(c)*.

**(RESOLUTION PREPARED)**

## **DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

### **PUBLIC HEARINGS**

1. Report dated December 16, 2019 from the General Manager of Growth and Infrastructure regarding Saint Vincent de Paul – St. Kevin's Conference – Application for Official Plan Amendment and Rezoning, 2496 Highway 69 North, Val Caron. **7 - 22**  
**(RESOLUTION PREPARED)**
  - Wendy Kaufman, Senior Planner
2. Report dated December 13, 2019 from the General Manager of Growth and Infrastructure regarding Tj Herault – Application for Zoning By-Law Amendment, 2165 Falconbridge Road, Garson. **23 - 44**  
**(RESOLUTION PREPARED)**
  - Wendy Kaufman, Senior Planner
  - Letter(s) of concern from concerned citizen(s)

### **MATTERS ARISING FROM THE CLOSED SESSION**

At this point in the meeting, the Chair of the "Closed Session", will rise and report the results of the "Closed Session". The Committee will then consider any resolutions.

### **MEMBERS' MOTIONS**

### **CORRESPONDENCE FOR INFORMATION ONLY**

- I-1. Report dated December 18, 2019 from the General Manager of Growth and Infrastructure regarding Brownfield Modernization. **45 - 49**  
**(FOR INFORMATION ONLY)**

(This report provides information regarding Brownfield legislation including recent amendments to modernize Brownfields and Record of Site Condition requirements.)

### **ADDENDUM**

## **CIVIC PETITIONS**

## **QUESTION PERIOD**

## **ADJOURNMENT**

# COMITÉ DE PLANIFICATION ORDRE DU JOUR

---

Réunion du Comité de planification  
**20 janvier 2020**  
Place Tom Davies - Salle du Conseil

---

## COUNCILOR FERN CORMIER, PRÉSIDENT(E)

---

**Robert Kirwan, Vice-président(e)**

12H 15 SÉANCE À HUIS CLOS, SALLE DE RÉUNION C-12

13H 30 SÉANCE PUBLIQUE, SALLE DU CONSEIL

Les réunions du Conseil de la Ville du Grand Sudbury et de ses comités sont accessibles et sont diffusés publiquement en ligne et à la télévision en temps réel et elles sont enregistrées pour que le public puisse les regarder sur le site Web de la Ville à l'adresse <https://agendasonline.greatersudbury.ca>.

Sachez que si vous faites une présentation, si vous prenez la parole ou si vous vous présentez sur les lieux d'une réunion pendant qu'elle a lieu, vous, vos commentaires ou votre présentation pourriez être enregistrés et diffusés.

En présentant des renseignements, y compris des renseignements imprimés ou électroniques, au Conseil municipal ou à un de ses comités, vous indiquez que vous avez obtenu le consentement des personnes dont les renseignements personnels sont inclus aux renseignements à communiquer au public

Vos renseignements sont recueillis aux fins de prise de décisions éclairées et de transparence du Conseil municipal en vertu de diverses lois municipales et divers règlements municipaux, et conformément à la *Loi de 2001 sur les municipalités*, à la *Loi sur l'aménagement du territoire*, à la *Loi sur l'accès à l'information municipale et la protection de la vie privée* et au *Règlement de procédure* de la Ville du Grand Sudbury.

Pour obtenir plus de renseignements au sujet de l'accessibilité, de la consignation de vos renseignements personnels ou de la diffusion en continu en direct, veuillez communiquer avec le Bureau de la greffière municipale en composant le 3-1-1 ou en envoyant un courriel à l'adresse [clerks@grandsudbury.ca](mailto:clerks@grandsudbury.ca).

Résolution pour tenir une réunion à huis clos afin de traiter de deux acquisitions ou dispositions projetées ou en cours de terrains :

- Échange de terrains – boulevard Lasalle, Sudbury
- vente de propriété – rue Patterson, Sudbury

aux termes de la *Loi de 2001 sur les municipalités*, alinéa 239 (2)(c).

## **(RÉSOLUTION PRÉPARÉE)**

### **DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES**

#### **AUDIENCES PUBLIQUES**

1. Rapport directeur général, Croissance et Infrastructure , daté du 16 décembre 2019 portant sur Saint-Vincent-de-Paul – St. Kevin's Conference – Demande de modification du Plan officiel et de rezonage, 2496, route 69 Nord, Val-Caron. **7 - 22**  
**(RÉSOLUTION PRÉPARÉE)**
  - Wendy Kaufman, planificateur principal
2. Rapport directeur général, Croissance et Infrastructure , daté du 13 décembre 2019 portant sur Tj Herault – Demande de modification d'un règlement municipal de zonage, 2165, chemin Falconbridge, Garson. **23 - 44**  
**(RÉSOLUTION PRÉPARÉE)**
  - Wendy Kaufman, planificateur principal
  - Lettre(s) de citoyens concernés faisant état de leurs préoccupations

#### **QUESTIONS DÉCOULANT DE LA SÉANCE À HUIS CLOS**

Le président de la séance à huis clos, se lève maintenant et en présente les résultats. Le Comité examine ensuite les résolutions.

#### **MOTIONS DES MEMBRES**

#### **CORRESPONDANCE À TITRE D'INFORMATION**

- I-1. Rapport directeur général, Croissance et Infrastructure , daté du 18 décembre 2019 portant sur Modernisation des friches industrielles. **45 - 49**  
**(A TITRE D'INFORMATION)**

(Dans ce rapport, on fournit des renseignements sur les textes législatifs, y compris les récentes modifications visant à moderniser les exigences concernant les friches industrielles et les dossiers de l'état des sites.)

## **ADDENDA**

## **PÉTITIONS CIVIQUES**

## **PÉRIODE DE QUESTIONS**

## **LEVÉE DE LA SÉANCE**

## Request for Decision

### Saint Vincent de Paul – St. Kevin’s Conference – Application for Official Plan Amendment and Rezoning, 2496 Highway 69 North, Val Caron

Presented To:	Planning Committee
Presented:	Monday, Jan 20, 2020
Report Date	Monday, Dec 16, 2019
Type:	Public Hearings
File Number:	751-7/19-11 & 701-7/19-3

## Resolution

Resolution regarding the Official Plan Amendment:

THAT the City of Greater Sudbury approves the application by Saint Vincent de Paul – St. Kevin’s Conference, to amend the City of Greater Sudbury Official Plan by changing the Official Plan designation from Living Area 1 to Mixed Use Commercial on those lands described as PIN 73502-0558, Parcel 18419 SES, Lot 57, Plan M-285, Lot 6, Concession 5, Township of Blezard, Val Caron, as outlined in the report entitled “Saint Vincent de Paul – St. Kevin’s Conference”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 20, 2020.

Resolution regarding the Rezoning:

THAT the City of Greater Sudbury approves the application by Saint Vincent de Paul – St. Kevin’s Conference to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-5”, Residential Low Density One to “C2(S)”, General Commercial Special on those lands described as PIN 73502-0558, Parcel 18419 SES, Lot 57, Plan M-285, Lot 6, Concession 5, Township of Blezard, Val Caron, as outlined in the report entitled “Saint Vincent de Paul – St. Kevin’s Conference”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 20, 2020, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall remove the existing shipping container subject to the satisfaction of the Director of Planning Services.
2. That the amending by-law include the following site-specific provisions:
  - i. The only permitted uses shall be a bake shop, business office, convenience store, institutional use, restaurant, and service shop; and

### Signed By

#### Report Prepared By

Wendy Kaufman  
Senior Planner  
*Digitally Signed Dec 16, 19*

#### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Dec 16, 19*

#### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Jan 6, 20*

#### Financial Implications

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Jan 2, 20*

#### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Jan 6, 20*

#### Recommended by the C.A.O.

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 8, 20*

ii. The minimum lot frontage shall be 22.9 m.

3. Conditional approval shall lapse on February 18, 2022 unless Condition 1 above has been met or an extension has been granted by Council.

### **Relationship to the Strategic Plan / Health Impact Assessment**

The application to amend the Official Plan and Zoning By-law is an operational matter under the Planning Act to which the City is responding. The applications contribute to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to asset management and service excellence, as well as business attraction, development and retention.

### **Report Summary**

Applications for Official Plan Amendment and rezoning have been submitted in order to permit a mix of uses including a bake shop, business office, convenience store, institutional use, restaurant, and service shop. A conceptual parking layout is proposed which would require relief from landscaping and parking setbacks.

The subject land is designated as Living Area 1 in the Official Plan and zoned 'R1-5', Residential Low Density One.

Staff recommends approval of the applications subject to a condition that the existing shipping container on the site to be removed.

### **Financial Implications**

Based on the information available, staff is unable to determine the property tax and development charges implications at this time. This is a result of a planned demolition of an existing building and construction of a new building.



**Date: December 13, 2019**

## **STAFF REPORT**

### **PROPOSAL:**

The applications proposes to amend the City’s Official Plan and By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, to permit a scoped list of uses permitted in the ‘C2’, General Commercial zone.

The site is currently being used by the Society of Saint Vincent de Paul – St. Kevin’s Conference as an office and meeting place, and has previously been used as a soup kitchen.

The site is functionally related to the lands adjacent to the north, which are zoned C2 and are being used for a thrift store, and are also owned by the applicant. The lands subject to the applications are intended to provide office and meeting space, a food bank, workshop, soup kitchen, and general storage. The applicant has therefore requested a scoped list of commercial uses be permitted on the site to reflect their needs, specifically a bake shop, business office, convenience store, institutional use, restaurant, and service shop

The applicant intends to demolish the existing structure on the site. The applicant’s site sketch shows the location of the newly proposed building on the site, parking spaces and drive aisles, and landscaped areas.

**Existing Zoning:** R1-5, Low Density Residential One

The R1-5 zone permits a limited range of residential uses.

**Requested Zoning:** C2(S), General Commercial Special

The proposed C2 zone would permit a scoped list of uses including a bake shop, business office, convenience store, institutional use, restaurant and service shop. Site specific relief is also requested to eliminate the required 3 m wide planting strip adjacent to the southerly residential zone and 3 m landscaped area along Highway 69 North, and to enable parking in these areas.

### **Location and Site Description:**

The subject property is described as PIN 73502-0558, Parcel 18419 SES, Lot 57, Plan M-285, Lot 6, Concession 5, Township of Blezard, Val Caron. The subject lands are located on the east side of Highway 69 North, and are municipally known as 2496 Highway 69 North, Val Caron. The subject lands are 0.13 ha in size with approximately 22.86 m of frontage on Highway 69 North.

The lands are currently serviced with municipal water and sanitary sewer. They are accessed via Highway 69 N, which consists of five lanes including a centre left-turn lane at this location. There is a transit stop on both sides of Highway 69 N within 70 m to the north of the subject lands. There is an existing structure on the site which will be removed prior to development.

**Date: December 13, 2019**

**Surrounding Land Uses:**

The area surrounding the site includes:

North:	Commercial thrift store (also owned by St. Vincent de Paul)
East:	Golf course (Monte Vista)
South:	Residential use
West:	Highway 69 North, residential use

The existing zoning & location map indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the existing structure on the subject lands, as well as the commercial and residential uses along this section of Highway 69 North in the community of Val Caron.

**Public Consultation:**

Notice of Complete Application was circulated to the public and surrounding property owners on October 21, 2019. Notice of Public Hearing was circulated to the public and surrounding property owners on January 2, 2020. The owner was also advised of the City’s policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. As of the date of this report, one letter has been received from the adjacent residential property owner to the south raising concerns regarding drainage and general impacts on the use of their backyard.

**POLICY & REGULATORY FRAMEWORK:**

The property is subject to the following policy and regulatory framework:

- [2014 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

**Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development.

Planning authorities shall also identify appropriate locations for redevelopment taking into account existing building stock. The need for the unjustified and/or uneconomical expansion of services shall be avoided.

**Date: December 13, 2019**

Section 1.3.1 of the PPS requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs, and maintaining a range and choice of suitable sites which take into account the needs of existing and future businesses.

Section 1.7.1 (a) & (b) state that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness, and by optimizing the use of land and infrastructure. Section 1.6.7 regarding transportation systems further emphasizes that efficient use shall be made of existing infrastructure.

### **Growth Plan for Northern Ontario:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform to the Growth Plan for Northern Ontario.

### **Official Plan for the City of Greater Sudbury:**

Section 1.3.2 of the Official Plan acknowledges the link between planning, design and economic development, such as by providing a framework to reinforce the urban structure and achieve efficient urban form and use of infrastructure.

The subject lands are proposed to be designated as Mixed Use Commercial in the Official Plan. Section 4 of the Official Plan identifies that the Mixed Use Commercial designation is intended to reflect lands where people presently work and lands where employment opportunities will be provided in the future. These uses are generally concentrated along certain stretches of Arterial Roads.

Given the function and high visibility of these areas, special attention is to be given to sound urban design principles including supporting active transportation and transit.

All uses except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process, subject to the following criteria listed in section 4.3:

- sewer and water capacities are adequate for the site;
- parking can be adequately provided;
- no new access to Arterial Roads will be permitted where reasonable alternate access is available;
- the traffic carrying capacity of the Arterial Road is not significantly affected;
- traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent; and,
- landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and
- the proposal meets the policies of Sections 11.3.2 and 11.8, and Chapter 14.0, Urban Design.

### **Zoning By-law 2010-100Z:**

Development standards for the requested ‘C2’ zone permit a maximum height of 15 m. The minimum required yard adjacent to Highway 69 North is 15 metres given it is a primary arterial road. The minimum required interior side yard to the north is 0 m given the adjacent non-residential zone. The minimum required interior side yard to the south is 3.0 m plus an additional 0.6 m for each storey in excess of three storeys given the adjacent Residential Zone. The maximum lot coverage is 50%. The minimum landscaped open space required is 5%.

Parking for a bake shop, convenience store, institutional use and service shop is required to be provided at the rate of 1/20m<sup>2</sup> net floor area. Parking for a business office is 1/30 m<sup>2</sup> net floor area. Parking for a restaurant is 1/10m<sup>2</sup> net floor area or 1/3 persons seating capacity, whichever is greater.

**Date: December 13, 2019**

**Site Plan Control:**

The property is not currently subject to a site plan control agreement. An agreement will be required prior to development of the site.

**Department/Agency Review:**

The applications have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications. No major concerns have been identified and comments have been addressed to the satisfaction of reviewing departments and agencies.

Building Services has provided a number of comments:

- The lot does not meet the frontage requirement for the C2 zone.
- Recommend including a planting strip adjacent to the proposed building given proximity to neighbouring residence.
- Parking is not permitted closer than 3 m from the front property line and within 3 m of the adjacent residential zone. A barrier-free parking space is required. Bicycle parking is required. A review of the parking requirements and a detailed calculation should be provided to ensure compliance.
- Owner to note that the sidewalk is located beyond the front property line.
- A loading spaces is required should the gross floor area exceed 300 m<sup>2</sup>.
- There appears to be a storage container located on the property, and must be removed.

Infrastructure and Capital Planning Services has estimated the number of vehicle trips that could be generated in the worst case scenario (e.g. if the entire site was used as a restaurant), and expect that there is sufficient capacity within the adjacent road network to support the proposal. There are no concerns as long as sufficient parking spaces are provided to satisfy by-law requirements.

Development Engineering has confirmed this area is serviced with municipal water and sanitary sewer for a single residence. These services may need to be replaced to suit the requested commercial use. A test manhole is required on the sanitary sewer service to the commercial building. There are no concerns as long as development proceeds by way of site plan control to address matters such as water and sanitary sewer servicing, test manhole, and site surface drainage and stormwater control.

**PLANNING ANALYSIS:**

Planning staff circulated the development applications to internal departments and external agencies in June, 2019. The PPS (2014), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the applications in respect of the applicable policies, including issues raised through agency circulation.

It is acknowledged that the applications have been made by a charitable organization proposing to undertake certain commercial uses on the subject lands in order to fulfill their mandate. The applications would increase the amount of land designated Mixed Use Commercial in Val Caron, and permit the site to be used for a scoped list of C2 uses including a bake shop, business office, convenience store, institutional use, restaurant, and service shop. A conceptual parking layout is proposed which would require relief from landscaping and parking setbacks.

In Val Caron, there are three distinct nodes of Mixed Use Commercial lands located along Highway 69 North, including two larger areas at the intersections of both Main Street and Yorkshire Drive (majority of lands at Yorkshire are subject to holding provisions related to the need for a traffic study and related

**Date: December 13, 2019**

infrastructure). The subject lands are south of the third, smaller node which has a mix of uses including residential and an automotive use. The intervening lands between the Mixed Use Commercial node and subject lands contain the driveway to the Monte Vista golf course, which is designated Parks & Open Space, as well as the adjacent thrift store which is designated Living Area 1.

It is recommended that the applications conform with the Growth Plan for Northern Ontario in that they align with the general economic policies. The applications are consistent with PPS policies and conform with Official Plan policies that acknowledge the link between land use planning and economic prosperity, and maintaining a range of sites to provide economic opportunities.

The proposed location for the range of uses proposed on this site aligns with the Official Plan direction to locate Mixed Use Commercial areas along Arterial Roads. The proposed designation and zoning would enable uses that would complement the site to the north, which are zoned C2 and are being used for a thrift store. The proposal represents a logical extension of the non-residential uses in this area.

The subject lands are within a fully-serviced settlement area. The application aligns with the PPS as well as Official Plan section 1.3.2 regarding directing development to settlement areas to promote long-term economic prosperity by optimizing the use of land and infrastructure. The application will enable the efficient use of the existing transportation infrastructure, or Arterial Road, being Highway 69 North.

The application meets the specific considerations for a rezoning as listed in policy 4.3 of the Official Plan:

- There are no identified servicing constraints.
- Adequate on-site parking can be provided. The applicant’s sketch indicates the site could accommodate 18 parking spaces, though two spaces are shown in areas where landscaping should be provided. Considering the parking requirements for the range of uses proposed, the most conservative parking requirement would be 18 spaces for a restaurant (based on gross floor area, rather than net floor area). It is expected that the area shown for parking may conceptually meet the requirements for the proposed uses, and there would be room to accommodate more parking in the area identified for landscaping in the rear yard. Detailed parking calculations would be required at the time of a site plan control agreement application.
- There is sufficient traffic carrying capacity available to support the development. Traffic improvements, such as turning lanes are not required to support this development.

A conceptual parking layout is proposed which would require relief from landscaping and parking setbacks. These landscaping and setback requirements are intended to promote compatibility with adjacent uses and enhance the urban environment. The redevelopment of the site including the use of a portion of the rear yard for parking would have the potential to impact the adjacent residential property to the south. The applicants have not proposed any alternative landscaping measures to address compatibility with the residential use to the south, and there would appear to be enough room on the site to accommodate the standard landscaping requirements. It is therefore recommended that these requests for relief be denied, and that the required landscaping and parking setbacks be accommodated on the site.

It is recommended that the zoning by-law recognize the existing deficient frontage of the lot.

It is recommended that a condition be implemented requiring the shipping container on the subject lands be removed, given the shipping container is not permitted.

**Date: December 13, 2019**

**CONCLUSION:**

The Planning Division undertook a circulation of the applications to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific Official Plan and Zoning By-law Amendment:

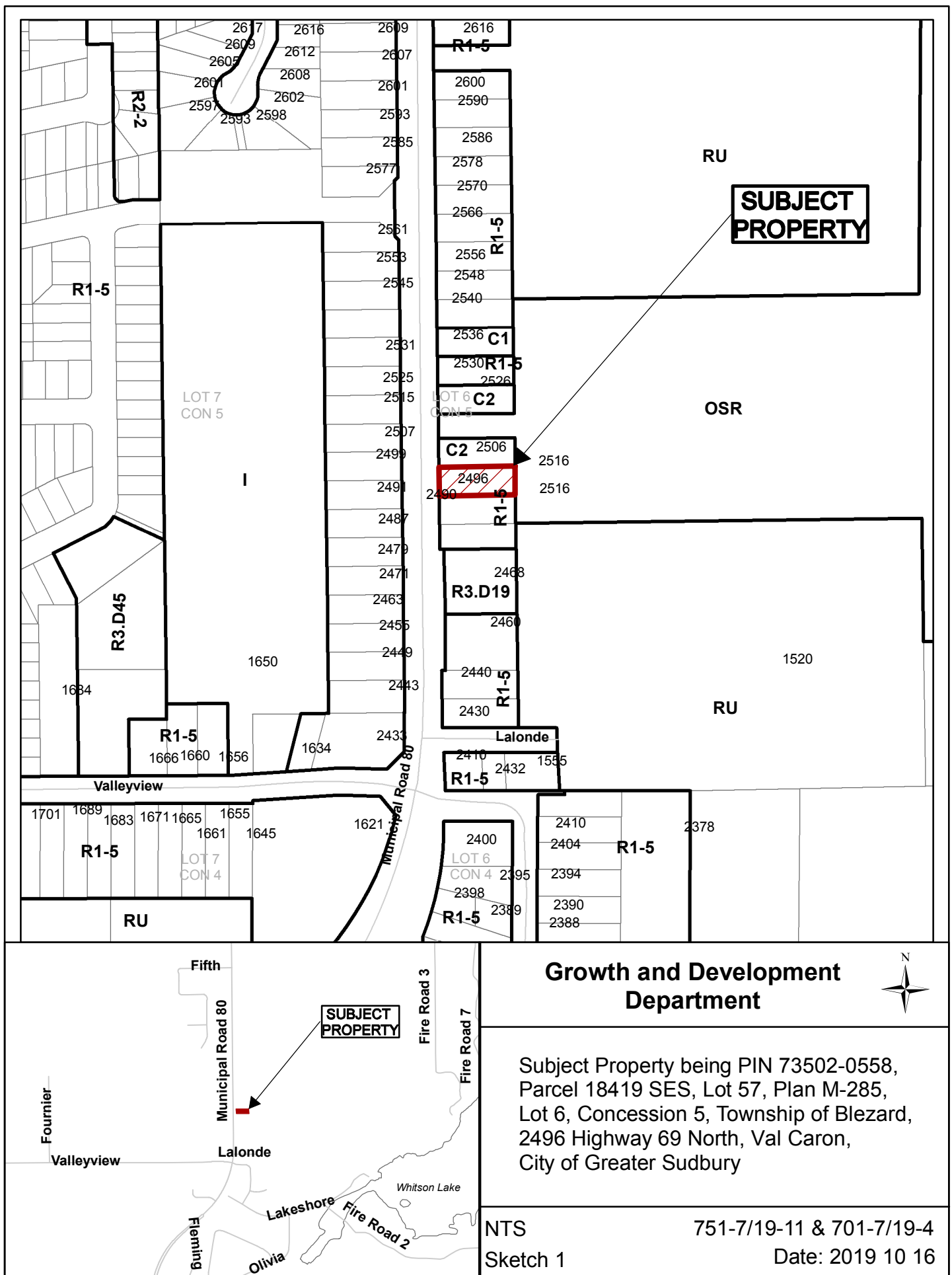
- To enable the lands to be used for a scoped range of uses permitted in the C2 zone, including a bake shop, business office, convenience store, institutional use, restaurant, and service shop.

The development of the subject lands achieves a number of policy directives, including the promotion of economic development in a manner that considers the available servicing and compatibility with adjacent uses. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for these applications.

Staff are of the opinion that the proposed amendments are appropriate based on the following:

- Development in this location aligns with economic policies and directing development to an area with existing infrastructure.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- There are no identified servicing constraints and the traffic increase can be accommodated. Adequate on-site parking is provided.
- The site design, including landscaping provisions, will be further addressed through the site plan control agreement process.

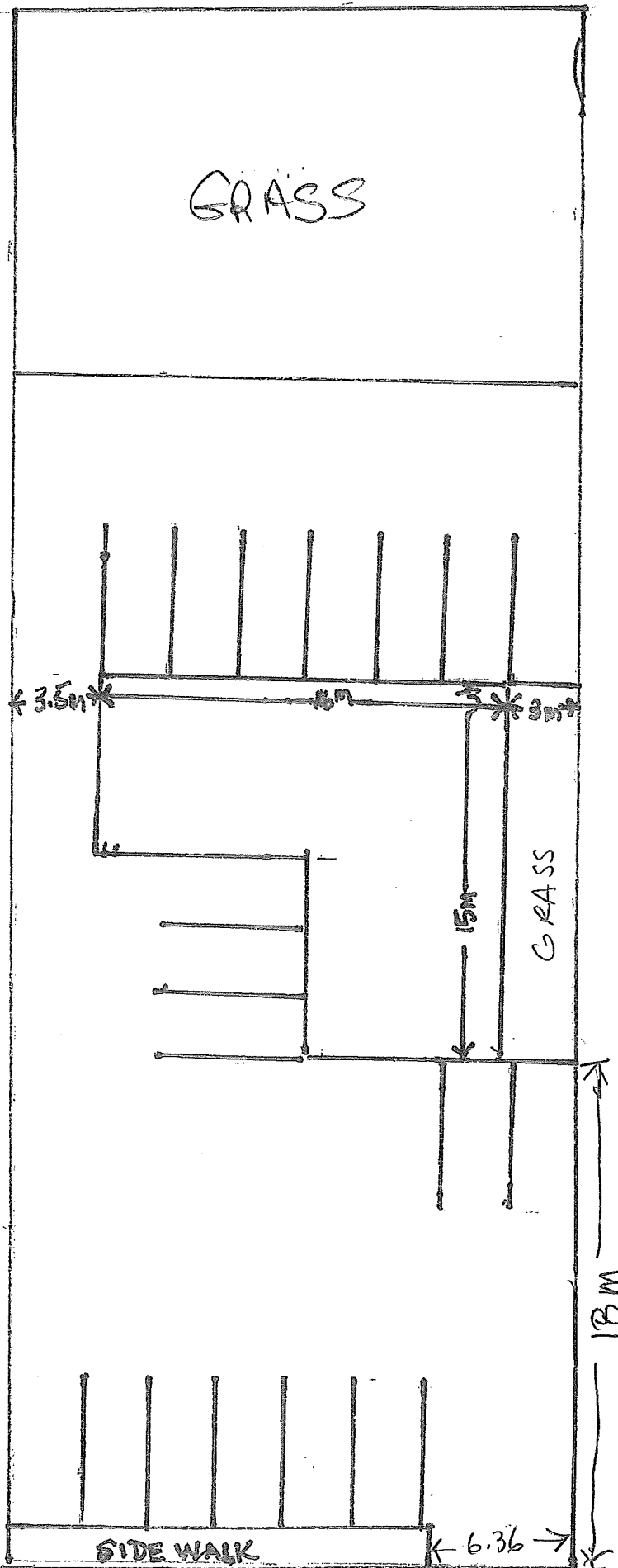
Staff recommends approval of the applications on the basis that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, have regard for matters of provincial interest, and represent good planning.



PROPOSED PLAN FOR HWY 69 N, VAL CARON

Monte Vista Golf Course

Saint Vincent de  
Paul Thrift Store



Lot Size

22.86 m X 60.96 m = 1,393.5 s/m

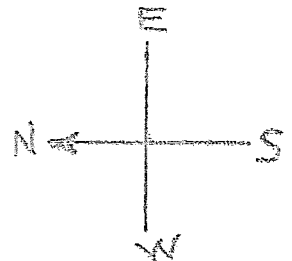
House Size - 184 s/m

PARKING

18 SPACES

660.14 s/m

Private Residence



Scale : 1cm = 2.5m

Hwy 69 N.



## **Request for Amendment to the Official Plan and Re-Zoning of**

**2496 Hwy 69 N, Val Caron, P3N 1K6**

### **Preamble**

The above property is owned by the Society of Saint Vincent de Paul-St.Kevin's Conference. It currently serves as our office and meeting place and has been used as a soup kitchen.

The building is over 70 years old and in need of significant repairs. We also need to expand our food bank and work shop currently housed at our store next door.

The plan is to demolish the current building and build anew.

The new building will house the following:

- Office
- Food bank
- Soup kitchen
- Work shop
- Meeting room
- storage

### **C2 permitted uses relevant to our new building:**

- Bake shop
- Business Office
- Convenience Store
- Institutional use
- Restaurant
- Service shop

### **Public Consultation Strategy**

We will hand-deliver invitations to land owners within a 400 foot radius of our property for a meeting at 2496 Hwy 69 N, Val Caron.



Photo 1. Subject lands, looking east.



Photo 2. Single detached dwelling located to the south of the subject lands, looking east.



Photo 3. The rear yard of the subject lands, showing the rear yard of the adjacent residential use beyond, looking southwest.





Photo 4. Subject lands (right) and adjacent commercial use to the north (left), looking east.



Photo 5. Commercial use located to the north of the subject lands, looking east.

Presented To:	Planning Committee
Presented:	Monday, Jan 20, 2020
Report Date	Friday, Dec 13, 2019
Type:	Public Hearings
File Number:	751-3/19-3

## Request for Decision

### Tj Herault – Application for Zoning By-Law Amendment, 2165 Falconbridge Road, Garson

#### Resolution

THAT the City of Greater Sudbury approves the application by Tj Herault to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “R1-5”, Low Density Residential One to “R3(S)”, Medium Density Residential Special on those lands described as PIN 73496-0220, Parcel 15892, Lot 2, Plan M-252, Lot 9, Concession 1, Township of Garson, as outlined in the report entitled “Tj Herault”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 20, 2020, subject to the following conditions:

1. That the amending by-law for the R3-Special zoning includes the following site-specific provisions:
  - i. A row dwelling with a maximum of four (4) dwelling units shall be permitted;
  - ii. The minimum front yard setback shall be 10 m;
  - iii. The minimum rear yard setback shall be 2.81 m;
  - iv. The maximum building height shall be one storey;
  - v. A minimum of one (1) parking space per unit shall be required; and
  - vi. The driveways for each pair of units shall be paired and centred at the common wall.
2. That prior to the enactment of the amending by-law, a lot grading plan shall be approved, to the satisfaction of the Director of Planning Services.
3. Conditional approval shall lapse on January 21, 2022 unless Condition 2 above has been met or an extension has been granted by Council.

#### Signed By

##### **Report Prepared By**

Wendy Kaufman  
Senior Planner  
*Digitally Signed Dec 13, 19*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Dec 13, 19*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Dec 16, 19*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Jan 2, 20*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Jan 7, 20*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 7, 20*

#### Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing, by adding to the range and mix of housing available in Garson.

### **Report Summary**

An application for rezoning has been submitted in order to permit a row dwelling building with four (4) units. Site specific relief is also requested to reduce the required front yard to 10 m where 15 m is required, reduce the rear yard to 2.81 m where 7.5 m is required, reduce the number of parking spaces to four (4) where six (6) are required, and permit the proposed 1.8 m fence in the corner side yard where a maximum of 1 m is permitted. The subject land is designated as Living Area 1 in the Official Plan and zoned R1-5, Low Density Residential One.

Staff recommend approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

### **Financial Implications**

If approved, staff estimate approximately \$12,500 in taxation revenue, based on the assumption of 4 multiple dwelling units at an estimated assessed value of \$275,000 per dwelling unit at the 2019 property tax rates.

In addition, this would result in total development charges of approximately \$23,000 based on assumption of 4 multiple dwelling units and includes a reduction of \$17,721 from the redevelopment credit on the original building to be demolished, and are based on the rates in effect as of the date of this meeting.



**Date: December 13, 2019**

## **STAFF REPORT**

### **PROPOSAL:**

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit a row dwelling building with four (4) units. A reduction in the number of required parking spaces and the required front yard has also been requested.

The applicant's site sketch shows the location of the proposed row dwelling and parking on the subject lands. The elevation plan shows the proposed 1-storey building and the internal layout. Each unit is proposed to be approximately 133 m<sup>2</sup> (1426 ft<sup>2</sup>) in size, including an attached 1-car garage.

### **Existing Zoning:** R1-5, Low Density Residential One

The R1-5 zone permits a limited range of low density residential uses including single detached dwellings, a home daycare, group home (type 1), and a bed and breakfast establishment.

### **Requested Zoning:** R3(S), Medium Density Residential Special

The proposed R3(S) zone would permit an additional range of residential uses beyond those permitted in the R1-5 zone, including semi-detached, duplex, row dwellings and multiple dwellings. Specific relief from the following development standards has been requested to enable the development of a row dwelling building with four (4) units:

- A minimum 10 m front yard where 15 m is required;
- A minimum 2.81 m rear yard where 7.5 m is required, with eave projecting 0.46m into the rear yard (note that, though requested, relief is not required for the eave);
- A minimum of four parking spaces where six are required; and
- While not specifically requested, relief is also needed to permit the proposed 1.8 m fence shown in the corner side yard where a maximum of 1 m is permitted.

### **Location and Site Description:**

The subject property is described as PIN 73496-0220, Parcel 15892, Lot 2, Plan M-252, Lot 9, Concession 1, Township of Garson. The subject lands are located at the northeast corner of Falconbridge Road and Carr Avenue, and are municipally known as 2165 Falconbridge Road. The subject lands are 0.14ha in size with approximately 22.86 m of frontage. The lands are currently serviced with municipal water and sanitary sewer. There is a City transit stop on both sides of Falconbridge Road 40 m to the east of the subject lands. The existing residential structure on the subject land is intended to be demolished.

### **Surrounding Land Uses:**

The area surrounding the site includes:

North:	Residential use, single detached dwelling
East:	Residential use, single detached dwelling
South:	Falconbridge Road and commercial use (Northern RV)
West:	Carr Avenue, residential use, single detached dwelling

**Date: December 13, 2019**

The existing zoning & location map, indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the single detached dwellings along Carr Avenue and the north side of Falconbridge Road in this area. Carr Avenue terminates to the north at the Cedar Green Golf Club.

### **Public Consultation:**

Notice of Complete Application was circulated to the public and surrounding property owners on October 21, 2019. Notice of Public Hearing was circulated to the public and surrounding property owners on December 19, 2019. The applicant advised that they would canvass residents in the area. As of the date of this report two phone calls have been received regarding this application, raising concerns regarding how the change in use may impact the existing character of the neighbourhood with respect to congestion and noise, and a specific request for a fence to be required as part of the planting strip along the east property line.

### **POLICY & REGULATORY FRAMEWORK:**

The property is subject to the following policy and regulatory framework:

- [2014 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

Section 1.1.3.1 and 1.4.1 of the PPS are relevant to the application. Section 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. Section 1.4.1 requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged.

### **Growth Plan for Northern Ontario:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. There are no policies that are relevant to this application, therefore the application is considered to conform to the Growth Plan.

**Date: December 13, 2019**

**Official Plan for the City of Greater Sudbury:**

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan. Policies 3.2(2), 3.2.1(4) and 3.2.1(5) provide direction regarding the location of medium density housing. Medium density housing is permitted where full municipal services with adequate capacity are available, and should be located on sites in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas, and community/recreational services.

Policies 3.2(3) and 3.2.1(5) state that sites should be of a suitable size to provide adequate landscaping and amenity features, and that new residential development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning By-law.

Policies 3.2.1(6) establishes the following criteria to be considered when rezoning lands in the Living Area 1 designation:

- a) the site is suitable in terms of size and shape to accommodate the proposed density and building form;
- b) the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
- c) adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d) the impact of traffic on local streets is minimal.

Section 2.3.3 encourages all forms of intensification and establishes a 20% residential intensification target. Intensification applications are to be evaluated with respect to criteria including site suitability, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

Section 17 identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

**Zoning By-law 2010-100Z:**

The development standards for the requested zone permits a maximum height of 11 m. The minimum required front yard is 15 m, the minimum required rear yard is 7.5 m, the minimum required interior side yard is 1.2 m, and the minimum required corner side yard is 4.5 m. The maximum lot coverage is 40%.

Parking is not permitted in the front or corner side yard. Parking for a row dwelling is required to be provided at a rate of 1.5 spaces per unit. The minimum driveway width is 3 m.

The minimum landscaped open space requirement is 30%, and a minimum of 50% the required front yard is to be maintained as landscaped open space. A 3.0 m wide planting strip adjacent to the full length of the lot line is required abutting any residential zone, being both the northerly and easterly lot lines. The planting strip width may be reduced to 1.8 m where an opaque fence 1.5 m in height is provided.

**Date: December 13, 2019**

**Site Plan Control:**

A Site Plan Control Application is not required for this development. Multiple dwellings not exceeding four units are excluded from site plan control.

**Department/Agency Review:**

The application, together with the applicable reports noted above, has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards.

Building Services has advised that a demolition permit would be required for the existing dwelling, and drawings prepared by a qualified designer will be required for the new row dwelling.

Drainage Section staff have indicated that the lot is low-lying in comparison to neighbouring lots and adjacent roads. Development Engineering has advised that they have no concerns with the rezoning if a lot grading plan showing paired driveways, planting strips and the current location of the community mailbox is provided. They also note that the current water and sewer service connections may require upgrading.

These comments have been addressed to the satisfaction of reviewing department and agencies.

**PLANNING ANALYSIS:**

Planning staff circulated the development application to internal departments and external agencies in May, 2019. The PPS (2014), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency circulation.

The application to permit a row dwelling building on the subject lands is consistent with the PPS direction to direct development to fully serviced settlement areas. The Official Plan encourages all forms of intensification.

Both the PPS and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. The Official Plan identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The building form in this part of Garson consists mainly of single-detached dwellings, and the proposal to construct row dwellings in this location represents an opportunity to provide an alternative form of housing.

Given the location on Falconbridge Road, the subject property is an appropriate location for intensification to medium density. There are full municipal services with adequate capacity, the site is adjacent to Falconbridge which is an Arterial Road, and public transit stops are close to the site (40 m to the east). Employment opportunities, commercial areas, and community services are available within relatively close proximity in the community of Garson.

The site itself is relatively large and has sufficient area to accommodate a four-unit row dwelling including adequate landscaping and a privacy yard for each unit. A lot area of 350 m<sup>2</sup> per unit is proposed, where a minimum of 110 m<sup>2</sup> is required.

The proposed reduction in the required front yard is considered to be minor, and would be in keeping with

**Date: December 13, 2019**

the setbacks on the adjacent residential property fronting on Falconbridge Road.

Given the proposed orientation of the building, the reduction in the rear yard to 2.81 m where 7 m is required is considered to be appropriate considering the required 7.5 m privacy yard can be accommodated in the interior yard instead.

Traffic is not expected to be impacted by this proposal. It is recommended that the driveways be paired and centred at the common wall to minimize the impact of multiple driveway entrances. The proposal to reduce the number of parking spaces to one (1) per unit is expected to be adequate given the scale of the development and the nearby location of transit stops.

In terms of the proposed density and compatibility with adjacent lands, it is noted that the majority of the residential lands in this part of Garson are zoned R1-5 and consist of single-detached dwellings. There is one building to the west that is zoned R3 and permits a multiple dwelling of up to 10 units. The proposed four units would represent a net density of approximately 28 units per hectare, which is still considered to be relatively low. For example, the combined density of the three single-detached homes across the street on Carr Avenue would represent a density of approximately 17 units per hectare. The majority of development in Garson is very low density given that most of the lots for single-detached dwellings are relatively large.

To promote compatibility with adjacent low-density residential uses, the applicant has proposed 1.8 m fence be incorporated in the required planting strip along the rear property line. It is recommended that the fence height be stepped down to 1 m in the corner side yard, in order to protect sightlines along the road as well as the character of the neighbourhood. The applicant's sketch demonstrates there is adequate room on the site to provide a 3 m planting strip along the interior property line. It is recommended that the building form be restricted to a four unit row dwelling with a maximum height of one storey to ensure the density and built form are scaled to promote compatibility with the adjacent residential neighbourhood.

Further to comments received from development engineering, a lot grading plan is recommended to be provided prior to passing the by-law. This will ensure the site is suitable from a draining perspective and will help avoid flooding, ponding, and related issues.

## **CONCLUSION:**

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific zoning by-law:

- To rezone the lands from R1-5 to R3, with site-specific relief to enable the development of a row dwelling building with four (4) dwelling units.

The development of the subject lands achieves a number of policy directives related to intensification and the provision of a range and mix of housing types. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

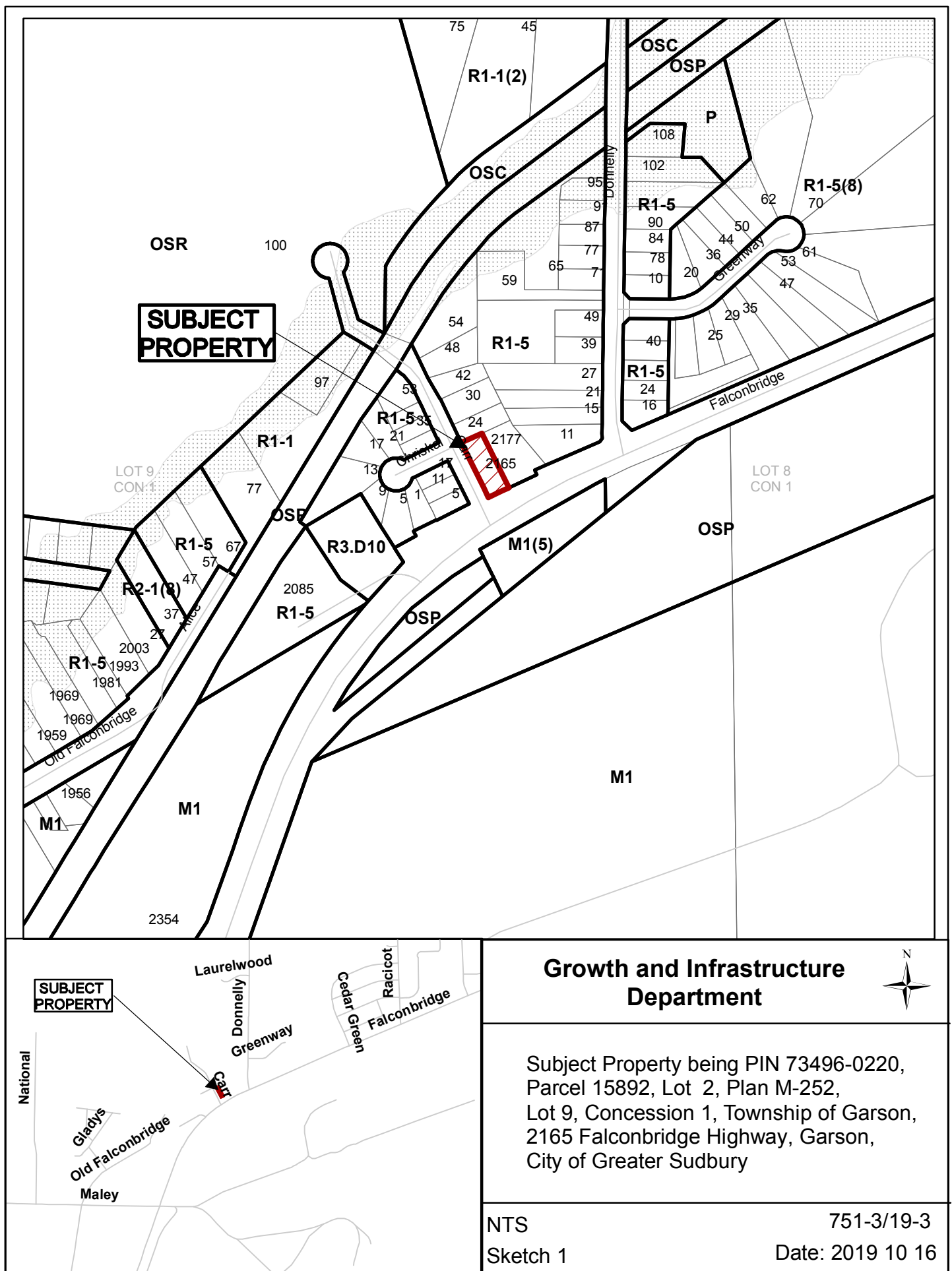
**Title: Tj Herault, Application for Zoning By-law Amendment, 2165 Falconbridge Road, Garson**

**Date: December 13, 2019**

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff are of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The proposed row will contribute to the range and mix of housing available in the area.
- The site is suitable for the proposed density and building form.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Adequate parking, landscaping and amenity areas can be provided.
- The impact on local streets will be minimal.

Staff recommend approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.







1 FIRST FLOOR PLAN  
1:36

THIS DOCUMENT IS THE PROPERTY OF NORTH SOUTH STUDIO. IT IS TO BE USED FOR THE PROJECT ONLY AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. WITHOUT THE WRITTEN PERMISSION OF NORTH SOUTH STUDIO, ANY REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT IS PROHIBITED.

**EXISTENCE**

1	2	3	4	5	6

**PROJECT**

**PROPOSED FOURPLEX FOR  
TU HEREAULT**

**PRELIMINARY PLANS**

**DATE** 01/28/08  
**SCALE** 1:36

**North South Studio**  
218 DECEMBER ROAD  
PO BOX 2010  
CHATELAIN, QUEBEC H9A 1A6  
PHONE: 514-277-5555  
WWW.NORTHSOUTHSTUDIO.COM

**PR1**

**PR1**



PR2





Photo 1. Subject lands looking, northwest from Falconbridge Road.



Photo 2. Subject lands, looking north from Carr Avenue.





Photo 3. Single detached dwelling located to the east of the subject lands on Falconbridge Road, looking northwest.



Photo 4. Single detached dwelling on Carr Avenue to the north of the subject lands, looking east.



Photo 5. Residential use on Carr Avenue to the west of the subject lands, looking north.





Photo 6. Commercial use located to the south of the subject lands on Falconbridge Road, looking south.

JAN. 8/20

1065

ATTN.: WENDY KAUFMAN / COES

Ref.: 751-3 / 19-3  
Submission / Request.

From: owner 2177 Falconbridge Rd.

TO: FAX # 705 673 2200

Please find attached as  
previously discussed.

We have looked at everything,  
and as the abutting landowner, we have  
some very simple suggestions/requests.

Thank You

P.S. Will call you later this  
week.



Jan. 06, 2020.

Page 1 of 4

Attn.: Planning Services , COGS

Attn.: Councillor Jackubo

Ref.File: 751-3 / 19-3

From: Owner 2177 Falconbridge Rd., (Adjacent Property)

Madam/Sir,

As owner of 2177 Falconbridge Rd., I believe that a fence to provide privacy and to restrict access is a required condition prior to any consideration of this re-zoning request.

The reasons for such a barrier seem obvious and should have already been considered prior to this point in this application. As you know, this is an application to modify the zoning and effectively quadruple the occupancy. In a residential setting, this can be a substantial disruption. Having said this, I feel the need to explain further, and convince all parties that a fence is a very reasonable request, benefitting all parties.

This request for re-zoning is a request for a quadrupling of the previous or current occupancy, as well as a change to a rental property and a change to an absentee landlord/owner. A possibility of anywhere of 12-20 new neighbours and their visitors is not out of the question.

As per the proposed property/site plan, the main outdoor space for this quadrupled occupancy will be completely along the entire length of 2177 Falconbridge Rd., my property. I argue that my property is "most affected" by this re-zoning. (please see site layout)

It is important to remember that this re-zoning is being sought for a business/profit venture. I believe that this makes it even more important that the outcome does not diminish adjoining properties in any AVOIDABLE manner. Nothing is worse than identifying a future problem/problems and letting them happen without taking reasonable action(s) to avoid such. In my experience with Planning, this is one of their primary goals.

Equality of treatment for all affected parties is also very important. As an example, in this particular application, the only other abutting neighbour is benefitting from a 1.9 m privacy fence. This neighbour's exposure to the proposed re-zoning is only their masonry sidewall and a four foot unuseable setback strip. Essentially, there is no reduction of privacy nor any significant potential for accidental or intentional trespass(see site plan). Furthermore, this neighbour has 22.86 m of linear exposure to the proposed re-zoning. Nevertheless, this neighbour will benefit from  
CONT'D ON PAGE 2 of 4

a privacy/ physical barrier fence. My property does not benefit from a proposal for a fence. Equality of treatment, says it should. In comparison to 22.86 m of linear exposure, my property has 61.57m of linear exposure, yet the proposed plantings do not provide equal or adequate privacy nor do they provide equal or adequate barrier to physical access. Furthermore, and when you look at the site plan, you will see that the proposed "courtyards" face or are exposed to my entire open property/outdoor space (not a brick wall/four foot setback strip).

The privacy of my property is greatly more diminished and the potential for accidental or intentional trespass is greatly increased, however, the proposed ameliorative measures are not even equal, for both neighbours, in fact, they are less. This is unequal treatment.

\* Regardless of the setback requirements for fencing versus plantings, I remind you that you are proposing variances of setback to the applicant along both roadways. If you can vary these to allow this business venture, then certainly you can justify an additional request (or variance) to add a fence where the applicant could get away with plantings. One variance is for profit, the other is to avoid loss (or diminishment of enjoyment).

In summary, if you are providing "variance" to the applicant, then you are fully able "vary" your conditions on my behalf. This comes closer to equality of treatment. In the applicant's proposed business venture, costs can be recuperated by adjusting prices. Once the project is complete, diminishment of quality of life or enjoyment on the other hand is not possible, and problems can worsen over time.

In this case, that is a request for a QUADRUPLING OF OCCUPANCY combined with the fact that this quadrupled occupancy will now be RENTAL occupancy. The reality is that there will be a changing of the occupants on a more frequent basis, and these occupant changes will potentially be quadrupled.

Once the good rules of neighbourly existence are established, they may be undermined by changing to new occupants on a potentially regular basis. Fences (some with signs) diminish most negative interactions and enhance privacy. Children understand fences. Pets cannot cross fences, and so on. My argument is that the proposed "3 m planting" is not the best reasonable solution to  
CONT'D ON PAGE 3 OF 4

minimize the potential negative impacts I have identified, especially with a changing occupancy. A fence is the most effective ameliorative measure, if the goal is fairness.

Shrubs or trees would have to be a "thick impassable hedge" PRIOR TO THE OCCUPANCY PERMIT. But it is a proven fact that such "plantings", as they are currently proposed, may never materialize, or even if installed fully grown, may die over time. This cannot be monitored. (see Rainbow Concrete along Falconbridge Rd. for an exact example)

Once occupancy is granted, and with diminished enjoyment of use, (among other potential problems) I will now bear the burden for fighting with by-law enforcement, and with the absentee landlord. This is not to mention the potential for conflict with a proposed quadrupled number of occupants and visitors. In a worst case scenario, this could become a nightmare. Currently, and in the past there were/are no such problems.

Another issue with quadrupling of the occupancy without a physical barrier, greatly increases the potential for trespass and the conflicts that can result from this. This increases the potential liability for my property. Neighbours, especially children and visitors, can claim ignorance. In a planning sense, a fence lessens significantly the possibility of all of the above occurrences. Requiring a fence illustrates more diligence and foresight in the planning process. I argue that when you quadruple, or otherwise significantly increase, the occupancy and increase the potential liability next to a low occupancy zoning, fences should always be demanded of the applicant, especially in a for profit business venture. COGS and Planning should make this a rule.

We should avoid creating potential burdens (and costs) on an already overburdened By-Law Enforcement department, and we must avoid adding burdens on neighbours, especially with for-profit business proposals and applications.

With all of the above being said, for the applicant, a cost-benefit analysis would show that a fence is favourable to a fully grown planting (although from my perspective and the COGS perspective the cost to the applicant should be of less of concern than to those who have no benefit).

Please consider that the COSTS of a fully grown planting prior to occupancy are high, and maintenance is also a cost.

CONT'D ON PAGE 4 of 4

Removal and re-planting are also a potential repetitive cost. Many of these costs are hard to determine.

On the other hand, the BENEFITS are numerous:

- diminishment of neighbours property rights and diminished of enjoyment are lessened; and,
- liability is lessened; and,
- potential conflict is lessened; and,
- useable yard space is increased (ie gain 3m x 48.77m of useable yard); and,
- greater safety for all children and visitors; and,
- less pets either entering or leaving property; and,
- less black bears roaming onto property looking for four barbecues (and household waste x 4); and,
- less chance of wild animals living in the proposed 3 m planting strip (directly adjacent to the dwelling); and,
- a very accurate, one-time for a fence; and,
- and appearance of fairness for neighbours of equal standing.

Considering the benefits and costs of an effective and permanent fence versus hedges that accomplish nothing if they are not impassable and permanently maintained, a fence can be argued to cost less. Not diminishing your neighbour by allowing your neighbour to remain whole is a permanent benefit.

For all of the reasons I have provided, I am only requesting a fence be added as a condition. Regardless of the setback distances, and considering this is a business venture, all parties should benefit from "variances" to the rules.

Thank you for your time and for your consideration at this preliminary stage. I will contact Councillor Jackubo with my contact information.

Sincerely,

G.Michelizza (owner 2177 Falconbridge Rd.,)

## For Information Only

### Brownfield Modernization

Presented To:	Planning Committee
Presented:	Monday, Jan 20, 2020
Report Date	Wednesday, Dec 18, 2019
Type:	Correspondence for Information Only

### Resolution

For Information Only

### Relationship to the Strategic Plan / Health Impact Assessment

Council's Corporate Strategic Plan (2019-2027) supports Business Attraction, Development and Retention. Specifically through that priority Council aims to revitalize Downtown Sudbury with public investment that supports and leverages private investment. The Brownfield Modernization amendments to the Record of Site Condition Regulation should assist in encouraging development and redevelopment of brownfield sites.

### Report Summary

The report provides a summary of the amendments to Ontario Regulation O.Reg 153/04. The changes were made as part of the Provinces "Preserving and Protecting our Environment for Future Generations" Environment Plan which includes action to reduce barriers to redevelopment and clean-up of contaminated sites.

### Financial Implications

There are no financial implication associated with this report.

#### Signed By

##### **Report Prepared By**

Melissa Riou  
Senior Planner  
*Digitally Signed Dec 18, 19*

##### **Manager Review**

Kris Longston  
Manager of Community and Strategic Planning  
*Digitally Signed Dec 18, 19*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Dec 20, 19*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Dec 30, 19*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Jan 6, 20*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 8, 20*

## **Brownfield Modernization**

### **Planning Services Division**

**Report Date: December 18, 2019**

### **Background**

The Environmental Protection Act provides for the protection and conservation of the natural environment. Recently, the Provincial government has proposed amendments to Brownfield's legislation, through EBR posting 013-2774.

In November 2018, the Provincial government, through the Ministry of Environment, Conservation and Parks (MECP), posted "Preserving and Protecting our Environment for Future Generations: A Made-in-Ontario Environment Plan" which was available for public comment until January 28, 2019. This plan includes an action plan to increase the redevelopment and clean-up of contaminated lands through the revision of the brownfields regulation and the record of site condition (RSC) guide to reduce barriers to redevelopment, as well as proposed amendments to make it easier to reuse excess soil. In January 2019 staff brought a report in general support of the changes and Council directed staff to forward those comments on as the City's submission to the Environmental Bill of Rights Registry (EBR).

Recently, the Province announced that the brownfield modernization amendments came into effect on December 2, 2019.

### **Discussion**

#### **Records of Site Condition**

Ontario has a comprehensive framework to manage human health and risk associated with adaptive reuse or redevelopment projects. The framework is set out in the Environment Protection Act, with complementary changes to the Planning Act, Provincial Policy Statement and Ontario Building Code. Generally, any project that is changing from a "less sensitive" (e.g. industrial or commercial) to a sensitive (e.g. residential, parkland) use requires a Record of Site Condition.

A Record of Site Condition (RSC) summarizes the environmental condition of a property, based on the completion of environmental site assessments. A Record of Site Condition must be filed to the Environmental Site Registry by a qualified professional certifying that the property meets the applicable site condition standard or a standard specified in a risk assessment for the intended use.

Phase 1 environmental site assessments are required for all records of site condition. The qualified professional must identify any potentially contaminating activity in the study area and determine whether a Phase 2 environmental site assessment is required.

Phase 2 environmental site assessments determine the location and concentration of one or more contaminant and take actions to reduce the concentration if a standard has been exceeded and/or complete a risk assessment to develop property specific standards that are safe for the intended use.

A RSC is mandatory before changing the property to a more sensitive use. The mandatory filing provisions are applicable law under the *Building Code Act, 1992* as defined by the *Environmental Protection Act*, and requires that a RSC be filed prior to the issuance of a building permit by the municipality.

The need for a RSC can represent additional time, cost and uncertainty from a development perspective. In a rural and northern context, this requirement can determine whether a developer will proceed with a project or not. For this reason, and others, City Council approved the Brownfield Strategy and Community Improvement Plan to help stimulate the revitalization of brownfields.

## **Policy and Regulatory Framework**

Brownfields are subject to the following policy and regulatory framework:

- 2014 Provincial Policy Statement
- 2011 Growth Plan for Northern Ontario
- Official Plan for the City of Greater Sudbury
- Environmental Protection Act
- O.Reg. 153/04: Records of Site Condition
- Brownfield Modernization Amendments – O.Reg. 407/19
- Brownfield Strategy and CIP

### **Environmental Protection Act and O.Reg 153/04:**

The Province's Brownfield modernization program includes several changes that will make it easier to re-use or redevelop brownfields in Greater Sudbury.

The amendments to O.Reg. 153/04 relevant to land use planning are summarized as follows:

**Second Floor Conversions:** There is no longer a requirement for a RSC when converting upper floors of low rise commercial buildings (six storeys or less) to residential use. The rationale for this change is that undertaking assessments when a building not being taken down is difficult, and would allow for easier renovation of buildings. The exemption would not apply to larger buildings, or where the property was used for industrial or specified commercial uses such as garage, bulk liquid dispensing facility,



gasoline outlet or dry cleaner. This change should have positive implications for the Downtown, Town Centres and Nodes and Corridors which are the focus of revitalization.

### **Conversion of Religious Buildings:**

Buildings that were formerly used for institutional uses, such as religious buildings are encouraged to be adaptively reused. The amendments to the regulation have made such adaptive reuse easier.

- The amendment permits existing religious buildings to be converted to residential use without the requirement for a RSC.
- There is no longer a requirement for a RSC to change the use of a property from industrial, commercial, or community to a building used for indoor gatherings of people for religious purposes. However, there is a prohibition on converting such a religious building to residential in the future.

Since 2012 the City has had five (5) applications for rezoning that pertained to the conversion of religious buildings to residential uses. The applications required an RSC, which would no longer be required. Similarly, of the eleven (11) building permits issued by the City that required a RSC, three (3) would not have required the RSC.

**Non-standard Delineation:** Vertical delineation of contaminants of concern as part of Phase 2 ESA has been identified as a challenge. The Director (MECP) may provide relief based on specified conditions including: all contaminants of concern are identified; maximum concentrations are identified for all contaminants of concern; all reasonable efforts to delineate the applicable site condition standards were undertaken; the property is appropriately characterized; additional delineation will not lead to an improved understanding of the distribution of contaminants; there are no practical or negative environmental reasons that are impediments to further delineation to the applicable site condition standards. In the City of Greater Sudbury the requirement to delineate a contaminant to the full extent of the plume can be costly and is not feasible in certain circumstances, such as a Downtown context where the plume may extend across properties and under adjacent buildings.

### **Conclusion and Next Steps**

The amendments that came into effect on December 2<sup>nd</sup> are consistent with what was proposed in 2018. When viewed within the context of Greater Sudbury, these changes would support Council's strategic goals to revitalize the Downtown, Town Centres Nodes and Corridors and encourage the adaptive re-use of surplus institutional properties. The changes will facilitate the conversion of upper floors on low-rise commercial buildings to residential which support the goals of the City's Official Plan and Council's Strategic Plan. The amended regulation will create an environment that is open for business and easier to develop which supports intensification, use of existing infrastructure.

The Ministry of Environment, Conservation and Parks (MECP) has indicated that additional training material on the changes will be available early in 2020. Staff will keep Planning Committee apprised of any additional changes or amendments relevant to land use planning. Consultation with development community will be undertaken to communicate Modernization changes to the regulation once training material has been made available.

## References

Ministry of the Environment, Conservation and Parks, 2018, Preserving and Protecting our Environment for Future Generations: A Made-in-Ontario Plan

<https://news.ontario.ca/ene/en/2018/11/ontario-releases-plan-to-protect-the-environment.html>

Environmental Bill of Rights Registry Number 013-0299, [http://www.ebr.gov.on.ca/ERS-](http://www.ebr.gov.on.ca/ERS-WEB-)

[External/displaynoticecontent.do?noticeId=MTMyMzMw&statusId=MjA1NjMy&language=en](http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTMyMzMw&statusId=MjA1NjMy&language=en)

City of Greater Sudbury's Brownfield Strategy and Community Improvement Plan, 2013

<https://www.greatersudbury.ca/linkservid/BC874905-FD36-3989-E4A00284073C255B/showMeta/0/>

Amendment 1 to the City of Greater Sudbury's Brownfield Strategy and Community Improvement Plan, 2013,

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=1&id=607>

Sudbury Soils Study, <http://www.sudburysoilsstudy.com/>

O.Reg. 407/19: Records of Site Condition – Part XV.1 of the Act

<https://www.ontario.ca/laws/regulation/r19407>