



PLANNING COMMITTEE AGENDA

Planning Committee Meeting

Monday, March 8, 2021

Tom Davies Square - Council Chamber / Electronic Participation

COUNCILLOR ROBERT KIRWAN, CHAIR

Geoff McCausland, Vice-Chair

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

1:00 p.m. OPEN SESSION, COUNCIL CHAMBER / ELECTRONIC PARTICIPATION

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

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ROLL CALL

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

- Sale of Property - Edward Avenue, Coniston
- Sale of Lane - Martindale Road, Sudbury

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

(RESOLUTION PREPARED)

RECESS

ROLL CALL

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

PUBLIC HEARINGS

1. Report dated February 16, 2021 from the General Manager of Growth and Infrastructure regarding 0 Nelson Street, 422 & 426 Elgin Street, Sudbury. **9 - 28**

(RESOLUTION PREPARED)

- Wendy Kaufman, Senior Planner

(This report provides a recommendation regarding an application for rezoning in order to enable the use of 0 Nelson for a 12-vehicle taxi stand, and to align the zoning with the adjacent zone, 0 Nelson Street, 422 & 426 Elgin Street, Sudbury - 1988067 Ontario Limited.)

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.

CONSENT AGENDA

(For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.)

ADOPTING, APPROVING OR RECEIVING ITEMS IN THE CONSENT AGENDA

ROUTINE MANAGEMENT REPORTS

- C-1. Report dated February 8, 2021 from the General Manager of Corporate Services regarding Municipal Road 80, Val Therese - Declaration of Surplus Vacant Land. **29 - 31**
(RESOLUTION PREPARED)
(This report provides a recommendation that vacant land south of Municipal Road 80, Val Therese, be declared surplus to the City's needs and offered for sale to the abutting owner.)
- C-2. Report dated February 8, 2021 from the General Manager of Corporate Services regarding Pilon Crescent, Chelmsford - Declaration of Surplus Vacant Land. **32 - 34**
(RESOLUTION PREPARED)
(This report provides a recommendation that vacant land on Pilon Crescent, Chelmsford, be declared surplus to the City's needs and offered for sale to the abutting owner.)
- C-3. Report dated February 16, 2021 from the General Manager of Growth and Infrastructure regarding Silver Hills Subdivision, Sudbury. **35 - 50**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding the approval of an extension to the draft plan of subdivision for Silver Hills, Sudbury - 1232252 Ontario Inc.)

REGULAR AGENDA

MANAGERS' REPORTS

- R-1. Report dated February 10, 2021 from the General Manager of Growth and Infrastructure regarding Heritage Impact Assessment Guidelines. **51 - 73**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding the Heritage Impact Assessment Guidelines.)

REFERRED AND DEFERRED MATTERS

- R-2. Report dated February 18, 2021 from the General Manager of Growth and Infrastructure regarding Accessory Guest Room Accommodation Review. **74 - 92**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding accessory guest room accommodation, best practices from comparator municipalities, and service level enhancements.)

MEMBERS' MOTIONS

ADDENDUM

CIVIC PETITIONS

QUESTION PERIOD

ADJOURNMENT

COMITÉ DE PLANIFICATION ORDRE DU JOUR

Réunion du Comité de planification

8 mars 2021

Place Tom Davies - Salle du Conseil / participation électronique

COUNCILLOR ROBERT KIRWAN, PRÉSIDENT(E)

Geoff McCausland, Vice-président(e)

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

13H 00 SÉANCE PUBLIQUE, SALLE DU CONSEIL / PARTICIPATION ÉLECTRONIQUE

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.

APPEL NOMINAL

Résolution pour tenir une réunion à huis clos afin de traiter de deux acquisitions or dispositions projetées ou en cours d'un bien-fonds:

- Vente d'une propriété – avenue Edward, Coniston
- Vente d'une ruelle – chemin Martindale, Sudbury

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

(RÉSOLUTION PRÉPARÉE)

SUSPENSION DE LA SÉANCE

APPEL NOMINAL

DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES

AUDIENCES PUBLIQUES

1. Rapport directeur général, Croissance et Infrastructure, daté du 16 février 2021 portant sur 0, rue Nelson, 422 et 426, rue Elgin, Sudbury.

9 - 28

(RÉSOLUTION PRÉPARÉE)

- Wendy Kaufman, Planificateur Principal

(Dans ce rapport, on formule une recommandation concernant une demande de rezonage pour permettre d'utiliser le 0, rue Nelson pour une station de taxis de 12 véhicules et d'harmoniser le zonage avec la zone adjacente, 0, rue Nelson, 422 et 426, rue Elgin, Sudbury – 1988067 Ontario Limited.)

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.

Ordre du jour des résolutions

(Par souci de commodité et pour accélérer le déroulement des réunions, les questions d'affaires répétitives ou routinières sont incluses à l'ordre du jour des résolutions, et on vote collectivement pour toutes les questions de ce genre. À la demande d'une conseillère ou d'un conseiller, on pourra traiter isolément d'une question d'affaires de l'ordre du jour des résolutions par voie de débat ou par vote séparé. Dans le cas d'un vote séparé, la question d'affaires isolée est retirée de l'ordre du jour des résolutions ; on ne vote collectivement qu'au sujet des questions à l'ordre du jour des résolutions. Toutes les questions d'affaires à l'ordre du jour des résolutions sont inscrites séparément au procès-verbal de la réunion)

ADOPTION, APPROBATION OU RÉCEPTION D'ARTICLES DANS L'ORDRE DU JOUR DES CONSENTEMENTS

(RÉSOLUTION PRÉPARÉE POUR L'ARTICLE DE L'ORDRE DU JOUR DES
RÉSOLUTIONS C-1 à C-3)

RAPPORTS DE GESTION COURANTS

- C-1. Rapport Directeur général des Services corporatifs, daté du 08 février 2021 portant sur Route municipale 80, Val-Thérèse – Déclaration de terrains vacants excédentaires. **29 - 31**
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on recommande que le terrain vacant au sud de la route municipale 80, à Val-Thérèse, soit déclaré excédentaire par rapport aux besoins de la municipalité et qu'on offre au propriétaire de terrain attenant de l'acheter.)
- C-2. Rapport Directeur général des Services corporatifs, daté du 08 février 2021 portant sur Pilon Crescent, Chelmsford – Déclaration de terrain vacant excédentaire. **32 - 34**
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on recommande que le terrain vacant de Pilon Crescent, à Chelmsford, soit déclaré excédentaire par rapport aux besoins de la municipalité et qu'on offre au propriétaire de terrain attenant de l'acheter.)
- C-3. Rapport directeur général, Croissance et Infrastructure, daté du 16 février 2021 portant sur Lotissement Silver Hills, Sudbury. **35 - 50**
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant une approbation de la prolongation de l'ébauche du plan de lotissement Silver Hills, à Sudbury – 1232252 Ontario Inc.)

Ordre du jour ordinaire

RAPPORTS DES GESTIONNAIRES

- R-1. Rapport directeur général, Croissance et Infrastructure, daté du 10 février 2021 portant sur Lignes directrices d'évaluation des répercussions sur le patrimoine. **51 - 73**
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant les lignes directrices d'évaluation des répercussions sur le patrimoine.)

QUESTIONS RENVOYÉES ET QUESTIONS REPORTÉES

- R-2. Rapport directeur général, Croissance et Infrastructure, daté du 18 février 2021 portant sur Examen concernant les chambres d'hôte accessoires. **74 - 92**
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant les chambres d'hôte accessoires, les pratiques exemplaires des municipalités de comparaison et l'amélioration des niveaux de service.)

MOTIONS DES MEMBRES

ADDENDA

PÉTITIONS CIVIQUES

PÉRIODE DE QUESTIONS

LEVÉE DE LA SÉANCE

Presented To:	Planning Committee
Presented:	Monday, Mar 08, 2021
Report Date	Tuesday, Feb 16, 2021
Type:	Public Hearings
File Number:	751-6/20-02

Request for Decision

0 Nelson Street, 422 & 426 Elgin Street, Sudbury

Resolution

THAT the City of Greater Sudbury approves the application by 1988067 Ontario Limited to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “R3-1(6)”, Medium Density Residential Special and “R3.D130”, Medium Density Residential, to “C2(89)”, General Commercial Special on those lands described PIN 73584-0861 & 73584-0864, Lot 92, Plan 12-SB, Inst #109452 & #112906, Lot 5, Concession 3, Township of McKim, as outlined in the report entitled “0 Nelson, 422 and 426 Elgin Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on March 8, 2021, subject to the following conditions:

1. That prior to the enactment of the amending by-law, the owner shall enter into a Site Plan Control Agreement with the City for 0 Nelson Street. The Site Plan Control Agreement will include a minimum 1.5 m opaque fence along the south and west property lines.
2. That prior to enactment of the amending by-law, that the owner comply with the Order to Comply and Order to Remedy Unsafe Building for 422-426 Elgin Street, to the satisfaction of the Chief Building Official.
3. Conditional approval shall lapse on March 23, 2023 unless Condition 2 and 3 above have been met or an extension has been granted by Council.

Signed By

Report Prepared By

Wendy Kaufman
Senior Planner
Digitally Signed Feb 16, 21

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Feb 16, 21

Recommended by the Division

Stephen Monet
Manager of Environmental Planning Initiatives
Digitally Signed Feb 16, 21

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Feb 18, 21

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Feb 22, 21

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Feb 24, 21

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 asset management and service excellence, as well as business attraction, development and

retention.

Report Summary

An application for rezoning to 'C2(89)', General Commercial Special, has been submitted in order to enable the use of 0 Nelson for a 12-vehicle taxi stand, and to align the zoning with the adjacent zone. The subject land is designated Downtown in the Official Plan and zoned "R3-1(6)", Medium Density Residential Special and "R3.D130", Medium Density Residential.

Staff recommends approval of the application 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

There are no financial implications associated with this report.

Date: February 8, 2021

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, to enable the use of 0 Nelson for a 12-vehicle taxi stand, and to align the zoning with the adjacent zone. 0 Nelson is to the north of the existing C2(89) zone, and 422-426 Elgin is surrounded by the C2(89) zone.

The lands at 0 Nelson are currently vacant and are intended to accommodate the storage of vehicles associated with the existing taxi stand located at the corner of Nelson and Elgin. The applicant has had challenges with accommodating vehicles associated with their existing taxi stand use to the south at the corner of Nelson and Elgin, resulting in actions being taken by City of Sudbury by-law enforcement staff.

The lands at 422-426 Elgin currently contain a 2-storey multiple dwelling with three units with a gross floor area of 251.54 square metres and no changes are proposed to the existing residential building at this time.

The applicant's site sketch shows the proposed 12-vehicle taxi stand vehicle storage area at 0 Nelson, and the location of the existing building at 422-426 Elgin.

Existing Zoning: "R3-1(6)", Medium Density Residential Special and "R3.D130", Medium Density Residential

The current R3-1(6) zoning at 0 Nelson Street permits the full range of medium density uses as well as rooming houses and boarding house dwellings. The current R3.D130 at 422-426 Elgin permits the full range of medium density residential uses with a maximum density of 130 dwelling units per hectare.

Requested Zoning: Amended C2(89), General Commercial Special

The proposed C2(89) zone permits the full range of C2 uses, with a special provision to prohibit drive-through service facilities.

Location and Site Description:

The subject property is described as PIN 73584-0861 & 73584-0864, Lot 92, Plan 12-SB, Inst #109452 & #112906, Lot 5, Concession 3, Township of McKim. 0 Nelson Street is located on the west side of Nelson Street, and is approximately 650 m² in size with 21 m of frontage on Nelson. 0 Nelson Street is currently vacant and is serviced with municipal water and sanitary sewer.

422-426 Elgin Street is located on the north side of Elgin Street, and is approximately 237 m² in size with 9 m frontage on Elgin. The lands at 422-426 Elgin contain a 2-storey multiple dwelling with three dwelling units that is serviced with municipal water and sanitary sewer services. The rear parking area is accessible via an easement extending from Nelson Street.

0 Nelson Street is adjacent to, and 422-426 Elgin Street is surrounded by the existing C2(89) zone. The current extent of the C2(89) zone consists of five privately-owned lots, two of which are owned by the applicant (311 and 434 Nelson).

There are transit stops on the south side of Elgin at the intersection of Nelson and Elgin, and 20 m to the west of the subject lands on the north side of Elgin.

Title: 0 Nelson and 422 - 426 Elgin Street, Sudbury

Date: February 8, 2021

Surrounding Land Uses:

This area of Nelson and Elgin Street is at the easterly and southerly edge of the Downtown designation in the City's Official Plan. The lands are along the Elgin Street Greenway, and are opposite the Nelson Street pedestrian Bridge and the proposed Cultural Heritage Plaza. The lands are at a lower elevation than the institutional lands to the north.

North of 0 Nelson Street:	institutional use (Our Lady of Lourdes Grotto)
East side of Nelson Street:	residential use, consisting of low and medium density dwellings
South side of Elgin Street:	CPR rail lands
West side of subject lands:	retail uses and hotel

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 subject lands and intervening lands at 305-307 Nelson (residential triplex built in 1910), 311 Nelson (residential use) and 434 Nelson (taxi stand), as well as the residential uses along the east side of Nelson Street, and the retail uses and hotel to the west on Elgin Street.

The proposed storage of vehicles at 0 Nelson is related to the taxi stand use at 434 Nelson Street. During the site visit, it was observed that the lands to the west at 420 Elgin would also appear to be used for parking for the taxi stand (not owned the applicant).

Public Consultation:

Notice of the application was circulated to the public and surrounding property owners on November 9, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on February 18, 2021. The owner was 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 phone call was received from an adjacent property owner raising longstanding concerns with vehicles parking on their property, as well as drainage and grading impacts of an un-related development. No other comments, concerns, or objections have been received by the Planning Services Department regarding the proposed rezoning application.

Related Applications:

Rezoning Application RP751-6/87-32: This application rezoned the lands at 422-426 Elgin from C2 to R3 to permit a multiple dwelling with three dwelling units. The application was required to permit the conversion of the main floor of the existing building into two residential apartments, and eliminating the commercial use of the lands. The application was approved on the basis that the size of the property and shortage of parking limited its ability to be used for commercial purposes.

Policy and Regulatory Framework:

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

- 2020 Provincial Policy Statement
- 2011 Growth Plan for Northern Ontario
- Official Plan for the City of Greater Sudbury, 2006
- Zoning By-law 2010-100Z

Date: February 8, 2021

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 1.3.1 of the PPS is relevant to the application. It 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) states that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness.

Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development, and land use patterns shall be based on densities and a mix of land uses, which efficiently use land and resources. The need for the unjustified and/or uneconomical expansion of services shall be avoided.

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.

The City of Greater Sudbury has been identified as one of the municipalities in northern Ontario that contains strategic core areas. Through the Official Plan, the City has identified the Downtown as a strategic core area. The City is encouraged to plan for strategic core areas as vibrant and walkable mixed-use districts, which can attract employment, accommodate higher densities and provide a range of amenities to residents and visitors. Municipalities are also encouraged to prepare revitalization strategies for strategic core areas.

Official Plan for the City of Greater Sudbury:

The subject lands are designated Downtown in the Official Plan, which is within an Employment Area designation. It is an objective of the Employment Area policies to promote the development of the Downtown as an employment and business centre for the City (policy 4.1(e)). Policy 4.1.2(1) permits a wide variety of uses in the Downtown, consistent with its function as the most diversified commercial centre in the City. Policy 4.2.1.1(1) states that non-residential development is a key priority for the Downtown as a means of stimulating increased investment and business activity and reinforcing the City's urban structure by achieving a more efficient pattern of development.

Zoning By-law 2010-100Z:

Development standards for the C2 zone require a maximum height of 15 m. The minimum required front yard is 6.0 m, and the minimum required rear yard is 7.5 m. The minimum required interior side yard is 0 m given there are no adjacent Residential Zones. The maximum lot coverage is 50%. A minimum of 5% landscaped open space is required and the general landscaping provisions must be met.

Title: 0 Nelson and 422 - 426 Elgin Street, Sudbury

Date: February 8, 2021

Site Plan Control:

The subject lands are not currently subject to a Site Plan Control Agreement. Section 19.6 of the Official Plan identifies that a Site Plan Control Agreement will not normally be required in the Downtown but may be applied in specific instances.

Department/Agency Review:

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application. Comments have been addressed to the satisfaction of reviewing department and agencies.

Building Services has provided the following comments:

- The existing multiple dwelling at 422-426 Elgin is considered to be a non-complying building with 3 legal dwelling units. There is currently an Order to Comply and an Order to Remedy Unsafe Building on the property due to the construction of a fourth dwelling in the basement and a common entry vestibule without benefit of permit. A building permit would be required to add a fourth dwelling unit, and would require zoning relief for increased density and parking.
- The vacant land at 0 Nelson is a legally existing lot, and as such, is permitted to have a lesser lot area and frontage. All other applicable zoning standards for the proposed C2 zone must be met. This property is subject to a site alteration permit, and will require a blasting report and pre-blast survey prepared by a Professional Engineer.

Development Engineering has commented that the site is presently serviced with municipal water and sanitary sewer. Any concerns we have regarding servicing, lot grading, and stormwater management will be reviewed through the Site Plan process.

Water/Wastewater staff have commented with respect to the Sourcewater Protection Plan that the subject lands are located within the Ramsey Lake Intake Protection Zone 2 with a vulnerability score of 9. No significant threats to the drinking water source have been identified at this time. The applicant is advised that the storage of more than 0.5 tonnes of road salt within the Ramsey Lake Issue Contributing Area is prohibited.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), 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 purpose of the rezoning application is to enable a portion of the subject lands to be used for a taxi stand and no other changes are proposed at this time. The rezoning would have the effect of additionally permitting the full range of C2 commercial uses and applying the associated development standards (e.g. front yard parking is permitted in the C2 zone beyond the required 3.0 m landscape area). The residential uses currently permitted by the R3-1(6) and R3.D130 are also permitted in the C2 zone with some exceptions (e.g. C2 restricts low density built forms).

Date: February 8, 2021

Generally, the use of the site for commercial purposes would conform with the Growth Plan for Northern Ontario policies by enabling employment uses. The application is consistent with the Provincial Policy Statement and conforms with Official Plan policies for the Downtown that acknowledge the importance of employment uses and supporting business activities. The application is also consistent with the Provincial Policy Statement in terms of directing efficient development that uses infrastructure, which is already available.

The site is adjacent to the planned Elgin Greenway (the plan for which identifies a cultural pavilion directly opposite the site), and the rezoning would result in a block with consistent zoning thereby providing enabling zoning to support a future redevelopment project. The subject lots are too small on their own to accommodate the majority of uses permitted in the C2(89) zone. However, if the lands are consolidated, the current zoning fabric could impede a future redevelopment proposal because the R3 zone would limit commercial use. The Official Plan permits a wide variety of uses in the Downtown, consistent with its function as the most diversified commercial centre in the City. Applying the C2(89) zone to this block recognizes the lands are at the edge of the Downtown designation, in a transition area between the more permissive C6 Downtown Commercial zone to the west along Elgin and the residential neighbourhood to the east. In terms of site suitability, any future large-scale redevelopment of consolidated properties would likely trigger the need for a Site Plan Control Agreement, which would provide an opportunity to address matters related to land use compatibility and site suitability.

The applicant's sketch shows the proposal for a taxi stand use at 0 Nelson, and no development is proposed at 422-426 Elgin. The applicant has indicated that the operating times of the taxi stand will be irregular given the nature of the business, however at any time up to 12 taxis could be stored at 0 Nelson. The additional vehicles using Nelson Street are not expected to have significant impacts on the local road network. However, it is expected that a significant amount of rock would need to be removed to enable space for 12 taxis at this location, and there has been previous issues with respect to compatibility of parking with the adjacent residential use. In order to ensure that the vehicle storage area is constructed in accordance with any appropriate design standards as well as to promote compatibility with the adjacent neighbourhood, it is recommended that a condition be implemented requiring the owner enter into a site plan control agreement with the City. The Site Plan Control Agreement should include a 1.5 m opaque fence along the south and west property lines in order to promote compatibility with the existing residential use to the south and to demarcate the boundary between properties.

Building Services has confirmed the existing multiple dwelling at 422-426 is considered a non-conforming structure containing three (3) legal dwelling units. There are two orders on the property with respect to construction of a fourth unit in the basement and common entry vestibule. The applicant has advised that they do not wish to recognize the existing building in the zoning by-law, nor request to additionally permit a fourth unit. The effect of this approach to the rezoning means that the existing building could be renovated as per the provisions for non-complying structures in the zoning-by-law, which would not permit a fourth residential unit given the density maximum and the minimum number of parking spaces required. Staff recommends that the owner be required to comply with the orders on the property as a condition of rezoning.

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 Amendment:

- To enable the use of 0 Nelson for a 12-vehicle taxi stand, and to align the zoning with the adjacent zone

Title: 0 Nelson and 422 - 426 Elgin Street, Sudbury

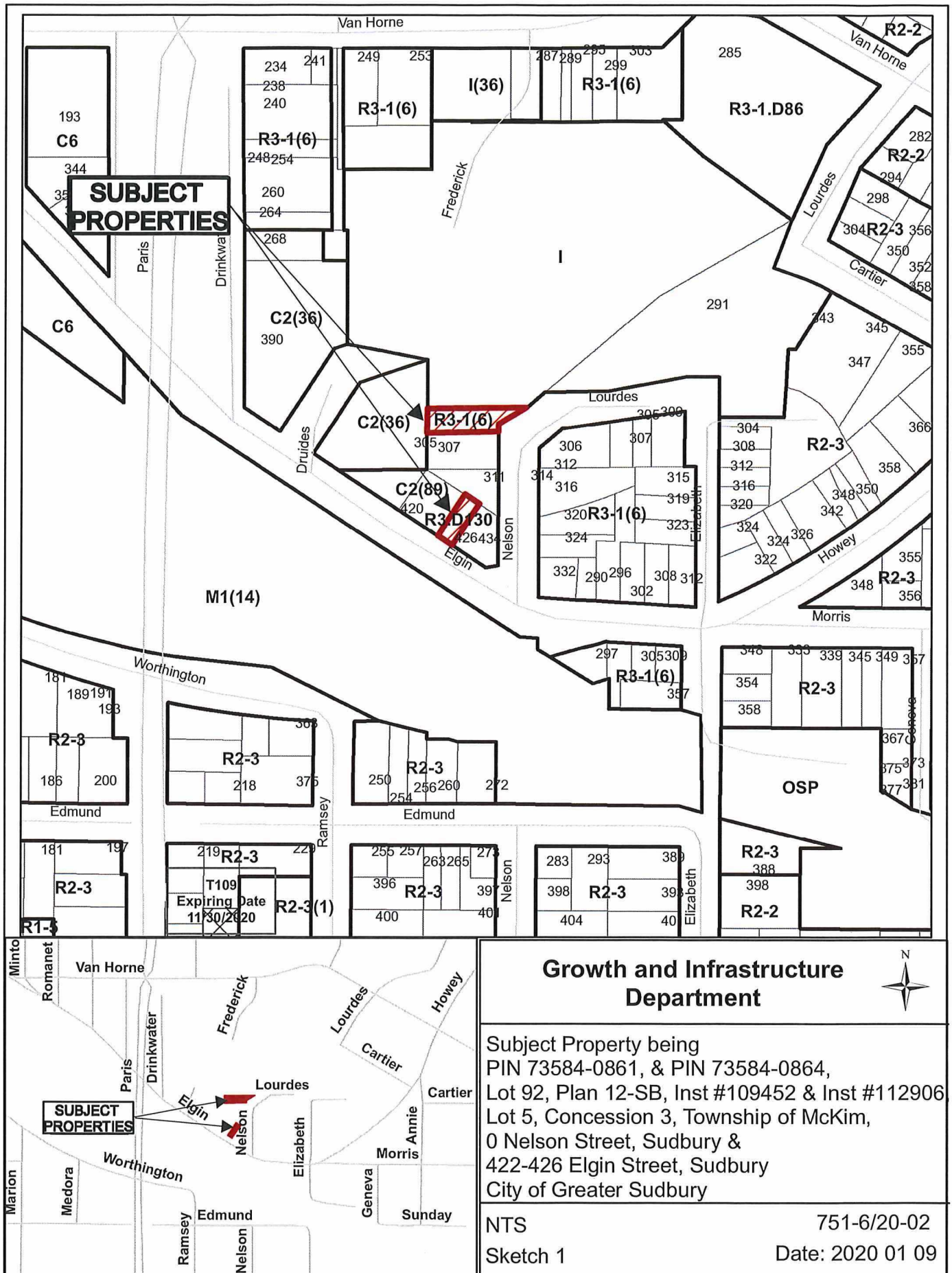
Date: February 8, 2021

The development of the subject lands achieves a number of policy directives, including the promotion of economic development. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is of the opinion that the proposed Zoning By-law Amendment is appropriate based on the following:

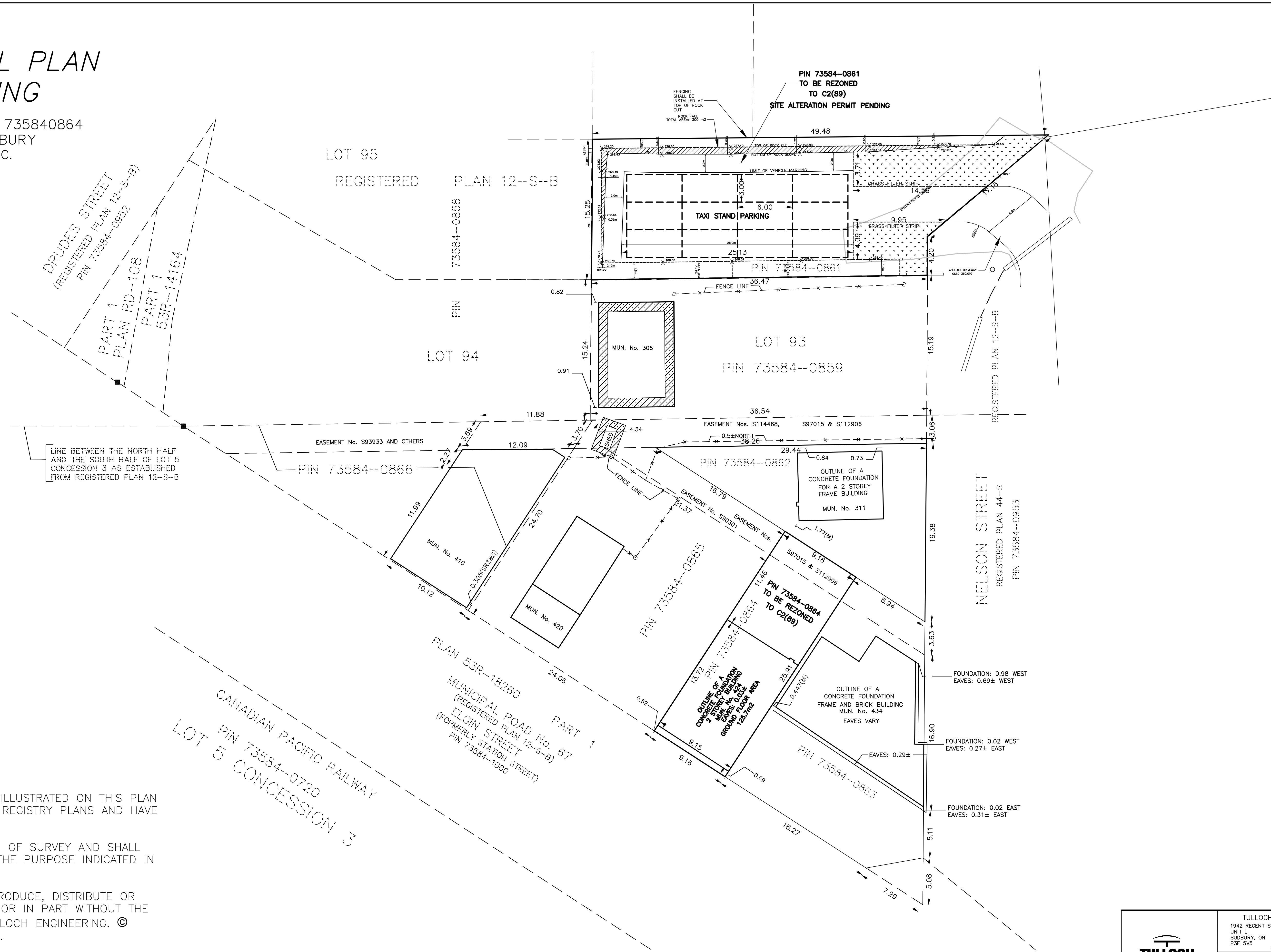
- Development in this location aligns with economic development policies and directing development to an area with existing infrastructure.
- The lands are within the Downtown designation, where a wide variety of uses are permitted, consistent with its function as the most diversified commercial centre in the City.
- No servicing constraints and minimal traffic impacts are expected. Site Plan Control can be used to address how the proposed vehicle storage area is constructed.

Staff recommends approval of the application 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.



CONCEPTUAL PLAN
FOR REZONING

PIN 735840861 & PIN 735840864
CITY OF GREATER SUDBURY
TULLOCH ENGINEERING INC.
SCALE 1:1000



CAUTION

THE PROPERTY BOUNDARIES ILLUSTRATED ON THIS PLAN
HAVE BEEN COMPILED FROM REGISTRY PLANS AND HAVE
NOT BEEN CONFIRMED.

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	DRAWN BY: VS	FILE: 19-1769



Photo 1: Portion of subject lands known as 0 Nelson Street from street, looking north.
Photo taken December 16, 2020, File #751-6/20-2.



Photo 2: 0 Nelson Street on the right, and the adjacent residential dwelling to the south at 305-307 Nelson and 311 Nelson (also owned by the applicant), looking southwest. Photo taken December 16, 2020, File #751-6/20-2.



Photo 3: Residential dwelling south of 0 Nelson Street at 305-307 Nelson, looking west.
Photo taken December 16, 2020, File #751-6/20-2.



Photo 4: Residential use at 311 Nelson, looking northwest. Photo taken December 16, 2020, File #751-6/20-2.



Photo 5: Residential dwelling opposite 0 Nelson Street, looking east. Photo taken December 16, 2020, File #751-6/20-2.



Photo 6: Multiple dwelling at 312-316 Nelson Street, facing southeast. Photo taken December 16, 2020, File #751-6/20-2.



Photo 7: Existing taxi stand at 434 Elgin Street, looking north. Photo taken December 16, 2020, File #751-6/20-2.



Photo 8: Portion of subject lands known as 422-426 Elgin Street, showing existing 3 unit multiple dwelling, facing northeast. Photo taken December 16, 2020, File #751-6/20-2.



Photo 9: Portion of subject lands known as 422-426 Elgin Street, as well as adjacent lands at 420 Elgin which would appear to be used for parking for the taxi stand, with residential structure at 311 Nelson beyond. Photo taken December 16, 2020, File #751-6/20-2.



Photo 10: Retail and hotel uses to the west of the subject lands, looking northwest.
Photo taken December 16, 2020, File #751-6/20-2.

Request for Decision

Municipal Road 80, Val Therese - Declaration of Surplus Vacant Land

Presented To:	Planning Committee
Presented:	Monday, Mar 08, 2021
Report Date	Monday, Feb 08, 2021
Type:	Routine Management Reports

Resolution

THAT the City of Greater Sudbury declares surplus to the City's needs vacant land south of Municipal Road 80, Val Therese, legally described as part of PIN 73504-0328(LT), being Part 5 on Plan 53R-15580 and part of PIN 73504-2250(LT), being Part 3 on Plan 53R-15580, part of Lot 6 Concession 2, Township of Hanmer, as outlined in the report entitled "Municipal Road 80, Val Therese - Declaration of Surplus Vacant Land", from the General Manager of Corporate Services, presented at the Planning Committee meeting on March 8, 2021;

AND THAT the vacant land be offered for sale to the abutting owner pursuant to the procedures governing the sale of limited marketability surplus land as outlined in Property By-law 2008-174.

Relationship to the Strategic Plan / Health Impact Assessment

This report refers to an operational matter.

Report Summary

This report will recommend that vacant land south of Municipal Road 80, Val Therese, be declared surplus to the City's needs and offered for sale to the abutting owner.

Financial Implications

This report has no financial implications.

Signed By

Report Prepared By

Tanya Rossmann-Gibson
Property Administrator
Digitally Signed Feb 8, 21

Manager Review

Keith Forrester
Manager of Real Estate
Digitally Signed Feb 8, 21

Recommended by the Division

Shawn Turner
Director of Assets and Fleet Services
Digitally Signed Feb 8, 21

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Feb 12, 21

Recommended by the Department

Kevin Fowke
General Manager of Corporate Services
Digitally Signed Feb 12, 21

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Feb 16, 21

Municipal Road 80, Val Therese – Declaration of Surplus Vacant Land

Presented: March 8, 2021

Report Date: February 4, 2021

Background

The subject land measures 1,475 square metres in size and is zoned 'C2', General Commercial. The location of the land is identified on the attached Schedule 'A'.

In 1996, the Ministry of Transportation transferred lands at the southeast corner of Municipal Road 80 (MR 80) and Desmarais Road, Val Therese to the Regional Municipality of Sudbury for municipal purposes. In 2006, the City of Greater Sudbury purchased additional lands at this location to accommodate the realignment and widening of MR80. The northerly portion of the combined lands is being used for road purpose and the remainder of the lands that are not required for road purposes forms the subject lands.

The City recently received a request to purchase the subject land from the abutting property owner to the south.

The proposal to declare the subject land surplus was circulated to all City departments and outside agencies and the following comments were received:

The City's Traffic Section advised that they would have concerns with a driveway at this location. The Official Plan restricts the number of driveways on arterial roads. Therefore, a condition of the sale of this property would be the retention by the City of a one foot reserve along the entire west and north boundary in order to prevent the development of any new driveways.

The City's Water/Wastewater Department noted that there appears to be a water service and two sanitary services to the subject property. Those services, if not required by the owner / not permitted by the City's bylaw (depending on the proposed property uses), should be abandoned by the purchaser in accordance with City protocol, at the water and sanitary mains.

Hydro One recommended having a surveyor confirm subject land property limits for overhead encroachment easements.

Bell Canada advised they would require a three metre wide easement to protect existing buried facilities.

As a result of the City's condition for a one foot reserve along the entire west and north property boundary, the City's Director of Assets and Fleet Services has classified the property as having Limited Marketability in accordance with the City's Property By-law; consequently, the subject land will only be offered for sale to the abutting land owner.

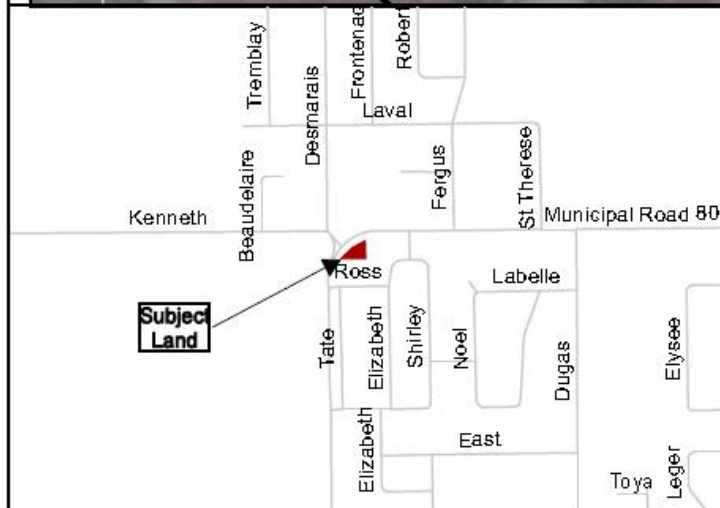
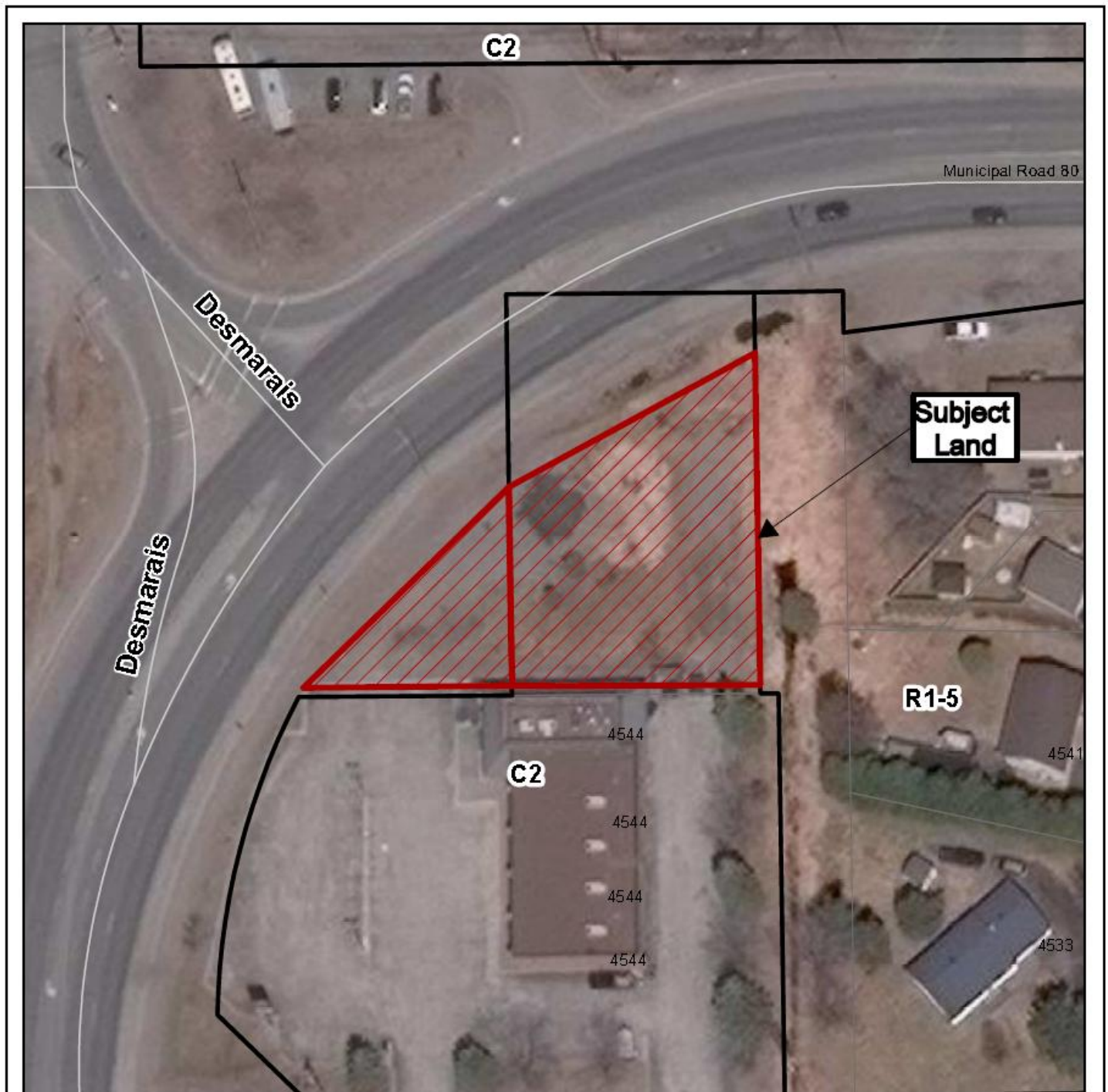
No further comments or objections were received.

Recommendation

It is recommended that the subject land on Municipal Road 80, Val Therese, be declared surplus to the City's needs and offered for sale to the abutting property owner.

If approved, a further report will follow with respect to the sale transaction.

Schedule 'A'



Municipal Road 80, Val Therese Declaration of Surplus Vacant Land



Part of PIN 73504-0328 (LT),
being Part 5, Plan 53R-15580, &
Part of PIN 73504-2250 (LT),
being Part 3 on Plan 53R-15580,
Part of Lot 6, Con 2,
Township of Hanmer,
City of Greater Sudbury

NTS

Date: 2021-02-04

Request for Decision

Pilon Crescent, Chelmsford - Declaration of Surplus Vacant Land

Presented To:	Planning Committee
Presented:	Monday, Mar 08, 2021
Report Date	Monday, Feb 08, 2021
Type:	Routine Management Reports

Resolution

THAT the City of Greater Sudbury declares surplus to the City's needs vacant land on Pilon Crescent, Chelmsford, legally described as PIN 73350-0379(LT), being part of Lot 10, Concession 2, Township of Balfour, as outlined in the report entitled "Pilon Crescent, Chelmsford - Declaration of Surplus Vacant Land", from the General Manager of Corporate Services, presented at the Planning Committee meeting on March 8, 2021;

AND THAT the vacant land be offered for sale to the abutting owner to the north, pursuant to the procedures governing the sale of limited marketability surplus land as outlined in Property By-law 2008-174.

Relationship to the Strategic Plan / Health Impact Assessment

This report refers to an operational matter.

Report Summary

This report will recommend that vacant land on Pilon Crescent, Chelmsford, be declared surplus to the City's needs and offered for sale to the abutting owner to the north.

Financial Implications

This report has no financial implications.

Signed By

Report Prepared By

Angela Roy
Property Administrator
Digitally Signed Feb 8, 21

Manager Review

Keith Forrester
Manager of Real Estate
Digitally Signed Feb 8, 21

Recommended by the Division

Shawn Turner
Director of Assets and Fleet Services
Digitally Signed Feb 8, 21

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Feb 12, 21

Recommended by the Department

Kevin Fowke
General Manager of Corporate Services
Digitally Signed Feb 12, 21

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Feb 24, 21

Pilon Crescent, Chelmsford – Declaration of Surplus Vacant Land

Presented: March 8, 2021

Report Date: February 4, 2021

Background

The subject land measures approximately 2,200 square metres in size and is zoned 'RU', Rural. The location of the land is identified on the attached Schedule 'A'.

In 1984, the former Town of Rayside Balfour became the registered owner of the subject land through the failed tax sale process.

The City recently received a request to purchase the land from the abutting property owner to the north.

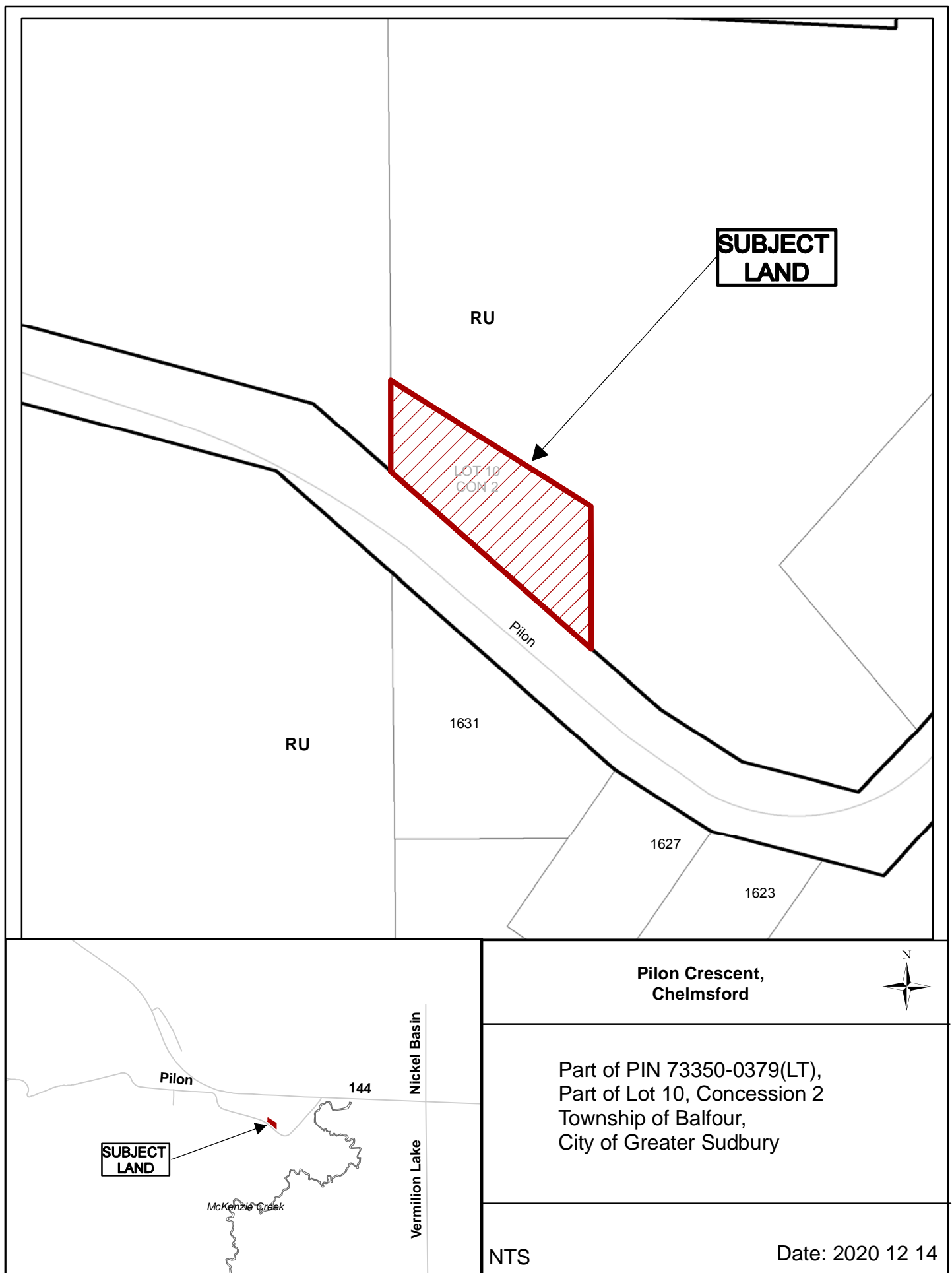
The proposal to declare the land surplus was circulated to all City departments and outside agencies and no objections were received.

Recommendation

It is recommended that the subject land on Pilon Crescent, Chelmsford, be declared surplus to the City's needs and offered for sale to the abutting property owner to the north.

If approved, a further report will follow with respect to the sale transaction.

SCHEDULE 'A'



Request for Decision

Silver Hills Subdivision, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Mar 08, 2021
Report Date	Tuesday, Feb 16, 2021
Type:	Routine Management Reports
File Number:	780-6/11004

Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft plan approval for a plan of subdivision on those lands described as PIN 73580-0576 in Lot 1, Concession 4, Township of McKim, City of Greater Sudbury, File 780-6/11004, as outlined in the report entitled "Silver Hills Subdivision, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on March 8, 2021, upon payment of the City's processing fee in the amount of \$3,273.75 as follows:

a) By amending the lapsing date in Condition #9 to March 27, 2024;

b) By adding the following to Condition #19:

"A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

c) By adding the following to Condition #21:

"A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

d) By replacing "siltation control plan" with "sediment and erosion control plan" in Condition #24;

e) That Conditions #30 through #34 related to blasting be consolidated into one Condition #30;

f) That Conditions #35 through #37 related to Canada Post requirements be consolidated into one Condition #35;

g) By revising Condition #38 by replacing "eco-grass, white birch and white pine" with "site-appropriate,

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Feb 16, 21

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Feb 16, 21

Recommended by the Division

Stephen Monet
Manager of Environmental Planning Initiatives
Digitally Signed Feb 16, 21

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Feb 18, 21

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Feb 18, 21

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Feb 24, 21

native plant species.”

h) By adding the following as Condition #47:

“That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.”

i) By adding the following as Condition #48:

“The owner shall submit a stormwater management report to the satisfaction of Conservation Sudbury (Nickel District Conservation Authority).”

j) That the references to “General Manager of Infrastructure Services” be replaced with “General Manager of Growth and Infrastructure.”

k) That the references to “Director of Planning” be replaced with “Director of Planning Services.”

Relationship to the Strategic Plan / Health Impact Assessment

The request to extend the approval for a draft plan of subdivision is an operational matter under the Planning Act to which the City is responding.

Report Summary

The owner of the subject land has requested a three-year extension of the Silver Hills draft plan of subdivision located in New Sudbury, which was granted draft approval on March 27, 2013. The draft plan comprises a mix of low and medium density housing types, as well as four (4) lots zoned C2(117), which permits a range of residential, commercial and institutional uses. No phases have been registered to date. Staff are recommending a three-year extension to March 27, 2024.

Financial Implications

The amount of additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

The Silver Hills road that is part of this development is included within the City's Development Charges By-law. In 2016, Council approved a cost sharing application for Silver Hills Drive where the road costs eligible for cost sharing was estimated at \$6.7 million, where the developer would fund 26%, Development Charges fund 50% and the City fund 24%. With the developer paying for the road, they would be eligible for development charge credits for the road portion of development charges that can be applied on their new buildings within this development. The amount of development charges is unknown at this time since 4 lots have a variety of development options available (retirement home, long term care home), and depending on the development charges rates when building construction commences, as well as development charge credits that may be available at that time.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. Roads, water/wastewater linear pipes, etc).

Title: Silver Hills Drive, Sudbury

Date: February 8, 2021

Staff Report

Background:

The owner of the subject land has requested a three-year extension for the above noted draft plan of subdivision, which was granted initial draft approval on March 27, 2013. There have been three (3) extensions since 2013, including two (2) bridging extensions in 2019 and 2020. If approved, the new lapsing date will be March 27, 2024.

The initial draft approval in 2013 comprised 45 lots for single residential use, 63 lots for semi-detached dwellings (126 units), and two (2) blocks for medium density residential use (approximately 592 units in a mix of apartments and townhouses).

In March 2016, the owner received approval to rezone the northerly portion of the lands to a revised R3-1 Special in order to add a retirement home (160 guest rooms) and a long-term care facility (275 beds) as permitted uses. The northerly lands were rezoned to "R3-1.D59(24)", Medium Density Residential Special (File 751-6/15-25).

The draft plan was subsequently amended in 2017 by adding a new Street "D." The amended draft plan dated December 6, 2016 is attached for review. The amended plan comprises 45 lots for single residential use, 63 lots for double residential use, one (1) block for medium density residential use zoned R3-1.D59, and four (4) lots zoned R3-1.D59(24) in order to permit a range of housing, including the above mentioned retirement home and long-term care facility. Various additional blocks are intended for public purposes.

In 2020, the owner submitted applications for Official Plan Amendment and rezoning in order to redesignate the northerly portion of the subject lands to Mixed Use Commercial and rezone to C2 Special in order to permit a broader range of commercial, residential and institutional uses (Files 701-6/20-01 & 751-6/20-03). The resultant "C2(117)", General Commercial Special zoning carries forward the site-specific provisions related to the retirement home and also excludes certain commercial uses deemed incompatible with the proposed development.

A copy of the most recent conditions of draft approval dated March 2020 are attached for review.

Departmental & Agency Comments:

Development Engineering

This area is presently not serviced with municipal water and sanitary sewer. We have no objection to the three-year draft plan extension.

Infrastructure Capital Planning Services

No comments.

Water/Wastewater (Source Protection Plan)

This property falls within the Ramsey Lake Watershed and would be subject to a Restricted Land Use Review under Section 59 of the Clean Water Act.

Title: Silver Hills Drive, Sudbury

Date: February 8, 2021

As this property is in the Ramsey Lake Issues Contributing Area and the Ramsey Lake Intake Protection Zone 3, there may be restrictions or prohibitions concerning activities that are associated with the sodium issue in Ramsey Lake (application of road salt, handling and storage of road salt, storage of snow). Should there be any private parking lots greater than 1 ha in this parcel, a Risk Management Plan may be required.

Building Services

Please add the following to Condition #19:

“A soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.”

Conservation Sudbury

Conservation Sudbury is requesting that Condition #24 be amended as follows:

“The owner shall develop a sediment and erosion control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority.”

Conservation Sudbury is also requesting that the following condition be added:

“The owner shall submit a stormwater management report to the satisfaction of the Nickel District Conservation Authority.”

Environmental Planning Initiatives

There are no significant environmental concerns arising from this application that are not already addressed by Council’s conditions applying to the approval of the final plan for registration of the subject subdivision.

Condition #38 should be modified to enhance flexibility in the native species selection for landscape improvements. The sentence that reads: “...repair of existing trail with wood chips and additional plantings of eco-grass, white birch and white pine,...” should be replaced to read: “...repair of existing trail with wood chips and additional plantings of site-appropriate, native plant species.”

Greater Sudbury Transit

No comments.

Summary:

Proposed amendments

The recommended revisions to the draft plan conditions are considered housekeeping amendments related to updated wording and other matters. Additional clauses added to Conditions #19 and #21 in regards to lot grading and soils caution agreements and new Condition #47 related to a notice of agreement for development charges are now standard conditions of development to be applied to active draft approvals as needed.

Title: Silver Hills Drive, Sudbury

Date: February 8, 2021

[Official Plan](#)

Section 20.4.2 of the Official Plan outlines that Council will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the owner has demonstrated to the satisfaction of Council that they are making a reasonable effort to proceed in meeting the conditions of draft approval. At the time of an extension request, Council is to review the draft plan conditions and may make appropriate modifications. Staff notes that this particular draft plan approval was originally approved in 2013.

Although there have been no phases registered to date, there has been activity on this file including a draft plan amendment in 2017, as well as rezoning and OPA applications, which were submitted and approved in order to adjust to changing market demands. Furthermore, a cost-sharing application is in process related to infrastructure improvements required to accommodate development. Staff can therefore advise that a three-year extension is appropriate.

[2020 Provincial Policy Statement \(PPS\)](#) and [2011 Growth Plan for Northern Ontario \(GPNO\)](#)

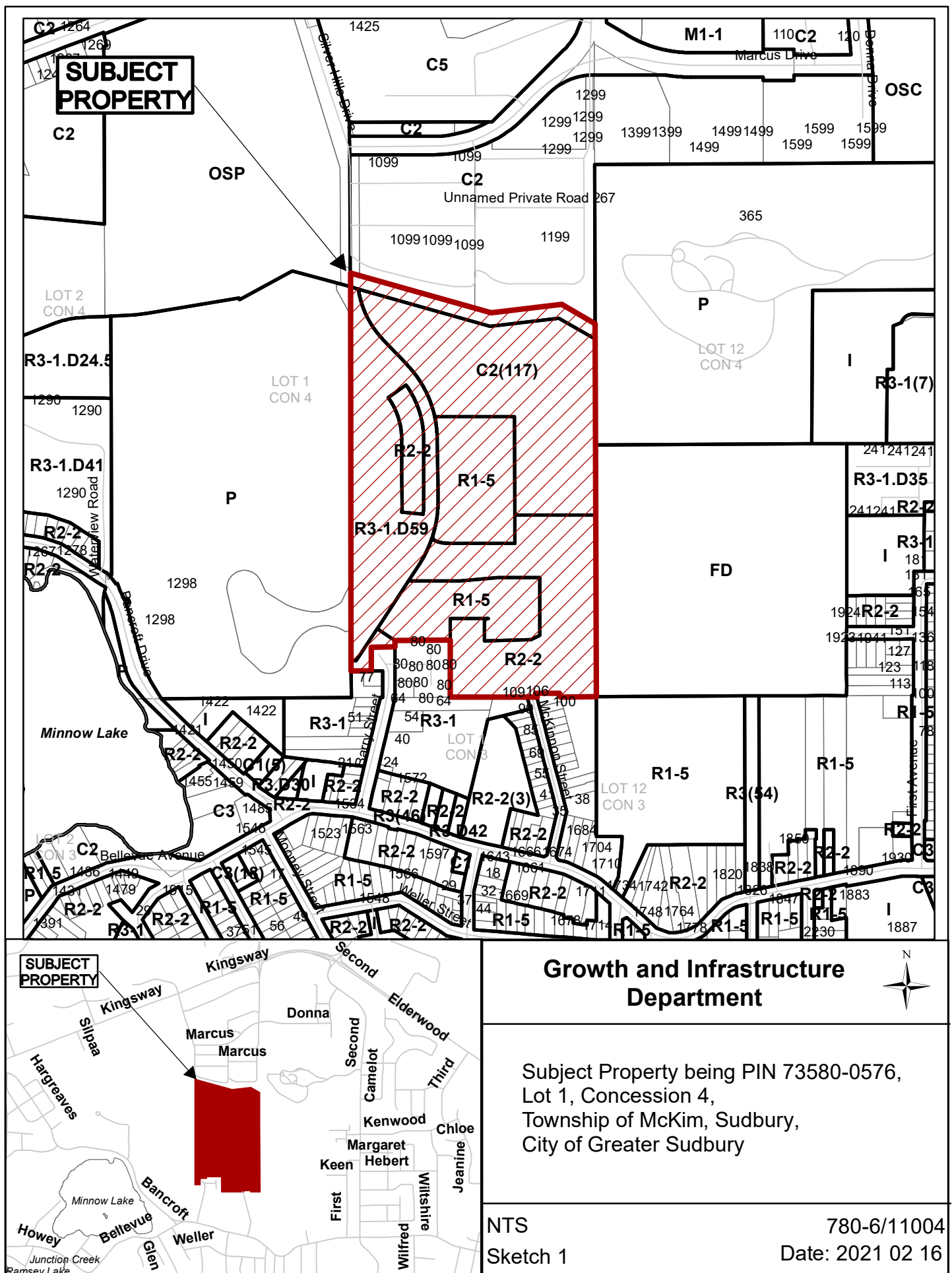
Under Section 1.1.3.6 of the PPS, new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

In this case, the subject lands are designated Mixed Use Commercial and Living Area 1 and form part of a designated growth area. The draft plan represents a logical extension of services to accommodate future mixed-use development and is consistent with the phasing policies of the PPS. A variety of housing types and land uses are proposed. The location offers close proximity to services and is viewed as being transit-supportive. The development is incorporated into the City's transportation network including a future conceptual linkage to the Bancroft Drive/Bellevue Avenue intersection.

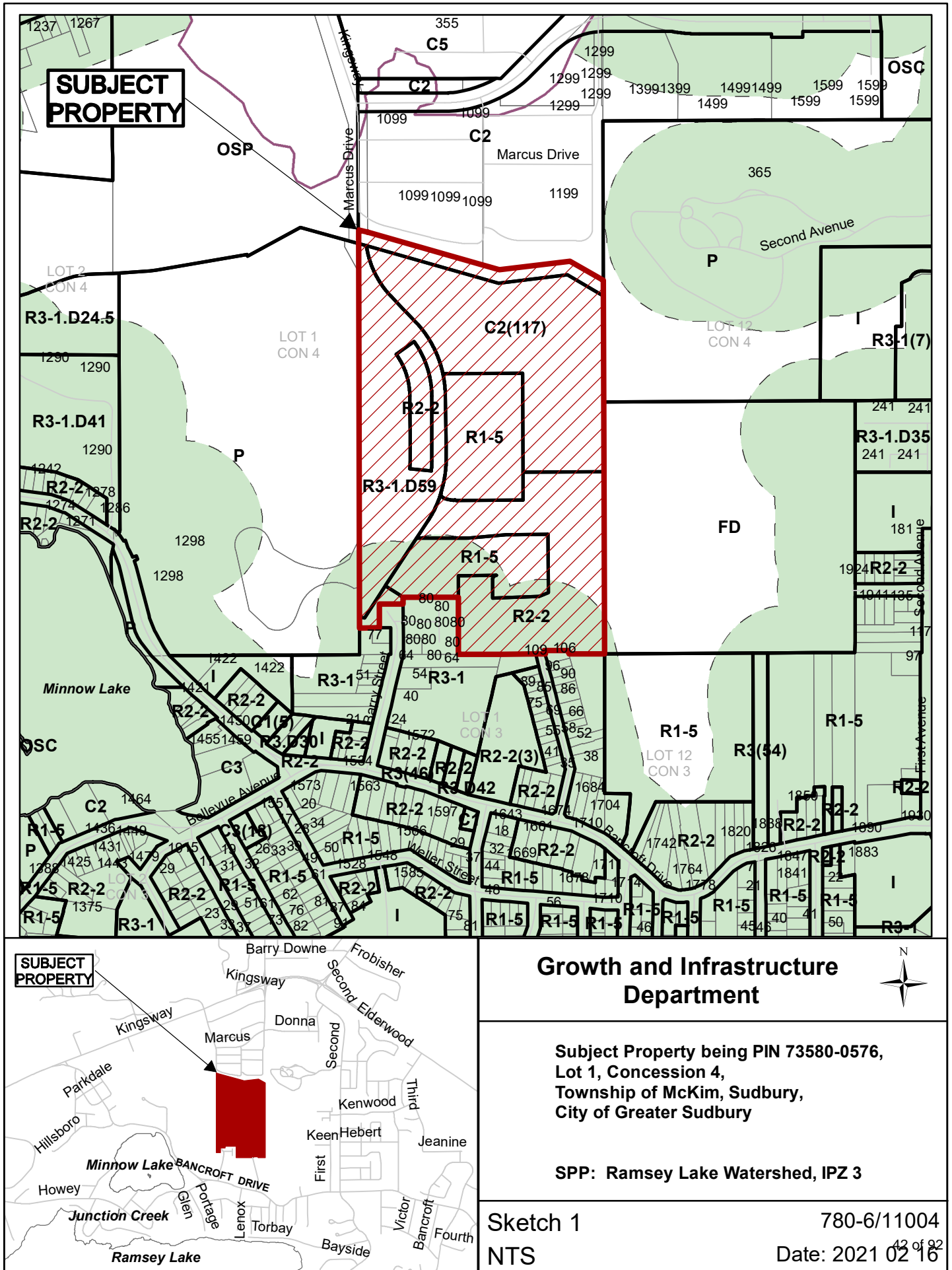
Along with other major urban centres in Northern Ontario, Greater Sudbury is identified as an Economic and Service Hub. Policy 4.3.2 of the GPNO states that these identified municipalities should be designed to accommodate a significant portion of future population and employment growth in Northern Ontario.

The application is consistent with the relevant policies of the 2020 PPS and conforms to the 2011 GPNO.

Planning Services recommends that the request to extend draft plan approval for a period of three (3) years be approved subject to the conditions outlined in the Resolution section of this report.



Source Protection Plan Map



**COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN
FOR REGISTRATION OF THE SUBJECT SUBDIVISION ARE AS FOLLOWS:**

1. That this draft approval applies to the draft plan of subdivision of PIN 73580-0576, Lot 1, Concession 4, Township of McKim, as shown on a plan of subdivision prepared by R.V. Anderson Associates Ltd. and dated December 6, 2016 and redlined as follows:
 - a. That the location of Block 111 be finalized in a location and configuration to the satisfaction of the Directors of Leisure and Planning Services;
 - b. That Lot 118 be revised to include a separate park block in a location and configuration that is to the satisfaction of Directors of Leisure and Planning Services; and,
 - c. That Block 113 be revised to include the portion of the walking trail which is currently shown on Lot 115 to the satisfaction of the Directors of Leisure and Planning Services; and,
 - d. That Block 114 be revised to include a separate block for storm water management purposes and for the portion of the walking trail which is currently shown at the south end of Block 114 to the satisfaction of the Directors of Leisure and Planning Services.
 - e. That the plan be revised to include a pedestrian walkway block to be transferred to the City, extending from "Street C" to Lot 118 in a location and configuration to the satisfaction of the Director of Planning Services.
2. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
3. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
4. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
5. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.

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6. That the owner/developer agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
7. That the subdivision agreement contain provisions whereby the owner/developer agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
8. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Infrastructure Services, that sufficient sewage treatment capacity and water capacity exists to service the development.
9. That this draft approval shall lapse on March 27, 2021.
10. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.
11. That the applicant finalize the Traffic Impact Study and agree to undertake any improvements on upgrading to the road network identified in the study to the satisfaction of the General Manager of Infrastructure Services.
12. That Silver Hills Drive be constructed to a collector standard with an asphalt surface width of 11 metres and sidewalks along both sides.
13. That 3.0 metres of Silver Hills Drive right-of-way will be set aside for appropriate paved bicycling infrastructure.
14. That the owner prepare a functional design for a modern roundabout at the intersection of Bancroft Drive and Bellevue Avenue/Silver Hills Drive, and agrees to participate in the cost of its construction and the construction of Silver Hills Drive from the limits of the subdivision plan south of Bancroft Drive/Bellevue Avenue in accordance with the City's cost sharing policy. The functional design shall consider the existing cycling infrastructure present on Bancroft Drive and Bellevue Avenue, and the planning cycling infrastructure on Silver Hills Drive, and safe ingress/egress and travel for cyclists through the roundabout. If a roundabout is not feasible, then a conventional signalized intersection with appropriate turn lanes will be required to the satisfaction of the General Manager of Infrastructure Services.

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15. That a maximum of 30 single or semi-detached dwelling units or 40 multiple dwellings be permitted to use Barry Street as a temporary road connection.
16. A phasing plan shall be submitted to the City which shall address but not be limited to the phasing of servicing and road connections to the existing road network to the satisfaction of the General Manager of Growth and Development.
17. That Silver Hills Drive be constructed with traffic calming measures in accordance with the City's traffic calming policy to the satisfaction of the General Manager of Infrastructure Services.
18. The owner agrees to provide a 23 metre-wide right-of-way for Silver Hills Drive.
19. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for any proposed storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
20. All streets will be constructed to an urban standard, including the required curbs, gutters and sidewalks.
21. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties and show the stormwater overland flow path.

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22. Prior to the submission of servicing plans, the owner shall have a stormwater management report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater from this developed subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall deal with the control of both the 1:5 year, 1:100 year, and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The owner shall be required to submit a comprehensive drainage plan of the subject property, and any upstream areas draining through the subdivision. The Regional Storm flow path is to be set out on the plan(s). The civil engineering consultant shall meet with Development Approvals Section prior to commencing the stormwater management report.
23. The owner agrees to provide the required soils report, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
24. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority.
25. Any streetlights required for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
26. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated in to the lot grading plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
27. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, Canada Post, Vianet and Eastlink (where applicable). This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
28. The owner shall provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.

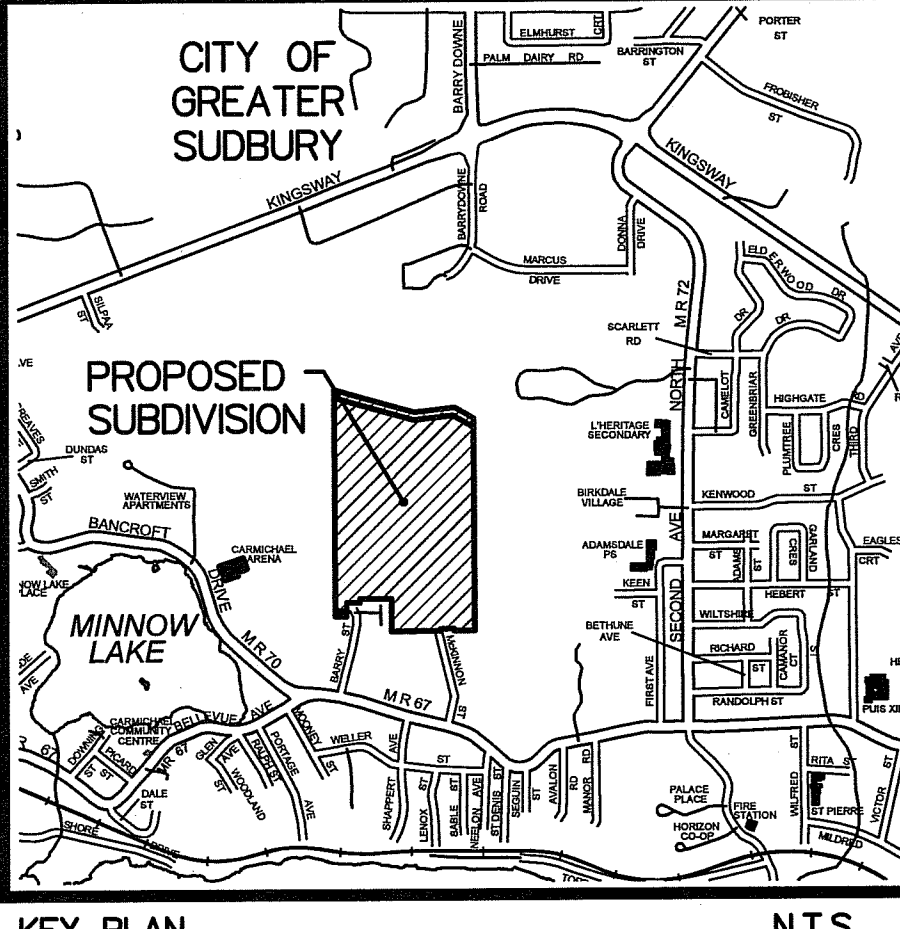
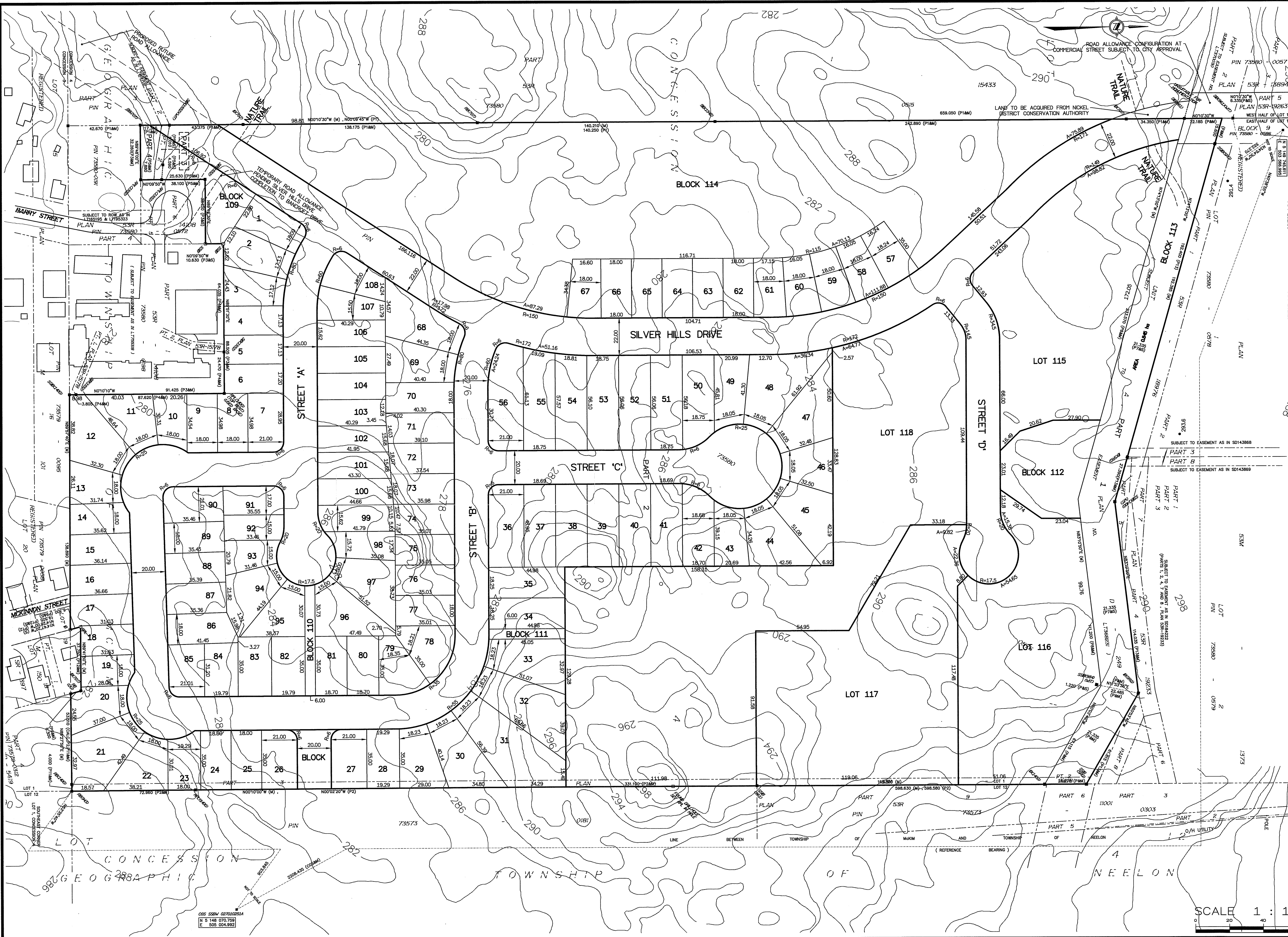
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29. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be borne totally by the owner.
30. The owner/developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five years experience related to blasting.
31. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.
32. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:
 - a. Pre-blast survey of surface structures and infrastructure within affected area;
 - b. Trial blast activities;
 - c. Procedures during blasting;
 - d. Procedures for addressing blasting damage complaints;
 - e. Blast notification mechanism to adjoining residences; and,
 - f. Structural stability of exposed rock faces.
33. The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.
34. Should the developer's schedule require to commence blasting and rock removal prior to the site plan agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.
35. The owner/applicant shall at their expense inform all prospective purchasers, through a clause in all agreements of purchase and sale, as to those lots identified for a potential Community Mailbox and shall indicate the proposed Community Mailbox locations.

36. The owner/applicant shall provide curb depressions at the Community Mailbox locations. These are to be 2 metres in width and no higher than 25 millimeters.
37. The Lock Box Assembly is to be supplied and installed at the owner/applicants expense. The centralized mail facility is to be installed at Canada Post standards.
38. That the owner/developer agrees to develop and construct improvements to Blueberry Hill Park to the satisfaction of the Nickel District Conservation Authority and the Director of Leisure Services. The works to be completed include but are not limited to the provision of fixed seating at the existing lookout, repair of existing trail with wood chips and additional plantings of eco-grass, white birch and white pine, and the development of 3 metre wide crushed stone bicycle/pedestrian paths where required from the new collector road to the Carmichael arena.
39. That the owner/developer agrees to convey two lots on the south side of Street A to the City and develop said lands for parks purposes in accordance with Section 51.1 of the Planning Act.
40. That the owner/developer transfer Block 113 and a portion of Blocks 112 and 114 for the trail to the City for parks purposes in accordance with Section 51.1 of the Planning Act.
41. That the owner/developer agrees to develop a 3 metre wide crushed stone bicycle/pedestrian paths from the new collector road on Block 113.
42. That the owner/developer transfer Block 109 to the City as a park block.
43. That the owner/developer agrees to identify and transfer a block of land for park purposes as shown in the final approved Leisure Development Concept in part of Block 112 to the satisfaction of the Director of Leisure Services.
44. That the street(s) shall be named to the satisfaction of the Municipality.”
45. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning, provided that:
 - i) phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and

...7

- ii) all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
46. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Development and the General Manager of Infrastructure Services.



DRAFT PLAN
OF PROPOSED SUBDIVISION OF
PIN 73580-0576
PART OF LOT 1 CONCESSION 4
GEOGRAPHIC TOWNSHIP OF MCKIM
CITY OF GREATER SUDBURY

PREPARED BY
R.V. ANDERSON ASSOCIATES LTD.
436 WESTMOUNT AVENUE, UNIT 6
SUDBURY, ONTARIO
P3A 5Z8

IN CO-OPERATION WITH
EXP GEOMATICS INC.
885 REGENT STREET, SUITE 3-6A
SUDBURY, ONTARIO
P3E 5H4

OWNER
1232522 ONTARIO INC.
STEVE VACCARO, VICE-PRESIDENT
885 REGENT STREET, SUITE 2-1B
SUDBURY, ONTARIO
P3E 5H4

OWNER'S CERTIFICATE
I HEREBY APPROVE OF THE MANNER IN WHICH THE LAND SHOWN ON THIS
PLAN IS PROPOSED TO BE SUBDIVIDED AND REQUEST THE APPROVAL OF THE
CITY OF GREATER SUDBURY.
December 06, 2016 *Steve Vaccaro*
DATE STEVE VACCARO

ONTARIO LAND SURVEYOR
STEVE GOSSLING, O.L.S.
885 REGENT STREET
SUDBURY, ONTARIO
P3E 5H4

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS
TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE
ADJACENT LANDS ARE ACCURATELY AND CORRECTLY
SHOWN ON THIS PLAN.
December 06, 2016 *Steve Gossling*
DATE STEVE GOSSLING
ONTARIO LAND SURVEYOR

ADDITIONAL INFORMATION
AS REQUIRED BY SECTION 51(17) OF THE PLANNING ACT

A) AS SHOWN
B) AS SHOWN
C) AS SHOWN
D) LOT 1-6, 36-56, 91-108: R1
LOT 7-35, 57-90: R2
BLOCK 109 and 113: PARKLAND
BLOCK 110, 111: CITY WALKWAY
BLOCK 112: EXISTING STORMWATER MANAGEMENT POND
BLOCK 114: R3-1D59
LOTS 115-118: R3-1D59C240
E) NORTH - C2-GENERAL COMMERCIAL
SOUTH - R3-1-MEDIUM DENSITY RESIDENTIAL AND R2-2 LOW
DENSITY RESIDENTIAL TWO
EAST - FD-FUTURE DEVELOPMENT, P-PARKCENETARY
WEST - P-PARK, OSP-OPEN SPACE PRIVATE
F) AS SHOWN
G) AS SHOWN
H) EXISTING MUNICIPAL WATER SUPPLY
SHALLOW EARTH OVERBURDEN & ROCK OUTCROPS
I) AS SHOWN
J) WATER, SANITARY SEWER, STORM SEWER, HYDRO, BELL, GAS, GARBAGE
COLLECTION, POLICE, FIRE, AMBULANCE
K) AS SHOWN

AREA OF APPLICATION = 23.75 ha.

exp Geomatics Inc.
P: +1 705 524 3131 F: +1 705 674 8271
885 Regent Street
Sudbury, ON P3E 5M4
Canada
www.exp.com

R.V. Anderson Associates Limited
engineering • environment • infrastructure

Request for Decision

Heritage Impact Assessment Guidelines

Presented To:	Planning Committee
Presented:	Monday, Mar 08, 2021
Report Date	Wednesday, Feb 10, 2021
Type:	Managers' Reports
File Number:	HER-2021-01-00

Resolution

THAT The City of Greater Sudbury directs staff to consult with the Municipal Heritage Advisory Panel, the Development Liaison Advisory Panel, and other stakeholders on the attached draft Heritage Impact Assessment Guidelines and return no later than the end of Q2, 2021 with recommended guidelines, as outlined in the report entitled "Heritage Impact Assessment Guidelines", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on March 8, 2021.

Relationship to the Strategic Plan / Health Impact Assessment

The protection and conservation of cultural heritage resources provides economic, environmental and social benefits and is consistent with Council's strategic objectives of creating a healthier community and strengthening community vibrancy.

Report Summary

This report presents a draft framework for Heritage Impact Assessment Guidelines. The intent of the guidelines is to outline the information requirements when development is proposed on or adjacent to protected heritage properties. The proposed draft guidelines are based on municipal best practices in Ontario and on advice from the Ontario Heritage Tool Kit.

Staff is seeking direction to consult with the Municipal Heritage Advisory Panel, the Development Liaison Advisory Panel and other key stakeholders prior to finalizing the guidelines.

Financial Implications

Signed By

Report Prepared By

Ed Landry
Senior Planner
Digitally Signed Feb 10, 21

Manager Review

Kris Longston
Manager of Community and Strategic Planning
Digitally Signed Feb 10, 21

Recommended by the Division

Alex Singbush
Manager of Development Approvals
Digitally Signed Feb 10, 21

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Feb 12, 21

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Feb 16, 21

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Feb 24, 21

There are no financial implications associated with this report at this time.

Heritage Impact Assessment Guidelines

Planning Services Division

Report Date – February 1, 2021

BACKGROUND

Staff presented a Cultural Heritage Policy Discussion Paper as part of the five-year review of the City's Official Plan (See Reference 1). The November 4, 2013 report outlined the heritage planning framework in Ontario, cultural-heritage related comments received from the public as part of the five year review process and examples of cultural heritage official plan policies from other municipalities. The report presented some options and recommendations regarding potential changes to augment the existing heritage conservation policies in the City of Greater Sudbury Official Plan (OP).

The City of Greater Sudbury adopted the first phase of the five-year review OP on June 26, 2018 (See Reference 2). The OP was approved by the Province on April 25, 2019. The updated Heritage section includes a new policy 2, which states the following:

"A cultural heritage impact assessment will be required for development and intensification proposals or public works that include or are contiguous to a property designated under the Ontario Heritage Act or non-designated property included on the Municipal Heritage Register. The cultural heritage impact assessment will be undertaken in accordance with the policies of this plan. The City will determine the need for a cultural impact heritage assessment in consultation with the owner/applicant. A cultural heritage impact assessment will include the following elements:

- a. identification and evaluation of the cultural heritage resource;
- b. graphic and written inventory of the cultural heritage resource;
- c. assessment of the proposal's impact on the cultural heritage resource;
- d. alternatives to the proposal;
- e. identification and justification of the preferred option; and
- f. means to mitigate impacts, in accordance with Chapter 13.0, Heritage Resources;"

Provincial Policy Statement, 2020

A decision of Council on a planning matter shall be consistent with the provincial policy statements issued under the Planning Act that are in effect on the date of the decision (See Reference 3). Regarding Cultural Heritage, policy 2.6.1 of the Provincial Policy Statement, 2020 (2020 PPS) states that "*Significant built heritage resources and significant cultural heritage landscapes shall be conserved*".

Policy 2.6.3 states that "Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*."

The PPS defines “protected heritage property” as “property designated under Parts IV [Individual Properties], V [Heritage Conservation Districts] or VI [Archaeological Value] of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.”

The City’s Official Plan policies on heritage conservation are consistent with the 2020 PPS. The OP also provides a higher standard to listed properties. Specifically, our policies contemplate that a Heritage Impact Assessment may be required for development proposed adjacent to a non-designated property listed on the Municipal Heritage Register.

Ontario Heritage Tool Kit

The Ontario Heritage Tool Kit includes Info Sheet # 5 “Heritage Impact Assessments and Conservation Plans” (See Attachment A). The advice provided in the information sheet has been incorporated into the draft HIA guidelines, including the minimum contents of an HIA, and the definitions of terms such as negative impact and mitigative/alternative approaches (See Attachment B).

Municipal Best Practices

Staff has reviewed Terms of Reference and other Heritage Impact Guidelines from municipalities such as Hamilton, Milton, Waterloo, Mississauga and the City of Kawartha Lakes. Best practices from these municipalities have been incorporated in the draft HIA, including the terms of reference of a HIA, and how and when to process HIAs. In the Greater Sudbury context, our SPART (Sudbury Planning Application Review Team) process can be used as an important step in the heritage conservation process.

Proposed Changes to Ontario Heritage Act

Staff recently reported on proposed changes to the Ontario Heritage Act (See Reference 4). As of the writing of this report, the changes are still not in effect. Staff will continue to monitor the proposed legislative and regulatory changes as these could have an effect on these guidelines. For example, the Province is proposing minimum requirements for complete applications, introducing new thresholds of impact on heritage resources, and changing the way appeals are managed.

SUMMARY AND NEXT STEPS

This report presented the framework for the proposed draft Heritage Impact Assessment Guidelines for the City of Greater Sudbury (See Attachment B). The draft proposed HIA is based on Official Plan policy, Provincial policy, and municipal best practices.

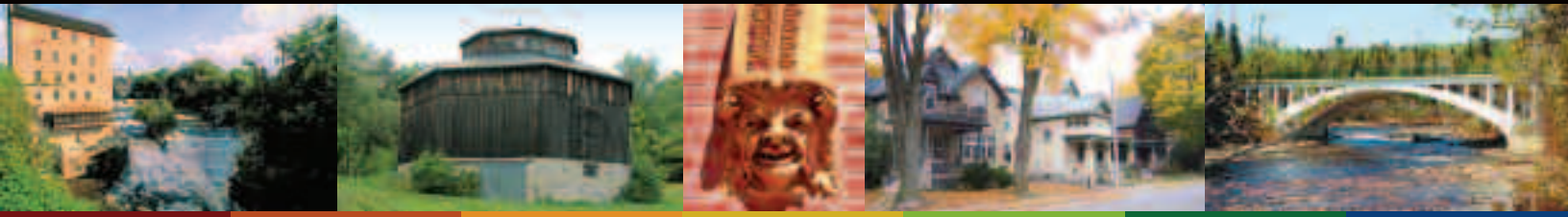
Staff should now be directed to consult with the Municipal Heritage Advisory Panel, the Development Liaison Advisory Panel, and other key stakeholders prior to finalizing the guidelines.

REFERENCES

1. “Cultural Heritage Policy Discussion Paper”, report presented at the November 4, 2013 Planning Committee Meeting
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=5&id=615>
2. City of Greater Sudbury Official Plan
<https://www.greatersudbury.ca/city-hall/reports-studies-policies-and-plans/official-plan/>
3. Provincial Policy Statement, 2020
<https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>
4. “Bill 108 and the Ontario Heritage Act”, report presented at the November 9, 2020 Planning Committee Meeting
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=16&id=1458>

ATTACHMENTS

- A. Ontario Heritage Toolkit Info Sheet # 5 “Heritage Impact Assessments and Conservation Plans”
- B. Proposed Draft Heritage Impact Assessment Guidelines
- C. Policy Framework



InfoSheet #5

Heritage Impact Assessments and Conservation Plans

Winter 2006

Preserved Goldie Mill Ruins located in the City of Guelph



(Leanne Piper)

Heritage impact assessments and conservation plans as conditions of development and site alteration

With regard to cultural heritage and *archaeological resources*, the Provincial Policy Statement, 2005 issued under the authority of the Planning Act defines “*conserved*” as “the identification, protection, use and/or management of cultural heritage and *archaeological resources* in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.”

To conserve a cultural heritage resource, a municipality or approval authority may require a heritage impact assessment and/or a conservation plan to guide the approval, modification, or denial of a proposed *development* or *site alteration* that affects a cultural heritage resource. To ensure implementation of a conservation plan, a municipality may require an owner to post a letter of credit, bond or certified cheque as part of the *development* approval process.

This applies to all properties or geographic areas containing cultural heritage resources that are *significant* or “valued for the important contribution they make to our understanding of the history of a place, an event, or a people.” (PPS, 2005). Properties and geographic areas include: all listed, inventoried, mapped heritage properties by local, provincial or federal jurisdiction(s); *protected heritage property(s)*; newly identified cultural heritage sites which may need further evaluation; and areas that can be identified as having known archaeological sites or archaeological potential.

Using tools such as heritage impact assessments and conservation plans, municipalities and approval authorities can further enhance their own heritage preservation objectives.

PRINCIPLES IN THE CONSERVATION OF HISTORIC PROPERTIES

Respect for Documentary Evidence

Do not base restoration on conjecture.

Respect for Original Location

Do not move buildings unless there is no other means to save them.

Respect for Historic Material

Repair/conservate rather than replace building materials and finishes, except where absolutely necessary.

Respect for Original Fabric

Repair with like materials.

Respect for the Building's History

Do not restore to one period at the expense of another period.

Reversibility

Alterations should allow a resource to return to its original conditions.

Legibility

New work to be distinguishable from old.

Maintenance

With continuous care, future restoration will not be necessary.

A **heritage impact assessment (or equivalent study)** is a study to determine if any cultural heritage resources (including those previously identified and those found as part of the site assessment) or in any *areas of archaeological potential*, are impacted by a specific proposed *development* or *site alteration*. It can also demonstrate how the cultural heritage resource will be *conserved* in the context of redevelopment or *site alteration*. Mitigative or avoidance measures or alternative *development* or *site alteration* approaches may be recommended. For archaeological assessments, fieldwork must be undertaken by licensed professional archaeologists in accordance with the Ontario Heritage Act and its regulations. (refer to InfoSheet #3 entitled *Archaeological Resources and Areas of Archaeological Potential*).

A **conservation plan (or equivalent study)** is a document that details how a cultural heritage resource can be *conserved*. The conservation plan may be supplemental to a heritage impact assessment, but it is typically a separate document. The recommendations of the plan should include descriptions of repairs, stabilization and preservation activities as well as long term conservation, monitoring and maintenance measures.

What is the content of a heritage impact assessment?

A heritage impact assessment generally contains, but is not limited to the following information:

1. Historical Research, Site Analysis and Evaluation

If the available identification and description of the significance and *heritage attributes* of the cultural heritage resource are inadequate for the purposes of the heritage impact assessment, or the cultural heritage resource is newly identified, research, site survey and analysis, and evaluation are required. An explanation of the methodology used must accompany a clear statement of the conclusions regarding the significance and *heritage attributes* of the cultural heritage resource.

2. Identification of the Significance and Heritage Attributes of the Cultural Heritage Resource

This is usually a summary of the cultural heritage value or interest and the *heritage attributes* contained in a heritage property municipal designation bylaw, heritage conservation easement agreement, or other listings. This summary should clearly articulate the cultural heritage value or interest and *heritage attributes* of the heritage resource. If the property is not a *protected heritage property* but is listed or is newly identified and may possess heritage significance, statements of cultural heritage value or interest and the *heritage attributes* should still be developed.

3. Description of the Proposed Development or Site Alteration

This description details the rationale and purpose for the *development* or *site alteration*, the proposed works and graphical layout, and how the *development* or *site alteration* fits with the objectives of the municipality or approval authority.

4. Measurement of Development or Site Alteration Impact

Any impact (direct or indirect, physical or aesthetic) of the proposed *development* or *site alteration* on a cultural heritage resource must be identified. The effectiveness of any proposed conservation or mitigative or avoidance measures must be evaluated on the basis of established principles, standards and guidelines for heritage conservation.

5. Consideration of Alternatives, Mitigation and Conservation Methods

Where an impact on a cultural heritage resource is identified, and the proposed conservation or mitigative measures including avoidance, are considered ineffective, other conservation or mitigative measures, or alternative *development* or *site alteration* approaches must be recommended.

6. Implementation and Monitoring

This is a schedule and reporting structure for implementing the recommended conservation or mitigative or avoidance measures, and monitoring the cultural heritage resource as the *development* or *site alteration* progresses.

7. Summary Statement and Conservation Recommendations

This is a description of:

- the significance and *heritage attributes* of the cultural heritage resource;
- the identification of any impact that the proposed *development* will have on the cultural heritage resource;
- an explanation of what conservation or mitigative measures, or alternative *development* or *site alteration* approaches are recommended to minimize or avoid any impact on the cultural heritage resource;
- if applicable, clarification of why some conservation or mitigative measures, or alternative *development* or *site alteration* approaches are not appropriate.

NEGATIVE IMPACTS

Negative impact on a cultural heritage resource include, but are not limited to:

Destruction of any, or part of any, *significant heritage attributes* or features;

Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance;

Shadows created that alter the appearance of a *heritage attribute* or change the viability of a natural feature or plantings, such as a garden;

Isolation of a *heritage attribute* from its surrounding environment, context or a *significant* relationship;

Direct or indirect obstruction of *significant* views or vistas within, from, or of built and natural features;

A change in land use such as rezoning a battlefield from open space to residential use, allowing new *development* or *site alteration* to fill in the formerly open spaces;

Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an *archaeological resource*.

MITIGATION OR AVOIDANCE

Methods of minimizing or avoiding a negative impact on a cultural heritage resource include, but are not limited to:

- Alternative *development* approaches
- Isolating *development* and *site alteration* from *significant* built and natural features and vistas
- Design guidelines that harmonize mass, setback, setting, and materials
- Limiting height and density
- Allowing only compatible infill and additions
- Reversible alterations
- Buffer zones, site plan control, and other planning mechanisms

For more information contact:

Ontario Ministry of Culture

400 University Avenue, 4th Floor

Toronto, ON M7A 2R9

General_Info@mcl.gov.on.ca

(416) 212-0644

1 (866) 454-0049

web page:

<http://www.culture.gov.on.ca>

Additional information on the Provincial Policy Statement, 2005 is available on the Ministry of Municipal Affairs and Housing web page:
<http://www.mah.gov.on.ca>

What is the content of a conservation plan?

A Conservation Plan generally contains, but is not limited to the following information:

1. **Identification** of the conservation principles appropriate for the type of cultural heritage resource being *conserved*;
2. **Analysis** of the cultural heritage resource, including documentation of the resource, descriptions of cultural heritage value or interest, assessment of resource conditions and deficiencies, discussion of historical, current and proposed use;
3. **Recommendations** for conservation measures and interventions, short or long term maintenance programs, implementation, and the qualifications for anyone responsible for the conservation work;
4. **Schedule** for conservation work, inspection, maintenance, costing, and phases of rehabilitation or restoration work;
5. **Monitoring** of the cultural heritage resource and the *development* of a long term reporting structure.

Who is qualified to prepare a heritage impact assessment and conservation plan?

Heritage impact assessments and conservation plans for *built heritage resources* and *cultural heritage landscapes* must be prepared by qualified individuals, such as architectural and landscape consultants with knowledge of accepted standards of historical research, identification, evaluation, and methods of conservation and mitigation. For properties containing *archaeological resources* or *areas of archaeological potential*, only licensed professional archaeologists can carry out technical assessments and alter known archaeological sites.

Further information on heritage impact assessments and conservation plans will be available in future technical guides and manuals developed by the Ministry of Culture.

*Note: This InfoSheet was developed to assist participants in the land use planning process and to understand the PPS, 2005 policies related to the conservation planning of cultural heritage and *archaeological resources*. The information in the InfoSheet should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter.

Header photos: Elora Mill (Copyright 2006 Ontario Tourism), Cunnington-Osborne Farm Complex, Caledon (Sally Drummond), Whig-Standard Building, Kingston (Marcus Létourneau), Victoria Park Heritage Conservation District, Kitchener (Ministry of Culture), Black Bay Bridge, Thunder Bay (Ministry of Culture)

ATTACHMENT B - DRAFT HERITAGE IMPACT ASSESSMENT GUIDELINES

What is a Heritage Impact Assessment?

A Heritage Impact Assessment (HIA) is a study to determine if any cultural heritage resources are impacted by a specific proposed development or site alteration. It can also demonstrate how the cultural heritage resource will be conserved in the context of redevelopment or site alteration. Mitigative, avoidance measures, alternative development, and/or site alteration approaches may be recommended. HIAs are an important planning tool in the land development process.

Policy Context

The City of Greater Sudbury Official Plan (Section 13.0) requires a Heritage Impact Assessment for development and intensification proposals or public works that include or are contiguous to a property designated under the *Ontario Heritage Act* or non-designated property included on the Municipal Heritage Register. The City's Official Plan permits an HIA to be scoped or waived by the City.

The Provincial Policy Statement (PPS, 2020) issued under the Ontario Planning Act encourages municipalities to use HIAs in the planning process.

See Appendices for more information on the policy context.

When is a Heritage Impact Assessment required?

A Heritage Impact Assessment is required for certain applications involving the following types of properties:

- A. Applications on Designated Property
- B. Applications contiguous to Designated Property
- C. Applications on properties listed on the Municipal Heritage Register
- D. Applications contiguous to properties listed on the Municipal Heritage Register

A. Applications on Designated Property

The types of applications that may trigger the need for an HIA for development or intensification proposals that **include** a property **designated** under the Heritage Act include (but are not limited to) the following:

- Site Plan Control
- Zoning By-law Amendment
- Official Plan Amendment
- Draft Plan (Subdivision and Condominium)
- Consent or Minor Variance application under s. 45 of the Planning Act
- Building Permit
- Demolition Permit

- Site Alteration

B. Applications contiguous to designated property

The types of applications that may trigger the need for an HIA for development or intensification proposals that **are contiguous** to a property **designated** under the Heritage Act include (but are not limited to) the following:

- Site Plan Control
- Zoning By-law Amendment
- Official Plan Amendment
- Draft Plan (Subdivision and Condominium)
- Consent or Minor Variance application under s. 45 of the Planning Act

C. Applications on properties listed on the Municipal Heritage Register

The types of applications that may trigger the need for an HIA for development or intensification proposals that **include** a property that is listed on the Municipal Heritage Register as a **non-designated** property, include (but are not limited to) the following:

- Site Plan Control
- Zoning By-law Amendment
- Official Plan Amendment
- Draft Plan (Subdivision and Condominium)
- Consent or Minor Variance application under s. 45 of the Planning Act
- Building Permit
- Demolition Permit
- Site Alteration

D. Applications contiguous to properties listed on the Municipal Heritage Register

The types of applications that may trigger the need for an HIA for development or intensification proposals that **are contiguous** to a property that is listed on the Municipal Heritage Register as a **non-designated** property, include (but are not limited to) the following:

- Site Plan Control
- Zoning By-law Amendment
- Official Plan Amendment
- Draft Plan (Subdivision and Condominium)
- Consent or Minor Variance application under s. 45 of the Planning Act

At the Director of Land Use Planning's discretion, an HIA may be scoped or waived based on the potential negative impacts of the proposed development on a heritage resource.

Notification

An HIA is most effective when it is conducted early in the development application process and should form part of a complete application. The findings, conclusions and recommendations of the HIA should be reflected in the final development concept advanced to the City.

To this end, City of Greater Sudbury staff will endeavor to inform property owners and/or their representative of the need for an HIA early in the development process, as part of the established SPART review.

Qualified Heritage Conservation Professional

An HIA must be prepared by a qualified heritage conservation professional, such as a heritage planner, heritage architect and/or heritage landscape architect, with demonstrated knowledge of accepted heritage conservation standards, and experience with historical research and identification/evaluation of cultural heritage value. The professional should be registered with the Canadian Association of Heritage Professionals and in good standing. The qualifications and background of the professional completing the HIA must be included in the report.

Principles

Content and recommendations of the HIA should be based on accepted conservation principles and guidelines, including those outlined in:

- Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*
- Ontario Ministry of Heritage, Sport, Tourism and Culture Industries' *Eight Guiding Principles in the Conservation of Historic Properties*
- The Ontario Heritage Tool Kit

Minimum Content Requirements

A heritage impact assessment generally contains, but is not limited to the following information:

- 1. New Regulatory Minimum Requirements [Pending Provincial Legislation]**
- 2. Historical Research, Site Analysis and Evaluation**

If the available identification and description of the significance and heritage attributes of the cultural heritage resource are inadequate for the purposes of the heritage impact assessment, or the cultural heritage resource is newly identified, research, site survey and analysis, and evaluation are required. An explanation of the methodology used must accompany a clear statement of the conclusions

regarding the significance and heritage attributes of the cultural heritage resource.

3. Identification of the Significance and Heritage Attributes of the Cultural Heritage Resource

This is usually a summary of the cultural heritage value or interest and the heritage attributes contained in a heritage property municipal designation bylaw, heritage conservation easement agreement, or other listings. This summary should clearly articulate the cultural heritage value or interest and heritage attributes of the heritage resource. If the property is not a protected heritage property but is listed or is newly identified and may possess heritage significance, statements of cultural heritage value or interest and the heritage attributes should still be developed.

4. Description of the Proposed Development or Site Alteration

This description details the rationale and purpose for the development or site alteration, the proposed works and graphical layout, and how the development or site alteration fits with the objectives and Official Plan policies of the City.

5. Measurement of Development or Site Alteration Impact

Any impact (direct or indirect, physical or aesthetic) of the proposed development or site alteration on a cultural heritage resource must be identified. The effectiveness of any proposed conservation or mitigative or avoidance measures must be evaluated on the basis of established principles, standards and guidelines for heritage conservation.

Negative impact on a cultural heritage resource include, but are not limited to:

- Destruction of any, or part of any, significant heritage attributes or features;
- Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance;
- Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
- Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;

- Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features;
- A change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces;
- Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource.

6. Consideration of Alternatives, Mitigation and Conservation Methods

Where an impact on a cultural heritage resource is identified, and the proposed conservation or mitigative measures including avoidance, are considered ineffective, other conservation or mitigative measures, or alternative development or site alteration approaches must be recommended.

Methods of minimizing or avoiding a negative impact on a cultural heritage resource include, but are not limited to:

- Alternative development approaches
- Isolating development and site alteration from significant built and natural features and vistas
- Design guidelines that harmonize mass, setback, setting, and materials
- Limiting height and density
- Allowing only compatible infill and additions
- Reversible alterations
- Buffer zones, site plan control, and other planning mechanisms

7. Implementation and Monitoring

This is a schedule and reporting structure for implementing the recommended conservation or mitigative or avoidance measures, and monitoring the cultural heritage resource as the development or site alteration progresses.

8. Summary Statement and Conservation Recommendations

This is a description of:

- the significance and heritage attributes of the cultural heritage resource;
- the identification of any impact that the proposed development will have on the cultural heritage resource;
- an explanation of what conservation or mitigative measures, or alternative development or site alteration approaches are recommended to minimize or avoid any impact on the cultural heritage resource;
- if applicable, clarification of why some conservation or mitigative measures, or alternative development or site alteration approaches are not appropriate;
- how the City's Official Plan policies on heritage have been considered.

Process and Review

Notice

Planning applications will be reviewed by staff, in consultation with the land owner/applicant as part of the SPART process, where applicable.

Staff will notify the property owner(s) and their representative in writing that an HIA is required as part of a complete planning act application. The HIA Guidelines will be included with the Notice.

Completeness

The HIA will be assessed by staff for completeness. Staff will provide the author of the HIA with instructions regarding any additional information or analysis required before the HIA is considered complete.

Review

Complete HIAs will be reviewed by City staff. To be accepted, the HIAs must demonstrate, to the satisfaction of the Director of Land Use Planning, that the requirements of the Official Plan and of these guidelines have been met.

City staff may request to meet with the owner/applicant to discuss the HIA and its recommendations.

Peer Review

In certain cases, the City may seek a peer review of the HIA by a qualified heritage conservation professional. The peer review will be carried out by a consultant retained by the City, at the expense of the applicant.

Acceptance

Authors of complete HIAs carried out to the satisfaction of the Director of Land Use Planning will be provided with comments in writing along with a notification of acceptance or rejection of the HIA.

Final Submission

An accepted HIA will accompany the final application made under the Planning Act or Heritage Act and will be considered as part of the complete application. The HIA will be circulated to the Municipal Heritage Advisory Panel for comment, where required under the Heritage Act. The HIA's recommendations may be secured through development-related legal agreements and regulations at the discretion of the City or authority having jurisdiction.

DRAFT

Appendix C – Policy Framework

City of Greater Sudbury Official Plan

The City of Greater Sudbury establishes goals objectives and policies to manage and direct physical change and its effect on the social, economic and natural environment for the twenty-year planning period. It provides a policy framework to help conserve Greater Sudbury's heritage resources.

Section 13.0 of the Official Plan speaks to Heritage Resources, as follows:

"The conservation of Greater Sudbury's heritage resources, including built heritage, archaeological resources, and cultural heritage landscapes are directly linked to the identified need to improve quality of place. These valuable cultural assets will strengthen the City's identity and appeal, instill a sense of pride in local citizens, and attract the interest of visitors.

Heritage buildings also strengthen the diversity of our built form and contribute to an aesthetically pleasing urban environment. With its concentration of older buildings, the Downtown retains a number of underutilized properties that offer opportunities for rehabilitation and the potential to create a powerful symbol of revitalization.

Policies aimed at protecting heritage resources are consistent with Healthy Community determinants that form the underlying foundation of this Plan, and will bolster quality of place initiatives that are tied to the Economic Development Strategic Plan.

13.1 OBJECTIVES

It is the objective of the heritage resources policies to:

- a. promote the conservation, restoration and rehabilitation of all heritage resources;
- b. ensure that heritage features are passed on for the enjoyment and care of future generations;
- c. prevent the demolition or inappropriate alteration of heritage resources;
- d. identify a range of features so they can be conserved and integrated into the community, including, buildings, sites, landscapes and artifacts of historical, archaeological and architectural significance; and,
- e. involve the public in heritage resource decisions affecting the City.

13.2 HERITAGE STRUCTURES, DISTRICTS AND CULTURAL LANDSCAPES

The Ontario Heritage Act is the legislative tool with which municipalities in Ontario can identify and preserve historic buildings, districts and archaeological sites. The Act sets out a prescribed process and criteria for designations, as well as the decision framework for the alteration and demolition of designated properties as determined by the City. It also requires the City to keep a register of property situated in the municipality that is of cultural heritage value or interest.

The City, in cooperation with property owners, may designate individual property, by by-law under Part IV of the Ontario Heritage Act, individual buildings and structures as heritage properties.

Areas or groupings of properties of cultural heritage value or interest may also be designated under Part V of the Ontario Heritage Act as heritage conservation districts. These districts may include entire neighbourhoods and their related elements, as well as cultural heritage landscapes closely tied to the history of place.

Policies

1. The City will prepare, publish and periodically update a Register of the City's cultural heritage resources in accordance with the Ontario Heritage Act. This Register will also contain non-designated properties that have been identified by the City as having significant cultural heritage value or interest.
2. A cultural heritage impact assessment will be required for development and intensification proposals or public works that include or are contiguous to a property designated under the Ontario Heritage Act or non-designated property included on the Municipal Heritage Register. The cultural heritage impact assessment will be undertaken in accordance with the policies of this plan. The City will determine the need for a cultural impact heritage assessment in consultation with the owner/applicant. A cultural heritage impact assessment will include the following elements:
 - a. identification and evaluation of the cultural heritage resource;
 - b. graphic and written inventory of the cultural heritage resource;
 - c. assessment of the proposal's impact on the cultural heritage resource;
 - d. alternatives to the proposal;
 - e. identification and justification of the preferred option; and
 - f. means to mitigate impacts, in accordance with Chapter 13.0, Heritage Resources;
3. The City may prevent the demolition or inappropriate alteration of any heritage resource designated under the Ontario Heritage Act by the City or Province.
4. Heritage buildings and structures involved in planning applications will be retained for their original use and in their original location wherever possible to ensure that their heritage value is not compromised. If the original use is no longer feasible, adaptive reuse of buildings and structures, will be encouraged where the heritage attributes will not be compromised. If it is not possible to maintain structures in their original location, consideration may be given for the relocation of the structure.

The City will also encourage methods of conservation including:

- a) repairing or conserving building materials and finishes and other components that are part of a property's heritage attributes;
 - b) retaining and maintaining the visual settings and other physical relationships that contribute to the cultural heritage value of the property;
 - c) retention of a built heritage resource as a heritage monument for viewing purposes only;
 - d) salvaging elements of the resource for incorporation into a new building or structure for future conservation work or displays; and,
 - e) documentation for the City's archives.
5. Adaptive reuse projects that conserve the architectural integrity of heritage buildings and structures are encouraged as a means of enhancing the long-term conservation of heritage resources and promoting the rehabilitation of underutilized properties.
6. In order to protect the railway heritage connected to the founding of the community of Sudbury, the CPR Station and CPR Telegraph Office on Elgin Street will be preserved and protected from inappropriate development.
7. Heritage conservation districts and cultural heritage landscapes will be protected, maintained and incorporated, specifically through the regulation of uses that detract from the traditional landscape.
8. Where an area is designated as a heritage conservation district, partial demolition, alterations, renovations, repairs, additions, development or intensification may be allowed at the City's discretion and may be subject to a cultural heritage impact assessment.
9. The City may permit the transfer of surplus density rights from sites with heritage buildings to adjacent or nearby properties in order to facilitate the conservation, retention or adaptive reuse of a particular heritage resource. Unused density may be transferred to another site provided that:
- a) the relevant property is designated under the Ontario Heritage Act; and,
 - b) the downzoning of the donor site and up-zoning of the recipient site takes place.
10. Retrofits for achieving energy efficiency will only be undertaken in a heritage building where it is demonstrated that retrofitting can be accomplished without compromising the heritage integrity of the building;
11. In attaining accessibility goals, the City will endeavour to provide access solutions in a manner that respects the cultural heritage value or interest of a protected property. The City recognizes that standardized designs may not always suffice and that each heritage property will require unique accessibility

plans to ensure that alterations do not adversely affect the heritage attributes. The City encourages this practice for privately -owned heritage buildings that are open to and used by the public;

12. The City will support the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging adaptive reuse of older and existing building stock;
13. The City will make every effort to identify, conserve and protect known cultural heritage resources and areas of archaeological potential when undertaking municipal public works, such as roads and infrastructure projects, carried out under the Municipal Class Environmental Assessment process. When necessary, the City will require archaeological assessments and heritage impact assessments and satisfactory measures to mitigate any negative impacts to cultural heritage resources ;
14. The City will encourage local utility companies to place equipment and devices in locations which do not detract from the visual character of cultural heritage resources and do not have a negative impact on the architectural integrity of those resources; and,
15. In the event that demolition, salvage, dismantling relocation and/or irrevocable damage to a cultural heritage resource is determined through heritage impact assessment or other City review process to be unavoidable, thorough archival documentation is required to be undertaken by the proponent and made available to the City for archival purposes. This documentation must be prepared by a qualified person and include at least the following as appropriate or additional matters as specified by the City:
 - a) architectural measured drawings;
 - b) a land use history; and,
 - c) photographs, maps and other available material about the cultural heritage resource in its surrounding context.

Programs

1. The City may undertake a study to identify and evaluate areas and landscapes of potential cultural heritage value or interest. Landscapes of cultural heritage value or interest may be designated pursuant to the Ontario Heritage Act, or as areas of cultural heritage character and recognized for their specific heritage character in this Plan.
2. The City may establish heritage design guidelines and/or cultural heritage impact assessment guidelines that assist in the design and review of adaptive reuse proposals.

3. The City may establish a grant program for designated heritage properties. The intent of this program would be to help alleviate some of the financial burden placed upon property owners in the maintenance and conservation of heritage resources or the adaptive reuse of a designated heritage property.

13.3 ARCHAEOLOGICAL RESOURCES

Archaeological resources may include artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Policies

1. Disturbance of known archaeological sites and areas of archaeological potential are discouraged by this Plan. This Plan encourages mapping the archaeological resource potential of the City of Greater Sudbury in order to better determine where an archaeological resource assessment will need to be conducted by a licensed archaeologist. Until such mapping is completed, development applications will be screened for archaeological potential in accordance with provincial standards.
2. Any alterations to known archaeological sites and areas of archaeological potential will only be performed by licensed archaeologists in accordance with the Ontario Heritage Act.
3. Where a development may cause an impact to archaeological resources or areas of archaeological potential, an archaeological assessment will be required in accordance with the Ontario Heritage Act. Archaeological resources that are located on a proposed development site will be conserved.
4. The local police, Cemeteries Regulation Unit of the Ministry of Consumer Services and the Ministry of Tourism, Culture and Sport will be contacted by the proponent if an identified human cemetery, marked or unmarked human burial site is discovered during land use development.
5. The City may maintain the integrity of archaeological resources by adopting zoning by-laws under Section 34 of the Planning Act to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.

Programs

1. The City may undertake the preparation of an Archaeological Management Plan in collaboration with Indigenous communities. The Plan will identify and map known archaeological sites registered with the Ontario Archaeological Sites Database, as well as areas within the municipality having archaeological potential. The Plan may also outline policies, programs and strategies for the conservation of archaeological resources, including how Indigenous communities will be engaged in the implementation of the Plan to ensure their interests are considered in the conservation of cultural heritage and archaeological resources.
2. The City will regularly update municipal archaeological resource mapping as new archaeological sites are identified and entered into the Ontario Archaeological Sites Database.

Provincial Policy Statement, 2020 - Policies

Policy 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

Policy 2.6.3 Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development* and *site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

Provincial Policy Statement, 2020 – Associated Definitions

Adjacent lands, for the purposes of policy 2.6.3, means: those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers."

Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include: a) activities that create or maintain infrastructure authorized under an environmental assessment process; b) works subject to the Drainage Act;

Heritage attributes: means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).

Protected heritage property: means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

Significant, in regard to cultural heritage and archaeology: means resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Request for Decision

Accessory Guest Room Accommodation Review

Presented To:	Planning Committee
Presented:	Monday, Mar 08, 2021
Report Date	Thursday, Feb 18, 2021
Type:	Referred and Deferred Matters

Resolution

THAT the City of Greater Sudbury directs staff to prepare a draft Residential Licensing By-law for Council's consideration no later than the end of Q3, 2021;

AND THAT the City of Greater Sudbury directs staff to prepare business case for the Residential Licensing By-law for Council's consideration as part of the 2022 Budget, as outlined in the report entitled "Accessory Guest Room Accommodation Review", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on March 8, 2021.

Relationship to the Strategic Plan / Health Impact Assessment

Reviewing the City's Accessory Guest Room Accommodation framework is consistent with Strategic Objective 5 of the City's 2019-2027 Strategic Plan. This goal reflects Council's desire for all citizens, especially vulnerable populations, to have access to safe, affordable, attainable and suitable housing options in the City of Greater Sudbury.

Report Summary

On September 23, 2019, Planning Committee directed Staff to review the existing framework regarding accessory guest room accommodation and to report to City Council on recommended improvements no later than Q4 2020. Staff has prepared a report on the City's current framework, best practices found in comparator municipalities, and other service level considerations.

Staff has organized this information under separate service levels based on services that the City currently provides, elements that could be strengthened with current staff levels at minimal cost, and services that could require additional staff resources and budget. The bulk of the report outlines the current level of

Signed By

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Senior Planner
Digitally Signed Feb 18, 21

Manager Review

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Recommended by the Division

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Financial Implications

Apryl Lukezic
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Digitally Signed Feb 18, 21

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
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Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
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service provided (existing by-laws, policies, procedures, staffing levels, resources, etc.) at the City. The report presents elements of an accessory guest room framework that can be strengthened with current staff levels, and concludes with a recommendation to prepare a licensing framework for Council's consideration.

On January 11, 2021, Planning Committee deferred the report to March 8, 2021 pending more information on the residential licensing component of the report. This information is included as Attachments A and B to this report.

Financial Implications

There are no financial implications with this report at this time.

Accessory Guest Room Accommodation Review
Planning Services Division
Report Date – November 23, 2020

Background

Planning Committee passed the following motion on September 23, 2019: “THAT the City of Greater Sudbury directs staff to review the existing framework regarding accessory guest room rental accommodation consistent with City Council’s goal of creating affordable and safe housing and report back to City Council on recommended improvements no later than Q4 2020.”

This matter had previously been studied for Greater Sudbury in 2009 - 2010 (See Reference 1). Key findings included in that report related to rooming and lodging houses, a review of the City’s zoning by-law framework, a scan of how other municipalities were addressing these uses, and options for Council for its considerations.

Council had directed staff to prepare a policy report regarding the licensing of rooming houses. At the time, the Policy Committee had resolved to create a scoped rental housing licensing by-law, to create a Licensing By-law Working Group to develop the required by-laws, requirements, fees, enforcement policies, etc.

A working group composed of Councillors and staff from Building, Planning, By-law Enforcement, Legal, and Police Services was established in April, 2010. Staff was directed to invite stakeholders at key milestones throughout the process. These stakeholders were identified as the post-secondary institutions, the Health Unit, the Electrical Safety Authority, and the Landlord and Tenant Board (see Reference 2).

This process was put on hold in 2011 pending legal challenges to rooming/licensing municipal by-laws in several municipalities (first London, then North Bay and others) relating to the Human Rights Code. At issue was whether the by-laws discriminated against a segment of the population. See discussion on the challenges below.

In 2020, and per Council direction, Staff has assembled an internal project team composed of Planning, Building, Economic Development, By-law, Taxation, Fire, and Environmental Services. Each team member has brought forward current practices and experiences, laws and regulations, case studies, and avenues of further study. This information is outlined in the following sections.

Discussion

The health and safety of Greater Sudbury residents is paramount. This goal is expressed broadly in Council's strategic plan, including Strategic Objective 5 of the City's 2019-2027 Strategic Plan which reflects Council's desire for all citizens, especially vulnerable populations, to have access to safe, affordable, attainable and suitable housing options in the City of Greater Sudbury.

Issues (real or perceived) commonly associated with unregulated accessory guest rooms include lack of parking spaces, absentee owners, excessive noise, increased traffic, garbage accumulation and other property standards issues including the health and safety of citizens (e.g. bedrooms with no windows, fire hazards, etc.).

Staff from By-law Enforcement has researched and compiled information from Active Citizen Requests (ACR) from January 2010 to June 2020. These numbers are provided as general information only to help assess the order of magnitude of the issues commonly associated with unregulated accessory guest rooms. The City does not track or categorize issues specific to accessory guest room accommodation, and therefore any requests associated with that form of housing/tenure would be a portion of the numbers provided below.

Case Type	Zoning	Property Standards	Garbage – Clearing of Yards	Noise	Parking
Number of Complaints (Jan 2010 to June 2020)	3208	5225	5950	3545	9057

Upon receiving an ACR, Staff from By-law Enforcement will write a brief description of the request. Sometimes, these descriptions include words such as “illegal ap”, “illegal unit”, “rooming”, “boarding”, “guest room”. The word-search results from the same January 2010 – June 2020 period are provided here. Again, it should be cautioned that these numbers should not be relied upon to get the true magnitude of the issue.

Case Type / Search Words	Zoning Complaints	Property Standards Complaints	Garbage – Clearing of Yards Complaints	Noise Complaints	Parking Complaints
Guest Room	14	1	1	0	0
Boarding	41	49	29	9	14
Illegal Ap	86	12	3	2	2
Illegal Unit	42	1	0	0	0
TOTAL	183	63	33	11	16

In summary, 26,985 Active Citizen Requests related to the aforementioned issues were made over the ten-year period. While it is not known how many were directly related to accessory guest room accommodation, the ACRs that made specific reference to the above-noted terms total 306 over the same period.

It should also be noted that the City's level of service has been enhanced since 2010. The City has expanded its hours of by-law enforcement, expanded 311 service and is currently working on software (i.e. Land Management Information System) to reinforce the links between the suite of City services.

Municipal Scan

The 2010 Staff report included a municipal scan of best practices across Ontario, including London, Kitchener, Waterloo, Barrie and others. For the most part, the municipal framework outlined in that report remains the same. This section will focus on three northern Ontario examples, North Bay, Sault Ste Marie and Thunder Bay, and will then turn its attention to the Human Rights Code challenges and lessons learned.

North Bay

The City of North Bay's Residential Licensing By-law has been in effect since 2012. The By-law allows up to 2 rooms without a license, and allows for up to 5 rental bedrooms. The By-law establishes the process, general requirements, the range of conditions of a permit, information needs such as floor plans, parking plans, a maintenance plan, insurance requirements, the renewal process, fees, enforcement, penalties, etc. Checklists, information guides and application forms have been developed to support residents in complying with the By-law. Since 2016, the By-law applies throughout the City (See Reference 3 – City of North Bay Website).

North Bay issued 50 licenses in its first year (2012). In 2013, 81 new licenses were issued. These licenses are to be renewed every two years (e.g. 2012 licenses should be renewed in 2014). The following table, provided by the staff at the City of North Bay, outlines the number of licenses issued per year (including renewals):

Year	Licenses
2012	50
2013	81
2014	49
2015	78
2016	48
2017	56
2018	41
2019	35
2020	20
Total	458

There is an observable decline in renewals. For example, the 50 licences issued in 2012 were (in theory) up for renewal in 2014 (49), 2016 (48), 2018 (41). The 81 licenses issued in 2013 were up for renewal in 2015 (78), 2017 (56) and 2019 (35).

Thunder Bay

Thunder Bay allows up to three renters (excluding the owner if they live in the unit) within a single dwelling unit without a license. If there are four or more renters, a Lodging House must be a permitted use in the Zoning By-law, and a license must be obtained.

Sault Ste Marie

The City of Sault Ste Marie allows for Rooming Houses in several zones throughout the municipality. There are no licensing requirements in the City for this type of use, and there are no limits on the number of people in a Rooming house. City staff has noted that the Building Code requirements get stricter once there are more than 4 people in a rooming house (e.g. sprinkler system).

Ontario Human Rights Commission Findings

There have been several Ontario Human Rights Commission Decisions since the 2010 Staff Report. These findings relate to licensing or regulating initiatives started by the City of North Bay and the City of Waterloo, and the City of Oshawa.

Housing is a human right. By-laws passed by municipalities cannot discriminate against occupants who are not related. For example, a municipality could get challenged on requiring 'owner-occupied' rental housing.

As a result, requirements/regulations on residential licensing (beyond the two that are currently permitted in the Zoning By-law) should be city-wide and shouldn't be neighbourhood based. This may mean that the City would have to allow Rooming Houses in more locations across the municipality (e.g. beyond the C6 zone), as the City would not be able to license a use that isn't permitted in the City's Zoning By-law.

Bedroom caps established in a by-law should be based on accepted Health and Safety standards (i.e. building code), otherwise an arbitrary cap on bedrooms could restrict access to affordable housing in the community.

The Ontario Human Rights Commission has noted its support for municipalities that have worked collaboratively with homeowners, landlords and tenants, community groups, postsecondary institutions and students in their development of a regulatory framework.

Current and Potential Service Enhancements

The municipal scan has assisted staff in determining elements of an Accessory Guest Room Accommodation Framework. These elements are presented in this report as two distinct Service Levels, namely: 1- Current and Strengthened Level of Service; and, 2 – Enhanced Level of Service.

Service Level One represents existing and proposed elements of the accessory guest room framework that can be strengthened with current staff levels. Service Level Two could require Council's approval as part of the 2022 budget process.

Service Level One – Current Level of Service

- Current City By-laws, Enforcement and Procedures (Zoning By-law, Noise By-law, Property Standards, Property Clearing, Combined Inspections, Waste Disposal, Secondary Unit Registry and Enforcement, Voluntary Inspections)
- Community Outreach (Open Housing, Greater Sudbury Landlord Association, Economic Development Initiatives)
- Provincial Statutes and Regulations (Building Code, Fire Code, Assessment Act)
- Fire Protection Act – enter upon suspicion

Service Level One – Strengthened Framework

- “Proactive enforcement” (Property Standards and Clearing of Yards) and Fine increases
- Landlord Guide, Renter's Guide, Newcomer Guide, Brochures, Website
- Strengthened Partnerships (e.g. Town and Gown with the postsecondary institutions, Landlord Association)

Service Level Two – Enhanced Level of Service

- Licensing By-law

The following sections outline each element by Service Level, and identify staff's recommendations for a strengthened Accessory Guest Room Accommodation Framework.

Service Level One – Current Level of Service

The City currently has a number of tools at its disposal to regulate accessory guest room accommodation. For example, the City has passed a number of by-laws through the powers afforded to municipalities through various provincial statutes, including but not limited to the *Municipal Act, 2001*, the *Planning Act*, and the *Building Code Act*.

Zoning By-Law

The City currently regulates the provision of Accessory Guest Rooms through the Zoning By-law. The current zoning standard is to allow accessory guest room accommodation for not more than two persons per dwelling unit (See Section 4.11 of the Zoning By-law – Reference 4). The City also regulates Boarding Houses and Shared Housing.

The City permits Secondary Dwelling Units throughout the municipality. Since the passing of the implementing zoning by-law, the City has also created a Secondary Dwelling Unit Registry. A new Provincial law has required the City to pass enabling provisions to allow Tertiary Dwelling Units. These new provisions were considered by Planning Committee on June 22, 2020 (See Reference 5). By-law 2020-119Z was passed by Council on July 7, 2020.

The City's regulation of required minimum lot area, parking spaces, lot coverage, heights, etc., has an effect on the built form, and by extension, regulates the number of dwelling units permitted on any given parcel. For example, proponents have to provide a minimum number of parking spaces per residential unit, and parking is generally only permitted in the side and rear yards.

Building Code Act and the Ontario Building Code

The Province's Building Code Act regulates the construction, renovation and change-of-use of a building. The Ontario Building Code, issued under the Act, establishes detailed technical and administrative requirements, and sets minimum standards for building construction.

The Building Code Act sets limits regarding the inspection powers of officers. An inspector can only enter upon land and into buildings without a warrant for the purpose of inspecting a building to determine whether the building is unsafe or whether an order has been complied with.

The City's Building Services Department provides a system of building permit approvals and inspections, which minimizes hazards to persons and property by ensuring construction within the City of Greater Sudbury adheres to provincial and municipal regulations. This department issues building, plumbing, demolition, occupancy and other permits governed by the Ontario Building Code (See Building Services – Reference 6).

The City's Zoning By-law is applicable law to the issuance of a building permit. A building permit cannot be issued unless the proposed use is permitted in the Zoning By-law.

The Fire Prevention and Protection Act, 1997, and the Fire Code

The City of Greater Sudbury Fire Services Department provides prevention programming and life safety education through the delivery of focused fire education to all residents and specific targeted demographics of the youth population and residents/managers/owners of vulnerable

occupancies. Fire prevention is provided through occupancy investigations and inspections under the Ontario Fire Code, and enforcement of various sections of municipal by-laws and provincial legislation with the goal of reducing the possibility and severity of fire or explosion while increasing life safety standards.

The Fire Code is a regulation made under the Fire Protection and Prevention Act, 1997 consisting of a set of minimum requirements respecting fire safety within and around existing buildings and facilities.

The Fire Prevention and Protection Act, 1997 (FPPA), allows an inspector, without a warrant, to enter and inspect land and premises for the purpose of assessing fire safety. Interpretation of entry rights is found in the FPPA. Fire safety includes: safety from the risk that a fire, if started, would seriously endanger the health and safety of any person or the quality of the natural environment for any use that can be made of it; and, safety from the risk that the presence of unsafe levels of carbon monoxide on premises would seriously endanger the health and safety of any person. In sum, Fire Staff may enter based on "suspicion" of safety issues being present at various properties.

Enforcement

The Property Standards By-law and the Clearing of Yards By-law were outlined in a report entitled "Property Standards and Clearing of Yards – By-law Review" presented to Council on March 24, 2020 (See Reference 7). The City's Property Standards By-Law (2011-277, as amended) requires that properties and structures be maintained in a state of good repair. The Clearing of Yards By-law (2009-101, as amended) requires that property be kept "clean and clear" of refuse and debris. Enforcement of these by-laws is done on a complaint basis.

Per the Fire Protection and Prevention Act and the Building Code Act, an individual convicted of an offence under either Act is liable to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a second offence (\$500,000 and \$1,500,000 respectively for a corporation).

Section 67 of the Planning Act enables the municipality to fine persons or corporations that contravene the City's Zoning By-law. These include up to \$25,000 for a first conviction fine (up to \$50,000 for a corporation) and up to \$10,000/day after conviction (up to \$25,000/day for a corporation). Pursuant to the Planning Act, the City of Greater Sudbury has established the above fines as part of its Zoning By-law (See Section 1.6 – Enforcement – Reference 4).

Noise By-law

The City's Noise By-law limits disturbances related to noise, provides for exceptions for noise created by certain activities. The by-law provides for the reduction of noise so as to preserve, protect and promote public health, safety, welfare, peace and quiet of the inhabitants of the City.

The by-law includes the framework of noise disturbance enforcement, including administration, prohibitions, exemptions and permits. A person who is convicted of an offence under the noise by-law is liable, for each day or part of day that the offence continues to a maximum fine of \$10,000.

It should again be noted that the City's level of service has been enhanced since 2010. The City has expanded its hours of by-law enforcement, expanded 311 service and is currently working on software (i.e. Land Management Information System) to reinforce the links between the suite of City services.

Public Education and Training

The City Departments of Building Services, Fire Services and By-Law Enforcement Services each conduct public education and training initiatives. There are regular reach-outs to post-secondary institutions, Community Action Networks, and staff regularly attend open houses for education such as kitchen fire safety.

Staff has presented to the Greater Sudbury Landlord Association on a variety of topics including overall building safety, fire alarm maintenance, smoke and carbon monoxide safety, Ontario Fire Code offences, etc.

Citizens are encouraged to call in a request for inspection, or complaint inspections, if they feel they would require assistance relating to Fire safety and Ontario Fire Code compliances and or deficiencies. Fire Services is mandated by the Fire Prevention and Protection Act to conduct request and complaint inspections as well as Vulnerable Occupancies.

Service Level One - Project Linkages

There are existing and/or ongoing projects that will either support or strengthen the City's accessory guest room accommodation framework. These include the City's:

- Land Management Information System (to track applications, licenses, permits, ACR, etc)
- Second Unit Registry (ensures standards are being followed, provides certainty to citizens)
- Affordable Housing Framework (Housing and Homelessness Plan, Affordable Housing CIP)
- Residential Parking Standards Review (And Parking Standards in General)
- Zoning Bylaw Update- Bill 108 – Secondary and Tertiary Units.

Service Level One – A Strengthened Framework

As outlined above, these additional elements can be implemented with existing resources.

Guides and Handbooks

Both the City of North Bay and the City of Saskatoon have developed a “Good Neighbour Handbook” which is a citizen’s guide to the City’s municipal by-laws. It promotes awareness of the rights and responsibilities as a neighbourhood resident. The City of Guelph has developed a New Resident Guide, and the City of Toronto has developed bylaw enforcement program that ensures that building owners and operators comply with building maintenance standards (See References 8, 9 and 10, respectively).

The City of Greater Sudbury can develop these guides, handbooks and programs. These resources could outline information on:

- Landowner/Renter rights and responsibilities
- Municipal by-laws
- Where to find and access community resources

Similarly, the Landlord Guide or Program could outline:

- A checklist on property standards
- Fire prevention standards
- Building, Plumbing and Electrical standards

These guides could be published in several languages and be available at key service points throughout the municipality (e.g. Citizen Service Centres), and posted on the City’s website.

The City of Guelph has a website dedicated to Tenant Safety. It provides a one-stop website for tenants, and invites tenants to book a free inspection of their rental unit (See Reference 11).

These new guides/free inspections, can be introduced alongside the City’s ongoing Northern/Rural Immigration Pilot.

Proactive Enforcement

The recommendations noted in the March 2020 “Property Standards and Clearing of Yards – By-law Review” report could assist in lessening the negative impacts of unregulated Accessory Guest Room Accommodation, including: proactive enforcement, amending applicable fees, and amendments to the Property Standards By-law regarding immediate remediation. The City could look at increasing fines related to the illegal provision of accessory guest rooms.

Strengthening Partnerships

The City could look at ways to strengthen partnerships with community groups such as the Landlord Association, Community Action Networks, and with postsecondary institutions in order to better understand community, landlord and tenant needs in order to better tailor and disseminate information.

Changes to Zoning By-law

The City's Zoning By-law allows accommodations for two persons per dwelling unit. The Zoning By-law also permits Secondary Dwelling Units in single and semi-detached dwellings, row dwelling and street townhouse dwellings, and buildings accessory thereto these unit types, provided that a maximum of one secondary dwelling unit is permitted within the primary dwelling unit and one secondary dwelling unit is permitted within an accessory building on a lot. Per the by-law, accessory guest room accommodation would be permitted in both the primary and secondary dwelling units.

Per the Zoning By-law, and in theory, two persons could be provided accessory guest room accommodation in each of these units. Staff recommends that the zoning by-law be amended to limit accessory guest rooms to the primary dwelling unit only.

Service Level Two – Enhanced Level of Service

Implementing a Licensing By-law would represent an enhanced level of service for the City of Greater Sudbury. While some of the costs and staff level impacts are included in this report, staff would recommend the preparation of a more fulsome business case for Council's consideration as part of the 2022 Budget, and once a draft licensing by-law has been prepared. In the event that the Business Case was approved, more work would be required in order to prepare the by-laws, conduct training and prepare the necessary materials for implementation.

A licensing framework would include the following elements:

- Definitions, administration, requirements and prohibitions;
- Exemptions and fines;
- Information requirements, renewal periods, inspection requirements;
- Powers of 'license managers (e.g. to approve, refuse, or require more information);
- New communication materials and marketing;
- New application forms and guides;
- Enhanced and/or combined enforcement;

As outlined above, the City of North Bay issued 50 licenses in its first year, and 81 licenses in its second year. Cumulatively, the City has issued or renewed 458 licensed over a nine year period. The City of Greater Sudbury's population is approximately 3 times the size of North Bay's (161,000 vs 51,000). From this, we can perhaps extrapolate that the City could receive

150 licenses in its first year and 240 licenses in its second year. Assuming the City could average 300 active licenses in any given year, and assuming a two-year renewal cycle, 3 hours per department (By-law, Building, Fire) spent per application (including travel, inspection, review, etc), a licensing program could potentially have the following FTE and budget impact:

- The 900 hours (1/2 Full Time Equivalent) per department (By-law, Building, Fire) that would be required could be met with existing staffing levels;
- Cost range of license could be between \$165-\$300 to recoup costs of program delivery;
- City could expect to recoup anywhere between \$49,500-\$90,000 per year on licensing;
- Would be monitored to ensure performance, and to ensure licensing fees meet programing costs

Conclusion and Next Steps

Staff has reviewed best practices from comparator municipalities, and has organized elements of an accessory guest room accommodation framework based on service levels. As outlined in the report, the City currently has a robust regulatory and enforcement system. Based on comparator municipalities, there are service level enhancements that Greater Sudbury, based on Council direction, could provide to strengthen the public health and safety of our residents.

Staff should now be directed to return with a draft licensing for Council's consideration by the end of Q3, 2021, and to prepare a business case as part of the 2022 Budget Process.

Resources Cited

1. "Rooming House Licensing By-law", report presented to Policy Committee, March 24, 2010
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=2&id=236>
2. "Licensing By-law Working Group", report presented to City Council, April 14, 2010
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=251&itemid=2954&lang=en>
3. City of North Bay – "Residential Rental Housing Licensing"
<https://www.cityofnorthbay.ca/cityhall/departments/planning-services/residential-rental-housing-licensing/>
4. City of Greater Sudbury Zoning By-law
<https://www.greatersudbury.ca/do-business/zoning/>

5. “Bill 108 Implementation: Official Plan and Zoning By-law Amendments”, report presented to Planning Committee, June 22, 2020.

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=3&id=1451>

6. City of Greater Sudbury Building Services

<https://www.greatersudbury.ca/live/building-and-renovating/>

7. “Property Standards and Clearing of Yards – By-law Review”, report presented at the March 24, 2020 Council Meeting

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=19&id=1466>

8. City of Saskatoon Good Neighbour Guide

<https://www.saskatoon.ca/services-residents/housing-property/good-neighbour-guide>

9. City of Guelph New Resident Guide

https://issuu.com/ventureguelph/docs/new-res-guide-2018-19_1

10. RentSafeTo for Building Owners, City of Toronto

<https://www.toronto.ca/community-people/housing-shelter/rental-housing-standards/apartment-building-standards/rentsafeto-for-building-owners/>

11. Tenant Safety, City of Guelph

<https://guelph.ca/city-hall/planning-and-development/community-plans-studies/housing/shared-rental-housing/>

Attachment A - Supplemental Information – Residential Licensing

BACKGROUND

On January 11, 2021, Planning Committee deferred the report to March 8, 2021 pending more information on the residential licensing component of the report.

Staff followed up with the following municipalities:

- City of North Bay
- City of Waterloo
- City of London
- City of Oshawa
- City of Kingston
- City of Hamilton

Staff asked the following questions:

1. How long has your residential licensing framework been in place?
2. What is the cost of a permit? The cost of renewals?
3. How many active residential licensing permits do you administer?
4. Have you experienced an increase or decrease in applications?
5. Have you had to hire extra staff to administer the residential licensing framework?
6. Have you amended your by-law/framework since it was first implemented? Has Council directed staff to review/amend the by-law/framework?

The answers to these questions are captured in Attachment B to this report.

Findings

- North Bay has experienced a decrease in permits, while London and Waterloo have experienced an increase;
- Fees vary (\$165-\$650), and include or do not include various inspection fees (e.g. Fire Inspection, Property Standards Inspection);
- Kingston and Hamilton both studied the Residential Licensing question and both decided not to pass a Residential Licensing framework;
- Planning Committee of the City of Hamilton received 20 delegation requests regarding the pilot project proposal. There were varying views expressed. (See Reference 1 - Item 6 of December 11, 2018 Meeting Agenda to view Delegations);
- Hamilton has run two pilot projects (2011-2012; and a new two-year pilot starting in 2019). The new pilot project requires 3 additional staff;

- Some municipalities (North Bay, London, Oshawa) did not have to hire additional staff to manage the residential licensing framework. Oshawa has indicated it may need to hire additional staff if the by-law is amended to cover the entire City. Kingston estimated it would have needed 5-8 additional staff had they passed a licensing by-law;
- North Bay amended its by-law to include the entire City. Hamilton (pilot project) and Oshawa are focused on specific wards in the City;
- Amendments in North Bay and Waterloo have come from Human Rights challenges to municipal by-laws (See References 2 and 3);
- London's system includes a self-certification checklist for residential unit rentals (See Reference 4).

Summary

This supplemental report has outlined the experience of comparator Ontario municipalities that have contemplated or implemented a residential licensing by-law. Should staff receive direction to prepare a draft residential licensing by-law, the findings of this report can be incorporated into the Greater Sudbury context for Planning Committee's consideration.

References

1. "Item 6 - December 11, 2018 Planning Committee Agenda", City of Hamilton
<https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=6be6613b-ec43-4dae-b483-86ff81263988&Agenda=Merged&lang=English>
2. "Report on the inquiry into Rental housing licensing in the City of Waterloo"
<http://www.ohrc.on.ca/en/report-inquiry-rental-housing-licensing-city-waterloo>
3. "Report on the inquiry into Rental housing licensing in the City of North Bay"
<http://www.ohrc.on.ca/en/report-inquiry-rental-housing-licensing-city-north-bay>
4. "Residential Rental Unit Self-Certification Checklist", City of London
https://london.ca/sites/default/files/2020-09/RRUL_Self_Certification_Checklist.pdf

ATTACHMENT B – MUNICIPAL SCAN	North Bay	London	Oshawa
Dedicated Website	https://www.northbay.ca/city-government/departments/customer-service-centre/	https://london.ca/business-development/residential-rental-unit-licences	https://www.oshawa.ca/residents/Residential-Rental-Housing.asp?_mid_=656
How long has your residential licensing framework been in place?	2012	2010	2008 Residential rental properties located in the vicinity of Durham College and Ontario Tech University must be licensed.
What is the cost of a permit? The cost of renewals?	\$300	New application: \$165 with \$171 fire inspection = \$336. Renewals: \$55	Non-refundable application fee of \$75 License fee - \$500 Renewal - \$360 Late renewal - \$500
How many active residential licensing permits do you administer?	Approximately 130	6000	950 List of Licensed Rental Houses: https://www.oshawa.ca/residents/resources/rrhl.pdf
Have you experienced an increase or decrease in applications?	Decrease	increase	Oshawa has experienced an increase in applications due to size of the rental area expanding and more development in the area.
Have you had to hire extra staff to administer the residential licensing framework?	No	No	Not at this time. However, this may change depending on Council's decision on whether or not to expand the Residential Rental Housing License program city wide
Have you amended your by-law/framework since it was first implemented? Has Council directed staff to review/amend the by-law/framework? If so, why?	Amended to include the entire City in 2016.	Information not available at time of report writing	Staff has been directed by Council to review the City's Residential Rental Housing License system with a focus on potential City-wide expansion of the program. They will be returning with a report in Q2 2021.
Other Information	http://www.ohrc.on.ca/en/report-inquiry-rental-housing-licensing-city-north-bay	London's self-certification checklist for residential rental units: https://london.ca/sites/default/files/2020-09/RRUL_Self_Certification_Checklist.pdf	Non-compliance is rising due to the increased level of development in the affected area. 1000's of new dwellings have been built, with many new builds are being purchased by investors who may be unaware of the licensing requirements.

	Kingston	Hamilton	Waterloo
Dedicated Website	https://www.cityofkingston.ca/city-hall/projects-construction/archived-projects/residential-rental-licensing	N/A	https://www.waterloo.ca/en/living/residential-rental-licences.aspx#Singlesemi-detached-duplex-triplex-and-accessory-apartment
How long has your residential licensing framework been in place?	N/A – Kingston City Council did not approve a residential licensing by-law. They deferred a decision on this matter until the City has completed two secondary plans that are in progress, and until the new zoning by-law is implemented.	Underwent a pilot project during 2011 and 2012. Council decided against a proposed by-law in 2013. New two-year pilot directed by Council in December 2018 (see Sept 27, 2018 Staff Report below). Pilot project relates to enhanced enforcement and education in two wards, including a registry and a new licensing by-law.	April, 2012
What is the cost of a permit? The cost of renewals?	Estimates ranged from \$400-\$600 depending on whether it was a 3-year or 5-year license.	Fees associated with Pilot project: \$200.	Cost of Permit: Depends on Class – ranges from \$380 to \$650 Cost of Renewal: \$218 to \$350
How many active residential licensing permits do administer?	When contemplating the by-law, it was estimated to be between 1100-1800 properties.	Rental homes in pilot area estimated to be between 1,500-2000 units (Wards 1 and 8 only).	Information not available at time of report writing
Have you experienced an increase or decrease in applications?	N/A	N/A	Information not available at time of report writing
Have you had to hire extra staff to administer the residential licensing framework?	When contemplating the by-law, it was estimated that between 5-8 FTE would be required to administer the framework.	Pilot Project: estimated 3 new staff.	Information not available at time of report writing
Have you amended your by-law/framework since it was first implemented? Has Council directed staff to review/amend the by-law/framework? If so, why?)	N/A	N/A	See Ontario Human Rights Commission decision below

Other Information	<p>August 9, 2018 Background report to establishment of By-law</p> <p>https://www.cityofkingston.ca/documents/10180/28137924/Administrative-Policies-Committee_Meeting-05-2018_Report-AP-18-011.pdf/75f9c610-22af-4423-a2ce-630baff00611</p>	<p>December 11, 2012 Staff Report:</p> <p>http://www2.hamilton.ca/NR/rdonlyres/63327BE5-71D5-4E3F-83B5-DB7CBAD2C753/0/Dec11Item61.pdf</p> <p>September 27, 2018 Report to Rental Housing Subcommittee Re: Scoped Pilot Project (See Item 8)</p> <p>https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=d68d7634-7b8b-4423-8cdb-4f2b304534ca&Agenda=Agenda&lang=English</p>	<p>http://www.ohrc.on.ca/en/report-inquiry-rental-housing-licensing-city-waterloo</p>
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