

## 220-222 King Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	June 14, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-05

## Report Summary

This report provides a recommendation regarding an application for rezoning in order to amend Zoning By-law 2010-100Z from "R2-3", Low Density Residential Two to "R3(S)", Medium Density Residential Special in order to recognize the existing multiple dwelling having twelve residential dwelling units and to facilitate the addition of four new residential dwelling units within the basement level of the existing residential building.

This report is presented by Glen Ferguson, Senior Planner

## Resolution

THAT the City of Greater Sudbury approves the application by Commcache Asset Management Inc. to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the subject lands from "R2-3", Low Density Residential Two to "R3(S)", Medium Density Residential Special on those lands described as PIN 02131-0156, Lots 161 to 163, Plan 18S, Lot 5, Concession 4, Township of McKim, as outlined in the report entitled "220-222 King Street, Sudbury" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 14, 2021, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law:
  - a) The owner shall have removed the existing shed in the rear yard to the satisfaction of the Chief Building Official and the Director of Planning Services; and
  - b) The owner shall have installed 8 bicycle parking spaces on the lands in a location providing convenient access to main entrances or well-used areas on the lands to the satisfaction of the Director of Planning Services.
2. That the amending zoning by-law include the following site-specific provisions:
  - a) That a multiple dwelling containing a maximum of 16 residential dwelling units and private home daycare be the only permitted uses on the lands;
  - b) That a minimum of 18 parking spaces including 1 accessible parking space be provided;
  - c) That all required parking spaces that are not an accessible parking space have a width of not less than 2.7 metres and a length of not less than 6 metres;

- d) That planting strips having a minimum width of 3 metres be provided along the full length of both the easterly and westerly interior side yards except where parking areas and parking spaces are provided in the rear yard; and,
- e) That an opaque fence having a minimum height of 1.5 metres be provided along those portions of the easterly and westerly interior side lot lines that form a parking area and do not immediately abut a planting strip.

3. That conditional approval shall lapse on June 29, 2023 unless Condition #1 above has been met or an extension has been granted by Council.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

The application to amend the City's Zoning By-law is an operational matter under the Planning Act to which the City is responding. The development proposal will further diversify the supply of new housing options in this part of the City and is therefore consistent with the goals and objectives of the Strategic Plan. As a form of infill residential development in a built-up urban area, the development proposal aligns with the recommendations of the CEEP.

## **Financial Implications**

If the zoning by-law amendment is approved, staff estimates approximately \$15,000 in taxation revenue in the supplemental tax year only, based on the assumption of 4 additional dwelling units within existing building, at an estimated assessed value of \$275,000 at the 2020 property tax rates. This amount may be lower based on the MPAC assessment as it is conversion of existing basement area into new residential units.

This 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.

In addition, this development would result in total development charges of approximately \$42,000 based on the assumption of 4 additional dwelling units created within the existing building based on the rates in effect as of this report.

## **Report Summary**

This report reviews an application for Zoning By-law Amendment that seeks to change the zoning classification of the subject lands from "R2-3", Low Density Residential Two to "R3(S)", Medium Density Residential Special order to permit a multiple dwelling containing a total of 16 residential dwelling units within the existing building situated on the lands. The existing multiple dwelling contains 12 residential dwelling units and the development proposal would include the addition of 4 additional residential dwelling units within the basement level of the existing building. The rezoning application also proposes to site-specific relief with respect to providing a reduced number of required parking spaces and a reduced minimum lot area per residential dwelling unit being provided on the lands.

Staff is satisfied that the development proposal would generally conform with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Staff is generally supportive of the development proposal and have noted that two conditions of approval should be satisfied prior to the enactment of an amending zoning by-law. First, it is recommended that the

owner be required to remove the existing shed in the rear yard to the satisfaction of the Chief Building Official and the Director of Planning Services. The shed at present occupies a parking space that is intended to be available in the rear yard as a required parking space associated with the proposed multiple dwelling. And second, it is recommended that the owner be required to install eight bicycle parking spaces on the lands in a location providing convenient access to main entrances or well-used areas on the lands to the satisfaction of the Director of Planning Services.

The Planning Services Division is recommending that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.

## **STAFF REPORT**

### **PROPOSAL:**

This application for Zoning By-law Amendment seeks to recognize the existing multiple dwelling having twelve residential dwelling units and to facilitate the addition of four new residential dwelling units within the basement level of the existing residential building. Site-specific relief is also requested with respect to a reduced number of required parking spaces and a reduced minimum lot area per residential dwelling unit being provided on the lands. In order to accommodate the proposed multiple dwelling as a permitted use on the lands, the proposed rezoning would change the zoning classification of the subject lands from "R2-3", Low Density Residential Two to "R3(S)", Medium Density Residential Special.

The owner's agent submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on January 27, 2021 (File # PC2021-006). The owner's agent was provided with a Pre-Consultation Understanding Agreement (PCUA) from staff via email following the SPART Meeting and has since returned their PCUA to the Planning Services Division. The owner's agent has subsequently now submitted a Zoning By-law Amendment application to the City for consideration.

The above noted application was submitted to the City on February 16, 2021, and deemed to be complete on April 6, 2021, following the submission of additional required information. The application was initially deemed to be incomplete on March 30, 2021. The application included the submission of a Concept Plan and Parking Summary in support of their request to rezone the subject lands. Details with respect to the owner's public consultation strategy ahead of a public hearing at the Planning Committee was also provided.

### **Existing Zoning:** "R2-3", Low Density Residential Two

The "R2-3" Zone permits a bed and breakfast establishment having a maximum of two guestrooms within a single-detached dwelling, duplex dwelling, group home type 1 having a maximum of ten beds within a single-detached dwelling, linked dwelling, multiple dwelling containing a maximum of four residential dwelling units, private home daycare, row dwelling having a maximum of four residential dwelling units, semi-detached dwelling and a single-detached dwelling. Those development standards associated with the "R2-3" Zone are outlined under Section 6.3, Table 6.4 – Standards for Low Density Residential Two Zone: R2-3.

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

The proposed rezoning to "R3(S)" is intended to recognize the existing multiple dwelling having twelve residential dwelling units and to facilitate the addition of four new residential dwelling units within the basement level of the existing residential building. The rezoning of the lands is also proposed to include site-specific relief with respect to providing for a reduced number of required parking spaces and a reduced minimum lot area per residential dwelling unit being provided on the lands.

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

The subject lands are located on the north side of King Street between Laforest Avenue to the west and Notre Dame Avenue to the east in the community of Sudbury. The lands have a total lot area of approximately 1,282 m<sup>2</sup> (13,800.00 ft<sup>2</sup>) with approximately 36.58 m (120.00 ft) of lot frontage on King Street.

The lands are also accessed via a laneway (ie. Unnamed Lane #119) that is maintained by the City in the rear of the lands that provides direct access to a parking area. The lands presently contain a three-storey, multiple dwelling containing twelve residential dwelling units. There are several large trees situated along King Street in front of the existing multiple dwelling.

### **Surrounding Land Uses:**

- North: Access laneway maintained by the City providing access to parking areas in rear yards, and low density urban residential land uses with the pre-dominant built-form being single-detached dwellings and duplex dwellings having frontage on St. George Street.
- East: General mix of urban residential land uses and built-forms, along with commercial uses including some mixed use buildings (ie. residential and commercial) along the Notre Dame Avenue corridor.
- South: Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings, convenience store, and a laundromat.
- West: Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings, semi-detached dwellings, and duplex dwellings, and a medium density multiple dwelling containing nine residential dwelling units.

The existing zoning and location map are attached to this report and together indicate the location of the lands subject to the Zoning By-law Amendment request, as well as the applicable zoning on other parcels of land in the immediate area.

Site photos depict the existing building having frontage on King Street and an existing parking area in the rear yard that is accessed via a laneway that is maintained by the municipality. Photos of the immediately surrounding pre-dominantly residential area also illustrate a variety of lower and medium density urban residential built-forms and local commercial land uses having frontage on King Street and in close proximity to Notre Dame Avenue.

### **Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on April 6, 2021. The statutory Notice of Public Hearing dated May 27, 2021, was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent were also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the application prior to the public hearing. Staff understands that the owner's agent has circulated a letter notice describing the development proposal to nearby residents living within 500 m (1,640.42 ft) of the subject lands. There was no formal in-person public information session held by the owner in regards to the proposed rezoning of the lands due to the ongoing Covid-19 global pandemic.

At the time of writing this report, several phone calls seeking clarification on the development proposal and a number of letters received via email and regular mail have been received by the Planning Services Division.

### **POLICY AND REGULATORY FRAMEWORK:**

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

- [2020 Provincial Policy Statement \(PPS\)](#);

- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

### **2020 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 2020 PPS. The following PPS policies are pertinent to the application for Zoning By-law Amendment:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas shall be the focus of growth and development;
2. Section 1.1.3.2 outlines that land use patterns within settlement areas shall have a mix of densities and land uses that efficiently uses land and resources, are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, are supportive of active transportation, are transit-supportive where transit is planned, exists or may be developed, and are freight-supportive;
3. Section 1.1.3.2 further outlines that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment;
4. Section 1.1.3.3 outlines that intensification is to be promoted and opportunities for transit-supportive development, accommodating for a supply and range of housing options through intensification while taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities to accommodate needs are encouraged;
5. Section 1.1.3.4 outlines that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
6. Section 1.1.3.5 outlines that municipalities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions;
7. With respect to Housing Policies, Section 1.4.3 outlines that municipalities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
  - a) Permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities, as well as all types of residential intensification, including additional residential units, and redevelopment;
  - b) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
  - c) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit in areas where it exists or is to be developed;
  - d) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,

- e) Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

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

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application for Zoning By-law Amendment conforms to and does not conflict with the Growth Plan for Northern Ontario.

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

The subject lands are designated Living Area 1 in the Official Plan for the City of Greater Sudbury.

The Living Area 1 land use designation includes residential areas that are fully serviced by municipal water and sewer and are to be the primary focus of residential development. Living Area 1 is seen as areas of primary focus for residential development given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced rural development. New residential development must be compatible with the existing physical character of established neighborhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties in the City's Zoning By-law.

Section 3.2.1 of the Official Plan outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, medium density residential uses up to a maximum density of 90 units per hectare and high density residential uses up to a maximum density of 150 units per hectare. Medium density housing should be located in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas and community/recreational services. Medium density development is to be located where adequate servicing capacities exist along with a road system that can accommodate the growth. High density residential development is only permitted in the community of Sudbury.

Section 2.3.2 notes that the subject lands are within both a Settlement Area and the City's Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary. Settlement Area land use patterns are to be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods. Intensification and development within the Built Boundary is to be encouraged, while development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

Section 2.3.3 of the Official Plan generally acknowledges that intensification of a property at a higher density than what currently exists through the development of vacant or underutilized lots is encouraged throughout the City. Intensification is considered to be essential to completing communities, making the most efficient use of land, resources, infrastructure and public service facilities, minimizing negative impacts on air quality and climate change, promoting energy efficiency and supporting public transit, active transportation and the efficient movement of goods. The key to intensification is to ensure that it occurs in a context sensitive manner. Intensification must be compatible with and reinforced the existing and planned character of an area.

Specifically, Section 2.3.3 includes the following applicable intensification policies:

1. All forms of intensification are encouraged in accordance with the policies of the Official Plan;
2. The City will aim to accommodate 20% of future residential growth and development through intensification within the Built Boundary;

3. Large scale intensification and development is permitted in strategic core areas such as the Downtown, Regional Centres and major public institutions, in accordance with the policies of the Official Plan;
4. Medium scale intensification and development is permitted in Town Centres and Mixed Use Commercial corridors, in accordance with the policies of the Official Plan;
5. Intensification and development is permitted in established Living Area 1 lands, in accordance with the policies of the Official Plan;
6. Intensification will be encouraged on sites that are no longer viable for the purpose for which they were intended such as former commercial, industrial and institutional sites. It will also be encouraged where the present use is maintained but the addition of residential uses can be added in a complementary manner;
7. Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities;
8. Intensification will be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal;
9. The following criteria, amongst other matters, may be used to evaluate applications for intensification:
  - a. The suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
  - b. The compatibility proposed development on the existing and planned character of the area;
  - c. The provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
  - d. The availability of existing and planned infrastructure and public service facilities;
  - e. The provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation;
  - f. The impact of traffic generated by the proposed development on the road network and surrounding land uses;
  - g. The availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;
  - h. The level of sun -shadowing and wind impact on the surrounding public realm;
  - i. Impacts of the proposed development of surrounding natural features and areas and cultural heritage resources;
  - j. The relationship between the proposed development and any natural or man-made hazards;
  - k. The provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act. Where applicable, applications for intensification of difficult sites may be subject to Section 19.7; and,
  - l. Residential intensification proposals will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Section 17.2 of the City's Official Plan generally encourages diversity in housing types and forms. Specifically, Section 17.2.2 encourages a greater mix of housing types and tenure through applicable housing policies:

- a. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;

- b. To encourage production of smaller (ie. one and two bedroom) units to accommodate the growing number of smaller households;
- c. To promote a range of housing types suitable to the needs of senior citizens;
- d. Discourage downzoning to support increased diversity of housing options; and,
- e. Support new development that is planned, designated, zoned and designed in a manner that contributes to creating complete communities designed to have a mix of land uses, supportive of transit development, the provision of a full range of housing including affordable housing, inclusive of all ages and abilities, and meet the daily and lifetime needs of all residents.

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

The owner is requesting that the subject lands be rezoned to “R3(S)”, Medium Density Residential Special in order to permit a multiple dwelling containing 16 residential dwelling units within the existing building situated on the lands. It is noted that the existing multiple dwelling contains 12 residential dwelling units and the proposed rezoning would also allow for an additional 4 residential dwelling units to be added within the basement level of the existing residential building. As noted previously in this report, the rezoning application also proposes site-specific relief with respect to providing for a reduced number of required parking spaces and a reduced minimum lot area per residential dwelling unit being provided on the lands.

### **Department/Agency Review:**

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to inform and identify appropriate development standards in an amending zoning by-law should the application be approved.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, the City’s Drainage Section, Fire Services, Operations, Roads and Transit Services have each advised that they have no concerns from their respective areas of interest.

Building Services notes that a planting strip having a minimum width of 3 m (9.84 ft) must be provided adjacent to the full length of both the easterly and westerly interior side lot lines. It is noted that this requirement is triggered by the proposed rezoning as it would result in a medium density residential zone (ie. “R3(S)”) abutting a low density residential zone (ie. “R2-3”).

Conservation Sudbury advises that it would appear that a permit pursuant to Section 28 of the [Conservation Authorities Act](#) will not be required as the subject lands do not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

Development Engineering advises that the lands are serviced with municipal water and sanitary sewer infrastructure.

Transportation and Innovation notes that on-street parking along King Street is either restricted or limited to a maximum duration of four hours. Additional on-street parking overnight restrictions are also in place during the winter control season. Transportation and Innovation therefore have expressed concern around where parking spaces for additional tenants and/or visitors can reasonably be accommodated.

### **PLANNING ANALYSIS:**

The 2020 PPS, the 2011 Growth Plan, and the City of 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 with respect to the applicable policies, including issues raised through agency and department circulation.



The proposed rezoning is consistent with the PPS for the following reasons:

1. The community of Sudbury is an identified settlement area in the City's Official Plan. The development proposal involving the recognition of an existing multiple dwelling and facilitating the addition of more four residential dwelling units within the basement level of the existing building should be generally promoted and is considered to be good land use planning;
2. Staff is of the opinion that the proposed development contributes positively to improving the mix of densities and land uses that would be permitted in this particular area along King Street and to the immediate west of the Notre Dame Avenue corridor in the community of Sudbury. Staff notes that the lands are serviced with municipal water and sanitary sewer from King Street. Access to public transportation (ie. GOVA) is available to the east along Notre Dame Avenue (ie. Route 1 – Main Line) giving direct routing access to the New Sudbury Centre Transit Hub, Downtown Transit Hub, Health Science North and the South End Transit Hub. Active transportation is also an option as there is an existing sidewalk along both sides of King Street providing a pedestrian connection to the larger surrounding area, including the Notre Dame Avenue corridor. There are also a number of public open space (eg. O'Connor Playground) and community facilities (eg. Cambrian Arena) that can be accessed through the active transportation infrastructure that exists in the general area. Staff is of the opinion that the proposed rezoning will result in a good intensified use of the subject lands from a good land use planning perspective;
3. Staff is of the opinion that the application to rezone the lands will improve the possible mix of land use patterns in the general area and will serve to encourage and provide for increased housing opportunities in terms of promoting the intensification of a presently basement level within an existing multiple dwelling that is located within the Sudbury settlement area and built boundary;
4. Staff is generally supportive of this opportunity for residential intensification and notes that public transportation is located in close proximity to the east of the subject lands. The proposed residential intensification in this instance would facilitate the addition of four additional residential units within the basement level of the existing multiple dwelling. The proposed rezoning would also explicitly now permit a multiple dwelling having a total of sixteen residential dwelling units whereas the currently applicable zoning only permits a multiple dwelling having up to four residential dwelling units. The addition of a multiple dwelling as a permitted use would therefore contribute positively toward improving the supply and range of housing options made available through both recognizing the existing multiple dwelling as a permitted use and by facilitating intensification and redevelopment in the area by permitting four new residential dwelling units within the basement level. Staff is further satisfied that the multiple dwelling having a total of sixteen residential dwelling units can be reasonably accommodated on the lands with minimal disruption to abutting residential land uses provided certain development standards are utilized in an amending zoning by-law. Suitable infrastructure is also generally available within the King Street road allowance and staff would therefore encourage intensification in this location;
5. Staff is of the opinion that appropriate development standards can be achieved through the rezoning process that facilitates good intensification and compact built-form in this particular location, while avoiding or mitigating risks to public health and safety. Those development standards that would be appropriate in order to properly accommodate the multiple dwelling, including the additional four residential dwelling units within the basement level of the existing building, are discussed in more detail later in this report;
6. Staff notes that the subject lands are within an existing and identified settlement area being that of the Sudbury community. It is further noted that the lands are also within the City's existing built-boundary. Staff is therefore of the opinion that the proposed rezoning would facilitate and encourage the possibility of additional development proceeding in this area that has a more compact built-form by permitting an additional four residential dwelling units within the basement of the existing building and at an overall site density that will utilize the subject lands efficiently from a land, infrastructure and public service facilities perspective. Staff would also generally note that the development proposal will contribute positively toward minimum targets for intensification and redevelopment within built-up areas that are identified in the City's Official Plan;

7. With respect to housing policies in the PPS, staff advises that in general the development proposal would contribute positively to the City's range and mix of housing options and densities to meet projected requirements for both current and future residents in Sudbury. The proposed additional four residential dwelling units that would be added within the basement level of the existing building will contribute positively to the City's required minimum three year supply of residential units with servicing capacity that are suitably zoned to facilitate residential intensification and redevelopment;
8. More specifically, staff would note the following with respect to housing policies:
  - a) The proposed multiple dwelling would in general provide for an expanded range and potentially mix of housing options and densities in the community of Sudbury. With the proper use of development standards as noted later in this report, staff would be satisfied that no negative impacts would be generated should the rezoning to permit residential intensification in this location be approved from a social, health, economic and well-being perspective in terms of those current and future residents living in the local community;
  - b) Staff is satisfied through their review and circulation of the rezoning application that the proposed new housing option being that of a multiple dwelling having a total of sixteen residential dwelling units can and should be appropriately directed to the subject lands as appropriate levels of infrastructure (eg. active transportation, municipal sanitary sewer and water infrastructure, public transportation, etc.) are presently available in this particular location;
  - c) Staff is of the opinion that the development proposal would generally result in the more efficient use of land, the existing building, and available municipal infrastructure in this location. It is also noted that the improved housing options in this area would also positively contribute to and encourage the use of public transportation in the immediate area;
  - d) Staff notes that there are at present no identified issues with respect to prioritization of intensification in the immediate area. The development proposal being generally that of a multiple dwelling having a total of sixteen residential dwelling units within the existing building would not negatively impact other intensification opportunities that may exist in the area; and,
  - e) Staff is satisfied that appropriate development standards can be utilized in an amending zoning by-law to accommodate the proposed development and residential intensification of the subject lands without negatively impacting the cost of housing and the existing character of the area. In particular, the proposed rezoning would facilitate the creation of four more residential dwelling units within the basement level of the existing building. Staff notes that these additional units can be reasonably expected to provide additional affordable rental dwelling units in the area. No negative impacts on public health and safety were identified through the review and circulation of the rezoning application.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal that would recognize the existing multiple dwelling having twelve residential dwelling units and to facilitate the addition of four new residential dwelling units within the basement level of the existing residential building are discussed below.

With respect to general Living Area 1 policies in the Official Plan that are applicable to the subject lands, staff notes that proposed multiple dwelling having a total of eleven residential dwelling units would yield an overall site density of approximately 125 dwelling units per hectare, which is permitted in the community of Sudbury and within the threshold of those high density residential policies set out in the City's Official Plan.

Staff is of the opinion that the proposed residential density is not excessive and that the development proposal can be reasonably accommodated in this setting along King Street and to the west of Notre Dame Avenue in Sudbury. The subject lands are situated on a Local Road (ie. King Street) and located approximately 115 m (377.30 ft) to the west of a Primary Arterial (ie. Notre Dame Avenue) with public transportation options being available at the intersection of King Street and Notre Dame Avenue. There is also an existing commercial area situated to the east of the subject lands at the corner of King Street and Notre Dame Avenue. Staff is of the opinion that sufficient open space areas and community/recreational

activities are also available in the general area of the subject lands. It should also be noted that no concerns with respect to the servicing capacity of King Street from a road network perspective were identified through the circulation of the rezoning application. Staff would also again note that the lands are within the community of Sudbury as identified in the City's Official Plan and high density residential uses are permitted in this location.

With respect to Section 2.3.2 of the Official Plan, staff notes that the subject lands are identified as being located within the Settlement Area and Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary to the City's Official Plan. Staff advises that the proposed rezoning that would recognize the existing multiple dwelling and permit the addition of four more residential dwelling units in the basement of the existing building on the lands represents an opportunity to make efficient use of the existing urban land supply, municipal infrastructure and other services that are already provided for within the City's Settlement Area and Built Boundary. Staff is satisfied that a site-specific amending zoning by-law can include development standards that would be appropriate for the subject lands. Those development standards that would be appropriate in this setting are discussed in detail later in this report and are included in the Resolution section of this report.

With respect to applicable intensification policies set out under Section 2.3.3 of the Official Plan, staff has the following comments:

1. Staff notes that in general all forms of residential intensification are encouraged in the City's Official Plan. Staff further notes in this instance that the subject lands contain an existing multiple dwelling having twelve residential dwelling units that also presents an opportunity to add an additional four residential dwelling units in the basement level of the existing building. Provided that appropriate development standards are applied to the lands, staff is of the opinion that this form of residential intensification can be reasonably accommodated on the subject lands without negatively impacting the existing and planned character of the general area;
2. Staff advises that the portion of the development proposal involving the addition of four residential dwelling units within the basement level of the existing building would contribute positively to the City's aim of accommodating 20% of all future residential growth and development through intensification within the Built Boundary;
3. Staff advise that the development proposal does not amount to large or medium scale intensification that would be otherwise directed to strategic core areas, such as the Downtown or Town Centre land use designations. The residential intensification would result what the Living Area 1 land use designation considers to be high density residential development, but said high density residential intensification would be occurring within an existing building and no major changes to the existing site would be required in order to accommodate such;
4. The lands are however designated Living Area 1 and it is noted that intensification is permitted within this land use designation in accordance with the policies of the City's Official Plan. Staff notes that this section of the report provides a land use planning analysis that includes a review of the applicable residential intensification policies set against the Living Area 1 land use designation policies. Staff can advise that from a Living Area 1 land use designation perspective, no concerns with respect to conformity in relation to the overall development proposal being to permit a multiple dwelling containing a total of sixteen residential dwelling units were identified during the review of the rezoning application;
5. Staff notes that the existing use being that of a legal non-conforming multiple dwelling containing twelve residential dwelling units would now be a permitted use should the rezoning be approved. The rezoning also proposes to allow for an additional four new residential dwelling units to be established within the basement level of the existing building. This form of residential intensification represents a good opportunity to maintain the existing residential use of the lands while at the same time facilitating additional residential dwelling units without negatively impacting overall use of the lands or abutting residential properties. Staff are satisfied that the proposed residential intensification is therefore being added in a manner that is complimentary to both the existing building as well as the surrounding residential area;

6. Staff notes that the rezoning application was circulated to Development Engineering and in their review there were no issues identified with respect to utilizing existing municipal water and sanitary sewer infrastructure that exists within the King Street road allowance;
7. Staff notes that the existing multiple dwelling and how it is situated on the lands in terms of size and shape of the lot, as well as the siting, coverage, massing, height, , servicing, and available outdoor amenity areas would remain unchanged. The rezoning would be recognizing the existing multiple dwelling on the lands while also permitting the addition of four residential dwelling units within the basement level of the existing building. Staff also note that the existing parking area in the rear of the lands would continue to be utilized and each of the sixteen residential dwelling units that would result would have a dedicated off-street parking space. Existing landscaped areas would remain generally unchanged apart from a recommendation that fencing be installed in certain areas on the lands. Roads was circulated the rezoning application and no traffic concerns were identified in their review. It is on the above basis that staff is satisfied that the proposed residential intensification will be generally compatible with the existing and planned character of the general area;
8. In particular, with respect to applicable criteria set out in Section 2.3.3 of the City's Official Plan that are be considered when evaluating applications that propose intensification, staff has the following comments:
  - a) Staff are of the general opinion that the subject lands are of sufficient size and shape to accommodate a multiple dwelling containing a total of sixteen residential dwelling units, which would include four new residential dwelling units within the basement level of the existing building. Staff notes that the rezoning application was circulated to appropriate agencies and departments and can advise that no concerns with respect to soil conditions, topography and drainage were identified. With respect to drainage, the City's Drainage Section has reviewed the application and have advised that they have no concerns from their specific areas of concern;
  - b) Staff have noted in this report that the subject lands are generally surrounded by a mix of urban residential built forms and densities of varying construction ages in this particular area of Sudbury. Staff have no concerns with respect to the compatibility of the development proposal given that the multiple dwelling has existed in this location since construction approximately three decades ago (ie. 1987) and the proposed additional units would be situated within the basement level of the existing building and would therefore not involve any building additions;
  - c) Staff is satisfied that the lands are generally capable of providing and should maintain the adequate on-site landscaping, fencing, planting and other measures that are already present on the lands as they will have the effect of lessening any impacts that the development proposal would have on abutting residential properties or the existing urban residential character that exists along King Street. Staff are satisfied that site plan control would not be necessary as there are no additions proposed to the existing building or any major changes to the usability of the existing multiple dwelling. It is recommended however that a development standard requiring that an opaque fence having a minimum height of 1.5 m (4.92 ft) be provided along those portions of the easterly and westerly interior side lot lines that form a parking area and do not immediately abut a planting strip be utilized. The provision of an opaque fence in this particular circumstance would provide good buffering to lower density residential properties that abut the lands;
  - d) Development Engineering was circulated the rezoning application and have noted that the lands are serviced with municipal water and sanitary sewer infrastructure from King Street;
  - e) Staff notes that no new driveway entrances are necessary in order to facilitate access to the lands as the site contains an existing rear yard parking area that is accessed via a laneway that is maintained by the City. The submitted Concept Plan depicts a total of eighteen parking spaces, however, one of these parking spaces should be altered to accommodate an accessible parking space on the lands. Staff acknowledges that some degree of relief from parking space provisions would be appropriate given the site context referenced throughout this report. There is also no requirement for a loading space as the multiple dwelling would not contain 50 or more residential dwelling units. Staff also have no concerns at this time with safe and convenient vehicular circulation on the lands provided that the multiple dwelling land use permission is limited to a total of sixteen residential dwelling units;

- f) Roads, Transportation and Innovation reviewed the rezoning application and did not express any concerns with respect to any negative impacts related to the traffic that would be generated by the proposed development on the local road network and surrounding land uses. Transportation and Innovation did however note that there are limited on-street parking opportunities along King Street. Staff notes in this regard that the off-street parking area in the rear yard would provide each residential dwelling with one dedicated and off-street parking space. While visitor parking would be limited, staff is satisfied that shorter term on-street parking options, as well as good access to public transportation along Notre Dame Avenue will mitigate this issue. Staff would advise that some degree of flexibility and relief from parking standards would be prudent in this context. The parking relief required in order to accommodate the proposed residential intensification is discussed in more detail later in this report;
- g) As noted previously in this report, the lands are well accessed by public transportation to the east on Notre Dame Avenue (ie. Route 1 – Main Line), which provides direct routing access to the New Sudbury Centre Transit Hub, Downtown Transit Hub, Health Science North and the South End Transit Hub. Active transportation is also an option as there is an existing sidewalk along both sides of King Street providing a pedestrian connection to the larger surrounding area;
- h) Staff notes that no additions to the existing building are proposed and therefore no negative sun-shadowing and/or wind impacts would be introduced or generated by recognizing the existing multiple dwelling as a permitted use along with the addition of a further four residential dwelling units in the basement level of the existing building on the subject lands;
- i) Staff in their review of the application did not identify any areas of concern with respect to negative impacts of the development proposal on surrounding natural features and areas and cultural heritage resources;
- j) Staff have no concerns with respect to the relationship between the proposed development and any nearby identified natural or man-made hazards;
- k) There are no facilities, services or other matters associated with the development proposal that are subject to Section 37 of the Planning Act; and,
- l) Staff generally concludes and would advise that the proposed residential intensification balances the concerns of the local community with the identified need for providing opportunities for residential intensification.

With respect to housing policies established under Section 17.0 of the Official Plan, staff would note that in general the development proposal would contribute positively to the range of housing types, tenures and built-forms that would be made available to both current and future residents of Sudbury. Staff also understands from the owner's agent that the proposed additional residential dwelling units that would be situated within the basement level of the existing building would provide for a range of smaller (ie. one bedroom) units that are capable of accommodating smaller households. The development proposal may also then positively contribute to and provide for an additional housing option for senior citizens living in Sudbury. Staff also advises that the proposed rezoning does not amount to a down-zoning of the subject lands. Staff is generally supportive of the rezoning from a housing perspective on the basis that it would contribute positively to the notion of creating complete communities designed to have a mix of land uses that are transit supportive and that offer the opportunity for providing affordable housing to people of all ages and abilities.

Staff is therefore of the opinion that the proposed rezoning to permit a multiple dwelling having a total of sixteen residential dwelling units conforms to the Official Plan for the City of Greater Sudbury.

With respect to the City's Zoning By-law, staff in general have no concerns with the requested zone category and have the following comments:

1. It is recommended that the amending zoning by-law permit only a multiple dwelling containing a maximum of 16 residential dwelling units and private home daycares within the existing building. Staff acknowledges in this respect that private home daycares are accessory to and complimentary in nature to the main use being that of a multiple dwelling. Staff advises that this approach would allow for each residential dwelling units to have a dedicated parking space accessed via the laneway in the rear yard. This would allow for the remaining two parking spaces to be utilized on-site for visitor

parking purposes. Staff is of the opinion that the above will act to ensure that the proposed residential intensification of the lands being that of adding four new residential dwelling units within the basement level of the existing building occurs in a well-defined, clear and contextually sensitive manner;

2. The amending zoning by-law should also recognize the existing parking area in the rear yard and provide site-specific relief requiring that a minimum of 18 parking spaces including 1 accessible parking space be provided. Staff notes that the submitted sketch does not depict an accessible parking space however there would appear to be sufficient area in the rear yard to accommodate the enlargement of one parking space to meet accessible parking space dimension requirements. For the owner's information, an accessible parking space must have a minimum width of 4.4 m (14.44 ft) and a minimum depth of 6 m (19.69 ft). Prior to the enactment of the amending zoning by-law, it is further recommended that the owner be required to remove the existing shed in the rear yard. Staff notes in this respect that the existing shed is situated within the proposed parking area in the rear yard and would occupy one of the proposed required parking spaces as shown on the submitted sketch;
3. The amending zoning by-law will also need to permit a reduced parking space dimension for those parking spaces that are not an accessible parking space as the submitted sketch depicts said parking spaces having a width of 2.7 m (8.86 ft) and a length of 6 m (19.69 ft). Staff notes that this site-specific relief would amount to the parking spaces that are not accessible parking spaces having a reduced width of 0.05 m (0.16 ft). Staff is satisfied that the reduced width will not negatively impact or prevent vehicles from properly utilizing the proposed parking spaces in the rear yard;
4. Staff notes that planting strips having a minimum width of 3 m (9.84 ft) along the full length of those lot lines that abut a low density residential zone are required for lands zoned "R3" in the City's Zoning By-law under Section 4.15.4 a) of the City's Zoning By-law. The submitted sketch depicts planting strips along both the easterly and westerly interior side lot lines apart from where the parking area in the rear yard is situated. Staff further notes that no planting strips are depicted along the easterly and westerly interior side lot lines where the parking area in the rear yard is situated. Staff notes however that the lands are situated within an older residential neighbourhood and there is a variety of parking arrangements and layouts in the general area.
5. Based on the above, staff are therefore of the opinion that the presence of an opaque fence along the interior side lot lines where there is no planting strip provided would provide for sufficient buffering and privacy between the proposed medium density residential use and abutting lower density residential uses. Staff would recommend in this respect that the amending zoning by-law include site-specific relief that requires a planting strip along the full length of both the easterly and westerly interior side yards except where parking areas and parking spaces are provided in the rear yard and that a fence having a minimum height of 1.5 m (4.92 ft) be provided where the interior side lot lines do not immediately abut a required planting strip;
6. Staff notes that the lands appear capable of providing for a minimum of 8 bicycle parking spaces based on the development proposal being that of a multiple dwelling containing a total of 16 residential dwelling units. Staff do not recommend any site-specific relief in this regard given the location of the lands in close proximity to Notre Dame Avenue as well as nearby active and public transportation options. Staff would recommend that as a condition of approval the bicycle parking spaces be installed in a location that complies with Section 5.8 of the City's Zoning By-law prior to the enactment of an amending zoning by-law;
7. Staff notes that based on the submitted sketch the lands would provide for 31.7% landscaped open space whereas the standard "R3" Zone requires a minimum of 30% landscaped open space. There are also no additions proposed to the existing building and therefore exiting yard setbacks will remain as they are at present. The submitted sketch otherwise would appear to demonstrate general compliance with all applicable development standards within the general provisions, parking provisions and the standard "R3" Zone; and,
8. Staff also notes that a registered survey plan is not required in order to prepare the amending zoning by-law as lands that subject to the rezoning are already described capably and legally as being PIN 02131-0156, Lots 161 to 163, Plan 18S, Lot 5, Concession 4, Township of McKim.

## **CONCLUSION:**

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

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

1. That a multiple dwelling containing a maximum of 16 residential dwelling units and private home daycare be the only permitted uses on the lands;
2. That a minimum of 18 parking spaces including 1 accessible parking space be provided;
3. That all required parking spaces that are not an accessible parking space have a width of not less than 2.7 m (8.86 ft) and a length of not less than 6 m (19.69 ft);
4. That planting strips having a minimum width of 3 m (9.84 ft) be provided along the full length of both the easterly and westerly interior side yards except where parking areas and parking spaces are provided in the rear yard; and,
5. That an opaque fence having a minimum height of 1.5 m (4.92 ft) be provided along those portions of the easterly and westerly interior side lot lines that form a parking area and do not immediately abut a planting strip.

Staff is however recommending two conditions of approval that should be satisfied prior to the enactment of an amending zoning by-law. First, it is recommended that the owner be required to remove the existing shed in the rear yard to the satisfaction of the Chief Building Official and the Director of Planning Services. The shed at present occupies a parking space that is intended to be available in the rear yard as a required parking space associated with the proposed multiple dwelling. And second, it is recommended that the owner be required to install eight bicycle parking spaces on the lands in a location providing convenient access to main entrances or well-used areas on the lands to the satisfaction of the Director of Planning Services.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.