

Nottingham Avenue - Extendicare

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| Presented To: | Planning Committee |
| Meeting Date: | June 14, 2021 |
| Type: | Public Hearing |
| Prepared by: | Mauro Manzon Planning Services |
| Recommended by: | General Manager of Growth and Infrastructure |
| File Number: | 751-6/20-025 |

Report Summary

This report provides a recommendation regarding an application for rezoning in order to permit an expanded long-term care facility.

This report is presented by Mauro Manzon, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Extendicare (Canada) Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "I(49)", Institutional Special to a revised "I(49)", Institutional Special on lands described as PINs 73576-0487 & 73576-0489, Parts 1 & 2, Plan 53R-21176 in Lot 10, Concession 3, Township of Neelon, as outlined in the report entitled "Nottingham Avenue - Extendicare" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 14, 2021, subject to the following conditions:

- (i) The only permitted uses shall be a long-term care facility containing a maximum of 320 beds along with accessory uses that are directly related to the primary use being that of a long-term care facility;
- (ii) The maximum building height shall be 21 metres;
- (ii) The minimum lot frontage shall be 26 metres; and,
- (iii) A minimum of two (2) loading spaces shall be provided.

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

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal contributes towards the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan by enhancing Greater Sudbury's function as a regional centre of health care and health care innovation.

Concerning the Community Energy & Emissions Plan, the proposed development will be located on a serviced site adjacent to a built-up urban area, which aligns with the goal to achieve compact, complete communities. Corporate information provided on the [Extendicare](#) website indicates that their new buildings are LEED certified and constructed to a high standard of environmental.

Financial Implications

If rezoning of expanded long term care facility is approved, staff is unable to estimate the increase in taxation revenue, as the estimated assessment value is not available.

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.

This development may be exempt from development charges if the proposed structure will be a long term care home regulated under the Long Term Care Homes Act, 2007 and if exempt from property taxes as explained in the Development Charges By-Law 2019-100. If not, then the development charges would be approximately \$875,000 based on estimated 192,000 square feet for 320 beds (prorated based on the May 27, 2019 report of 115,000 square feet for 192 beds) with current rates as of the date of this report. This is lower than the May 27, 2019 report due to the DC By-law approved in 2019 with lower rates for non-residential developments.

Report Summary:

An application for rezoning has been submitted in order to revise the "I(49)", Institutional Special zoning for a proposed long-term care facility on Nottingham Avenue in Sudbury. The owner is proposing to increase the number of long-term beds from 192 to 320 beds and increase the building height from three (3) storeys to five (5) storeys (21 metres). The proponents submitted a Traffic Impact Study in support of the application, which determined that no upgrades to the existing transportation network are required based on the increased traffic generation.

Planning Services recommends that the application be approved based on a review of the land use impacts associated with a larger facility. The proposed development does not encroach into a regulated wetland area or Category 1 and 2 habitat of Eastern Whip-poor-will, thereby maintaining consistency with the Provincial Policy Statement.

Staff Report

Proposal:

An application for rezoning has been submitted in order to revise the existing Institutional special zoning for a proposed long-term care facility in order to permit the following:

1. Increase the number of long-term care beds from 192 to 320 beds; and,
2. Increase the building height from three (3) storeys to five (5) storeys (21 metres).

As part of a complete application, the owner provided the following background materials in support of the expanded facility:

- Extendicare LTC Development - Traffic Impact Study (Tatham Engineering Limited– revised March 26, 2021);
- Planning Justification Report (Tulloch Engineering – November 2020);

- Request for Sanitary Capacity Review (R.V. Anderson Associates Limited – September 24, 2020).

Existing Zoning: “I(49)”, Institutional Special

Under the existing special zoning, all provisions of the “I”, Institutional zone shall apply subject to the following modifications:

- (i) The only permitted uses shall be a long-term care facility containing a maximum of 192 beds along with accessory uses that are directly related to the primary use being that of a long-term care facility;
- (ii) The maximum building height shall be three (3) storeys; and,
- (iii) The minimum lot frontage shall be 28 metres.

Requested Zoning: Revised “I(49)”, Institutional Special

The revised Institutional zoning would increase the building height to five (5) storeys (21 metres) and increase the number of beds to 320 (128 additional beds comprising a 67% increase in capacity).

Location and Site Description:

PINs 73576-0487 & 73576-0489, Parts 1 & 2, Plan 53R-21176 in Lot 10, Concession 3, Township of Neelon (Nottingham Avenue, Sudbury)

The subject property is located at the southerly limit of Nottingham Avenue in the east end of Sudbury. Municipal sewer and water services were recently extended to the site as part of the conditions applied to the Scenic View subdivision. The road was extended and a temporary cul-de-sac has been constructed in order to provide public access to the site.

Nottingham Avenue is classified as a Local Road and is constructed to an urban standard with a sidewalk on the west side, which was recently extended along the new portion of street. Public transit is available on Bancroft Drive, an approximate 225-metre walking distance from the subject site to the nearest transit stop.

Total site area is 2.8 ha, with 26 metres of road frontage. The unimproved site presents typical local conditions, with significant rock outcrops and varied tree cover including second-growth birch. The land abuts undeveloped residential lands to the east and west. A public park abuts the northerly limit of the site (Dorsett Tot Lot). The CPR rail corridor is located south of the subject lands.

The lands are located within Ramsey Lake Intake Protection Zone 3 under the Source Protection Plan. The owner submitted an Application for Section 59 Notice under the [Clean Water Act, 2006](#) concurrent with the rezoning.

Surrounding Land Uses:

The area surrounding the site includes:

North: Dorsett Tot Lot and low density residential uses on Dorsett Drive and Nottingham Avenue
East: undeveloped residential lands
South: CPR rail corridor
West: undeveloped residential lands

Related Applications:

An application for rezoning was approved by Council in 2019 in order to permit a 192-bed long-term care

facility on the subject lands (File 751-6/18-20; Recommendation PL2019-61). The development required the extension of Nottingham Avenue, which forms part of a deemed subdivision.

The owner provided the following background materials in support of the application:

- Noise Feasibility Study, Proposed Long Term Care Facility (HGC Engineering – February 11, 2019)
- Eastern Whip-poor-will Survey, Part of Lot 10 Concession 3, Geographic Township of Neelon (FRi Ecological Services – October 2018 and addendum dated December 11, 2018)
- Comparison of Traffic Generating Characteristics of Nursing Homes Versus Low Density Residential (Tranplan Associates – April 2, 2019)

By-law 2019-119Z was adopted by Council on July 9, 2019 in order to rezone the subject lands to “H49I(49)”, Holding Institutional Special. The following site-specific provisions were applied:

“Notwithstanding any other provision hereof to the contrary, within any area designated I(49) on the Zone Maps, all provisions of this by law applicable to the “I”, Institutional zone shall apply subject to the following modifications:

- (i) The only permitted uses shall be a long-term care facility containing a maximum of 192 beds along with accessory uses that are directly related to the primary use being that of a long-term care facility;
- (ii) The maximum building height shall be three (3) storeys; and,
- (iii) The minimum lot frontage shall be 28 metres.”

A holding designation was applied to the property subject to the following conditions:

- (i) Municipal water and sanitary services are available to service the development;
- (ii) Public road frontage exists for the lands subject to the Holding symbol.

Following extension of the roadway and associated services, the holding provision was lifted by Council on June 23, 2020 (File 751-6/20-8; By-law 2020-106Z).

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on January 4, 2021. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners on May 27, 2021 based on an expanded mailing radius requested by the Ward Councillor.

The applicant was advised of the City’s policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The application indicates that no additional neighbourhood public consultation is proposed beyond the statutory public hearing under the Planning Act.

As of the date of this report, one phone call seeking clarification has been received.

Policy & 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](#)

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.

Under Section 1.1.1 of the PPS, municipalities shall accommodate an appropriate range and mix of residential uses in order to meet long-term needs, including housing for persons with special needs and institutional uses such as long-term care homes. Special needs housing is also addressed under the housing policies of Section 1.4.

Settlement areas shall be the focus of growth and development as set out under Section 1.1.3. Council shall encourage a mix of densities and land uses in order to utilize existing or planned infrastructure.

Under Section 2.1.7 of the PPS, development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Section 3.1.5 stipulates that development shall not be permitted to locate in hazardous lands and hazardous sites where the use is an institutional use, including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools.

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.

Section 3.4.2 outlines various policies aimed at supporting and strengthening health care planning and delivery approaches in Northern Ontario.

Official Plan for the City of Greater Sudbury:

Living Area 1

In considering applications to rezone land in Living Area I under Section 3.2.1, Council will ensure amongst other matters that:

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

Neighbourhood institutional uses are also permitted in Living Area 1, as they are deemed to be appropriate in a residential setting. Such uses include elementary schools, libraries, places of worship, day nurseries, retirement homes and other neighbourhood-based institutions that form an integral part of community life.

Institutional uses

Section 4.4 of the Official Plan outlines policies applied to new institutional uses.

In considering the establishment of new institutional uses or the expansion of existing facilities on lands not specifically designated for institutional purposes, the City will ensure that:

- a. sewer and water services are adequate to service the site;
- b. adequate traffic circulation can be provided;
- c. adequate parking for the public is provided on-site;
- d. public transit and active transportation infrastructure can be provided economically for the site;
- e. the proposed institutional use can be integrated into the area and is compatible with surrounding uses; and,
- f. adequate buffering and landscaping is provided.

Planning for an aging population

Chapter 16 of the Official Plan provides specific direction with respect to planning for an aging population, to include the following policies:

- 1) Support development that is age-friendly including the creation of smaller, unique, shared and transitional housing opportunities for an aging population through the rezoning process, where necessary, promotes 'aging in place' and is in close proximity to amenities and services in the Downtown, Regional Centres, Town Centres and Mixed Use Commercial areas;
- 2) Create a safe and secure physical and social environment for Greater Sudbury's aging population with supportive design standards such as sidewalk policies, curb heights, park facilities;
- 3) Provide accessible, affordable and convenient public transportation to Greater Sudbury's aging population to conduct their daily activities;
- 4) Support the creation of more affordable housing and long-term care facilities with support services for an aging population;
- 5) Facilitate 'aging in place' to allow residents to live healthy, independent lives in the comfort and dignity of their own homes;
- 6) Support an active lifestyle for an aging population by increasing the availability and accessibility of social and recreational opportunities; and,
- 7) Support development that recognizes the short term and long-term demand for an increase in health care service and related economic opportunities in Greater Sudbury.

Zoning By-law 2010-100Z:

The reduced lot frontage of 26.6 metres was addressed through a previous minor variance application (File A0141/2019). It is recommended that this relief be incorporated into the site-specific zoning for clarity. Relief is also provided for two (2) loading spaces where three (3) are required based on the gross floor area.

Site Plan Control:

The project is subject to site plan control.

Department/Agency Review:

Development Engineering have indicated that a sanitary sewer upgrade on Nottingham Avenue is required to accommodate the proposed development.

Transportation & Innovation Section have reviewed the Traffic Impact Study and have no concerns related to the results of the analysis.

Conservation Sudbury (NDCA) has advised that a portion of the property falls within their regulated area

based on the presence of a wetland feature as illustrated on attached maps. The owner is advised that works within a regulated area may require a permit pursuant to Section 28 of the Conservation Authorities Act. A further detailed review will be conducted at site plan stage.

Planning Analysis:

The current site-specific zoning was initially approved by Council in 2019. The intensity of use was restricted based on the supporting documentation provided at that time (servicing review, traffic impact analysis) and considerations related to land use compatibility. The 192-bed facility also formed the basis of the applicant's neighbourhood consultation strategy.

The previous planning process determined that the long-term care facility represented good land use planning and was suitably scaled based on the location in a low density neighbourhood. The current review is therefore focused on the potential impacts associated with a larger facility, including traffic generation, built form and land use compatibility.

Suitability of site

a) Parking

The current parking standard for a long-term care facility is 0.5 space per bed, plus 1 per 20 m² of net floor area for any accessory use. The parking requirement for a 320-bed facility is 160 parking spaces, including five (5) barrier-free spaces. The application does not indicate any proposed accessory uses. The previous proposal required 96 parking spaces.

The sketch illustrates 160 parking spaces including eight (8) accessible parking spaces. Two (2) loading spaces are provided, which are sufficient for a facility of this size. No relief has been requested for bicycle parking (24 spaces). There are no concerns related to the provision of on-site parking, circulation and loading.

b) Servicing

Municipal water and sewer services were extended to accommodate the proposed development, which will be integrated into the Scenic View subdivision. In order to service the expanded facility, an upgrade to the sanitary sewer service is required. Development Engineering has advised that a portion of the sanitary sewer main on Nottingham Avenue between Bancroft Drive and Dorsett Drive must be replaced to accommodate the proposed sanitary sewer flows.

Staff advise that this matter can be addressed as part of the Site Plan Control Agreement and that a holding provision is not required. The upgrade will also benefit the owner of the abutting lands, comprising future phases of the Scenic View subdivision.

c) Physical constraints

Rock outcrops form the main physical constraint and rock removal will be required. Protocols related to blasting will be addressed as part of the Site Plan Control Agreement. If blasting and rock removal are required prior to the site plan agreement having been signed, a site alteration permit is required under By-law #2009-170. At minimum a geotechnical report is required, addressing such matters as pre-blast surveys, blasting procedures, damage complaints, and notification of adjacent residences, amongst other matters.

Land use compatibility

a) Built form

The site is sufficiently large to accommodate the expanded development, with lot coverage increasing from 14% to 17% (a maximum of 50% is permitted under Institutional zoning). Given the relatively small increase

in the building footprint, the main change related to built form concerns the building height, which is being increased from three (3) storeys to five (5) storeys (21 metres).

A minimum setback of 20 metres is required along the interior and rear lot lines for a building greater than 20 metres in height. Similar to the previous proposal, proposed setbacks will exceed 30 metres from all lot lines.

The increased building height can be supported based on the enhanced setbacks from the lot lines and the separation distance from existing low density housing, which is more than 90 metres as measured from lot line to lot line at the closest points. The interface with the lots comprising future phases of the Scenic View subdivision will be reviewed at site plan stage, including planting strips to address screening and buffering. In general, the large site affords generous setbacks from the lot lines, which will mitigate the impact on future residential development abutting the site.

b) Residential density

As part of the land use analysis, it is useful to have an approximation of residential density. In similar cases, the City has applied a conversion factor based on a ratio of 1 dwelling unit equal to 1.25 beds. This conversion factor was first utilized for the rezoning of the Finlandia complex, which has a broad range of supportive housing including long-term care beds.

In this case, the conversion results in 256 equivalent to residential units (ERUs). The residential density is calculated at approximately 91.5 dwelling units per hectare (du/ha). The resultant density is slightly above the maximum density of 90 du/ha permitted for medium density development under the Official Plan. Staff regard this as the upper limit of intensification on the site given the low density character of the area.

c) Noise impacts

The owner submitted a Noise Feasibility Study as part of the previous application due to the proximity to the CP railway line. The study recommends alternative means of ventilation for those units with direct exposure to the rail corridor. In addition, upgrades such as brick exterior walls and upgraded glazing are also recommended for these units. The report concludes that the proposed long-term care facility is feasible from a noise impact perspective provided suitable controls are applied to the building design.

Local traffic impacts

The owner submitted a Traffic Impact Study from Tatham Engineering Limited in order to assess local traffic impacts and the adequacy of the transportation network. The results of the analysis are summarized as follows:

- The proposed 320-bed long-term care facility is expected to generate 61 trips in the morning peak hour and 84 trips in the afternoon peak hour.
- Key intersections will continue to provide good overall operations with minor delays through the 2030 horizon given the projected total volumes.
- No intersection improvements or access improvements are required to address the operations under future total conditions.
- Excellent traffic operations will be provided at the site access based on projected traffic volumes on Nottingham Avenue.

For the information of the Committee, the previous 192-bed proposal was expected to generate 33 trips in the morning peak hour and 43 trips in the afternoon peak hour. This represents an increase of approximately 85 to 95% during peak periods for the expanded facility.

Transportation & Innovation Section have reviewed the Traffic Impact Study and advised that there are no

concerns related to the increased traffic generation.

The following additional observations can be made:

- Residents of long-term care facilities do not drive and most traffic is generated by employees, visitors and occasional deliveries;
- Work shifts at Extendicare facilities typically start/end at 6:45, 14:45 and 22:45 and thus do not coincide with the peak hour of the adjacent street;
- Public transit is available on Bancroft Drive as an alternative mode of transportation for employees and visitors; and,
- A sidewalk has been installed on the west side of Nottingham Avenue to provide a safe pedestrian connection to Bancroft Drive.

Species at risk

As part of the previous application, the owner submitted an ecological site assessment in order to assess potential habitat for Species at Risk (SAR). The study was focused on the presence of Eastern Whip-poor-will, which is identified as a threatened species under the [Endangered Species Act, 2007](#).

Field investigations for whip-poor-will were conducted on June 21, July 4 and July 10, 2017 under appropriate conditions. The surveys confirmed the presence of whip-poor-wills to the south and east of the subject property. The estimated calling locations were mapped to provide an approximate territory boundary. The analysis determined that the proposed development does not encroach into Category 1 and 2 habitats and that the development site is approximately 60 metres from the delineated nine (9) hectare whip-poor-will territory based on MNRF's [general habitat description](#).

Source Protection Plan

The subject property is located within Ramsey Lake Intake Protection Zone 3 (IPZ3), which is deemed to be a vulnerable area under the Source Protection Plan. As per the Source Protection Plan's salt and snow policies, the owner is advised that a Risk Management Plan may be required for the application of road salt and storage of snow if the exterior parking lot is equal to or greater than one (1) hectare in area. The handling and storage of road salt (0.5 tonnes or greater) is prohibited. For the information of the Committee, the parking area on the preliminary plan is approximately 0.65 ha in area, compared to approximately 0.5 ha under the previous plan.

The above matters will be reviewed in greater detail at the site plan stage if this application is approved. An Application for Section 59 Notice will also be required at that time.

Dorsett Tot Lot

The Dorsett Tot Lot was conveyed to the City as part of the registration of the Scenic View subdivision in 1974. The existing park has some play structures and a popular sliding hill. The proposed development site is well-separated from the areas of park activity. As part of the prior approval for this development, Leisure Services requires a fence along the southerly limit of the park as a condition of approval to be implemented at site plan stage. The fence shall be installed to an appropriate standard to the satisfaction of the Director of Leisure Services.

Official Plan

The proposal presents conformity with Official Plan policies based on the following observations:

- The subject land is located in Living Area 1, which permits neighbourhood-based institutional uses subject to site-specific amendments to the Zoning By-law. This interpretation has been consistently applied by the City to other long-term care facilities and retirement homes;
- The lot is suitable for the proposed use based on the resultant density, built form and availability of

- on-site parking;
- The intensity of use can be addressed by limiting the number of beds and restricting the building height to 21 metres;
- No upgrades to the existing road network are required to accommodate the proposed long-term care facility;
- The proposed institutional use can be integrated into the area while addressing compatibility with existing and future residential uses. There is adequate separation distance from existing dwellings and the setbacks being proposed from the lot lines exceed minimum requirements;
- Public transit is available on Bancroft Drive, an approximate walking distance of 225 metres from the site boundary to the nearest transit stop (approximately 2 to 3 minutes); and,
- The Official Plan encourages the provision of long-term care facilities with support services for an aging population.

2020 Provincial Policy Statement

The proposal presents consistency with the key policy requirements of the PPS, including the provision of housing for persons with special needs including long-term care homes. The subject property is located within the settlement area boundaries of Sudbury on a serviced site that will utilize existing and planned infrastructure.

The development site does not encroach into Category 1 and 2 habitat of Eastern Whip-poor-will or the wetland feature identified by the Conservation Authority, thereby maintaining consistency with the policies of Section 2.1, Natural Heritage and Section 3.1, Natural Hazards.

2011 Growth Plan for Northern Ontario (GPNO)

The proposal aligns with policies under the GPNO, which seeks to improve access to health care services, including long-term care facilities and other special needs facilities.

Conclusion:

In order to address the scale and intensity of use in a low density area, it is recommended that the existing Institutional special zoning be modified by limiting the capacity to 320 beds and restricting the building height to 21 metres.

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report.