

351 Marshall Lane, Sudbury

Presented To:	Planning Committee
Meeting Date:	October 25, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-016

Report Summary

This report provides a recommendation regarding an application for rezoning to “R2-3 Special”, Low Density Residential Two Special in order to legalize a basement dwelling unit within an existing fiveplex including relief for the location and number of parking spaces.

Resolution

THAT the City of Greater Sudbury approves the application by TC Real Estate Holdings Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from “R2-3”, Low Density Residential Two to “R2-3 Special”, Low Density Residential Two Special on lands described as PIN 73583-0283, Part of Lot 224, Plan 34-S, in Lot 4, Concession 3, Township of McKim, as outlined in the report entitled “351 Marshall Lane, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 25, 2021, subject to the following conditions:

- a) That prior to the adoption of the amending by-law, the owner shall address the following conditions:
 - i) Submit a building permit application to the satisfaction of the Chief Building Official in order to address the unit installed without benefit of a permit; and,
 - ii) Install landscaped open space within that portion of the northeast sight triangle extending beyond the existing building line on Morris Street;
- b) That the amending by-law includes the following site-specific provisions:
 - i) A maximum of five (5) dwelling units shall be permitted within the existing building;
 - ii) A minimum of five (5) parking spaces shall be provided;
 - iii) Four (4) parking spaces shall be permitted within the exterior yard abutting Marshall Lane;
 - iv) A parking space shall be permitted to encroach into the sight triangle at the intersection of Morris Street and Marshall Lane provided the parking space does not extend beyond the existing building line on Morris Street;
 - v) A minimum lot area of 92 m² per unit shall be permitted; and,
 - vi) The location of the existing building shall be permitted.
- c) Conditional approval shall lapse on November 9, 2023 unless Condition a) 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 Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal addresses the supply of housing and is therefore consistent with the goals and objectives of the Strategic Plan. As a form of residential intensification in a central city location, the proposal aligns with the recommendations of the Community Energy & Emissions Plan by contributing towards compact communities.

Financial Implications

If the rezoning application is approved, staff is unable to estimate the taxation revenue as changes in assessed value for this existing building would be determined by Municipal Property Assessment Corporation (MPAC).

If there is additional taxation revenue, it 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.

Report Overview

An application for rezoning has been submitted in order to legalize a basement dwelling unit in an existing five-unit multiple dwelling located at 351 Marshall Lane, Sudbury. Site-specific relief is required for the number and location of parking spaces, an encroachment into the northeast sight triangle, and the minimum lot area required per unit.

Staff recommend that the necessary relief be granted subject to the following conditions to be addressed by the owner prior to the adoption of the amending by-law:

- i) Submit a building permit application to the satisfaction of the Chief Building Official in order to address the unit installed without benefit of a permit; and,
- ii) Install landscaped open space within that portion of the northeast sight triangle extending beyond the existing building line on Morris Street.

Staff Report

Proposal:

An application for rezoning has been submitted in order to recognize an existing basement dwelling unit to permit a total of five (5) units within the existing building located at 351 Marshall Lane, Sudbury. Site-specific relief is required for the number and location of parking spaces, an encroachment into the northeast sight triangle, and the minimum lot area required per unit.

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

The subject land is currently zoned "R2-3", Low Density Residential Two, which permits a maximum of four (4) dwelling units based on the lot area. A minimum of 140 m² of lot area is required per unit. The R2-3 zoning is intended to recognize the historic pattern of residential development around the Downtown and older sections of the community of Sudbury.

Requested Zoning: “R2-3 Special”, Low Density Residential Two Special

The owner is seeking approval to legalize the basement unit and obtain the associated relief for parking and lot area.

Location and Site Description:

PIN 73583-0283, Part of Lot 224, Plan 34-S, in Lot 4, Concession 3, Township of McKim (351 Marshall Lane, Sudbury)

The subject property forms a corner lot bounded by Marshall Lane, Morris Street and Jeanne D’Arc Avenue in Sudbury. The area is fully serviced by municipal water and sanitary sewer. The abutting streets are classified as Local Roads. Jeanne D’Arc Avenue and a portion of Morris Street are constructed to an urban standard, while Marshall Lane and the remaining frontage on Morris Street are not urbanized. Public transit stops are directly adjacent at the intersection of Jeanne D’Arc Avenue and Morris Street.

Total lot area is 464.5 m², with 15 metres of street line on Jeanne D’Arc Avenue and Marshall Lane and 30 metres on Morris Street. The site is occupied by a two-storey fourplex dwelling constructed in 1966. A fifth unit was installed in the basement without benefit of a permit or rezoning approval. A parking area accommodating four (4) vehicles is located in the easterly exterior yard along Marshall Lane. A fifth parking space is located in the interior garage accessed off Jeanne D’Arc Avenue.

The subject property is located in a vulnerable area under the Source Protection Plan being Ramsey Lake Intake Protection Zone (IPZ) 2.

A mix of residential housing occupies the surrounding area, including low and medium density dwelling types.

Surrounding Land Uses:

The area surrounding the site includes:

North:	single detached dwellings and a triplex dwelling;
East:	single detached dwelling;
South:	duplex dwelling;
West:	single detached dwelling.

Related Applications:

A minor variance application was approved in 1997 in order to address the location of the existing building including balcony and eaves projections (File A0146/1997).

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on July 16, 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 within 120 metres of the property on October 7, 2021.

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 applicant has indicated that no additional public consultation is proposed.

As of the date of this report, two (2) phone calls were received seeking clarification on the application. No written submissions were 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 of the PPS, Planning authorities shall accommodate an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons). The location of residential intensification shall be appropriate based on the availability of existing and planned infrastructure and the proximity to community services.

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 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Service Hubs, which includes Greater Sudbury and other major centres in Northern Ontario.

Official Plan for the City of Greater Sudbury:

Living Area 1

The subject land is designated as Living Area 1, which permits a range of residential uses including medium density housing types. Medium and high density residential uses should be located on sites in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas, and community/recreational services. The following criteria under Section 3.2.1 of the Official Plan are to be considered:

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

Residential intensification

The application is a form of residential intensification given the increased density that is proposed. Section 2.3.3 of the Plan addresses residential intensification in settlement areas. The following criteria, amongst other matters, may be used to evaluate applications for intensification:

- a. the suitability of the site in terms of the size and shape of the lot, soil conditions, topography and drainage;
- b. compatibility with 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 on surrounding natural features and areas and cultural heritage resources;
- j. the relationship between the proposed development and any natural or man-made hazards; and,
- k. the provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act.

Sensitive Surface Water Features (Source Protection Plan)

The Official Plan contains various policies related to municipal drinking water sources, which are applicable to the subject lands given the location in a vulnerable area (Ramsey Lake Intake Protection Zone 2). The applicable policies are outlined under Section 8.3 of the Official Plan:

1. Development, certain land use activities and public works within the vulnerable areas will conform with the policies on List A of the Greater Sudbury Source Protection Plan.
2. Severances of lots that would require the construction of new septic systems within the WHPA A and B or the IPZ 1 areas are prohibited. Existing registered lots may be developed with an on-site individual septic system and the expansion, maintenance or replacement of existing on-site individual septic systems is allowed.
3. In the vulnerable areas, the City will reduce stormwater runoff volume and pollutant loadings from developments where stormwater management facilities could be a significant threat by:
 - a. encouraging the implementation of a hierarchy of source, lot-level, conveyance and end of pipe controls;
 - b. encouraging the implementation of innovative stormwater management measures;
 - c. considering flexibility in development standards to incorporate alternative community design and stormwater techniques, such as those related to site plan design, lot grading, ditches and curbing, driveway surfaces, and the use of open spaces as temporary detention ponds; and,
 - d. supporting the continued implementation of source control programs, which are targeted to existing areas that lack adequate stormwater controls.

Zoning By-law 2010-100Z:

The proposal requires the following site-specific zoning relief:

- five (5) parking spaces where eight (8) spaces are required for a five-unit dwelling;
- four (4) parking spaces located in a required exterior yard along Marshall Lane;
- the encroachment of one (1) parking space into the sight triangle at the intersection of Morris Street and Marshall Lane; and,
- a minimum lot area of 92 m² per unit where 140 m² is required.

Site Plan Control:

Site plan control is applied to dwellings with more than 4 units under the Site Plan Control By-law. In this instance, Staff are not recommending site plan control as only interior renovations are proposed. Furthermore, any site improvements that are required to accommodate the use can be addressed as conditions of approval.

Department/Agency Review:

Transportation & Innovation Section do not support the encroachment of the parking space into the sight triangle.

Building Services Division requires a building permit application prior to the adoption of the amending by-law in order to address the illegal basement unit.

Planning Analysis:

Land use compatibility

a) Density

The lot is undersized for five (5) units based on existing zoning rights and requires site-specific relief for density. In this case, 92 m² of lot area can be provided per dwelling unit where a minimum of 140 m² is required. The resultant residential density is calculated at 108 dwelling units per hectare, which places the proposal into a high density category.

The increased density is acceptable given the existing physical character of the area, which comprises an established residential neighbourhood in a central city location with a mix of housing types, some of which have legal non-complying components.

b) Built form

No changes to the existing built form are proposed other than interior renovations to address the illegal basement unit. For clarity, it is recommended that the legal non-complying building location be recognized in the site-specific zoning provisions.

c) Traffic and off-site parking impacts

The addition of one (1) unit does not result in any significant local traffic impact. The parking area in the easterly exterior yard along Marshall Lane can be improved with landscaping to prevent vehicles from parking within the sight triangle, excluding the minor encroachment that is required to provide four (4) parking spaces. It is further noted that the unit has been installed for some time and has not created any apparent off-site parking issues.

Parking

The required parking relief is the main issue concerning this file from a land use perspective, notwithstanding the building permit required for the illegal unit. Five (5) parking spaces are provided where eight (8) are required for a fiveplex. Four (4) spaces are provided in the easterly exterior yard abutting Marshall Lane. The fifth parking space is located in an interior garage accessed off Jeanne D'Arc Avenue. Relief is therefore required for the number and location of parking spaces, including an encroachment into the northeast sight triangle at the intersection of Morris Street and Marshall Lane.

Planning Services recommends that relief for parking be provided on the basis of one (1) parking space per unit. The encroachment into the sight triangle can be supported based on the limited traffic in the area and existing conditions, where Morris Street terminates just east of the subject land. In order to prevent vehicles from parking within the remaining portion of the sight triangle, the following conditions of approval are recommended:

- That prior to the adoption of the amending by-law, the owner shall install landscaped open space within that portion of the northeast sight triangle extending beyond the existing building line on Morris Street; and,
- That the site-specific zoning include a provision whereby no parking is permitted beyond the existing building line on Morris Street.

Planning staff acknowledge that ICPS staff do not support the parking encroachment into the sight triangle. However, the recommended conditions of approval would minimize the degree of encroachment, as illustrated on the applicant's sketch. The proposed exception would serve to improve the existing situation while contributing to the broader goal of diversifying the supply of housing in a Downtown transition area.

Source Protection

The subject property is located within Ramsey Lake Intake Protection Zone (IPZ) 2. Given that the property is fully serviced, there are no significant drinking water threats that have been identified. The owner is advised that a Section 59 application under the Clean Water Act will be required at the building permit stage.

Official Plan conformity

The application conforms to Official Plan criteria applied to Living Areas based on the following considerations:

- The proposed density is acceptable provided the number of units is limited to five (5) dwelling units;
- Physical compatibility with the surrounding neighbourhood is maintained given that the built form is not being expanded and the proposal involves interior renovations only;
- Staff are satisfied that five (5) parking spaces are sufficient given the proximity to the Downtown core and access to public transit;
- No traffic or off-site parking impacts on local streets are anticipated;
- The location is fully serviced by municipal water and sanitary sewer; and,
- The proposal contributes towards intensification targets in a central city location.

2020 Provincial Policy Statement (PPS) and 2011 Growth Plan for Northern Ontario (GPNO)

The subject property is located within settlement area boundaries in a fully serviced area designated for residential development and serviced by public transit. The proposal aligns with Provincial policies geared to housing including an emphasis on residential intensification and transit-supportive development within the built boundary of the City. Existing infrastructure is adequate to support development including sewer and water services. The property is fully serviced and does not represent a significant drinking water threat within a vulnerable area.

The proposal will increase the supply of rental market housing, in keeping with Greater Sudbury's designation as an Economic and Service Hub under the GPNO.

The application is consistent with the 2020 Provincial Policy Statement and conforms to the 2011 Growth Plan for Northern Ontario.

Conclusion:

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