

MEMORANDUM



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To: City of Greater Sudbury
c/o Mauro Manzon

Date: August 18, 2021

JLR No.: 31230-000

CC:

From: Erin Reed, Planner

Re: **849 Howey Drive, Sudbury, ON**
Proposed Amendment to Zoning By-law 2010-1002

J.L. Richards & Associates Limited (JLR) has been retained by the Matarazzo Group to assist in the facilitation of planning approvals to rezone the lot known municipally as 849 Howey Drive, Sudbury from Local Commercial (C1) to Medium Density Residential Special Exception (R3-X) to recognize the existing multiple dwelling unit and existing site-specific conditions. The proposed special exception zone would reduce the required front yard depth from 7.5m to 1.3m, reduce the minimum required corner side yard from 7.5m to 2m, and reduce the required parking spaces from 5 spaces to 3 spaces.

The subject property is currently designated 'Living Area 1' as per Schedule 1B 'Land Use-Sudbury Community' in the City of Greater Sudbury (City or CGS) Official Plan (OP). The lands are on full municipal services and is situated on the south-east corner of Howey Drive, a secondary arterial road, and Somerset Street, a local road. The approximate area of the lot is 519.48 m², with 22.98 m of frontage on Howey Drive.

There is an existing residential building on the lot with three dwelling units. The lot is currently zoned Local Commercial (C1) which does not permit the multiple dwelling use. In order to bring the lot into conformity with the zoning by-law, the Matarazzo Group is seeking a zoning by-law amendment. This application is consistent with provincial policies and conforms to the general intent of the Official Plan for the following reasons:

- The application supports residential intensification
- The application is providing additional housing at a higher density in the City of Sudbury and makes use of existing services
- The subject site represents development and growth in the urban area

Pursuant to Section 34 of the Planning Act, a Zoning By-law Amendment is being sought to re-zone the subject property from Local Commercial (C1) to Medium Density Residential Special Exception (R3-X) to permit the existing multiple dwelling and to seek relief from setback and parking provisions of the zoning by-law.

CONTEXT

As mentioned above, the site is located on the south-east corner of Howey Drive and Somerset Street as shown on Figure 1 (extract from CGS Interactive Zoning Map). There is an existing multiple dwelling residential building on the property, that was previously used as a convenience store with an accessory dwelling unit (until around 2010). The property was purchased in 2013 by the Matarazzo Group, which has since rented out three units from the building.



Figure 1: Aerial Image of Subject Property Lands

The property is an irregular shaped parcel that is 519.48 m², which includes an existing three-unit multiple dwelling residential building. The surrounding area consist of a range of residential uses. The lots to the south are zoned Low Density Residential One (R1-5) comprised of predominantly single detached residential uses. The lands to the north, east and west are predominantly zoned Residential Second Density Two (R2-2) and consist mainly of single and semi detached residential uses. The lot immediately to the east is zoned C1, and appears to be used for residential purposes. The existing multiple dwelling residence conforms to the predominant low and medium density residential uses in the area (see Figure 2, extract from CGS Interactive Zoning Map).



Figure 2: Surrounding Zoning

POLICY CONTEXT

The City should consider the following policies as they pertain to the subject property and the applicant's intent to seek the amendments discussed in this report:

Provincial Policy Statement

Generally, the PPS supports compact development within settlement areas on full municipal services. The following policies support the proposed amendment:

Policy 1.1.1

Healthy, liveable and safe communities are sustained by:

- (a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- (b) Accommodating an appropriate affordable market-based range and mix of residential types (including...multi-unit housing...)..., and other uses to meet long-term needs*

Policy 1.1.2

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Policy 1.1.3.2

Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- 1. Efficiently use land and resources;*
- 2. 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;*

Policy 1.1.3.3

Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Policy 1.1.3.4

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.1.3.7

Planning authorities should establish and implement phasing policies to ensure:

- (a) That specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and*
- (b) The orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.*

Policy 1.4.3

Planning authorities 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:

- b) Permitting and facilitating:*
 - 2. All types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3*

Policy 1.6.3

Before consideration is given to developing new infrastructure and public service facilities:

- (a) *The use of existing infrastructure and public service facilities should be optimized;*
and
- (b) *Opportunities for adaptive re-use should be considered, wherever feasible.*

The multiple dwelling residential use represents efficient use of land that is appropriate for the area and promotes and optimizes the long-term availability of public service facilities for the community. The proposed use is located within the City of Sudbury Living Area 1, where residential development on full municipal services is directed. The proposed use and amendment are consistent with the Provincial Policy Statement.

Growth Plan for Northern Ontario

The 2011 Growth Plan for Northern Ontario (GPNO) is a strategic framework that will guide decision-making and investment planning in Northern Ontario over the next 25 years.

The GPNO encourages a mix of residential development throughout Northern Ontario, while utilizing existing infrastructure and services. This is supported in the following policies:

3.4.3 Municipalities are encouraged to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality public open spaces, and easy access to local stores and services.

4.21 All municipalities should, either individually, or collaboratively with neighbouring municipalities and Aboriginal communities, prepare long-term community strategies. These strategies should support the goals and objectives of this Plan, identify local opportunities to implement the policies of this Plan, and be designed to achieve the following:

- c) Optimized use of existing infrastructure*

4.3.3 Economic and service hubs shall maintain updated official plans and develop other supporting documents which include strategies for:

- a) developing a diverse mix of land uses, an appropriate range of housing types, and high-quality public spaces; and providing easy access to stores, services and recreational opportunities.*

The proposed zoning by-law amendment conforms to the Growth Plan for Northern Ontario.

City of Greater Sudbury Official Plan

As per Schedule 1B 'Land Use-Sudbury Community' in the City of Greater Sudbury Official Plan (OP) the subject lot is designated 'Living Area 1'. The subject lot is also located in the Ramsey Lake Intake Protection Zone (IPZ) 3, which is identified on Schedule 4a 'Drinking Water and Source Water Protection' and Schedule 4b 'Drinking Water Source Protection Insets'.

The CGS supports and encourages a range of housing and related uses that are compatible with residential neighborhoods throughout the Living Areas. This is supported in the following policies:

2.3.2 The Settlement Area

- 1. Future growth and development will be focused in the Settlement Area through intensification, redevelopment and, if necessary, development in designated growth areas...*

3. *Intensification and development within the Built Boundary is encouraged in accordance with the policies of this Plan. Development outside of the Built Boundary may be considered in accordance with the policies of this Plan.*

2.3.3 *Intensification*

1. *All forms of intensification are encouraged in accordance with the policies of this Plan...*
4. *Medium scale intensification and development is permitted in Town Centres, Secondary Community Nodes, Regional Corridors and Mixed Use Commercial corridors, in accordance with the policies of this Plan.*
5. *Intensification and development is permitted in established Living Area I lands, in accordance with the policies of this 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.*

3.1 *Objectives*

- b) *encourage the development of a mix of residential uses;*
- c) *achieve stability in the City's housing market by ensuring that a sufficient supply of designated and serviceable residential land is available to meet existing and future needs;*
- e) *focus residential development in areas that have sufficient infrastructure and public service capacity;*

3.2 *Living Area Designations*

Living Area I – Communities

Living Area I includes residential areas located in urbanized Communities that are fully serviced by municipal water and sewer...Areas designated Living Area I in Communities are seen as the primary focus of residential development.

General Policies for Living Areas

2. *Medium density housing is permitted in all Living Areas I designations where full municipal services are available. High density housing is permitted only in the community of Sudbury.*
3. *New residential development must be compatible with the existing physical character of established neighborhoods, with considerations given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning By-law.*

3.2.1 Living Area I- Communities

2. *In medium density developments, all low-density housing forms are permitted, including small apartment buildings no more than five storeys in height to a maximum density of 90 units per hectare.*
4. *Medium density and high-density housing 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*
6. *In considering applications to rezone land in Living Area I, Council will ensure amongst other matters that:*
 - 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 neighborhood 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 street is minimal*

Applications for intensification in established Living Area I lands are also subject to Section 2.3.3 (see above).

3.2.2 Living Area I – Phasing Policies

1. *New development in Living Area I will occur adjacent to existing built-up urban areas. Emphasis will be placed on achieving a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

8.3 Greater Sudbury Source Protection Area Source Protection Plan

6. *The City will continue to ensure that the Zoning By-law will restrict land uses that have the potential to cause contamination of groundwater resources in areas identified on Schedules 4a and 4b as WHPAs and IPZs.*

In addition to being a permitted use within the Living Area I designation, the multiple dwelling residential use on the subject lot represents a medium density residential use, contributing to residential intensification within the Sudbury Community where existing infrastructure and services are provided. This use supports residential intensification and redevelopment along an arterial road where residential uses are the predominant use in the area. The proposed location is also in a built-up area, where infrastructure and public services are provided.

Section 5 of the City of Greater Sudbury Transportation Master Plan outlines the vision of a multi-modal transportation system that provides mobility options to all residents. This is reiterated in the Official Plan which in Section 11.1 e) states that it is *the objective of the transportation network policies to promote all travel modes, including public transit and active transportation*. Through reduced parking on the site, the use of public transit, bike lanes and sidewalks, which all about the property, is encouraged.

Upon reviewing the surrounding area and the proposed use on the subject site, the lot is able to accommodate the proposed medium density use; however, site-specific zoning relief including parking is required which will be discussed in the next section. The proposed development is compatible in terms of scale, massing, and overall character of the neighborhood. The site is able to provide a parking space for each unit off of Somerset Street, avoiding direct access from Howey Drive as a means to mitigate traffic disruptions. The site is well serviced by public transit and active transportation options on Howey Drive to support the parking reduction.

As identified, the subject lot is located within the Ramsey Lake Intake Protection Zone 3. The proposed use is in an existing built-up area and the development is typical of a medium density residential lot. The impacts are expected to be minimal. No handling, storage or application of pesticides, road salt, commercial fertilizer, storage of snow, or fuel are currently present or may be present on the subject property. A Greater Sudbury Source Protection Plan Restricted Land Use Review Application Section 59 Notice has been completed which does not identify any risks to the Source Water.

The proposed use and amendment is in conformity with the Official Plan.

City of Greater Sudbury Zoning By-law 2010-100Z

The lot is currently zoned C1, which does not permit multiple dwelling residential uses. As such, the proposed amendment is seeking the Medium Density Residential Special Exception (R3-X) Zone to permit the multiple dwelling unit use. A special exception is also being sought to recognize the following existing conditions: reduced required front yard depth from 7.5m to 1.3m; reduced minimum required corner side yard from 7.5m to 2m; and reduced required parking spaces from 5 spaces to 3 spaces.

Part 3 'Definitions' of the zoning by-law, provides the following relevant definitions:

Dwelling, multiple: A dwelling which contains three or more dwelling units, with or without permitted non-residential uses, and includes any such dwelling wherein furnished dwelling unit accommodation is provided on a weekly or monthly basis, but does not include a row dwelling or a street townhouse dwelling.

The amendment is seeking to permit the multiple dwelling use on the lot to recognize the existing three residential dwelling units on the lot.

Lot Line, Front: b) in the case of a corner lot where:

- 1. The street lines are not of equal length, the shorter street line*

As displayed above in Figure 1, the subject lot is located on the corner of Howey Drive and Somerset Street. As the lot line fronting Howey Drive is shorter in length it is considered the front lot line.

Table 1 below provides the lot requirements for the multiple dwelling use in the R3 zone, as per Section 6.3 (Table 6.5) of the Zoning By-law.

Table 1: Zoning Requirements Dwelling Type: Multiple Dwelling

Provision	Zoning by-law	Subject Property	Compliance
Minimum Lot Area	110 m ² per unit (or 330 m ² for 3 units)	519.48 m ²	✓
Minimum Lot Frontage	20 m	22.98 m	✓
Minimum Lot Depth	30 m	36.58 m	✓
Minimum Required Front Yard	7.5 m	1.3 m	× amendment sought to recognize existing condition
Minimum Rear Yard	7.5 m	21.77 m	✓
Minimum Required Interior Side Yard	1.8 m	4.5 m	✓

Minimum Required Corner Side yard	4.5 m	2 m	× amendment sought to recognize existing condition
Maximum Lot Coverage	40%	26.38%	✓
Minimum Landscaped Open Space	30%	47.9%	✓
Maximum Height	11 m		✓

The proposed amendment to rezone the lot to R3 with a special exception will recognize the existing multiple dwelling use and lot deficiencies. The R3 zone complements the surrounding residential uses and permits medium density housing and intensification.

As the existing building does not meet all zoning provisions for the R3 zone, site specific exceptions are needed. The exceptions will recognize the existing reduced minimum required front yard from 7.5m to 1.3m, and reduced minimum required corner side yard of 4.5m to 2m. The reduced front yard setback is consistent with surrounding properties. For example, the lot immediately to the east, 853 Howey Drive is setback roughly 2m from the front lot line. The required corner side yard reduction is needed for the existing building and is not anticipated to cause adverse impacts. To ensure adequate visibility along the corner, sight triangle provisions of the by-law are met and no parking or landscaping that could create visual impairment will occur here.

As per Section 5.5.1, Table 5.5 of the City’s Zoning By-law, the minimum required parking for a multiple dwelling use is 1.5/unit. As there are three (3) units on the lot 4.5 spaces (rounded up to 5 spaces, as per Section 5.2.2.1 of the By-law) would be required. An exception is also being sought to reduce the required parking spaces from 5 spaces to 3 spaces.

Due to the irregular shape of the parcel, only three parking spaces can be accommodated on the lot, where 5 spaces would be required. While this does not meet the parking provisions established in the zoning by-law, it does provide 1 space per unit. Additionally, there is a bus stop immediately in front of the subject lot (east bound) and another on the north side of Howey Drive (west bound). In fact, there are 6 bus stops within approximately 300m of the subject lot. Additionally, Howey Drive has a bike lane on each side as well as a sidewalk, encouraging active modes of transportation.

The subject lot is also located within the Ramsey Lake Watershed. Section 4.42.3 provides a list of prohibited uses for lots located within the Ramsey Lake Watershed. These include: the use of storage or application to land of agricultural source materials, mine tailing disposal, snow storage disposal facility, waste disposal site... etc. None of the prohibited uses are being proposed on the subject lot. As mentioned above, a Greater Sudbury Source Protection Plan Restricted Land Use Review Application Section 59 Notice has been completed and submitted with the Zoning By-law Amendment Application and no adverse impacts are anticipated based on the proposed use.

CONSULTATION

As required by the Sudbury Planning Application Review Team, a public consultation strategy has been developed and will be implemented as follows:

1. To inform surrounding properties the applicant/authorized agent will request the City’s mailing list for all properties within a 120 metre radius of the subject lands.
2. A notice informing of the proposed rezoning and contact information of the authorized agent will be prepared and distributed to the above-noted mailing list.

3. All questions and comments received will be recorded and responded to as they come in.
4. Prior to City Staff report preparation, the agent will liaise with the City Planner with respect to comments/questions that have been received on the application.

CONCLUSION

In our opinion the proposed zoning amendment represents good land use planning. The subject lot is designated Living Area 1 which supports medium density residential development.

Rezoning the subject lot from C1 to R3 to recognize the existing multiple dwelling unit supports efficient development, residential intensification, and utilizes existing services which are encouraged by both the PPS and City of Greater Sudbury Official Plan. The proposed special exception zone would reduce the required front yard depth from 7.5m to 1.3m and reduce the minimum required corner side yard from 7.5m to 2m to recognize the location of the existing building, which is consistent with surrounding development. Lastly, the special is needed to reduce the required parking spaces from 5 spaces to 3 spaces. The request to reduce required parking to 3 parking spaces maintains each unit's access to 1 parking space, while also supporting public transit and active transportation options in the immediate area.

In our opinion the proposed zoning amendment is consistent with the PPS, is in conformity with the OP, and represents good land use planning. As such, we recommend that Planning Committee approve the application for zoning by-law amendment.

J.L. RICHARDS & ASSOCIATES LIMITED

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