

0 and 167 Douglas Street West, Sudbury

Presented To:	Planning Committee
Meeting Date:	August 29, 2022
Type:	Public Hearing
Prepared by:	Bailey Chabot Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/22-10

Report Summary

This report provides a recommendation regarding an application to amend the City of Greater Sudbury's Zoning By-law, 2010-100Z in order to permit a sixth residential unit within a legal non-conforming five-unit multiple dwelling.

This report is presented by Bailey Chabot, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Paul Charbonneau to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2-3", Low Density Residential Two to "R2-3", Low Density Residential Two Special on lands described as PIN 73585-0498, Parcel 17921 SEC SES; Firstly Part Lot 92, Plan M95, Township of McKim; Secondly Part Lot 93, Plan M95, Township of McKim as in LT103246 (0 Douglas Street West) and 73585-0612, Parcel 12719 SEC SES; Part Lot 94 Plan M95, Township of McKim as in LT71740 except LT73019 (167 Douglas Street West) as outlined in the report entitled "0 and 167 Douglas Street West, Sudbury", from the General Manager, Growth and Infrastructure, presented at the Planning Committee meeting on August 29, 2022, subject to the following condition:

1. That the amending zoning by-law include the following site-specific provisions:
 - a. That a maximum of six (6) residential units be permitted.

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 will further diversify the supply of housing and is therefore consistent with the goals and objectives of the Strategic Plan. As a form of intensification development in a built-up urban area serviced by public transit, the proposal aligns with the recommendations of the Community Energy & Emissions Plan.

Financial Implications

If approved, staff are unable to determine change in taxation revenue as rezoning may increase the assessment value that 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.

The amount of development charges will be based on final review of the property by Building Services department.

Report Overview

PROPOSAL:

First Submission: An application was submitted for Zoning By-law Amendment to permit the conversion of an existing legal non-conforming five-unit multiple dwelling to a six-unit multiple dwelling by adding one (1) residential unit. Site specific relief was initially requested to permit a decreased front yard setback (from a minimum of 15.0 m to a minimum of 3.0 m) and reduced westerly interior side yard (from a minimum of 1.8 metres to a minimum of 0.6 metres). The site-specific provisions were to recognize existing deficiencies.

Upon receipt of technical comments from circulated departments and agencies, particularly Building Services, the applicant revised the application to address comments and to alleviate the need for site specific relief.

Second Submission: An updated site plan drawing was submitted to address comments and to alleviate the need for site specific relief. To address the comments, the proponent has shifted the most easterly parking spaces south. The site layout and proposed development is otherwise unchanged. Further detail is given in the Planning Analysis section below, while the first and second submission drawings can be seen in the attachments.

Location and Site Description:

The subject lands comprise two adjacent parcels known municipally as 0 and 167 Douglas Street West in the community of Sudbury. They are legally described as:

Municipal Address	PIN	Legal Description
167 Douglas Street West	73585-0612	Parcel 12719 SEC SES; Part Lot 94 Plan M95, Township of McKim as in LT71740 except LT73019
0 Douglas Street West	73585-0498	Parcel 17921 SEC SES; Firstly Part Lot 92, Plan M95, Township of McKim; Secondly Part Lot 93, Plan M95, Township of McKim as in LT103246

The subject parcels are adjacent and for the purposes of the Planning Act are unable to be transferred separately without municipal approval. They are located on the south side of Douglas Street West, east of Cross Street, and west of the intersection of Douglas Street West and Brady Street. The parcels back onto Junction Creek to the south. The westerly parcel (167 Douglas Street West) is rectangular in shape and as per the submitted site plan drawing has approximately 10.97 metres of frontage along Douglas Street West with 30.48 metres in depth. The easterly parcel is irregularly shaped. Per the submitted site plan, the parcel has 20.8 metres of frontage along Douglas Street West and is approximately 29.26 metres at its greatest depth. The parcels together total nearly 860 m². The parcels are relatively flat, with a slight southerly slope to the limit of development, with a steeper slope down to Junction Creek. The westerly parcel contains an existing legal non-conforming two storey, five-unit residential building while the easterly parcel contains the

required parking. There is mature vegetation along the southerly lot line. The parcels are accessed via a single vehicular access from Douglas Street West. Due to the proximity of Junction Creek, a portion of the subject lands contain floodplain and a majority of the parcel is regulated by the Nickel District Conservation Authority.

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

The “R2-3” Zone permits a limited number of institutional, commercial, and residential land uses that can be found under Part 6.2, Table 6.1 of the City’s Zoning By-law. Those development standards associated with the “R2-3” Zone are outlined under Part 6.3, Table 6.4 – Standards for Low Density Residential Two Zone: R2-3. Multiple Dwellings are permitted within the “R2-3” zone, however the maximum of dwelling units permitted on a lot is 4.

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

The rezoning would allow for a sixth residential unit to be added to an existing legal non-conforming five-unit multiple dwelling. The changes to the building would be on the interior; no additions are required to accommodate the additional unit. Although initially requested, no setback relief is required to accommodate the sixth unit; the special provision is to recognize the sixth dwelling unit only.

Surrounding Land Uses:

North: Business industrial uses.

East: General mix of business industrial (along Douglas Street West) and low density urban residential development, primarily multiple dwelling units.

South: Junction Creek and the Trans Canada Trail as well as low density urban residential development, primarily multiple dwelling units.

West: Low density urban residential land uses, primarily single detached dwellings and multiple dwelling units.

The existing zoning and location map are attached to this report and together indicate the location of the parcel 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 generally depict the existing multiple dwelling from Douglas Street West and illustrates how the existing multiple dwelling fits in with the built form and setbacks of the existing neighbourhood and the mature vegetation at the side and rear of the subject lands. Photos of the immediate surrounding area show a variety of residential and business industrial uses.

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 June 13, 2022. The statutory Notice of Public Hearing dated August 11, 2022 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands. At the time of writing this report no comments or concerns have been received.

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 (PPS):

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 1.1.3.3 outlines that settlement areas are to accommodate a significant supply and range of housing options through intensification and redevelopment.
2. With respect to Housing policies, Section 1.4.3 outlines that an appropriate range and mix of housing options and densities are to be provided for the needs of current and future residents by:
 - a. permitting and facilitating all types of residential intensification, including additional residential units; and,
 - b. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are available.
3. With respect to Transportation Systems policies, Section 1.6.7.4 outlines that a land use pattern, density and mix of land uses should be promoted that minimize the length and number of vehicular trips and support current and future use of public transit and active transportation options.
4. With respect to Energy Conservation, Air Quality and Climate Change policies, Section 1.8.1 identifies the support of energy conservation and efficiency, improved, air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate by encouraging intensification.

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. There are no policies that are relevant to this application, therefore the application does not conflict with the Growth Plan.

Official Plan for the City of Greater Sudbury:

The subject land is designated as Living Area 1, which permits a range of residential uses including medium density housing forms. Section 2.3.3 of the City's Official Plan generally outlines the goals associated with intensification, or the "development of a property, site or area at a higher density than currently exists through redevelopment...". Policy 2.3.3.1 allows for all forms of intensification, while 2.3.3.2 sets a goal that 20% of future residential growth and development will occur through intensification within the built boundary. Policy 2.3.3.5 permits intensification in all Living Area 1 lands while policy 2.3.3.7 encourages intensification on

sites with suitable existing infrastructure and public service facilities. Finally, policy 2.3.3.9 identifies the criteria that may be used to evaluate proposals for intensification and includes items such as the compatibility of the proposed development on the existing character of the area, the provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation, and the availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure.

Policies 3.2.1.2 and 3.2.1.4 permit medium density developments to a maximum net density of 90 units per hectare, located on sites in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas, and community/recreational services. Additionally, policy 3.2.1.6 requires a rezoning of land in Living Area 1 ensure 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 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.

A number of sections within the Official Plan address the natural environment (Section 8 - Water Resources and Section 9 – Natural Environment). The proposed development has been reviewed against these policies and staff have no concern as the proposed development is not within a source water protection area and does not contain any sensitive habitat.

Section 10.2 – Flooding and Erosion Hazards contains policies relating to developing adjacent to shorelines of streams, such as Junction Creek, that become flooded due to rainfall and other factors. Policy 10.2.1 states that “Because flooding and erosion hazards may cause loss of life and may result in damage to property, development on lands adjacent to the shoreline of a watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury”.

Section 11.3.2 of the Official Plan outlines the land use policies to support transit needs. Policies in section 11.3.2 include the need for development to facilitate the provision of public transit, ensuring that dwellings are within 500 metres walking distance of a bus stop, and the siting of buildings as close as possible to the street to reduce walking distance for transit users.

Section 11.8 of the Official Plan identifies accessibility as a key consideration for our communities.

Chapter 14.0, Urban Design identifies the promotion of an environment that is accessible, safe, sustainable and climate change resistant. More specifically, section 14.4 outlines the policies for site and building design.

Zoning By-law 2010-100Z:

The existing “R2-3”, Low Density Residential Two zone permits a multiple dwelling, however it only allows a maximum of four dwellings units. As such, the proponent is requesting that the zoning be amended to an “R2-3”, Low Density Residential Two zone with special provisions to permit a multiple dwelling with six dwelling units.

Site Plan Control:

Given that the proposed dwelling unit will not substantially increase the useability of the subject lands, site plan control is not required.

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 the content of special provisions should the application be approved.

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

Active Transportation, Transportation and Innovation Support, Roads Operations, and the City's Drainage Section have each advised that they have no concerns from their respective areas of interest.

Development Engineering advises that the lands are serviced with municipal water and sanitary sewer infrastructure and have no objection to the proposed rezoning.

Conservation Sudbury advises that it does not oppose Zoning By-law Amendment 751-6/22-10. Elevation survey information provided with the rezoning application indicates that the house meets floodproofing requirements of the Conservation Authority.

Building Services had the following comments for the first submission:

1. The existing reduced front yard and interior side yard setbacks are a result of a legal non-complying status of the lot, building, and structures. Per Part 4.25 of the Zoning By-law, relief is not required as the site is considered to be in compliance with Zoning By-law 2010-100Z due to its legal non-complying status.
2. The parcel to the east of the subject lands is an unopened road allowance owned by the municipality. As such, the easterly side yard is an exterior side yard and the subject lands are considered a corner lot. The minimum setback to the exterior side yard is 4.5 metres per 5.2.4.3.(b) of Zoning By-law 2010-100Z. Additionally, parking is not permitted in the sight triangle, where the size of the site triangle is determined in Table 4.2.

Building Services had the following comments for the second submission:

1. With respect to site-specific relief requested for reduced front yard and interior side yard setbacks, we note that the proposed interior alteration remains in compliance with Part 4, Section 4.25 relating to legal non-complying lots, buildings and structures. As per Part 4, Section 4.25 of the Zoning By-law, the subject building or structure may be enlarged, reconstructed, repaired and/or renovated provided that the enlargement, reconstruction, repair and/or renovation does not further reduce the existing front yard, and/or side yard, and/or rear yard, and/or lot coverage. As the proposed interior alteration will not affect any of the above provisions, relief for a reduced front yard setback and interior side yard setback would not be required.
2. Owner/Applicant to be informed that PIN 73585-0498 (0 Douglas Street) abuts PIN no. 73585-0018. Based on our research, PIN no. 73585-0018 is an unopened road allowance of the municipality and therefore the subject property would be considered a corner lot.

There were no concerns identified by any circulated department or agency.

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 application to permit a sixth unit in a multiple dwelling building on the subject lands is consistent with both the PPS and Official Plan direction to direct development to fully serviced settlement areas, to 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. The Official Plan encourages all forms of intensification.

Both the PPS and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. The Official Plan identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The proposal to add a sixth unit in this location represents an opportunity to bolster rental housing.

Specifically, the development complies with policies 3.2.1.2 and .4 in that it has a net density less than 70 units per hectare, is located on a primary arterial (Douglas Street West), is on a Gova route, is across the street from lands zoned M1-1 Business Industrial, and backs onto the TransCanada Trail that runs along Junction Creek.

Policy 3.2.1.6 requires a rezoning of land in Living Area 1 ensure 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 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.

The proposed development complies with these criteria as:

- a) The site is sufficiently sized as the building exists and the site can accommodate the required parking without relief;
- b) The existing structure is two storeys and massed toward the street which is consistent with development along Douglas Street West;
- c) The parcel is able to provide sufficient parking without relief and is not required to provide any amenity areas; and,
- d) The addition of a single dwelling unit is not expected to impact traffic.

The proposed development is also a form of residential intensification and must conform to policy 2.3.3.9 of the Official Plan, which addresses residential intensification in settlement areas. The criteria outlined are:

- 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*.

The proposed development complies with these criteria as:

- a) The structures are existing and no additions to the building are proposed;
- b) The multiple dwelling structure is consistent in terms of height and massing, and is generally of the same architectural style, as adjacent residential buildings;
- c) The proposed rezoning does not include any new structures and no impact to the character of the area;
- d) The multiple dwelling structure has existing municipal water and waste water service and is approximately 300 metres from the nearest Gova transit stops (Lorne Street and Riverside Drive, respectively);
- e) The parking lot provides 1.5 parking spaces per unit where only 1 parking space per unit is required with an appropriately sized drive aisle of 6.0 metres;
- f) There is no concern for any additional traffic generated by a single residential unit as part of a multiple-dwelling unit;
- g) As mentioned above, Gova transit stops are within 300 metres of the subject lands, Douglas Street West has sidewalks on both sides to support active transportation, and is less than 100 metres from multi-use path adjacent to Junction Creek;
- h) There are no concerns for sun-shadowing nor wind impact on the surrounding public realm as there are no proposed changes to the existing structure;
- i) There are no concerns for the impacts on surrounding natural features and areas and cultural heritage resources as there are no proposed changes to the existing structure;
- j) There are no concerns regarding the relationship between the proposed development and any natural or man-made hazards as the structure is outside of the floodplain as determined by Conservation Sudbury; and,
- k) The provisions of Section 37 of the Planning Act are not being applied to this application.

With regards to Sections 11.3.2, the proposed development complies with these policies as the subject lands are approximately 300 metres from the nearest Gova transit stops (Lorne Street and Riverside Drive, respectively).

Chapter 14.0, Urban Design has been complied with as the proposed development represents the promotion of an environment that is accessible, safe, sustainable and climate change resistant. More specifically, section 14.4 outlines the policies for site and building design. The proposal complies as it represents intensification that fits with the existing context of the area and is oriented toward the street. The proposed development supports climate change resistance as it allows for an additional residential unit within an existing structure, that is supported by municipal water and waste water, public transit, and active transportation in an area with mixed uses.

Given the above, staff are of the opinion that the proposed development complies with the relevant policies of the PPS 2020 and the Official Plan and represents an appropriate location for intensification while integrating well within the existing neighbourhood. The site itself is sufficient in size to accommodate the proposed sixth dwelling unit without need for site-specific relief.

With respect to the requested zone of “R2-3”, Low Density Residential Two Special as it has legal non-conforming status. The parcel has an area of approximately 860 m², lot frontage of greater than 30 metres and a maximum lot depth of 30.48 metres which exceed the minimum requirements for a multiple dwelling in an “R2-3” zone.

The final consideration is the appropriateness of the proposed development within the context of the neighbourhood. The subject lands are sufficient in size to support the sixth dwelling without any changes to the site as it exists today. Despite this, the proposed development represents an intensification of the site in an appropriate manner.

Given the above analysis, staff are of the opinion that the proposed development is consistent with Provincial Policy Statement, 2020, does not conflict with the Growth Plan for Northern Ontario, 2011, conforms to City’s Official Plan, and represents good land use planning. As such, staff recommend the approval of the proposed Zoning By-law Amendment.

Conclusion

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed; no concerns were identified by any of the circulated departments.

The development of the subject lands achieves a number of policy directives related to intensification and the provision of a range and mix of housing types. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed Zoning By-law Amendment is appropriate based on the following:

- The sixth dwelling will contribute to the range and mix of housing available in the area;
- The site is suitable for the proposed density and building form;
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate;
- Adequate parking, landscaping and amenity areas can be provided;
- The impact on local streets will be minimal; and,
- The sewer and water services are adequate for the site.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.