

## 500 Tedman Avenue, Sudbury

Presented To:	Planning Committee
Meeting Date:	March 20, 2023
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/22-020

## Report Summary

This report provides a recommendation regarding an application to rezone the subject lands to “R2(S)”, Low Density Residential Special permit the conversion of the existing residential building on the lands to a multiple dwelling containing four residential dwelling units.

This report is presented by Glen Ferguson, Senior Planner.

Letter(s) of concern from concerned citizen(s)

## Resolution

THAT the City of Greater Sudbury denies the application by Unlimited Wealth Enterprises Ltd. to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the subject lands from “R2-2”, Low Density Residential Two to “R2-2(S)”, Low Density Residential Two Special on those lands described as PIN 02130-0080, Parcel 3660, Plan M-100 Lot 6, Concession 4, Township of McKim, as outlined in the report entitled “500 Tedman Avenue, Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of March 20, 2023.

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

The application to amend the City’s Zoning By-law is an operational matter under the Planning Act to which the City is responding.

The rezoning application would amount to the overdevelopment of an urban residential lot and as a result the development proposal does not either directly align with or negatively impact any of strategic goals and objectives that are identified within the City’s Strategic Plan.

The development proposal is not expected to have any direct negative impacts on the stated goals and recommendations that are contained within the CEEP, however the rezoning application would amount to the overdevelopment of an urban residential lot.

## **Financial Implications**

There are no financial implications for this report, as staff recommends that the application be denied.

## **Report Overview**

This report reviews an application for Zoning By-law Amendment that seeks to change the zoning classification of the subject lands from “R2-2”, Low Density Residential Two to “R2-2(S)”, Low Density Residential Two Special in order to permit the conversion of the existing residential building on the lands to a multiple dwelling containing four residential dwelling units. Site specific relief to provide two parking spaces within the required front yard whereas six parking spaces are required is also being requested.

Staff has reviewed the development proposal and has noted that it would not conform to the applicable policies contained within the Official Plan for the City of Greater Sudbury. The development proposal is also not consistent with the land use planning policy directions identified in the PPS. Staff also notes however that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff is therefore unable to be supportive of a development proposal involving the conversion of an existing residential building that would result in the overdevelopment of a low-density residential lot within a larger surrounding low-density residential area.

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

## **STAFF REPORT**

### **PROPOSAL:**

This application for Zoning By-law Amendment is intended to permit the conversion of the existing duplex dwelling on the lands to a multiple dwelling containing four residential dwelling units. Site specific relief to provide two parking spaces within the required front yard whereas six parking spaces are required is also being requested. In order to accommodate the proposed multiple dwelling as permitted use on the lands the proposed rezoning would change the zoning classification of the subject lands from “R2-2”, Low Density Residential Two to “R2-2(S)”, Low Density Residential Two Special.

The owner submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on February 14, 2020 (File # PC2020-026). The owner was later provided with a Pre-Consultation Understanding Agreement (PCUA) from staff via email on March 27, 2020, following the SPART Meeting and have since returned their PCUA to the Planning Services Division. The owner’s agent has subsequently now submitted a Zoning By-law Amendment application to the City for consideration by the City’s Planning Committee.

The rezoning application was initially submitted to the City on October 18, 2022, but later deemed to be an incomplete rezoning application on October 26, 2022. The owner later submitted additional materials and the rezoning application was deemed to be complete on November 16, 2022. The application included the submission of a Concept Plan and Floor Plans in support of the request to rezone the subject lands. Details with respect to the owner’s public consultation strategy ahead of a public hearing at the Planning Committee was also provided. Staff notes that the owner had originally proposed off-site parking on another lot that they own and therefore they were required to submit an Off-Site Parking Summary Report. The owner later advised staff by email that they would be abandoning the provision of off-site parking and therefore no Off-Site Parking Summary Report would be provided.

### **Existing Zoning:** “R2-2”, Low Density Residential Two

The “R2-2” Zone permits a bed and breakfast establishment having a maximum of two guestrooms within a single-detached dwelling, duplex dwelling, group home type 1 having a maximum of ten beds within a single-detached dwelling, linked dwelling, private home daycare, semi-detached dwelling and a single-detached dwelling. Those development standards that are applicable to the “R2-2” Zone can be found under Section 6.3, Table 6.3 – Standards for Low Density Residential Two Zones of the City’s Zoning By-law.

### **Requested Zoning:** “R2-2(S)”, Low Density Residential Two Special

The proposed rezoning to “R2-2(S)” would permit the conversion of the existing residential building on the lands to a multiple dwelling containing four residential dwelling units. Site specific relief to provide two parking spaces within the required front yard whereas six parking spaces are required is also being requested.

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

The subject lands are located on the east side of Tedman Avenue to the north of Morin Avenue and to the south of Dell Street in the community of Sudbury. Notre Dame Avenue is situated further to the east with Frood Road being located further to the west of the lands. The lands have a total lot area of approximately 306 m<sup>2</sup> (3,293.76 ft<sup>2</sup>) with approximately 10 m (32.81 ft) of lot frontage on Tedman Avenue. The lands also have a lot depth of approximately 30.48 m (100.00 ft). The lands presently contain an existing duplex dwelling that was constructed in 1930 according to available MPAC data. There is an existing gravel-surface parking area in the front yard.

## **Surrounding Land Uses:**

- North: Low density residential dwellings and built-forms having frontage on Tedman Avenue, Dell Street, Queen Elizabeth II Public School, and a large tract of well-vegetated open space owned by the City.
- East: Low density residential dwellings and built-forms having frontage on Bruce Avenue, Canadian National Rail (CNR) right-of-way, Better Beginnings Better Future Centre, Ecole St. Joseph, and Morin Avenue.
- South: Low density residential dwellings and built-forms having frontage on Tedman Avenue, Ethel Street, Canadian National Rail (CNR) right-of-way, Kathleen-Morin Hilltop Park, and Kathleen Street.
- West: Low density residential dwellings and built-forms having frontage on Melvin Avenue, large tract of well-vegetated open space owned by the municipality, several places of worship, and Froad Road.

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

Site photos depict the existing building having frontage on Tedman Avenue along with an existing gravel-surfaced parking area in the front yard. Photos of the immediately surrounding pre-dominantly low density urban residential area depict similar low-density residential built-forms (ie. single-detached dwellings, duplex dwellings, etc.) having frontage on Tedman Avenue.

## **Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on November 16, 2022. The statutory Notice of Public Hearing was provided to public by newspaper on March 4, 2023, along with courtesy mail out to nearby landowners and tenants located within 122 m (400 ft) of the subject lands on March 2, 2023.

The owner's agent was also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the application prior to the public hearing. The owners' agent indicated on their application form that they be distributing letters to nearby residents ahead of a statutory public meeting before the City's Planning Committee. Staff has not been advised as to whether or not the owner and/or agent distributed letters to nearby residents ahead of the public hearing.

At the time of writing this report, two phone calls and one email with respect to the development proposal have been received by the Planning Services Division. Staff advise that both of the phone calls and the email submission expressed opposition to the rezoning application. The concerns identified were related to the lack of sufficient parking on the lands, overflow parking onto nearby private properties and existing on-street parking issues, snow removal/storage concerns, and a history of life, health and safety issues related to the building itself.

## **POLICY AND REGULATORY FRAMEWORK:**

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

- [2020 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

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

### **2020 Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2020 PPS. The following PPS policies are pertinent to the application for Zoning By-law Amendment:

1. Section 1.1.3.2 outlines that land use patterns within settlement areas shall have a mix of densities and land uses that efficiently uses land and resources, are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, are supportive of active transportation, are transit-supportive where transit is planned, exists or may be developed, and are freight-supportive;
2. Section 1.1.3.3 outlines that intensification is to be promoted and opportunities for transit-supportive development, accommodating for a supply and range of housing options through intensification while taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities to accommodate needs are encouraged; and,
3. Section 1.1.3.4 outlines that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

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

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

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

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

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

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

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

Specifically, Section 2.3.3 includes the following applicable intensification policies:

1. All forms of intensification are encouraged in accordance with the policies of the Official Plan;
2. The City will aim to accommodate 20% of future residential growth and development through intensification within the Built Boundary;
3. Large scale intensification and development is permitted in strategic core areas such as the Downtown, Regional Centres and major public institutions, in accordance with the policies of the Official Plan;
4. Medium scale intensification and development is permitted in Town Centres and Mixed Use Commercial corridors, in accordance with the policies of the Official Plan;
5. Intensification and development is permitted in established Living Area 1 lands, in accordance with the policies of the Official Plan;
6. Intensification will be encouraged on sites that are no longer viable for the purpose for which they were intended such as former commercial, industrial and institutional sites. It will also be encouraged where the present use is maintained but the addition of residential uses can be added in a complementary manner;
7. Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities;
8. Intensification will be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal;
9. The following criteria, amongst other matters, may be used to evaluate applications for intensification:
  - a. The suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
  - b. The compatibility proposed development on the existing and planned character of the area;
  - c. The provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
  - d. The availability of existing and planned infrastructure and public service facilities;
  - e. The provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation;
  - f. The impact of traffic generated by the proposed development on the road network and surrounding land uses;
  - g. The availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;
  - h. The level of sun -shadowing and wind impact on the surrounding public realm;
  - i. Impacts of the proposed development of surrounding natural features and areas and cultural heritage resources;
  - j. The relationship between the proposed development and any natural or man-made hazards;

- k. The provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act. Where applicable, applications for intensification of difficult sites may be subject to Section 19.7; and,
- l. Residential intensification proposals will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

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

The owner is requesting that the subject lands be rezoned to “R2-2(S)”, Low Density Residential Two Special in order to permit the conversion of the existing residential building on the lands to a multiple dwelling containing four residential dwelling units. As noted previously in this report, the rezoning application also seeks site specific relief to provide two parking spaces within the required front yard whereas six parking spaces are required is also being requested. Additional further relief may be required based on those comments received from circulated agencies and departments.

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

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

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

Active Transportation, the City’s Drainage Section, Fire Services, Operations, and Roads have each advised that they have no concerns from their respective areas of interest. Leisure Services was circulated the application for information purposes only and did not respond with any comments or concerns with respect to the development proposal.

Building Services has noted that insufficient landscaped open space appears exists within the required front yard as required for low density zones (ie. “R2-2”) under Section 4.15.2 of the City’s Zoning By-law. Building Services has also advised that there is an open and outstanding building permit (File # 15-1891) applicable to the lands that has not been completed. There are also outstanding Orders to Comply (OTCs) related to the installation of additional dwelling units within the duplex dwelling that are applicable to the lands that have not been resolved by the owner. The owner is encouraged to contact Building Services directly in order to address the outstanding building permit and OTC matters noted above.

Development Engineering has no concerns with the development proposal and has advised that the lands are presently serviced with municipal water and sanitary sewer infrastructure.

Transportation and Innovation has concerns with respect to the dimensions of Parking Spaces #1 and #2 as shown on the submitted Concept Plan. It is noted that on-street parking along Tedman Avenue is permitted but limited to a maximum of four hours. Transportation and Innovation therefore have concerns with respect to the availability of tenant and/or visitor parking spaces on the lands, which could lead to overflow parking issues on abutting lands or along Tedman Avenue.

### **PLANNING ANALYSIS:**

The 2020 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application with respect to the applicable policies, including issues raised through agency and department circulation.

The proposed rezoning is not consistent with the PPS for the following reasons:

1. Staff is of the opinion that the proposed development would not contribute positively toward improving the mix of residential densities and land uses that are permitted within the context of the existing

urban residential character that exists along Tedman Avenue and surrounding streets in this part of the community of Sudbury. The conversion of the existing duplex dwelling to a multiple dwelling having four residential dwelling units represents overdevelopment of the land as opposed to a good residential intensification opportunity to efficiently utilize existing land and resources within an identified settlement area;

2. Staff notes that the City's Official Plan has established parameters for supporting and facilitating residential intensification in a contextually appropriate manner. These parameters establish "tests" under which proposed residential intensification is to be considered and in turn they help identify where residential intensification opportunities exist and should be promoted. Staff is of the opinion that the intensity at which the lands are proposed to be utilized would not increase the supply and range of housing options along Tedman Avenue in a manner that is at an appropriate scale; and,
3. Staff is of the opinion that the site-specific development standards that would be required through the rezoning process in order to accommodate a multiple dwelling having four residential dwelling units on the lands would not facilitate residential intensification that is appropriate in this location from a good land use planning perspective. Staff would further advise that the development standards being sought in the rezoning application in combination with the lot forming a legal existing undersized lot of record would collectively amount to authorizing the overdevelopment of a lot intended for lower-density residential land use (eg. single-detached dwelling or duplex dwelling).

With respect to the City's Official Plan, staff has concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal that would permit the conversion of the existing residential building on the lands to a multiple dwelling containing four residential dwelling units are discussed below.

With respect to general Living Area 1 policies in the Official Plan that are applicable to the subject lands, staff notes that development proposal being that of a multiple dwelling containing four residential dwelling units would yield an overall site density of approximately 131 dwelling units per hectare, which is permitted in the community of Sudbury and within the threshold of those high-density residential policies (ie. up to 130 residential dwelling units/hectare) set out in the City's Official Plan.

Staff is however of the opinion that the proposed residential density is excessive in nature and the proposed intensification is not context sensitive to the low-density residential area in which the subject lands are located. Staff is further of the opinion that the development proposal can reasonably be expected to introduce negative land use planning impacts (eg. insufficient outdoor amenity space for tenants, limited snow storage areas, overflow parking, etc.) both on the subject lands as well as the surrounding low-density urban residential area that exists along Tedman Avenue.

Staff would advise that the residential density proposed on the lands would be better directed to other sites that are of suitable configuration to accommodate a multiple dwelling containing four residential dwelling units. For example, staff noted during a site visit that the lots on the west side of Tedman Avenue are accessible from both Tedman Avenue as well as a Melanie Lane, which presents opportunities for residential intensification given that parking areas and/or secondary dwelling units could potentially be accessed from the laneway that is maintained by the municipality.

Staff further notes for comparative purposes as it relates to residential density that the "R2-3", Low Density Residential Two Zone, which is found in older established residential areas of Sudbury would require a minimum lot area of 140 m<sup>2</sup> (1,506.95 ft<sup>2</sup>) per residential dwelling unit whereas the development proposal would provide each residential dwelling unit with a minimum lot area of approximately 76 m<sup>2</sup> (818.06 ft<sup>2</sup>).

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

1. Staff notes that in general all forms of residential intensification are encouraged, however residential intensification must occur in a contextually sensitive matter and have regard for the character that exists within an established urban residential neighbourhood. Staff are not opposed to residential



intensification on the lands provided that it is contextually appropriate and in this case the introduction of a multiple dwelling having four residential dwelling units in this setting is not considered to be contextually sensitive to existing low-density residential dwellings and built-forms in the area along Tedman Avenue. The proposed conversion of the existing duplex dwelling to a multiple dwelling having four residential dwelling units would increase the residential density on the lands from approximately 66 residential units per hectare to 131 residential units per hectare, which would approximately double the residential density on the lands in comparison to surrounding lots having residential buildings containing one or two residential dwelling units;

2. As was previously noted, the subject lands are designated Living Area 1 and it is noted that intensification is specifically permitted within this land use designation in accordance with the policies of the City's Official Plan. Staff notes that this section of the report provides a land use planning analysis that includes a review of the applicable residential intensification policies set against the Living Area 1 land use designation policies. Staff have concerns with respect to development proposal having regard for the applicable policies of the Living Area 1 land use designation as well as from an residential intensification policy direction perspective;
3. Staff has reviewed the Concept Plan and is of the opinion that the lands are not suitable for the development proposal in terms of the size and shape of the lot, as well as the siting, coverage, massing, and the proposed outdoor amenity areas that are to be provided. The parking area is also entirely within the required front yard and a number of zoning requirements related to the parking area and landscaped open space requirements are not satisfied. Transportation and Innovation was also circulated the rezoning application and concerns were identified in their review as it relates to the ability of the lands to provide sufficient parking areas for a multiple dwelling having four residential dwelling units. Staff is not recommending that site-specific development standards be utilized in order to permit a multiple dwelling on the lands as doing so would not balance the proposed intensification against the site and neighbourhood context that exists along this portion of Tedman Avenue and other surrounding local streets. It is on the above basis that staff is satisfied that the proposed residential intensification will not be compatible with the existing and planned character of the general area;
4. In particular, with respect to applicable criteria set out in Section 2.3.3 of the City's Official Plan that are to be considered when evaluating applications that propose intensification, staff has the following comments:
  - a) Staff are of the general opinion that the subject lands are not of sufficient size and shape to accommodate the conversion of a duplex dwelling to a multiple dwelling having four residential dwelling units. The lands form a legal existing undersized lot of record as it relates to lot area requirements for residential land uses permitted in the standard "R2-2" Zone (eg. single-detached dwelling, duplex dwelling, etc.) and the introduction of a multiple dwelling in this setting would further magnify issues associated with undersized lots of record (eg. inadequate parking areas and snow storage areas);
  - b) Staff have noted in this report that the subject lands are generally surrounded by low-density urban residential development with the predominant built-form being single-detached dwellings and duplex dwellings along this portion of Tedman Avenue. Staff have no concerns with respect to the compatibility of the built-form being that of a duplex dwelling, however the development proposal to add two further additional residential dwelling units within the duplex dwelling would not provide for a reasonable degree of residential intensification in this location. The additional two residential dwelling units would generate a residential density on the lands that is excessive in nature and disruptive from a land use planning perspective to existing land uses in the immediately surrounding area;
  - c) Staff notes that the subject lands do not appear to be capable of providing adequate on-site landscaping, fencing, planting and other measures that are typically utilized where medium-density residential land uses immediately adjacent to low-density residential land uses. The intent of such development standards are to provide a transition or a buffer in an appropriate manner between higher and lower residential densities. Staff notes in particular with the proposed residential intensification that these development standards are considered to be good land use

planning as they would have the effect of lessening any impacts that the introduction of a multiple dwelling having four residential dwelling units would have on abutting residential properties containing not more than two residential dwelling units. The development standards applicable to the lands also protect the existing low-density urban residential character that exists along this portion of Tedman Avenue. Staff would also note that the development proposal is not subject to site plan control which would normally allow for the above noted matters to be addressed in finer detail through the site planning process;

- d) Staff notes that the existing gravel-surfaced parking area in the required front yard appears capable of supporting two parking spaces whereas six parking spaces are required in this location for a multiple dwelling having four residential dwelling units. The development proposal contemplates a parking rate of 0.5 parking spaces per residential dwelling unit whereas 1.5 parking spaces per residential unit is required for a multiple dwelling in this location. Staff notes that the parking rate amounts to less than one dedicated parking space per tenant, which likely result in the lands not providing any visitor parking spaces. Transportation and Innovation have expressed concern with respect to overflow parking on Tedman Avenue and/or surrounding properties should the rezoning of the lands be approved. The owner had originally proposed off-street parking on another nearby property to balance parking requirements for the lands, however it was later determined that the other property was not capable of supporting any overflow parking from the proposed multiple dwelling.
- e) Transportation and Innovation has reviewed the rezoning application and have expressed concerns with respect to the configuration of the existing parking area in the front yard. The owner has submitted a Concept Plan depicting two parking spaces situated entirely within the front yard along with a survey plan that depicts three parking spaces. Staff notes that there is a covered porch with stairs that encroach into the front yard thereby rendering one of the parking spaces shown on the survey plan inaccessible without having a vehicle encroaching into the road allowance of Tedman Avenue. Staff estimates that there is sufficient area within the front yard to provide for two functional parking spaces provided that it is confirmed that said parking spaces do not encroach into the road allowance. Transportation and Innovation also noted that on-street parking along Tedman Avenue is only permitted for up to four hours and as a result there are concerns related to tenant and/or visitor parking availabilities. Transportation and Innovation noted that overflow parking is likely to occur should the rezoning application be approved; and,
- f) It is on the above basis that staff generally concludes and would advise that the proposed residential intensification would not balance the concerns of the local community with the identified need for providing opportunities for residential intensification.

Staff is therefore of the opinion that the proposed conversion of the existing duplex dwelling to a multiple dwelling containing four residential dwelling units with a parking area in the front yard does not conform to the applicable policies in City's Official Plan.

With respect to the City's Zoning By-law, staff are unable to support the request to rezone the lands to "R2-2(S)" given that the development proposal is not conformity with the City's Official Plan. Staff advises that the extent to which site-specific relief is required in order to accommodate the proposed multiple dwelling on the lands would facilitate the overdevelopment of a low-density urban residential lot. Staff would however note the following with respect to the development proposal as it relates to the extent of site-specific relief that would be required in order to accommodate the proposed residential intensification on the lands:

1. Staff advises that the lands are legal undersized lot of record as defined under Section 4.25.3 of the City's Zoning By-law. It is further noted that Section 4.25.3 permits a legal undersized lot of record to be used and a permitted building or structure may be erected provided that all the lot otherwise comply with all other applicable zone provisions (ie. "R2-2"). Staff advises that the development proposal involves the conversion of a permitted low-density residential land use and built-form (ie. duplex dwelling) to a medium density residential land use and built-form that is not permitted in the standard "R2-2" Zone;

2. Staff notes that Section 4.15.2 of the City's Zoning By-law requires that a low-density urban residential lot provide a minimum of 50% landscaped open space in a required front yard whereas the development proposal would not provide any landscaped open space in the required front yard as it has been converted to a parking area. Based on a review of aerial photography and available Google Streetview data it would appear that a landscaped parking area had previously been provided in the required front yard until at least September 2015;
3. Staff also notes that Section 5.2.4.3 of the City's Zoning By-law prohibits outdoor parking areas from being situated within a required front yard whereas in order to accommodate parking spaces for the multiple dwelling the entirety of the required front yard would be utilized as parking area. Staff also noted during a site visit that if the lands remained zoned to permit a duplex dwelling that a portion of the required front yard could be restored as landscaped open space while at the same time providing one parking space per residential dwelling unit. Staff would have no concern with two parking spaces being situated in the front yard in this scenario as front yard parking appears to be common in the area given that many residential dwellings along Tedman Avenue were constructed in the 1930s to early-1950s. Staff acknowledges that the parking area likely has legal non-complying elements, however the legal non-complying status applies to the duplex dwelling and it is lost once two further residential dwelling units are added to the lands;
4. Staff further notes that if the proposed multiple dwelling was situated within a zone that permitted the built-form (eg. "R3") it would be required to provide a planting strip providing a minimum width of 3 m (9.84 ft) where the lands abut lots zoned for low-density residential use (eg. "R1" or "R2" Zones). The width of the planting strip could be reduced to 1.8 m (5.91 ft) under Section 4.15.4 b) of the City's Zoning By-law if an opaque wall or fence having a height of 1.5 m (4.92 ft) or more is provided within the planting strip. Staff notes that the Concept Plan depicts an interior side yard setback of 0.81 m (2.66 ft) to the south where the existing duplex dwelling immediately abuts a single-detached dwelling (ie. 498 Tedman Avenue). The northerly interior side yard setback appears to be 2.38 m (7.81 ft) which is not wide enough for a planting strip without an opaque wall or fence also being provided; and,
5. Staff notes for clarification purposes that secondary dwelling units are not permitted within a duplex dwelling under Section 4.2.10 of the City's Zoning By-law. Staff would further note that it is unlikely a secondary dwelling unit within an accessory building on the lands could demonstrate compliance with the parking space requirements and front yard parking provisions afforded to secondary dwelling units under Section 4.2.10.5 of the City's Zoning By-law.

## Conclusion

Staff has reviewed the development proposal and is of the opinion that the conversion of the existing duplex dwelling to a multiple dwelling having four residential dwelling units would not conform with the applicable policies for residential intensification established within Official Plan for the City of Greater Sudbury. Staff advises that the lands are not suitable from a good land use planning perspective in terms of balancing the need for residential intensification against the existing low-density urban residential character that exists along Tedman Avenue. The development proposal is also not consistent with the land use planning policy directions identified in the PPS. Staff has noted however that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

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