

219-235 O’Neil Drive East, Garson

Presented To:	Planning Committee
Meeting Date:	June 12, 2023
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-3/22-02 & 751-3-22-03

Report Summary

This report provides recommendations regarding applications for Official Plan and zoning amendments in order to permit the conversion of a rooming house into a 46-unit multiple dwelling.

This report is presented by Mauro Manzon, Senior Planner.

Resolutions

Resolution 1:

Resolution regarding the Official Plan Amendment:

THAT the City of Greater Sudbury approves the application by Sudbury Apartment Rentals Limited & 2347179 Ontario Limited to amend the City of Greater Sudbury Official Plan by providing a site-specific exception to the policies of Section 3.2: Living Area Designations in order to permit a high density residential use within an existing building on lands described as PIN 73494-0429, Lots 13-14, Plan M-690, Parcel 33171 S.E.S., & PIN 73494-0448, Lots 15-18, Plan M-690, Parcel 32542 S.E.S., in Lot 5, Concession 1, Township of Garson, as outlined in the report entitled “219-235 O’Neil Drive East, Garson” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 12, 2023.

Resolution 2:

Resolution regarding the Rezoning Application:

THAT the City of Greater Sudbury approves the application by Sudbury Apartment Rentals Limited & 2347179 Ontario Limited to amend Zoning By-law 2010-100Z by changing the zoning classification from “R3(23)”, Medium Density Residential Special and “R3.D60”, Medium Density Residential to a revised “R3 Special”, Medium Density Residential Special on lands described as PIN 73494-0429, Lots 13-14, Plan M-690, Parcel 33171 S.E.S., & PIN 73494-0448, Lots 15-18, Plan M-690, Parcel 32542 S.E.S., in Lot 5, Concession 1, Township of Garson, as outlined in the report entitled “219-235 O’Neil Drive East, Garson” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 12, 2023, subject to the following conditions:

1. In addition to the uses permitted in the “R3”, Medium Density Residential zone, the following zone standards shall apply to existing buildings:

- a) A minimum lot area of 94 m² per dwelling unit shall be permitted;
- b) Notwithstanding Table 6.5, more than 30 units may be permitted within the existing building located on Lots 15-18, Plan M-690;
- c) The location of existing buildings shall be permitted;
- d) A minimum of one (1) parking space per dwelling unit is required;
- e) A maximum of 16 parking spaces shall be permitted within the required exterior yard of Lots 15-18, Plan M-690 and the easterly portion of Lot 14, Plan M-690 excluding those areas adjacent to the building entrance, accessibility ramp, and the intersection of Margaret Street;
- f) A 3.0 metre-wide landscaped area adjacent to the street line shall not be required where exterior yard parking is permitted on Lots 15-18, Plan M-690 and the easterly portion of Lot 14, Plan M-690;
- g) Required parking may encroach into the required exterior yard of Lot 13, Plan M-690 abutting Moreau Avenue provided a minimum 3.0 metre-wide landscaped area adjacent to the street line is maintained;
- h) The minimum width of a driveway accessing a parking area shall be 5.5 metres;
- i) A privacy yard depth of five (5) metres shall be permitted for existing row dwellings;
- j) In lieu of a planting strip, a minimum 1.5 metre-high opaque fence shall be provided along the easterly limit of Lot 18, Plan M-690.

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

The applications for Official Plan Amendment and rezoning are operational matters under the Planning Act to which the City is responding. The proposal for residential intensification at a location within the built boundary where there is adequate public infrastructure to accommodate development is consistent with the goals and objectives of the Strategic Plan. As a form of infill development in a built-up urban area, the proposal aligns with the recommendations of the Community Energy & Emissions Plan.

Financial Implications

If approved, staff are unable to estimate taxation revenue at this time as the assessed value of conversion of existing 40 bed rooming house to a multiple dwelling with staff recommendation of 35 apartment units would be determined by Municipal Property Assessment Corporation (MPAC).

The additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

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

Report Overview:

Applications for Official Plan Amendment and rezoning have been submitted in order to permit the conversion of an existing rooming house with 40 beds located at 219 O'Neil Drive East to a multiple dwelling with 46 apartment units. The land is to be consolidated with the abutting four-unit row dwelling subject to an amended Site Plan Control Agreement. A range of zoning relief is required in order to accommodate development, including the location and number of parking spaces, lot area per unit, number of units per building, driveway aisle width, privacy yard depth and landscaping requirements.

The main issue concerning the proposal relates to the lack of on-site parking, whereby 39 parking spaces can be provided for 50 dwelling units where 75 spaces are required. Staff can support a parking standard of one (1) space per unit, which is significant relief based on the locational context. This provides the applicant with the necessary relief to proceed with a high-density residential conversion of the existing rooming house to a multiple dwelling, which would be limited to 35 units.

Staff Report

Proposal:

Applications for Official Plan Amendment and rezoning have been submitted in order to permit the conversion of an existing rooming house with 40 beds located at 219 O'Neil Drive East to a multiple dwelling with 46 apartment units. The land is to be consolidated with the abutting four-unit row dwelling.

Site-specific zoning relief is required for the location and number of parking spaces, lot area per unit, number of units per building, driveway aisle width, privacy yard depth and landscaping requirements.

An Official Plan Amendment is also required in order to permit a high density residential use with 137 dwelling units per hectare, where high density residential uses are permitted only in the community of Sudbury.

Existing Zoning: "R3(23)", Medium Density Residential Special and "R3.D60", Medium Density Residential

The R3(23) special zoning applied to 219 O'Neil Drive East was adopted in 2007 following the conversion of a former nursing home to a rooming house. The only permitted use is a 40-bed rooming house and related accessory uses. Site-specific provisions include a minimum of 25 parking spaces to include parking within the required front yard and a minimum landscaped open space area of 20%.

The R3.D60 special zoning applied to the abutting four-unit row dwelling permits low and medium density residential uses to a maximum density of 60 dwelling units per hectare (du/ha).

Requested Zoning: Revised "R3(23)", Medium Density Residential Special to be applied to the consolidated lands

The applicant is seeking to revise the existing R3(23) special zoning in order to convert the 40-bed rooming house to a multiple dwelling with 46 dwelling units. A range of site-specific relief is required in order to accommodate the proposal. The special zoning would be applied to the abutting property containing a four-unit row dwelling, with the entire lands consolidated under an amended Site Plan Control Agreement.

Location and Site Description:

PIN 73494-0429, Lots 13-14, Plan M-690, Parcel 33171 S.E.S., & PIN 73494-0448, Lots 15-18, Plan M-690, Parcel 32542 S.E.S., in Lot 5, Concession 1, Township of Garson (219, 223, 227, 231 & 235 O'Neil Drive East, Garson)

The subject lands are located in a mixed residential neighbourhood in the community of Garson. The area is fully serviced by municipal sewer and water. O'Neil Drive East is designated as a Collector Road and is constructed to an urban standard with a sidewalk on the south side. Moreau Avenue is designated as a Local Road with sidewalks on both sides of the roadway.

The closest public transit stops are located on MR86, just west of Margaret Street, which is an approximate walking distance of 225 metres from the entrance of 219 O'Neil Drive East. Service is provided at 1.5 hour intervals to the New Sudbury transit hub (Route 102 Garson).

The subject lands have a combined total area of approximately 3,673 m², with 34 metres of frontage on Moreau Avenue and 107 metres of street line on O'Neil Drive East. If the lands are to be consolidated, the Moreau Avenue street line will be the front lot line based on by-law definitions, as it is the shorter street line. Westerly PIN 73494-0429 is occupied by a four-unit, two-storey row dwelling with a gravel rear yard parking area accessed from a driveway located just east of Moreau Avenue. Easterly PIN 73494-0448 contains a 40-bed, two-storey rooming house with parking located in the front and interior side yards. The registered Site Plan Control Agreement indicates 25 on-site parking spaces.

The surrounding area presents a mix of low and medium density residential uses. Single detached dwellings are located north and east of the subject lands. A 50-unit row dwelling complex is situated directly to the south. Other medium density residential uses are present in the vicinity, including a 12-unit row dwelling complex at 261-283 O'Neil Drive East and an apartment complex with three (3) multiple dwellings located at 19-35 Moreau Avenue.

There are no high density residential uses in the surrounding area. The residential density of adjacent medium density developments does not exceed 60 dwelling units per hectare (du/ha).

Surrounding Land Uses:

The area surrounding the site includes:

North: single detached dwellings

East: single detached dwellings

South: 50-unit row dwelling complex

West: medium density residential uses (row dwellings and apartments)

Related Applications:

The property was subject to a rezoning process in 2007 in order to recognize an existing rooming house with 40 guest rooms in a building that previously operated as a nursing home. A Site Plan Control Agreement was required as a condition of approval, which was subsequently registered in September 2010.

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on December 12, 2022. 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 May 25, 2023.

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

The application indicates that neighbourhood consultation is not proposed.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

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.

The applicable PPS policies can be grouped into three categories: housing, settlement areas and residential intensification.

A. Housing

Under Section 1.1.1, municipalities 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) to meet long-term needs. Section 1.4 provides further detailed policies supporting the diversification of the housing supply by promoting a mix of market-based and affordable housing, residential intensification, transit-supportive development, and the utilization of existing and planned infrastructure.

B. Settlement areas

Section 1.1.3 of the PPS states that fully serviced settlement areas shall be the focus of development and growth. Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) 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;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and,
- g) are freight-supportive.

New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

C. Residential intensification

Residential intensification is promoted as an important component of land use planning, including a requirement to establish and implement minimum targets for intensification and redevelopment within built-up areas based on local conditions. The criteria are set out in Section 1.1.3.3 as follows:

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.

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.

The applicable land use policies are outlined under Chapter 4 of the GPNO, which speaks broadly to the provision of housing and the need to intensify in appropriate locations in designated economic and service hubs such as Greater Sudbury.

Under Section 4.3.3, economic and service hubs shall maintain updated official plans and develop other supporting documents which include strategies for:

- 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; and,
- encouraging a significant portion of future residential and employment development to locate in existing downtown areas, intensification corridors, brownfield sites, and strategic core areas.

Intensification corridors are defined as areas along major roads, arterials or transit corridors that have the potential to provide a focus for higher density mixed-use development.

Under the City's Official Plan, strategic core areas are identified as the Downtown, the Town Centres, the Regional Centres, and the major public institutions listed in Section 4.4 of the Official Plan (Laurentian University, Cambrian College, Collège Boréal, Health Sciences North, Science North and Dynamic Earth).

Official Plan for the City of Greater Sudbury:

Under the policies of Section 3.2: Living Area Designations, high density residential uses are limited to the community of Sudbury. A site-specific Official Plan Amendment is therefore required in order to permit a net residential density of 137 dwelling units per unit (du/ha) where a maximum density of 90 du/ha is permitted. The subject land is designated as Living Area 1, which permits a range of residential uses including medium density residential development. The proposal is also a form of residential intensification.

A. Living Area 1

3.2: General policies applied to Living Areas

New residential development must be compatible with the existing physical character of established neighbourhoods, with consideration 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 Bylaw.

3.2.1: Policies applied to Living Area 1 – General rezoning criteria

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 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.

B. Residential intensification

The application is a form of residential intensification given the increased density that is proposed based on existing zoning as well as the surrounding neighbourhood context. 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.

C. Built boundary

Schedule 3 of the Official Plan identifies the limits of the settlement area and the built boundaries of the City. Under Section 2.3.2 of the Official Plan, intensification and development within the built boundary is encouraged. In this case, the subject land is located within the built boundary applied to the Garson urban area.

D. Transit-supportive development

Section 11.3.2 outlines policies intended to encourage proposals that are transit-supportive, whereby the viability of public transit is enhanced by the proposed development.

1. Urban design and community development that facilitate the provision of public transit will be promoted.
2. Development proposals will be reviewed to ensure efficient transit routing so that all dwellings in the development are ideally within 500 metres walking distance of a bus stop.
3. Mixed uses and higher density housing along Arterial Roads and at other strategic locations are encouraged as a means of enhancing the feasibility of transit services, increasing ridership, alleviating traffic congestion and reducing reliance on the automobile.
4. Buildings should be sited as close to the street as possible to reduce walking distances for transit users.
5. Wherever possible, a well-placed and continuous road grid with relatively close spacing will be provided in order to facilitate the provision of public transit.
6. Pedestrian walkways, intersections of major roads, and pedestrian access systems are to be integrated with transit stops, and wherever possible, connected to trail systems.
7. The provision of public transit will be integrated into the long-term planning of future Employment Areas, including facilities for the convenience and comfort of transit users.

Zoning By-law 2010-100Z:

The Planning Justification Report details a range of zoning relief required to accommodate the proposed conversion as follows:

- Lot area of 73 m² per unit where 110 m² per unit is required;

- 46 dwelling units in a multiple dwelling where a maximum of 30 units per building is permitted;
- 39 parking spaces where 75 parking spaces are required based on a standard of 1.5 parking spaces per unit;
- Required parking that is located within required exterior yards;
- Driveway aisle width of 5.5 metres where a minimum of 6 metres is required for two-way traffic;
- Privacy yard depth of 5 metres where 7.5 metres are required;
- No landscaped area along the O'Neil Drive street line occupied by parking where a minimum 3.0 metre-wide landscaped area is required; and,
- Relief for a planting strip along the easterly limit of the property where a fence is proposed in lieu of a minimum 1.8 metre-wide landscaped area in conjunction with an opaque fence.

Site Plan Control:

A Site Plan Control Agreement was registered on September 9, 2010 as a condition of rezoning approval for the 40-bed rooming house at 219 O'Neil Drive East. An amendment to the Site Plan Control Agreement is proposed in order to consolidate both PINs under one agreement. The amendment would be implemented at the building permit stage.

Department/Agency Review:

Development Engineering advised that the current water and sewer services may require upgrading; these servicing matters will be addressed as part of the amended Site Plan Control Agreement.

Building Services indicated that a building permit is required for the conversion of the rooming house to a multiple dwelling. Refuse storage and snow storage areas need to be confirmed.

Transportation and Innovation Support Services advised that the application is not supported due to the lack of on-site parking and the potential spillover effects into the neighbourhood. Concerns were also expressed related to the proposed parking layout and on-site circulation. Notwithstanding the above, the local road network has sufficient capacity to accommodate traffic generated by the use.

Planning Analysis:

The building subject to the proposed conversion was constructed as a purpose-built nursing home, where the parking demand was low due to the nature of the use. The rooming house conversion in 2007 resulted in the removal of the front yard landscaping in order to install parking along the street line directly adjacent to the sidewalk and the intersection, which was not supported by Staff but approved by Council.

The current application proposes to convert the guest rooms and common areas into 46 apartment units. Significant parking relief is required, which forms the basis of this review.

Built form and scale

The surrounding area is low and medium density residential in character. Although the proposed conversion of the rooming house to apartments places the proposal into a high density residential category, there are no significant neighbourhood impacts related to built form and scale of development. No building additions are proposed. Other than the reconfigured parking areas and relocated driveway entrance, there are no major physical changes to the exterior areas of the site.

Parking

The lack of on-site parking is the main issue concerning this proposal, which raises a valid discussion related to over-development. The owner is proposing 39 parking spaces where 75 spaces are required for 46 multiple dwelling units and 4 row dwelling units based on a standard of 1.5 spaces per unit.

In response to Staff concerns related to on-site parking and potential off-site parking impacts, the applicant's agent provided the following response:

"The existing Site Plan Control Agreement for 219 O'Neil Drive East includes 25 parking spaces, 15 of which are in the front yard along O'Neil Drive East. This represents an existing ratio of 0.62 spaces per unit for the existing 40 units. With this application, a total of 39 parking spaces are proposed, four (4) of which would be allocated to the existing four-unit row dwelling and the remaining 35 parking spaces would be allocated to the 46 apartment units (representing an improved ratio of 0.76 spaces per unit), even with the increase in units from 40 to 46.

We also note that we are proposing a redesign of the existing front yard parking (from the existing Site Plan Control Agreement) such that vehicles would no longer be backing out directly into the intersection of O'Neil Drive East & Margaret Street South. This was a desire voiced at SPART. Regarding layout, all spaces are functional per auto-turn analysis." (E-mail correspondence dated February 22, 2023 from Tulloch Engineering.)

Staff acknowledge the improved parking ratio as it relates to the existing rooming house, but this does not address the change in land use to a multiple dwelling with an increased number of units, which is a more intensive residential use with a higher parking standard. It is also important to note the locational characteristics of the site, being a suburban location with intermittent transit service and restrictions applied to on-street parking.

Staff seek a compromise solution whereby one (1) parking space shall be provided for each dwelling unit. This is considered significant relief based on the location and would still allow the conversion of the rooming house to a high density residential use.

Other site development matters

Staff have no concerns related to other site development matters, including the relocated driveway entrance, reduced landscaping and reduced privacy yards. The relief for landscaping essentially recognizes existing conditions related to the rooming house use and carries this forward for the proposed conversion. Exterior yard parking is formally recognized in the special zoning as before; however, improvements to the parking layout within the corner side yard on O'Neil Drive East will be implemented at site plan stage, including the interface with the intersection and pedestrian crossing.

Official Plan

The proposal presents generality conformity with applicable Official Plan policies applied to Living Areas and residential intensification within the built boundary of Garson, excluding the lack of on-site parking. Concerning the adequacy of City infrastructure to accommodate a high density residential use, there are no identified servicing constraints based on the sewer and water capacity/feasibility review. The local road network has sufficient capacity for the increased intensity of use.

Physical compatibility with the surrounding neighbourhood is maintained, as the proposal mainly entails the conversion of the existing rooming house. It is further noted that the subject site is located within 500 metres of a transit stop, which provides service to the New Sudbury Transit Hub. Site improvements including the proper reconfiguration of the parking areas and the relocation of the driveway entrance will be addressed through an amendment to the Site Plan Control Agreement.

The outlier in regards to Official Plan conformity concerns the availability of on-site parking, whereby extensive parking relief is required to accommodate the proposed 50 units, representing over-development of the lot. From this perspective, the proposal does not conform to policies that speak directly to the adequacy of parking based on the locational context.

2020 Provincial Policy Statement

The subject site is located in a fully serviced neighbourhood within settlement area boundaries, consistent with Provincial policies that place an emphasis on new development adjacent to existing built-up areas. The proposal also aligns with housing policies geared to the diversification of the supply of new housing to address all housing needs, including an appropriate mix of apartment types. As a form of infill development, the project will also contribute towards intensification targets within the built boundary.

2011 Growth Plan for Northern Ontario

Although the lands are not located on an intensification corridor or in a strategic core area, it can be stated that the application presents general conformity with the Growth Plan based on the increased housing capacity that the project will create in a fully serviced urban area. This aligns with the City's designation as an Economic and Service Hub, where a variety of housing is encouraged to address community needs.

Conclusion:

Staff recommend that the unit count be tied to the availability of on-site parking based on a standard of one (1) parking space per dwelling unit; in effect permitting 35 units where 46 were proposed. This will effectively allow the owner to convert the existing rooming house to a high density residential use, provided the full extent of required relief is approved. The high density residential use shall only apply to the conversion of existing buildings as a form of adaptive reuse.

Planning Services recommends that the applications for Official Plan Amendment and rezoning be approved subject to the conditions outlined in the Resolution section of this report.