

15 Levesque Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	February 26, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/23-19

Report Summary

This report provides a recommendation regarding an application for rezoning to “R3(S)” Medium Density Residential Special, to permit the development of three street townhouse dwelling units.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Barne Building and Construction Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-5”, Low Density Residential One, to “R3(S)” Medium Density Residential Special, on lands described as PIN 73575-0152, Parcel 34438, Part 5, Plan SR 1772, Except Part 1, Plan 53R7534, Lot 9, Concession 3, Township of Neelon, as outlined in the report entitled “15 Levesque Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on February 26, 2024 subject to the following conditions:

1. That the amending zoning by-law include the following site-specific provision:
 - a) That a minimum lot depth of 25 m 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 application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing by adding to the range and mix of housing available in this area. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of creating compact, complete communities.

Financial Implications

If approved, staff estimates approximately \$12,300 in taxation revenue, based on the assumption of 3 townhouse dwelling units based on an estimated assessed value of \$275,000 at the 2023 property tax rates. 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 the Building Services department, as well as eligibility of reductions through Bill 23.

Report Overview:

An application for rezoning has been submitted to permit the development of three street townhouse dwelling units. The subject land is designated as Living Area 1 in the Official Plan and zoned "R1-5", Low Density Residential One.

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.

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit the development of three street townhouse dwelling units.

The applicant's concept plan illustrates the three proposed street townhouse units and driveways. Each unit has an attached garage for parking. The application also includes floor plans, conceptual building elevations, and a sewer and water capacity assessment.

Existing Zoning: "R1-5", Low Density Residential One

The R1-5 Zone permits a single detached dwelling, a home daycare, group home (type 1), and a bed and breakfast establishment.

Requested Zoning: R3(S), Medium Density Residential Special

The R3 zone permits all the uses in the R1-5 zone, as well as a duplex dwelling, semi-detached dwelling, multiple dwelling, row dwelling, and street townhouse.

Site specific relief is required for a reduced lot depth of 25 metres whereas the By-law requires a minimum lot depth of 30 metres.

Location and Site Description:

The subject property is described as PIN 73575-0152, Parcel 34438, Part 5, Plan SR 1772 Except Part 1, Plan 53R7534, Lot 9, Concession 3, Township of Neelon (15 Levesque Street, Sudbury). The subject lands are located on the west side of Levesque Street approximately 36 m north of Bancroft Drive. The lands to be rezoned have an area of approximately 1008 square metres with approximately 33 m of frontage on Levesque Street. The single detached dwelling located on the property is to be demolished. Levesque Street is a local road and is serviced with municipal water and sanitary sewer. The closest transit stop is located on Levesque Street in front of the subject lands (GOVA Route 10) and the next closest is located at the north east corner of the Bancroft Drive and Levesque intersection (GOVA Routes 10 and 103) approximately 90 m to the southeast.

Surrounding Land Uses:

The area surrounding the site includes low density residential uses.

North: low density residential uses zoned "R1-5", Low Density Residential One.

South: low density residential uses zoned "R1-5", Low Density Residential One and Bancroft Drive

East: low density residential uses zoned "R1-5", Low Density Residential One

West: vacant lands zoned "R3" Medium Density Residential and a building zoned "I(34)" Institutional Special, permitting institutional uses and a business office use.

The existing zoning & location map, indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the uses in this area.

Public Consultation:

The statutory notice of the application was provided by newspaper along with a courtesy mail-out to surrounding property owners and tenants within 122 m of the property on November 27, 2023. The statutory notice of the public hearing was provided by newspaper on February 3, 2024, and courtesy mail-out on February 1, 2024. The owner erected a sign on the property indicating that the property is the subject of a rezoning application directing inquiries to a dedicated website. The owner indicated that depending on the inquiries generated the owner would arrange a public meeting with the ward councillor. At the time of writing this report, no phone calls and no written submissions with respect to this application have been received by the Planning Services Division.

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 (PPS).

Several sections of the PPS are relevant to the application.

Policy 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted, and policy 1.1.3.2 requires densities which efficiently use land, resources and infrastructure and avoid the need for their unjustified and/or uneconomical expansion. Development in this manner is intended to minimize impacts to air quality and climate change and promote energy efficiency, while supporting the use of active transportation and public transit.

Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification and compact form, and policy 1.4.3(f) directs the establishment of development standards for residential intensification which minimize the cost of housing and facilitate compact form while maintaining appropriate levels of public health and safety.

Section 1.4.1 requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged.

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 is satisfied that the application conforms to the Growth Plan.

Official Plan for the City of Greater Sudbury:

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan.

Section 2.3 of the Official Plan regarding reinforcement of the urban structure states that growth must continue to be directed to capitalize on existing investments, make the most efficient use of existing infrastructure and public service facilities, protect our rural and agricultural assets and preserve our natural features and areas. Reinforcing the urban structure also creates a more energy efficient land use pattern and supports climate change mitigation. Section 2.3.2 directs that settlement area land use patterns will be based on densities and land uses that 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.

Section 2.3.3 encourages all forms of intensification and establishes a 20% residential intensification target. Intensification applications are to be evaluated with respect to criteria including site suitability, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

Policies 3.2(3) and 3.2.1(5) state that sites should be of a suitable size to provide adequate landscaping and amenity features, and that 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 By-law.

Policies 3.2.1(6) establishes the following criteria to be considered when rezoning lands in the Living Area 1 designation:

- 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.

Section 17 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 encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

Zoning By-law 2010-100Z:

The development standards for the requested zone require a maximum height of 11 m. The minimum required front yard is 6.0 m, rear yard is 7.5 m and interior side yard is 1.8 m (two-storey). The maximum lot coverage is 40%. The general provisions of the zoning by-law require a minimum of 30% of the lot area to be maintained as landscaped open space. Parking provisions for the proposed street townhouse dwelling units require 1 space per unit, for a total of 3 spaces. Required parking is not permitted in the required 6 m front yard. A planting strip is required to be provided along the northerly and southerly lot lines adjacent to the "R1-5", Low Density Residential One zone. Accessory structures less than 2.5 m in height are required to be located no closer than 0.6 m from the rear or side lot line.

Site Plan Control:

A Site Plan Control Application is not required for the proposed development.

Department/Agency Review:

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards. Comments have been addressed to the satisfaction of reviewing department and agencies.

The lands are within a Source Water Protection Area, specifically the Ramsey Lake Intake Protection Zone 3 with a Vulnerability Score of 9. The Risk Management Official for the Greater Sudbury Source Protection Plan has advised that no activities are proposed that are considered to be significant drinking water threats.

No concerns were raised by Transit or Infrastructure Capital Planning Services.

Development Engineering has reviewed the above noted application. We have no objection to this change from R1-5, Low Density Residential One to "R3(S)", Medium Density Residential Special. Please be advised that at the building permit stage, a lot grading plan for this development will be required.

Building Services advises that a building permit and permit documents are to be submitted to the satisfaction of the Chief Building Official for the proposed construction.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and 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 in respect of the applicable policies, including issues raised through agency circulation.

The application proposes the development of three street townhouse dwelling units. The existing single detached dwelling is to be demolished. Site specific relief is required for the minimum required lot depth. Staff recommends that this application is consistent with and conforms to the PPS and Official Plan direction to direct development to fully serviced settlement areas, and to enable densities that 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 and approval of this application will help to achieve the City's 20% intensification target.

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. The proposal represents an opportunity to provide additional rental units, and staff recommends that this proposal is consistent with and conforms to these policies. Further, this proposal supports the City's Municipal Housing Pledge to achieve the target of 3800 new homes constructed by 2031. The City's [Housing Supply and Demand Analysis](#) (N. Barry Lyon Consultants Ltd., 2023) identified the most significant housing gaps are observed in the rental market. There is an immediate need for 470 additional rental units to achieve a vacancy rate of 5%, and an average of 66 additional rental units per year for the next 30 years to meet anticipated demand. The City's [Populations Projections Report](#) (Hemson, 2023) forecasts that over the next 30 years, over 10% of all housing unit growth will be in the form of row housing. This is a significant shift; in the last 15 years row housing growth accounted for less than 5% of all new units.

The Official Plan requires consideration of infrastructure, services, and amenities that are available to future residents. There are full municipal services with adequate capacity available in the Levesque Street road allowance. Levesque Street has a public transit route located on it (GOVA Route #1, Minnow Lake), with a stop in front of the subject lands. A second GOVA Route #103 Coniston, is in proximity with a transit stop

approximately 90 m from the property. With transit routes linking to the downtown Transit Hub and to the New Sudbury Transit Hub, access is available to employment opportunities, commercial areas, and community services in the Downtown and New Sudbury. The Dorset Tot Lot located approximately 400 m to the south-west and the East End Playground approximately 390 m to the north, provide open space areas within walking distance to the property. Traffic is not expected to be impacted by this proposal. Staff recommends the subject property is an appropriate location for the proposed street townhouse dwellings.

The proposed three units would result in a net density of approximately 29 units per hectare, which is below the threshold for low density development (<36 units per ha). The rezoning will enable the proposed street townhouse dwelling built form, which is not permitted in the R1-5 zone, and represents small-scale intensification. The Official Plan requires consideration of the compatibility of the proposal with the surrounding residential neighbourhood. The maximum height permitted in the requested R3 zone is the same as the current R1-5 zone, being 11 m. The elevation plans show the street townhouse units as being two storeys. Given the mix of uses in the area and the existing physical character, staff is of the opinion that the existing building's scale, massing, height, siting and setbacks of the are similar to and compatible with the surrounding neighbourhood. Staff have not recommended restricting building height nor built form through the site-specific zoning, which will enable future flexibility in the development of the site.

The PPS states that development standards to promote intensification are to be encouraged. The Official Plan establishes criteria for intensification and for rezoning lands within the Living Area 1 designation, including site suitability. In terms of the suitability of the site to accommodate the additional density and built form, the applicant's concept plan demonstrates compliance with the majority of the development standards applicable to street townhouse dwellings. The proposed lots meet the minimum lot area and dimensions required by the zoning by-law with the exception of minimum lot depth of 30 m. The proposed lots have depths of 25.8 m, 27.6 m and 29.4 m. The applicant's site plan shows rear yard amenity areas for each yard that exceed the minimum 7.5 m rear yard required by the By-law. The minimum front and interior side yards required by the By-law can also be accommodated by the applicant's plan. The required 1 parking space per unit can be accommodated in each of the dwelling units garages. Planting strips abutting the R1-5 zoned lots to the north and south with a minimum width of 3 metres (which can be reduced to 1.8 m where an opaque fence is provided), can be accommodated by the proposed layout on the site plan. Staff recommends the site is suitable and can accommodate the three dwelling units as proposed and also recommends the exception for a 25 m lot depth.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific zoning by-law:

- To rezone the lands from R1-5 to R3(S) to permit the development of three street townhouse units.

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 proposed street townhouse dwellings 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.
- 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.