

## 1 Dow Drive, Copper Cliff Extension

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| Presented To:   | Planning Committee                           |
| Meeting Date:   | June 24, 2024                                |
| Type:           | Routine Management Reports                   |
| Prepared by:    | Stephanie Poirier<br>Planning Services       |
| Recommended by: | General Manager of Growth and Infrastructure |
| File Number:    | 741-6/14001                                  |

## Report Summary

This report provides a recommendation regarding a request to extend a draft plan of condominium approval.

## Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of condominium for the conditions of draft approval of plan of condominium for Parts 4, 5, 7 & 8 and Pt. of Parts 1, 3 & 6, Plan SR-2974 in Lot 12, Concession 2, Township of McKim and Lot 1, Concession 2, Township of Snider, File 741-6/14001, as outlined in the report entitled "1 Dow Drive, Copper Cliff Extension", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 24, 2024, be amended as follows:

A) By deleting Condition #10 and replacing it with the following:

"That this draft approval shall lapse on July 20<sup>th</sup>, 2026, unless an extension is granted by Council pursuant to Section 51(33) of the Planning Act."

## Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application involves a proposed change in tenure from rental to condominium form of ownership. There is no conflict with the Strategic Plan or the Community Energy & Emissions Plan.

## Financial Implications

There are no financial implications associated with the extension of the draft plan of condominium approval.

## **Report Overview:**

An application has been submitted to extend draft plan of condominium approval for two (2) years for the property municipally known as 1 Dow Drive, Copper Cliff. The subject land is zoned "R3", Medium Density Residential and comprises part of the residential complex known as West Side Village (formerly Copper Cliff Gardens). Draft plan approval was granted in 2015 and most recently extended in 2021 in order to convert 138 row dwelling units to condominium form of ownership.

Commenting departments advised that their requirements are addressed by Council's existing conditions of approval. Staff therefore recommends a two-year extension to July 20<sup>th</sup>, 2026.

# STAFF REPORT

## **Applicant:**

McDaniel Clark, TJG Properties Inc.

## **Location:**

Parts 4, 5, 7 & 8 and Pt. of Parts 1, 3 & 6, Plan SR-2974 in Lot 12, Concession 2, Township of McKim and Lot 1, Concession 2, Township of Snider (1 Dow Drive, Copper Cliff)

## **Application:**

The owner of the property has requested an extension to the draft plan of condominium approval in order to apply condominium form of ownership to 138 row dwelling units. The draft approval was previously extended in 2021. The owner has requested a two-year extension to July 20<sup>th</sup>, 2026.

## **Proposal:**

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of two-years until June 20<sup>th</sup>, 2026.

## **Background:**

The subject land is zoned "R3", Medium Density Residential and comprises part of the residential complex known as West Side Village (formerly Copper Cliff Gardens). An application for draft plan of condominium was approved by Council on July 7, 2015 in order to apply condominium form of ownership to a row dwelling complex comprising 138 dwelling units (Recommendation PL2015-122). The row dwellings are similar in built form, comprising two-storey units with front and rear access, contained in 26 buildings. 252 parking spaces are allocated to the row dwelling development.

The five-storey multiple dwelling and the open space lands on the southerly portion of the property are excluded from the application.

Due to the age of the buildings and associated infrastructure, the following background reports were provided as part of the initial review of this file:

- Structural Condition Assessment Report by Granville B. Vickerman & Associates
- Mechanical-Electrical Building System Report by K. Lang Engineering Ltd.
- Sewer and Water Assessment Report by R.V. Anderson Associates Limited
- CCTV Inspections by Infratech Sewer & Water Services Inc.

The current conditions of draft approval dated July 2021 are attached for review.

## **Policy & Regulatory Framework:**

The extension request is subject to the following applicable policy and regulatory framework:

- [2020 Provincial Policy Statement;](#)
- [Growth Plan for Northern Ontario; and](#)
- [Official Plan for the City of Greater Sudbury, 2006.](#)

The Provincial Policy Statements, and 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.

## **2020 Provincial Policy Statement:**

Under Section 1.4.3 of the PPS, Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans;
- b) permitting and facilitating:
  - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.

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

The Growth Plan for Northern Ontario identifies Greater Sudbury as an Economic and Service Hub. 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 and an appropriate range of housing types.

## **Official Plan:**

Policies applied to the conversion of rental units to condominium ownership are outlined under Section 17.2.8 as follows:

- a) That the rental vacancy rate for the whole City is 3% or higher for the preceding three years (three successive Fall rental market surveys as undertaken by the Canada and Mortgage Housing Corporation (CMHC);
- b) That the rental vacancy rate for the specific unit size for the entire City and the specific local housing market zone based on CMHC data, has been at or above 2% for the preceding three years;
- c) That the proposed conversion shall not reduce the rental vacancy rate for the majority of the unit type to below 2% for the entire City and the specific local housing market zone;
- d) That the subject property meets the requirements of the City's Property Standards By-law and the requirements of the Ontario Building Code and that any deficiencies be addressed prior to final approval;
- e) That the subject property be inspected by a qualified professional and a report be submitted to the City that addresses the following matters: a life and safety audit of the building(s); a structural report; a mechanical report; an electrical report; and a site servicing report.
- f) Written confirmation from the applicant that the tenants of the subject property have been notified of the application for conversion to condominium tenure and of their rights under the Residential Tenancies Act or any successor legislation;
- g) That all provisions of other applicable legislation and policies have been satisfied;
- h) That an application for the conversion of residential rental property to condominium tenure will not be considered unless the application is complete and includes all required document and reports. Applications for condominium conversion will be considered chronologically based on the date of submission of a complete application;

- i) That an application for the conversion of residential rental property to condominium tenure includes the number of units being converted by unit size and the average rent for each unit size; and,
- j) In cases where the existing market rent levels for the units proposed to be converted are equal to or less than 90% of the average market rent levels for the entire City and the specific local housing market zone for rental units of a similar unit size, the City may consider the following:
  - i. That replacement units be provided with rents at no more than 90% of average market rents for the entire City and the specific local housing market zone for a period of ten years, increased annually by not more than the Provincial Rent Increase Guideline; or,
  - ii. The subject units be sold as affordable ownership units the purchase price of which is at least 10% below the average purchase price of a resale unit in the regional market area and that the tenants of the subject units, if applicable, be given the right of first refusal to purchase the unit; or,
  - iii. A contribution is made to an Affordable Housing Fund established by the City at a rate based on a percentage of the average house price for a similar unit in the regional market area.

### **Departmental & Agency Circulation:**

The extension request 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 extension request and to inform and identify appropriate revisions to the draft plan conditions should the extension request be approved. Comments received from departments generally had no concerns with the extension request.

Detailed comments can be found in Appendix 1 to this report.

### **Planning Analysis:**

Condominium conversions align with the housing policies of the City and are consistent with Provincial policies, including diversification of the housing supply and providing opportunities for entry-level home ownership. Condominium conversions may be less expensive than new purpose-built condominiums, and as such may be an affordable housing option for some households.

The application complied to the official plan rental conversion policies in effect at the time of the initial draft plan approval in 2015.

The conditions of draft approval address the age and condition of the buildings based on the Structural Condition Assessment Report that was submitted with the initial application in 2015. Various site improvements are required prior to registration, including upgrades to the sanitary sewer system.

### **Draft Approval Conditions**

Condition #10 should be deleted entirely and replaced with a sentence referring to June 20<sup>th</sup>, 2026, as the revised date on which the subject draft plan of condominium approval shall lapse.

No other changes to the draft approval documents have been requested either by the owner or by circulated agencies and departments.

The existing draft approval conditions are attached to this report for reference purposes.

Owners are advised to contact the Planning Services Division a minimum of four months prior to the lapsing date in order to facilitate the processing time associated with draft plan of condominium approval extension requests. Applicants must reapply for condominium approval if a draft plan approval has lapsed as there is no other avenue for relief.

## **CONCLUSION:**

Staff is satisfied that the conditions of draft approval adequately address the pre-conditions for condominium conversion, including required building improvements and infrastructure upgrades. A two-year extension to July 20<sup>th</sup>, 2026 is recommended.

## **Appendix 1:**

### **Departmental & Agency Comments**

#### **a) Building Services**

No concerns. Council conditions as they pertain to building services remain unchanged.

#### **b) Development Engineering**

The existing Council draft plan of condominium conditions appears to satisfy our concerns. We have no objection to the two-year draft approval extension.

#### **c) Fire**

Fire services has no comments.

#### **d) Infrastructure Capital Planning**

No concerns.

#### **e) Strategic & Environmental Planning**

No concerns with this application.

#### **f) Transit Services**

No comments or concerns on this application.

#### **g) Nickel District Conservation Authority**

The current conditions of draft plan approval initially approved in July 2015 and is currently set to lapse in July 2021, and includes one condition related to Conservation Sudbury (Condition #9). Conservation Sudbury recommends that the condition be retained in the draft plan approval. Staff wishes to advise that the majority of proposed units are located within a flood hazard and they were constructed prior to completion of the floodplain study for this area. Many units are unlikely to meet floodproofing requirements and therefore are at risk of inundation during a regulatory storm. If any structures are fully or partially (>50%) destroyed by any means, then repair and reconstruction must be completed in compliance with Conservation Sudbury's floodproofing requirements. Reconstruction may not be possible.