

## 620 Pine Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	May 27, 2024
Type:	Public Hearing
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/24-02

## Report Summary

This report provides a recommendation regarding an application to rezone the subject lands from the “Low Density Residential Two (R2-2)” Zone to the “Medium Density Residential Special (R3(S)) Zone” in order to permit the construction of two additional residential units within the basement of the existing building, resulting in a total of four dwelling units.

This report is presented by Stephanie Poirier, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by Sudbury Home Buyers Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from “R2-2”, Low Density Residential Two to “R3(S)”, Medium Density Residential Special, on lands described as PIN 02179-0541, Parcel 19359, Being Lot 29 on Plan M112, Lot 7, Concession 4, Township of McKim, as outlined in the report entitled “620 Pine Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 27th, 2024, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law the following conditions be completed:
  - a) The owner shall have applied for a building permit and submitted plans which include landscaping and fencing to the satisfaction of the Chief Building Official.
2. That the amending zoning by-law include the following site-specific provisions:
  - a) Permit a minimum lot frontage of 15.24 m where 18 m is required;
  - b) Permit a minimum front yard setback of 4.51 m where 6 m is required;
  - c) Permit a minimum of 5 parking spaces, where 6 parking spaces are re-quired for four dwelling units; and
  - d) Permit a minimum planting strip width of 1.2 m with 1.5 m tall opaque fence along the interior and rear lot lines, whereas a 1.8 m wide planting strip is required with a 1.5 tall opaque fence abutting “R1” or “R2” properties
3. That conditional approval shall lapse on May 27th, 2026 unless Condition #1 above has been met or an extension has been granted by Council.

## **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 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 is unable to estimate taxation revenues as the assessment value of this building may change as result of additional dwelling units and would be determined by Municipal Property Assessment Corporation (MPAC).

Any 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 the Building Services department.

## **Report Overview:**

An application for rezoning has been submitted to permit the construction of two additional residential units within the basement of the existing building, resulting in a total of four dwelling units.

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 purpose and effect of the application is to rezone the subject lands from the the “Low Density Residential Two (R2-2)” Zone to the “Medium Density Residential Special (R3(S)) Zone” in order to permit the construction of two additional residential units within the basement of the existing building, resulting in a total of four dwelling units. The following special provisions have been requested:

- Minimum lot frontage of 15.24 m, whereas the “R3” Zone requires 18 m;
- Minimum front yard setback of 4.51 m, whereas the “R3” Zone requires 6m;
- Minimum of 5 parking spaces, whereas 6 parking spaces are required for four dwelling units; and
- Minimum planting strip width of 1.2 m with 1.5 m tall opaque fence along the interior and rear lot lines, whereas a 1.8 m wide planting strip is required with a 1.5 tall opaque fence abutting “R1” or “R2” properties.

The subject lands are designated ‘Living Area 1’ within the City’s Official Plan and are zoned ‘Low Density Residential Two (R2-2)’ within By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The subject lands contain an existing two-unit dwelling and are otherwise vacant of buildings and structures. The subject lands are serviced by a municipal water and sanitary connection. The subject lands are accessed by an existing driveway from Pine Street.

Surrounding uses are residential in nature.

A location map has been attached for reference.

## 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](#); and,
- [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 facility 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 subject lands are zoned 'Low Density Residential Two (R2-2)' within the City's Zoning By-law.

The development standards for a multiple dwelling in the requested zone being the 'Medium Density Residential (R3) Zone' are as follows:

- Minimum lot area of 110 m<sup>2</sup> per dwelling unit
- Minimum lot frontage of 18 m
- Minimum lot depth of 30 m
- Minimum front yard setback 6 m
- Minimum rear yard setback 7.5 m
- Minimum interior side yard setback for two-storey building 1.8 m
- Maximum lot coverage 40%
- Minimum landscaped open space 30%
- Maximum height 11 m

Parking provisions for the proposed multiple dwelling require 1.5 spaces per unit, or 6 spaces.

Landscaping provisions require a 3.0 m landscape area along the right-of-way of Pine Street. Additionally, a 3 m wide planting strip, or 1.5 m tall opaque fence with 1.8 m planting strip is required to be provided along both interior side and rear lot lines.

Refuse storage is permitted to be located in an interior yard only, and no encroachment into the required front yard is permitted.

### **Consultation:**

#### **Public Consultation:**

The statutory notice of the application was provided by newspaper on March 23<sup>rd</sup> 2024 along with a courtesy mail-out to surrounding property owners and tenants within 122 m of the property on March 12<sup>th</sup>, 2024. The statutory notice of the public hearing was provided by newspaper on May 4<sup>th</sup>, 2024, and courtesy mail-out within 122 m of the property on May 2<sup>nd</sup>, 2024.

At the time of writing this report, one phone call was received and no written submissions with respect to this application have been received by the Planning Services Division. The nature of the phone call was for information purposes only.

#### **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. Comments received from departments generally had no concerns with the rezoning request, however, advisory comments were provided for the applicants' information.

Development Engineering has requested that a lot grading plan be submitted at the time of building permit in order to review the proposed parking area.

Building Services has advised that additional comments may be provided through the building permit process. As part of the building permit submission an as-built drawing of the entire structure will be required. If any retaining walls are required that exceed 1m in height, drawings must be prepared by an engineer. Any soil removal from site must adhere to Ontario Regulation 406/19: On-site and Excess Soil Management under jurisdiction of Environmental Protection Act.

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

## **Planning Analysis:**

The Provincial Policy Statement, Growth Plan for Northern Ontario, and City of Sudbury Official Plan all encourage appropriate growth and residential intensification to occur within settlement areas on full municipal services. The subject lands are located in an existing residential area within the City of Sudbury and is serviced by a municipal water and sanitary connection.

The subject lands are designated 'Living Area I' within the Official Plan which is intended for residential use. The proposed four units would result in a net density of approximately 71 units per hectare, which is within the range for medium density development (36-90 units per ha). The applicant has submitted a concept plan, which demonstrates that the lands are of an appropriate size to accommodate an additional two units within the existing building with five parking spaces in the rear yard and buffering from abutting lower density residential uses in the form of fencing and a planting strip. The concept plan is attached to the report for reference.

The surrounding land uses appear to be a mixture of multiple dwellings and single family homes. Given the number of units proposed, staff is of the opinion that the use will remain compatible with surrounding residential uses and do not anticipate impacts to traffic as a result of an additional two units. It is noted that the current building is described as derelict in appearance with boarded up windows and doors. Site photos are attached to the report as reference. The proposed rezoning would help facilitate the revitalization of an existing building while contributing to a diverse range of housing options to accommodate existing and future residents.

The Provincial Policy Statement and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. The Official Plan identifies that 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 within the City of Sudbury. Additionally, 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. This proposal will help to contribute to the diverse range of housing options and rental unit housing targets.

As part of the rezoning application, the applicant is requesting site specific provisions, as described in the resolution. Staff has no concerns with the requested lot frontage or front yard setback relief as they are reflective of existing conditions and the applicant has demonstrated sufficient access, parking, and buffering for the proposed four unit multiple dwelling. In regards to parking, staff is satisfied that each unit will have one parking space and that there is an additional space for another vehicle. It is also noted that the subject lands are approximately 230 m from a GOVA route bus stop on Elizabeth Street. In terms of landscape requirements, the applicant is seeking relief from a required 1.8 m planting strip with 1.5 m tall opaque fence to a 1.2 m planting strip with 1.5 m tall opaque fence. Staff is of the opinion that the proposed fencing and landscape strip will provide a sufficient visual buffer between the medium density use and abutting lower residential uses.

Overall staff is satisfied that the applicant has demonstrated that the subject lands will continue to be functional as a result of the proposed residential intensification and that the use will be compatible with the surrounding area.

## **Conclusion:**

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.

## **Appendix 1:**

### **Departmental & Agency Comments**

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

No concerns for the proposed change. The following comments are for the applicant's information.

1. With respect to the future development of the subject lands, all use and proposed developments will be subject to compliance with CGS Zoning By-law 2010-100Z.
2. With respect to additional considerations related to this development, Building Services reserves further comment until the time of Building Permit Application and Plans Examination for the proposed Change of Use and Interior Alterations.
3. As part of a complete application for Building Permit, an as-built drawing record of the entire structure will be required.
4. Should any part of this development include construction of retaining walls exceeding 1 m in height or installation of guard railings on existing walls, application drawings prepared by a Professional Engineer licensed to practice in Ontario will be required.
5. Notwithstanding any other provisions, as a result of development of this site, removals of site soils shall adhere to Ontario Regulation 406/19: On-site and Excess Soil Management under jurisdiction of Environmental Protection Act, R.S.O 1990, c.E.19.

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

No objection to the zone change. As there is work required on the property to facilitate parking, a design lot grading plan will be required at the time of building permit.

#### **c) Fire**

No comments.

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

No concerns.

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

No concerns.

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

No concerns or comments.

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

No objection. The subject lands do not appear to be located in an area regulated by the Conservation Authority.