

870 Auger Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	October 7, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/24-16

Report Summary

This report provides a recommendation regarding an application to permit the development of seventy-four (74) multiple dwelling units by converting the existing surplus school and constructing three (3) new multiple dwelling buildings.

This report is presented by Wendy Kaufman, Senior Planner.

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

Resolution

THAT the City of Greater Sudbury approves the application by Devla Properties Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from “R3-1(29)” Medium Density Residential Special to “R3(S)”, Medium Density Residential Special, on lands described as PIN 73570-0144, Parcel 23846, Block B, Plan M-518, Lot 11, Concession 5, Township of Neelon, as outlined in the report entitled “870 Auger Avenue, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2024, subject to the following conditions:

1. That the amending by-law includes the following site-specific provisions:
 - (i) A maximum of 74 dwelling units shall be permitted; and
 - (ii) A minimum court depth of 10.0 m shall be permitted where both walls contain balconies or windows into a habitable room, where 15.0 m is required.
2. That an “H”, (Holding) symbol be applied to the zoning limiting the number of dwelling units to be permitted to 20, until municipal sanitary sewer services are available or will be available, to the satisfaction of the Director of Planning Services.

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

The application to amend Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal is consistent with the goals and objectives of the Strategic Plan by contributing to

the housing-related goals by adding to the range and mix of housing available in the area. Overall, 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 \$323,000 in taxation revenue, based on the assumption of 74 multiple dwelling units based on an estimated assessed value of \$275,000 at the 2024 property tax rates.

This 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 at the time of permit issuance.

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury from "R3-1(29)", Medium Density Residential Special to "R3(S)", Medium Density Residential Special, to permit the development of seventy-four (74) multiple dwelling units by converting the existing surplus school and constructing three (3) new multiple dwelling buildings. Site specific relief is requested to permit a minimum court depth of 10.0 m where 15.0 m is required. A holding provision is requested to limit the development to 20 multiple dwelling units within the existing surplus school until municipal sanitary sewer services are available or will be available to service the additional development.

The subject lands are designated Living Area 1 in the Official Plan. A concept plan was submitted with the application and which shows the existing school and three additional multiple dwelling buildings, driveways and parking areas, pedestrian connections, and amenity space.

The subject lands are the site of a surplus institutional building being the former St. Bernadette Catholic Elementary School that closed in 2015.

The following materials were submitted in support of the application:

- Covering Memorandum
- Concept Plan
- Results of Sewer and Water Capacity Assessment (deficiency in sanitary sewer)
- Planning Justification Report
- Conceptual Renderings of the proposed development
- Traffic Memorandum
- Draft Zoning By-law Amendment

Existing Zoning: "R3-1(29)", Medium Density Residential Special

(cc) R3-1(29) (38 ROW DWELLINGS)
McKim Township Map Lot 7, Con 2

Notwithstanding any other provision hereof to the contrary, within any area designated R3-1(29) on the *Zone Maps*, all provisions of this By-law applicable to R3-1 *Zones* shall apply subject to the following modifications:

- (i) That the only permitted use shall be a maximum of 38 row dwellings and uses accessory thereto;
- (ii) That the minimum northerly and southerly *interior side yard setbacks* shall be 7.5m.

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

The application proposes to permit the development of seventy-four (74) multiple dwelling units by converting the existing surplus school and constructing three (3) new multiple dwelling buildings. Site specific relief is requested to permit a minimum court depth of 10.0 m where 15.0 m is required. A holding provision is requested to limit the development to 20 multiple dwelling units within the existing surplus school until municipal sanitary sewer services are available or will be available to service the additional development.

Location and Site Description:

The subject property is described as PIN 73570-0144, Parcel 23846, Block B, Plan M-518, Lot 11, Concession 5, Township of Neelon, 870 Auger Avenue, Sudbury. The lands are located on the east side of Auger Avenue which is a collector road. The lands are approximately 500 m north of the intersection of Auger Avenue and Falconbridge Road.

The subject lands are the site of a surplus institutional building being the former St. Bernadette Catholic Elementary School. Total land area is 1.8 ha, with 76 metres of frontage and approximately 198 m of depth. The site is occupied by a 1671 sq m former school built in 1957. The building height is predominantly one-storey with the former gymnasium area being higher than the rest of the building. There is an open space area east of the school which is mainly forested with trails throughout. There is a pedestrian connection from Hawthorne Drive to Grassy Hill Park abutting the subject lands to the east.

The site is serviced by municipal water and sanitary sewer services, and there are public transit stops on the east side of Auger Avenue at the subject lands, and on the south side of Hawthorne Drive approximately 50 m to the northeast.

Surrounding Land Uses:

The surrounding area is predominantly low density residential in character with two schools located to the east.

North, south and west: low density residential use

East: Grassy Hill Park, and St. Charles College and Holy Trinity Catholic Elementary School, Nickel District Pool

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 site and the surrounding uses in this area.

Related File

This property was rezoned in 2018 (CGS File [751-6/17-13](#)) and which resulted in the current “R3-1(29)”, Medium Density Residential Special zoning of the property. The City’s public hearing for this matter was convened over the course of two Planning Committee meetings on [September 25, 2017](#) and [November 20, 2017](#).

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 July 30, 2024. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out on September 12, 2024. 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. At the time of writing this report, eight (8) phone calls or emails and three (3) comment letters with respect to this application have been received by the Planning Services Division raising concerns about traffic impacts, loss of greenspace, scale of development, safety, impacts on property value, increased noise and loss of privacy, location of refuse storage, sewer system constraints, snow removal, and emergency vehicle access.

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 (2020):

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.

Several sections of the PPS are relevant to the application.

Policy 1.1.1 states that healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; and
- b) accommodating 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), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

The lands are defined as part of a settlement area under the PPS. Section 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. Land use patterns shall be appropriate for the infrastructure and public service facilities which are planned or available. 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. The application is considered to conform to Growth Plan policies which encourages municipalities to support and promote healthy living by providing for communities with a diverse mix of land uses and a range and mix of housing types.

Official Plan for the City of Greater Sudbury:

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

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. Policy 9 establishes that 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 manmade hazards; and,
- k. the provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act.

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.

Policy 4.4(3), states that rezoning applications related to the conversion of surplus institutional buildings and the rezoning of vacant lands held by institutions will be considered based on the following criteria:

- a. the need for such lands or buildings for other public uses, and their long-term value to the community;
- b. the compatibility of the proposed uses with surrounding land uses and the intent of the policies in this Official Plan with respect to the proposed uses;
- c. for conversion to residential uses, the appropriateness of the proposed density; and
- d. the policies of Sections 2.3.2 (Settlement Areas), 11.3.2 (Land use policies to support transit needs) and 11.8 (Accessibility), and Chapters 13.0 Heritage Resources and 14.0 Urban Design.

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 R3 zone require a maximum height of 11.0 m. The minimum required front yard is 6.0 m, rear yard is 7.5 m and interior side yard is 1.8 m for a two-storey dwelling or 1.2 m for a one-storey dwelling. 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 multiple dwelling units require 1.5 spaces per unit, less 10% for being adjacent to a GOVA transit route, or a minimum of 100 spaces $((74 \times 1.5) - 10\% = 100)$. A planting strip is required to be provided along the boundary of the "R1-5", Low Density Residential One along the northerly and southerly lot lines. A 3.0 m landscape area is required to be provided along the right-of-way.

Site Plan Control:

A site plan control agreement would be required prior to conversion of the building and development of the remainder of the site.

Department/Agency Review:

Infrastructure Capital Planning Services, Transit, Conservation Sudbury, and Strategic & Environmental Planning have no concerns.

Development Engineering advises of the following:

- Two sewer and water capacity analyses were completed, confirming there is sufficient water capacity for the proposed development to proceed. However, the sanitary sewer capacity indicated that there was only sufficient sewer capacity for limited development but not for the full development as requested. The request for 20 units to proceed with the balance of development under a holding provision until sufficient capacity is provided aligns with our results. The developer's engineer has installed sanitary sewer flow monitoring equipment to determine specifically what upgrades are required to the downstream sanitary sewer system.
- This development will be required to proceed through the Site Plan Control process for both the initial 20 unit development, and the remaining development when that proceeds. Comments regarding lot grading, drainage, site servicing, stormwater management, etc. will be made at that time of the review of the Site Plan Control application and will include a review specifically of the results of the developer's engineer's flow monitoring information on the downstream sewer system. Any upgrades to the downstream sewer system must be made prior to the remaining development proceeding.
- We have no objection to changing the zoning classification to R3(S) to allow for this development provided that the development proceeds through the Site Plan Control process and that an H holding provision be applied to limit the development to 20 units until such time as downstream sanitary sewer capacity is available.

Transportation and Innovation Support advises they will address site specific concerns through the site plan control process.

Building Services advises that, as a Site Plan Agreement will be required, they will provide any additional comments with a more fulsome submission provided at that time.

Fire Services requires that the fire access route be identified, and that turning templates be used to illustrate how the turnaround facility meets Ontario Building Code requirements for turn radius and that will allow fire service vehicles to turn around on site. Staff advise these requirements will be addressed further through the site plan control process.

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 74 multiple dwelling units. 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 Official Plan requires consideration of infrastructure, services, and amenities that are available to future residents. Auger Avenue is serviced by public transit and there are stops in both directions at or in close proximity. 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. There are also services available to the east along Falconbridge Road or to the north along Lasalle Boulevard. Grassy Lake Park and the Nickel District Pool are located to the east of the subject lands. Traffic is not expected to be impacted by this proposal. Staff recommends the subject property is an appropriate location for the proposed multiple dwellings. Staff also recommends that, further to comments from development Engineering, that a holding symbol be used to restrict development to 20 units within the existing school building until such time as municipal sewer services are available.

The proposed development would result in a density of approximately 41 units per hectare, which is below the threshold for medium density development (<90 units per ha). 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 new multiple dwelling buildings as being two storeys in height. Staff is of the opinion that the existing and new buildings' scale, massing, height, siting and setbacks are 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 multiple dwellings.

The applicant's concept plan shows the minimum front and interior side yards required by the By-law can be accommodated, and 133 parking spaces are being provided where 100 are required. 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. Staff recommends the site is suitable and can accommodate the dwelling units as proposed. Staff also recommends approval of the requested exception to provide a 10 m court between buildings where 15 m is required in order to provide some flexibility in development of the site.

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 "R3-1(29)", Medium Density Residential Special to "R3(S)", Medium Density Residential Special, to permit the development of seventy-four (74) multiple dwelling units by converting the existing surplus school and constructing three (3) new multiple dwelling buildings. Site specific relief is requested to permit a minimum court depth of 10.0 m where 15.0 m is required. A holding provision is requested to limit the development to 20 multiple dwelling units within the existing surplus school until municipal sanitary sewer services are available or will be available to service the additional development.

The development of the subject lands complies with a number of policy directives including the provision of housing types, and the conversion of a surplus institutional building. 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 multiple dwellings will contribute to the range and mix of housing available in the area and support residential intensification targets and the City's Municipal Housing Pledge.
- 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.
- A holding symbol can be used to limit development until such time as adequate municipal sewer services are available.

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.