

## **Staff Report**

### **Proposal:**

The application for Zoning By-law Amendment seeks to permit a multiple dwelling containing a total of 38 residential dwelling units along with institutional, office, and personal service shop uses on the main floor. In order to accommodate the proposed multiple dwelling as a permitted use, the proposed rezoning would change the zoning classification of the subject lands from "C3(17)", Limited General Commercial Special to an amended "C3(17)", Limited General Commercial Special. Site-specific relief is also requested in order to provide for a minimum of 29 parking spaces for all uses on the lands along with reduced front and side yard setbacks and a maximum building height of five-storeys.

The owner's agent submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on September 16, 2020 (File # PC2020-085). The owner's agent met virtually and by email with staff following the SPART Meeting and has since returned their Pre-Consultation Understanding Agreement (PCUA) to the Planning Services Division. The owner's agent has subsequently now submitted a Zoning By-law Amendment application to the City for consideration.

The above noted application was submitted to the City on November 10, 2020, and deemed to be complete on November 23, 2020 following the submission of additional required information. The application included the submission of a Concept Plan, Phase 1 Environmental Site Assessment, and information required in order to complete a Water/Sanitary Sewer Capacity Review. Details with respect to the owner's public consultation strategy ahead of a public hearing at the Planning Committee was also provided.

### **Existing Zoning:** "C3(17)", Limited General Commercial Special

The "C3(17)" Zone is site-specific to the subject lands and only permits office uses, banquet facilities, restaurants uses within the existing structure, and multiple dwellings. The development standards under the standard "C3" Zone and more specifically under Section 7.3 – Table 7.3 – Standards for Commercial Zones are otherwise applicable within the "C3(17)" Zone.

Based on the applicable development standards of the "C3(17)" Zone, a multiple dwelling on the lands would at present be permitted a maximum of 30 residential dwelling units per building and a maximum net residential density of 60 residential dwelling units per hectare. Further to this, based on the lot size of the subject lands, 31 residential dwelling units are currently permitted on the lands.

### **Requested Zoning:** "C3(17)", Limited General Commercial Special (Amended)

The proposed rezoning to an amended "C3(17)" is intended to facilitate a specific mix of uses on the lands in the form of a multiple dwelling containing a total of 38 residential dwelling units along with institutional, office, and personal service shop uses on the main floor. The rezoning of the lands is also proposed to include site-specific relief with respect to the following development standards:

1. To permit a multiple dwelling containing a total of 38 residential dwelling units along with institutional, office, and personal service shop uses on the main floor;
2. To permit a minimum of 29 parking spaces, including 6 accessible parking spaces;
3. To permit a maximum building height of 16 m (52.49 ft) and/or five-storeys; and,
4. To permit certain minimum yard setbacks that are required in order to accommodate the proposed building on the lands.

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Based on the owner's rezoning request, the increase beyond what would be permitted by the applicable density provisions of the "C3(17)" Zone would amount to 7 residential dwelling units generating a net residential density of 72 residential dwelling units per hectare whereas 60 residential dwelling units per hectare is permitted as of right.

**Location and Site Description:**

The subject lands are generally bounded by Fairview Avenue, Pearl Street and Montebello Street in the community of Sudbury. The lands have a total lot area of approximately 5,300 m<sup>2</sup> (57,048.74 ft<sup>2</sup>) with approximately 123 m (403.54 ft) of lot frontage on Pearl Street with an additional and approximate 107 m (351.05 ft) of lot frontage on Fairview Avenue. The south-westerly portion of the lands contain a decommissioned water tank with the balance of the lands being vacant. There is an existing driveway to the east of the water tank providing access to Pearl Street. The perimeter of the lands are generally lined with mature vegetation and there is a rocky slope on the northerly-most portion of the lands toward Fairview Avenue.

**Surrounding Land Uses:**

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| North: | Urban residential land uses having a mix of built-forms and densities along Fairview Avenue and the Junction Creek Waterway Park Trail.   |
| East:  | Low density urban residential land uses with the pre-dominant built-form being single-detached dwelling and duplex dwellings.   |
| South: | Medium density street-townhouse building and sloping rocky topography toward a more general mix of urban residential built-forms and densities having frontage on Lloyd Street. |
| West:  | Urban residential land uses having a mix of built-forms and densities along both Pearl Street Fairview Avenue and Downtown Sudbury.   |

The existing zoning and location map are attached to this report and together indicate the location of the lands subject to the Zoning By-law Amendment request, as well as the applicable zoning on other parcels of land in the immediate area.

**Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on November 23, 2020. The statutory Notice of Public Hearing dated December 17, 2020, was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent were also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the application prior to the public hearing. Staff provided the owner with a mailing list that included those lands that were provided with a mailed Notice of Application as noted above in order to facilitate the implementation of the owner's Public Consultation Strategy ahead of a public hearing at the Planning Committee. Staff understands that the owner has facilitated some public consultation in the local community prior to applying to rezone the lands. Staff further understands that it is the intention of the owner to hold further virtual meeting updates related to the development proposal prior to the public hearing before the Planning Committee. There was no formal in-person public meeting held by the owner since submitting the rezoning application due to the ongoing Covid-19 global pandemic.

At the time of writing this report, the Planning Services Division has received several phone calls seeking clarification on the development proposal, one letter of concern and a numerous amount of letters in support of the application via email.

**Policy and Regulatory Framework:**

The property is subject to the following policy and regulatory framework:

- [2020 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

**2020 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 2020 PPS. The following PPS policies are pertinent to the application for Zoning By-law Amendment:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas shall be the focus of growth and development;
2. Section 1.1.3.2 outlines that land use patterns within settlement areas shall have a mix of densities and land uses that efficiently uses land and resources, 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, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, are supportive of active transportation, are transit-supportive where transit is planned, exists or may be developed, and are freight-supportive;
3. Section 1.1.3.2 further outlines that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment;
4. Section 1.1.3.3 outlines that intensification is to be promoted and opportunities for transit-supportive development, accommodating for a supply and range of housing options through intensification while taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities to accommodate needs are encouraged;
5. Section 1.1.3.4 outlines that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
6. Section 1.1.3.5 outlines that municipalities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions;
7. Section 1.1.3.6 outlines that 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;

8. With respect to Housing Policies, Section 1.4 generally requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected requirements for current and future residents of the regional market area. This is to be achieved in part by maintaining at all times a three year supply of residential units with servicing capacity that are suitably zoned to facilitate residential intensification and redevelopment. This is also applicable to lands within draft approved or registered plans of subdivision;
9. Section 1.4.3 further outlines that municipalities 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) Permitting and facilitating 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, as well as all types of residential intensification, including additional residential units, and redevelopment;
  - b) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
  - c) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit in areas where it exists or is to be developed;
  - d) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,
  - e) Establishing development standards for residential intensification, redevelopment and new residential development, which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

### **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 has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application for Zoning By-law Amendment conforms to and does not conflict with the Growth Plan for Northern Ontario.

### **Official Plan for the City of Greater Sudbury:**

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

The Living Area 1 land use designation includes residential areas that are fully serviced by municipal water and sewer and are to be the primary focus of residential development. Living Area 1 is seen as areas of primary focus for residential development given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced rural development. New residential development must be compatible with the existing physical character of established neighborhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties in the City's Zoning By-law.

Section 3.2.1 of the Official Plan outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, medium density residential uses up to a maximum density of 90 units per hectare and high density residential uses up to a maximum density of 150 units per hectare. Medium density housing should be located in close proximity to Arterial Roads, public transit,

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main employment and commercial areas, open space areas and community/recreational services.

Medium density development is to be located where adequate servicing capacities exist along with a road system that can accommodate the growth. High density residential development is permitted only in the community of Sudbury.

Section 2.3.2 notes that the subject lands are within both a Settlement Area and the City's Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary. Settlement Area land use patterns are to 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. Intensification and development within the Built Boundary is to be encouraged, while development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

Section 2.3.3 of the Official Plan generally acknowledges that intensification of a property at a higher density than what currently exists through the development of vacant or underutilized lots is encouraged throughout the City. Intensification is considered to be essential to completing communities, making the most efficient use of land, resources, infrastructure and public service facilities, minimizing negative impacts on air quality and climate change, promoting energy efficiency and supporting public transit, active transportation and the efficient movement of goods. The key to intensification is to ensure that it occurs in a context sensitive manner. Intensification must be compatible with and reinforced the existing and planned character of an area.

Specifically, Section 2.3.3 includes the following applicable intensification policies:

1. All forms of intensification are encouraged in accordance with the policies of the Official Plan;
2. The City will aim to accommodate 20% of future residential growth and development through intensification within the Built Boundary;
3. Large scale intensification and development is permitted in strategic core areas such as the Downtown, Regional Centres and major public institutions, in accordance with the policies of the Official Plan;
4. Medium scale intensification and development is permitted in Town Centres and Mixed Use Commercial corridors, in accordance with the policies of the Official Plan;
5. Intensification and development is permitted in established Living Area 1 lands, in accordance with the policies of the Official Plan;
6. Intensification will be encouraged on sites that are no longer viable for the purpose for which they were intended such as former commercial, industrial and institutional sites. It will also be encouraged where the present use is maintained but the addition of residential uses can be added in a complementary manner;
7. Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities;
8. Intensification will be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal;

9. 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 man-made hazards;
  - k. The provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act. Where applicable, applications for intensification of difficult sites may be subject to Section 19.7; and,
  - l. Residential intensification proposals will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Section 17.2 of the City's Official Plan generally encourages diversity in housing types and forms. Specifically, Section 17.2.2 encourages a greater mix of housing types and tenure through applicable housing policies:

- a. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
- b. To encourage production of smaller (i.e. one and two bedroom) units to accommodate the growing number of smaller households;
- c. To promote a range of housing types suitable to the needs of senior citizens;
- d. Discourage downzoning to support increased diversity of housing options; and,
- e. Support new development that is planned, designated, zoned and designed in a manner that contributes to creating complete communities designed to have a mix of land uses, supportive of transit development, the provision of a full range of housing including affordable housing, inclusive of all ages and abilities, and meet the daily and lifetime needs of all residents.

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**Zoning By-law 2010-100Z:**

The owner is requesting that the subject lands be rezoned to an amended "C3(17)", Limited General Commercial Special in order to facilitate the development of a multiple dwelling containing a total of 38 residential dwelling units along with institutional, office, and personal service shop uses on the main floor. As noted previously in this report, the rezoning of the lands is also proposed to include site-specific relief in order to provide for a minimum of 29 parking spaces for all uses on the lands along with reduced front and side yard setbacks and a maximum building height of five-storeys.

**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.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, Operations, and Transit Services have each advised that they have no concerns from their respective areas of interest.

Building Services notes that site-specific relief will be required with respect to reduced yard setbacks and the minimum number of required parking spaces. Building Services also notes that the submitted Concept Plan does not provide a parking calculation for institutional, office, and personal service shop uses proposed to be located on the main floor of the building. It is further noted that bicycle parking spaces are required and none are depicted in the Concept Plan. Building Services also notes that the development proposal is subject to site plan control and matters related to fire routes, hydrant locations and fire flows are to be provided and verified through the site planning process.

Development Engineering notes that the lands are serviced with municipal water and sanitary sewer infrastructure with the primarily connection point being on Montebello Street. An analysis of the existing water-main and sanitary sewer systems shows that there is sufficient water capacity to service this development, but there are downstream sanitary sewer deficiencies once the proposed flow from the development is added to the municipal system. Development Engineering can advise that approximately 200 m (656.17 ft) of sanitary sewer would need to be replaced in the vicinity of Brady Street and Cedar Street. It should also be noted that all costs associated with the provision of sufficient sanitary capacity would be borne entirely by the owner. Development Engineering further understands the development proposal will be subject to a site plan control agreement and as such, more detailed comment on the site's development will be addressed through the site planning process, including but not limited to water servicing, sanitary sewer servicing, storm-water management and site grading. The replacement of the approximately 200 m (656.17 ft) of sanitary sewer downstream to provide capacity for this development could be achieved through an off-site servicing agreement with construction occurring during the construction of the site.

The City's Drainage Section has no concerns with the proposed rezoning. However, from the perspective of site plan control it should be noted that drainage towards Fairview Avenue will not be allowed due to drainage infrastructure restrictions. As such, the drainage must be directed away from Fairview Avenue and controlled to pre-existing levels for the drainage area directed.

Fire Services advises that the location of fire-fighting connections on the proposed building and distances to nearest fire hydrants need to be determined. Fire hydrant flows and fire routes are also to be determined and in compliance with [Ontario Building Code](#) requirements. These matters are to be fully addressed during the site planning process.

Roads, Traffic and Transportation advises that the sidewalk along the north side of Pearl Street should be extended to the entrance of the lands and a pedestrian connection made from the building to Pearl Street. The owner will also be required to contribute improvements to Pearl Street from the westerly lot line at Pearl Street to the intersection of Montebello Street. Given the nearby proximity of public transit locations, staff has no concerns with the proposed reduction in parking. It is noted that the nearest transit stop to the lands is on Mont Adam Street and is approximately 120 m (400 ft) meters away. The main GOVA Transit Hub (i.e. Downtown Transit Hub) located on Cedar Street is approximately 500 m (1,640 ft) away.

Site Plan Control advises that the lands are subject to site plan control and that a site plan application will be required. The owner is further advised that a pre-consultation meeting with respect to said future site plan application will be required prior to submission of a formal site plan application.

### **Planning Analysis:**

The 2020 PPS, the 2011 Growth Plan, and the City of 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 with respect to the applicable policies, including issues raised through agency and department circulation.

The proposed rezoning is consistent with the PPS for the following reasons:

1. The community of Sudbury is an identified settlement area in the City's Official Plan. The development of a multiple dwelling containing a total of 38 residential dwelling units with institutional, office, and personal service shop uses on the main floor in this particular setting and location along Fairview Avenue, Pearl Street and Montebello Street and to the immediate east of Downtown Sudbury should be promoted and is considered to be good land use planning;
2. Staff is of the opinion that the proposed development contributes positively to improving the mix of densities and land uses that would be permitted in this particular area along Fairview Avenue, Pearl Street and Montebello Street in the community of Sudbury. Staff notes that the lands are serviced with municipal water and sanitary sewer from Montebello Street. Access to public transportation is available to the west along Notre Dame Avenue and Paris Street (i.e. Route 1 – Main Line), as well as to the south along Kingsway Boulevard (i.e. Route 2 – Barry Downe/Cambrian) with the Downtown Transit Hub being situated further to the south-west. Active transportation is also an option as there is an existing sidewalk along Pearl Street, which begins immediately to the west of the subject lands and provides a pedestrian connection to Lloyd Street to the south. The development proposal would also offer an opportunity to extend this sidewalk to the entrance of the subject lands and with this, a pedestrian connection could be made from the proposed building to Pearl Street. There are also a number of public open space and community facilities that can be accessed through active transportation infrastructure that exist in the general area. Staff is of the opinion that the proposed rezoning will result in a good intensified use of the subject lands from a good land use planning perspective;
3. Staff is of the opinion that the application to rezone the lands will improve the possible mix of land use patterns in the general area and will serve to encourage and provide for increased housing opportunities in terms of promoting the intensification of an underutilized lot located within the Sudbury settlement area boundary and in close proximity to Downtown Sudbury;



4. Staff is supportive of this opportunity for residential intensification and notes that public transportation is located in close proximity to the subject lands. The proposed residential intensification in this instance would facilitate the development of a multiple dwelling containing 38 residential dwelling units along with institutional, office, and personal service shop uses on the main floor of the proposed building. Staff is satisfied that the multiple dwelling and institutional, office, and personal service shop uses can be reasonably accommodated on the lands with minimal disruption to abutting residential land uses. Suitable infrastructure is also generally available subject to appropriate connections being made and staff would therefore encourage intensification in this location;
5. Staff is of the opinion that appropriate development standards can be achieved through the rezoning process that facilitates good intensification and compact built-form, while avoiding or mitigating risks to public health and safety. Specifically, the amending zoning by-law would limit the permitted use of the lands to that of a multiple dwelling with institutional, office, and personal service shop uses on the ground floor and would remove the current permissions that exist for banquet facilities and restaurant uses. Staff is satisfied that this particular mix of permitted uses is well suited for the lands and further to this, site-specific development standards would also act to ensure that the resulting development is reasonably accommodated and not out of character or excessive in nature given the site context;
6. Staff notes that the subject lands are surrounded by and adjacent to an existing and built-up urban residential area. It is further noted that the lands are also within the City's existing built-boundary. Staff is therefore of the opinion that together the proposed rezoning would facilitate and encourage the possibility of development proceeding in this area with a more compact built-form having a mix of both residential and institutional, office, and personal service shop uses at a density that will utilize the subject lands efficiently from a land, infrastructure and public service facilities perspective. Staff would also generally note that the development proposal will contribute positively to minimum targets for intensification and redevelopment within built-up areas that are identified in the City's Official Plan;
7. With respect to housing policies in the PPS, staff advises that in general the development proposal would contribute positively to the City's range and mix of housing options and densities to meet projected requirements for both current and future residents in Sudbury. The proposed development would also contribute positively to the City's required minimum three year supply of residential units with servicing capacity that are suitably zoned to facilitate residential intensification and redevelopment; and,
8. More specifically, staff would note the following with respect to housing policies:
  - a) The proposed multiple dwelling along with institutional, office, and personal service shop uses would in general provide for an expanded range and potentially mix of housing options and densities in the community of Sudbury. Staff is satisfied that no negative impacts would be generated should the rezoning be approved from a social, health, economic and well-being perspective in terms of those current and future residents living in the local community;
  - b) Staff is generally supportive of the proposed residential intensification and inclusion of institutional, office, and personal service shop uses on the subject lands. It is noted that the multiple dwelling containing 38 residential dwelling units is not considered to be excessive from the perspective of balancing intensification opportunities against ensuring that there are no disruptions to the existing character of this particular urban residential neighbourhood in this part of Sudbury;

- c) Staff is satisfied through their review and circulation of the rezoning application that the proposed new housing option being that of a multiple dwelling containing 38 residential dwelling units can and should be appropriately directed to the subject lands as appropriate levels of infrastructure (e.g. municipal sanitary sewer and water infrastructure, public transportation, etc.) are presently available;
- d) Staff is of the opinion that the development proposal would generally result in the efficient use of land and available municipal infrastructure. It is also noted that the improved housing options in this area would positively contribute to and encourage the use of public transportation in the immediate area;
- e) Staff notes that there are at present no identified issues with respect to prioritization of intensification in the immediate area. The development proposal being that of a multiple dwelling containing 38 residential dwelling units along with institutional, office, and personal service shop uses on the ground floor of the building would not negatively impact other intensification opportunities that may exist in the area; and,
- f) Staff is satisfied that appropriate development standards can be utilized in an amending zoning by-law to accommodate the proposed development of the subject lands without negatively impacting the cost of housing and the existing character of the area. No negative impacts on public health and safety were identified through the review and circulation of the rezoning application.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal that would permit a multiple dwelling containing a total of 38 residential dwelling units along with institutional, office, and personal service shop uses on the main floor are discussed below.

With respect to general Living Area 1 policies in the Official Plan that are applicable to the subject lands, staff notes that the proposed multiple dwelling having a total of 38 residential dwelling units and a maximum height of five-storeys would yield an overall site density of approximately 72 residential dwelling units per hectare, which is permitted and within the threshold of those medium density residential policies set out and permitted in the City's Official Plan.

Staff notes that the lands have frontage on a Local Road and are directly connected to a Secondary Arterial (i.e. Lloyd Street). The lands are also situated in close proximity to two Primary Arterials (i.e. Notre Dame Avenue-Paris Street & Kingsway Boulevard) that each provide access to public transportation options. There is also an existing commercial area approximately 330 m (1,082.68 ft) to the west of the subject lands in Downtown Sudbury. Staff is of the opinion that sufficient open space areas and community/recreational activities are also available in the general area of the subject lands. Staff notes that the lands are capable of being serviced by municipal water and sanitary sewer infrastructure. It should be noted that Development Engineering has provided comments that the replacement of existing sanitary sewer infrastructure would be necessary in order to properly service the lands.

Staff further notes that the subject lands are identified as being located within the Settlement Area and Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary to the City's Official Plan. Staff advises that the proposed multiple dwelling containing 38 residential dwelling units along with institutional, office, and personal service shop uses on the main floor of the building represents an opportunity to make efficient use of existing urban land supply and existing infrastructure and other services that are already provided for within the City's Settlement Area and Built Boundary. Staff is satisfied that a site-specific amending zoning by-law can include development standards that would be appropriate for the subject lands both and those development standards that would be appropriate are described later in this report.

With respect to applicable intensification policies set out under Section 2.3.3 of the Official Plan, staff has the following comments:

1. Staff notes that in general all forms of residential intensification are encouraged in the City's Official Plan. Staff further advises in this instance that the subject lands contain a decommissioned water tank and otherwise form a vacant and underutilized lot within an existing and identified settlement area. Provided that appropriate development standards are applied to the lands, staff is of the opinion that this form of residential intensification can be reasonably accommodated on the subject lands;
2. Staff advises that the development proposal would contribute positively to the City's aim of accommodating 20% of all future residential growth and development through intensification within the Built Boundary;
3. Staff advise that the development proposal does not amount to large or medium scale intensification that would be otherwise directed to strategic core areas, such as the Downtown of Town Centre land use designations. The lands are however designated Living Area 1 and it is noted that intensification is permitted within this land use designation; and,
4. Staff generally have no concerns with respect to the proposed intensification in terms of compatibility with the existing and planned character of the area in terms of the size and shape of the lot, or the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the development proposal that would facilitate construction of a multiple dwelling containing 38 residential dwelling units with institutional, office, and personal service shop uses on the main floor.

In particular, with respect to applicable criteria set out in Section 2.3.3 that are to be considered when evaluating applications that propose intensification, staff has the following comments:

1. Staff are generally of the opinion that the subject lands are of sufficient size and shape to accommodate a multiple dwelling containing 38 residential dwelling units with institutional, office, and personal service shop uses on the main floor of the building. With respect to topography, staff do acknowledge the rocky topography that exists on the lands and as such are amenable to providing for a reduced number of parking spaces in order to decrease the overall physical footprint of the development on the lands. The parking space reduction is supported on the basis that the lands are in close proximity to two main public transit lines and are within a reasonable walking distance of Downtown Sudbury. With respect to soil conditions, the owner was also advised by Building Services during pre-consultation that a Record of Site Condition (RSC) will be required at the time of building permit application. It was recommended to the owner that an RSC be submitted at the time of rezoning, however, the owner's agent has indicated to staff that they will be submitting an RSC instead at the time of building permit application. And with respect to drainage, the City's Drainage Section has reviewed the application and have advised that their areas of concern can be appropriately addressed during the site planning process;
2. Staff have noted in this report that the subject lands are generally surrounded by a mix of urban residential built forms and densities in this particular area of Sudbury. Staff notes in particular that there is a four-storey multiple dwelling to the north-east and a three-storey multiple dwelling to the west on Fairview Avenue. It is on this basis that staff are satisfied that the development proposal would not present any compatibility issues with respect to the existing and planned residential character that exists along Fairview Avenue, Pearl Street and Montebello Street;
3. Staff is satisfied that the lands are capable of providing adequate on-site landscaping, fencing, planting and other measures that will have the effect of lessened any impacts that the development proposal would have on abutting properties or the existing urban residential character that exists along Fairview Avenue, Pearl Street and Montebello Street. Staff advise that the development of the lands would be subject to site plan control and further that the above noted matters are to be specifically addressed in finer detail during the site planning process;

4. The rezoning application was circulated to Development Engineering and they have noted that the lands are serviced with municipal water and sanitary sewer infrastructure from Montebello Street. An analysis of the existing water-main and sanitary sewer systems shows that there is sufficient water capacity to service this development, but there are downstream sanitary sewer deficiencies once the proposed flow from the development is added to the municipal system. While work is required in order to provide sanitary sewer to the development, municipal infrastructure is to be considered available and planned to service the lands;
5. Staff notes that no new driveway entrances are necessary in order to facilitate access to the lands as the proposed development would be accessed via an existing driveway entrance from Pearl Street. The submitted Concept Plan depicts a total of 29 parking spaces, which includes 6 accessible parking spaces. Staff acknowledges that some degree of relief from parking space provisions would be appropriate given the site context referenced throughout this report. There is also no requirement for a loading space, as the multiple dwelling would not contain 50 or more residential dwelling units. Staff also have no concerns at this time with safe and convenient vehicular circulation on the lands and would advise that the site planning process will examine this in further detail;
6. Roads, Traffic and Transportation reviewed the rezoning application and did not express any concerns with respect to any negative impacts related to the traffic that would be generated by the proposed development on the local road network and surrounding land uses;
7. As noted previously in this report, the lands are well accessed by public transportation to the west along Notre Dame Avenue and Paris Street (i.e. Route 1 – Main Line), as well as to the south along Kingsway Boulevard (i.e. Route 2 – Barry Downe/Cambrian) with the Downtown Transit Hub being situated further to the south-west. It is noted that the nearest transit stop to the lands is on Mont Adam Street and is approximately 120 m (400 ft) meters away, while the Downtown Transit Hub located on Cedar Street is approximately 500 m (1,640 ft) away. There is also a sidewalk along the north side of Pearl Street providing an existing active transportation link to Notre Dame Avenue-Paris Street and Kingsway Boulevard via Lloyd Street;
8. Staff do not anticipate that any negative sun-shadowing and/or uncomfortable wind conditions would be generated on surrounding streets, parks and open spaces should the proposed rezoning be approved. It is noted that the proposed building would have a maximum height of five-storeys and sun-shadowing and/or uncomfortable wind conditions are not normally associated with buildings of this particular height;
9. Staff in their review of the application did not identify any areas of concern with respect to negative impacts of the development proposal on surrounding natural features and areas and cultural heritage resources;
10. Staff have no concerns with respect to the relationship between the proposed development and any nearby identified natural or man-made hazards;
11. There are no facilities, services or other matters associated with the development proposal that are subject to Section 37 of the Planning Act; and,
12. Staff generally concludes and would advise that the proposed residential intensification balances the concerns of the local community with the identified need for providing opportunities for residential intensification.

With respect to housing policies established under Section 17.0 of the Official Plan, staff would note that in general, the development proposal would contribute positively to the range of housing types and forms available to both current and future residents of Sudbury. Staff also understands that the proposed multiple dwelling would provide for a range of smaller (i.e. one and two bedroom) units that are capable of accommodating smaller households. The development proposal may also positively contribute to and provide for an additional housing option for senior citizens living in Sudbury.

**Date: December 7, 2020**

Staff also advises that the proposed rezoning does not amount to a downzoning of the subject lands. Staff is supportive of the rezoning from a housing perspective on the basis that it would contribute positively to the notion of creating complete communities designed to have a mix of land uses that are supportive of transit development and that offer the opportunity for providing affordable housing to people of all ages and abilities.

Staff is therefore of the opinion that the proposed rezoning conforms to the Official Plan for the City of Greater Sudbury.

The owner is requesting that the existing "C3(17)" Zone be replaced with an amended "C3(17)" Zone that would permit a multiple dwelling containing 38 residential dwelling units along with institutional, office, and personal service shop uses on the main floor of the building. Site-specific relief is also requested in order to provide for a minimum of 29 parking spaces for all uses on the lands along with reduced front and corner side yard setbacks and a maximum building height of five-storeys. Staff in general has no concerns with the requested zone category, but would have the following comments:

1. The amending zoning by-law should permit only a multiple dwelling containing 38 residential dwelling units along with institutional, office, and personal service shop uses on the main floor and having a maximum building height of five-storeys and/or 16 m (52.49 ft). Staff advise that this will ensure that the proposed residential intensification of the lands occurs in a well-defined, clear and contextually sensitive manner. Staff would further advise that the applied for "community service uses" is not defined in the City's Zoning By-law and should not be incorporated into the amending zoning by-law as applied for by the owner. Staff did however correspond with the owner's agent and understands that permitting institutional, office, and personal service shops as accessory uses on the main floor of the building will suit the mix of uses that are being sought;
2. The amending zoning by-law should also require a minimum of 29 parking spaces including 6 accessible parking spaces for all permitted uses on the lands;
3. Staff would advise that a floor space maximum be included in the amending zoning by-law given the parking space relief that is being sought. This will act to ensure in part that the mix of uses within the building is appropriate for the parking areas and spaces that are available on the lands. Staff has corresponded with the owner's agent and understands that there would be approximately 560 m<sup>2</sup> (6,027.79 ft<sup>2</sup>) of floor space on the main floor dedicated to the proposed institutional, office, and personal service shop uses. Staff would be supportive of ensuring that sufficient floor space is available on the main floor for these uses and would recommend the above noted floor space calculation be rounded up to 575 m<sup>2</sup> (6,189.25 ft<sup>2</sup>);
4. For the purposes of clarity, the amending zoning by-law should also define the location of both the front and rear lot lines in order to identify and provide for minimum yard setback requirements that are necessary in order to accommodate the proposed building on the lot. Staff therefore recommends that the front lot line be deemed to be along the Pearl Street frontage from the westerly interior side lot line to Montebello Street and that the rear lot line be deemed to be along Fairview Avenue from the westerly interior side lot line for a length of approximately 50 m (164.04 ft) in a north-easterly direction. The remaining lot lines along Fairview Avenue up to Montebello Street are therefore deemed to be corner side lot lines;
5. Based on the above, the amending zoning by-law is recommended to establish 0 m (0 ft) minimum front yard and corner side yard setbacks in order to accommodate the building as depicted on the Concept Plan;

6. Staff notes that the lands appear capable of providing for a minimum of 19 bicycle parking spaces based on the number of residential dwelling units. Additional bicycle parking spaces may be required depending on the configuration of institutional, office, and personal service shop uses on the main floor. It is anticipated that the site planning process will identify the location most appropriate for the provision of bicycle parking areas. Staff do not recommend any site-specific relief in this regard given the location of the lands in close proximity to Downtown Sudbury and nearby active and public transportation options; and,
7. Staff also notes that a registered survey plan is not required in order to prepare the amending zoning by-law as lands that subject to the rezoning are already described capably and legally as being PINs 02132-1282, 02132-1284 & 02132-0179, Parts 2 & 4 to 18, Plan 53R-17879, Part of Lot 5, Concession 4, Township of McKim.

## **Conclusion**

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

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

- a) That the only permitted uses on the lands be a multiple dwelling containing a total of 38 residential dwelling units along with institutional, office, and personal service shop uses on the main floor;
- b) That institutional, office, and personal service shop uses on the main floor be limited to a maximum gross floor area of 575 m<sup>2</sup> (6,189.25 ft<sup>2</sup>);
- c) That a minimum of 29 parking spaces including 6 accessible parking spaces be provided;
- d) That a maximum building height of 16 metres and/or five-storeys be permitted;
- e) That the front lot line be deemed to be situated along the Pearl Street frontage from the westerly interior side lot line to Montebello Street;
- f) That the rear lot line be deemed to be situated along Fairview Avenue from the westerly interior side lot line for a length of approximately 50 m (164.04 ft) in a north-easterly direction; and,
- g) That minimum front and corner side yard setbacks of 0 m (0 ft) be required.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.