

Date: September 21, 2020

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## STAFF REPORT

### PROPOSAL:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit a multiple dwelling with three (3) units.

The existing dwelling on the site is intended to be converted into a multiple dwelling containing three residential dwelling units, in order to legalize an existing third dwelling unit. The applicant's site sketch shows the location of the proposed multiple dwelling and parking on the subject lands. No addition to the existing building is proposed, though the owner plans to reconstruct the deck and stairs used to access the rear of the building.

**Existing Zoning:** R2-2, Low Density Residential Two

The R2-2 zone permits a range of low density residential uses including a duplex and semi-detached dwellings.

**Requested Zoning:** R2-2(S), Low Density Residential Two Special

The proposed R2-2(S) zone would permit a multiple dwelling with three (3) units, with site-specific relief to permit the location of the existing main building.

### **Location and Site Description:**

The subject property is described as PIN 02129-0257, Pcl 2173, Lot 658 & 659, Plan M-100, Lot 6, Concession 4, Township of McKim. The subject lands are located on the west side of Jean Street, and are municipally known as 66 Jean Street. The lands are 0.07 ha in size with approximately 20 m of frontage and are currently serviced with municipal water and sanitary sewer. There is a City transit stop on both sides of Burton Avenue approximately 300 m to the west of the subject lands.

### **Surrounding Land Uses:**

The area surrounding the site includes:

- North: low density residential use
- East: low residential use
- South: low density residential use (single detached)
- West: Evita Lane, low density residential use

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

Site photos show the residential uses along Jean Street in this area. There is some evidence of certain dwellings in this area containing two units, based on MPAC records and observations during the site visit (e.g. multiple hydro metres).

**Date: September 21, 2020**

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### **Public Consultation:**

Notice of complete application of the application was circulated to the public and surrounding property owners on August 24, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on October 1, 2020. The owner was advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. At the time of writing this report, the Planning Services Division has received one comment letter raising concerns with respect to property maintenance, increased density and parking.

### **Related Applications:**

Minor Variance A002/1982: A previous minor variance application was approved on was approved on February 8, 1982, permitting a northerly interior side yard of 0.6 m (2') where 1.2 m was required, and permitting an eave to encroach to within 0.46 m (18") of the northerly interior side yard where 0.6 m (2') is required.

### **POLICY & REGULATORY FRAMEWORK:**

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

- 2020 Provincial Policy Statement
- 2011 Growth Plan for Northern Ontario
- Official Plan for the City of Greater Sudbury, 2006
- Zoning By-law 2010-100Z

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement (PPS).

Section 1.1.3.1 and 1.4.1 of the PPS are relevant to the application. 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. 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. There are no policies that are relevant to this application, therefore the application is considered to conform to the Growth Plan.

**Date: September 21, 2020**

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**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 3.2.1 outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, and medium density residential uses up to a maximum density of 90 units per hectare. Policy 3.2(3) states 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.

Policy 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 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 including site topography and drainage, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

Section 17 identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

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

The development standards for the requested zone require a maximum height of 11 m. The minimum required front yard is 6 m, rear yard is 7.5 m and interior side yard is 1.8 m. The maximum lot coverage is 40%. The general provisions of the zoning by-law require a minimum of 50% of all required front yards to be maintained as landscaped open space. Parking provisions for the proposed multiple dwelling require 1.5 spaces per unit.

**Site Plan Control:**

A Site Plan Control Application is not required for multiple dwellings with four or less units.

**Department/Agency Review:**

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

Development Engineering has commented that, with respect to the rear yard parking area, this area is at the top of a slope that is higher than 0.6 metres with a slope greater than 2:1. As such, for safety purposes, a vehicle guard must be placed at the top of the slope at the edge of the parking area.

**Date: September 21, 2020**

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Building Services has advised that a building permit application and building permit documents are required for the multiple dwelling. Drawings prepared by a qualified designer are to be submitted showing all floor plans, exits, fire separations, and all fire and life safety requirements in accordance with the current Ontario Building Code standards to the satisfaction of the Chief Building Official. They have noted that the proposed parking spaces #1 and 2 are located in the front yard and is not permitted by the zoning by-law.

## **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 to permit a multiple dwelling building on the subject lands is consistent with the PPS direction to direct development to fully serviced settlement areas. The Official Plan encourages all forms of intensification.

Both the PPS 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, including the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The proposal to legalize a multiple dwelling in this location represents an opportunity to maintain an alternative form of housing.

There are full municipal services with adequate capacity, and public transit stops are available approximately 300 m west of the site. Employment opportunities, commercial areas, and community services are available within relatively close proximity.

The site has sufficient area to accommodate a three-unit multiple dwelling including parking, landscaping and amenity space. Evita Lane provides access to the parking area in the rear yard. There is sufficient room on the property to accommodate the required five spaces in the gravel parking area in the rear yard. Traffic is not expected to be impacted by this proposal.

The proposed density and building form is compatible with adjacent lands, which are zoned R2-2 and consist mainly of single-detached dwellings with some evidence of certain dwellings containing two units. The R2-2 zone permits a range of low density residential uses including a duplex and semi-detached dwellings.

The proposed three units would represent a net density of approximately 40 units per hectare, which is slightly higher than the maximum net density of 36 units per hectare for a low density development. However, no addition is proposed to the low density built-form of the existing duplex dwelling. The proposed density is considered to be compatible with the adjacent residential uses, and this level of intensification can be reasonably accommodated in this area of Jean Street.

Given the previous minor variance application, which provided relief for a reduced northerly interior side yard and eave encroachment, it is recommended to include a provision in the amending by-law to permit the location of the existing dwelling on the lot.

**Date: September 21, 2020**

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Section 2.3.3 of the Official Plan directs that criteria including the suitability of the site and its topography may be used to evaluate applications for intensification. It is recommended that, further to comments from Development Engineering, that for safety purposes a vehicle guard must be placed at the top of the slope at the edge of the parking area. This is recommended to be installed prior to passing of the by-law since the lands will not be subject to site plan control. It is also recommended to include a provision in the amending by-law requiring a vehicle guard at the easterly edge of the parking area in the rear yard.

It is also recommended that the owner apply for all required building permits prior to the passing the by-law since this is necessary to convert the existing duplex into a legal three-unit multiple dwelling.

## **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 R2-2 to R2-2(S) to enable the development of a multiple dwelling with three (3) dwelling units, to permit the location of the existing main building, and to require a vehicle guard at the easterly edge of the parking area in the rear yard.

The development of the subject lands achieves a number of policy directives related to intensification and the provision of a range and mix of housing types. Staff have 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 are of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The proposed multiple dwelling will maintain the range and mix of housing available in the area.
- The site is suitable for the proposed density and building form.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Adequate parking, landscaping and amenity areas can be provided.
- The impact on local streets will be minimal.
- The sewer and water services are adequate for the site.

Staff recommend 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.