

**Date: September 8, 2020**

## **Staff Report**

### **Proposal:**

The application proposes to amend By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, to reduce the parking and loading space requirements for a business office. The use of the site as a business office is permitted but the parking and loading space provisions in the zoning by-law cannot be met.

There is one 3-storey building on the property with a footprint of approximately 166.8 square metres in area, with a total gross floor area of 385.2 square metres. A 7.2 square metres addition is proposed to the main floor above the existing foundation, and will not alter the existing building footprint. The existing building is located 0.4 m from the east property line at its closest point, 0.98 m from the west property line, 2.47 m from the front, and 13.3 m from the rear. The C4(5) zone provisions state that the existing building, as located, is permitted.

The applicant's site sketch shows the location of the existing building and associated parking.

### **Existing Zoning:** C4(5), Office Commercial Special

The current zoning permits the full range of C4 uses including a business office as well as medium density residential, and certain commercial (e.g. retail, personal service) and institutional uses. Special provisions permit a martial arts school and a dwelling unit with three parking spaces. Drive-through facilities are not permitted.

### **Requested Zoning:** Amended C4(5), Office Commercial Special

The proposed amended C4(5) zone would enable the use of the site as a business office by:

- reducing the required parking to three (3) spaces where 13 spaces are required; and  
requiring no loading space where one space is required for a building with greater than 300 square metres gross floor area.

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

The subject property is described as PIN 02135-0227, Part of Lots 41 & 42, Plan 3-S, Lot 6, Concession 4, Township of McKim. The subject lands are located on the south side of Pine Street, and are municipally known as 131 Pine Street. The subject lands are 371.3 square metres in size with approximately 10.16 m of frontage on Pine Street. The parking area is accessible via Vanier Lane along the rear of the property. The lands are currently serviced with municipal water and sanitary sewer. There are transit stops on both sides of Elm and one side of Lorne within 180 m of the subject lands.

### **Surrounding Land Uses:**

The area surrounding the site includes:

North: large commercial office building (Claridge Centre)

East: residential use, duplex dwelling

South: Vanier Lane, retail use (Roy's Furniture)

West: residential use, single detached dwelling

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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 there are a mix of commercial and residential uses along this section of Pine Street in the community of Sudbury.

### **Public Consultation:**

Notice of the application was circulated to the public and surrounding property owners on July 24, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on September 18, 2020. The owner delivered their own notices to property owners on May 20, 2020. As of the date of this report, no formal comments, concerns, or objections have been received regarding the proposed rezoning application.

### **Related Applications:**

**Community Improvement Plan:** The owner has submitted a Stage One application to the Downtown Community Improvement Plan 2020 Intake Process. The owner has applied for grants under the Facade Improvement Grant Program, and the Planning and Building Fees Rebate Programs. They have until September 30, 2020 to submit the required information to move to Stage Two of the process. It is anticipated that Staff will bring a summary report of all complete and eligible 2020 Community Improvement Plan applications to Planning Committee in Q4 of this year.

**Rezoning Application RP751-6/87-41:** This rezoning application proposed to permit a martial arts school and residential dwelling unit in the existing building, changing the use from a music school with accessory retail functions. At that time, there were some concerns raised by Traffic and Parking Services with respect to the limited parking on-site though the application was recommended for approval on the basis that there was little difference in traffic between a martial arts school and a music school and supportive Official Plan policies regarding parking reductions in this area. The application was approved and resulted in the C4(5) zoning that currently applies to the subject lands.

**Minor Variance Applications A0108/1972, A0085/1973, and A0016/1975:** These applications proposed a series of variances related to renovation/additions to the building at the time that it was in use as a music studio combined with residential apartments. Some variances were approved (e.g. variances required to enable addition at rear), while others were not considered to be minor (e.g. parking relief and front yard setback) and were not approved by the Committee of Adjustment.

### **Policy and 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.

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**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.

Section 1.3.1 of the PPS is relevant to the application. It requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs, and maintaining a range and choice of suitable sites, which take into account the needs of existing and future businesses.

Section 1.7.1 (a) states that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness.

Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development.

Planning authorities shall also identify appropriate locations for redevelopment taking into account existing building stock. The need for the unjustified and/or uneconomical expansion of services shall be avoided.

**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 to the Growth Plan for Northern Ontario.

The City of Greater Sudbury has been identified as one the municipalities in northern Ontario that contains strategic core areas. Through the Official Plan, the City has identified the Downtown as a strategic core area. The City is encouraged to plan for strategic core areas as vibrant and walkable mixed-use districts, which can attract employment, accommodate higher densities and provide a range of amenities to residents and visitors. Municipalities are also encourage to prepare revitalization strategies for strategic core areas.

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

The subject lands are designated Downtown in the Official Plan, which is within an Employment Area designation. It is an objective of the Employment Area policies to promote the development of the Downtown as an employment and business centre for the City (policy 4.1(e)). Policy 4.1.2(1) permits a wide variety of uses in the Downtown, consistent with its function as the most diversified commercial centre in the City. Policy 4.2.1.1(1) states that non-residential development is a key priority for the Downtown as a means of stimulating increased investment and business activity and reinforcing the City's urban structure by achieving a more efficient pattern of development.

Policy 4.1.2(4)(a) states that in order to encourage development in the Downtown, Council may allow parking requirements to be satisfied through off-street municipal or privately owned communal parking areas located elsewhere in the Downtown. Policy 4.2.1.3(4) notes that the reuse of existing buildings will be encouraged.

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

Development standards for the C4 zone require a maximum height of 34 m. The minimum required front yard is 6.0 m, and the minimum required rear yard is 7.5 m. The minimum required interior side yard is 3 m given the height of the building and the adjacent residential uses. The maximum lot coverage is 50%.

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Parking for a business office is required to be provided at the rate of 1/30 square metres net floor area, so the total required parking is approximately 13 spaces (based on gross floor area) including 1 accessible space. One loading space 3.6 x 9 m in size is required for commercial uses with a gross floor area from 300 – 4500 square metres. There is no minimum landscaped open space required though the general landscaping provisions must be met.

**Site Plan Control:**

Section 19.6 of the Official Plan identifies that a Site Plan Control Agreement will not normally be required in the Downtown but may be applied in specific instances. A Site Plan Control Agreement will not be required for the current scope of work (e.g. addition within existing building footprint).

**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. No concerns have been identified and comments have been addressed to the satisfaction of reviewing department and agencies.

The owner has already applies for all required building permits. Building Services has commented that if the second floor storage area is changed to another use, that further relief for parking will be required. Development Engineering has commented that the site is currently serviced with municipal water and sanitary sewer. The current water and sewer services may require upgrading. Any upgrading of the water and sanitary sewer services to the lot will be borne by the owner.

Infrastructure and Capital Planning Services has identified the need to paint the parking spaces lines to clearly reflect the number of parking spaces.

**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 use of the site as a business office is permitted but the parking and loading space provisions in the zoning by-law cannot be met.

Generally, the use of the site as a business office would conform with the Growth Plan for Northern Ontario policies by enabling the revitalization of the building for employment uses. The application is consistent with the Provincial Policy Statement and conforms with Official Plan policies for the Downtown that acknowledge the importance of employment uses and supporting business activities. The application also enables the reuse of a Downtown building.

The owner has provided supplemental information with their application regarding parking needs. The business has been operating for the past eight years at another location Downtown that also only has three parking spaces. Visitors to the site are infrequent, with client meetings held approximately 1-3 times per month. Staff and owners are encouraged to carpool, bicycle (with indoor bicycle storage area provided on-site), or walk to work when able in order to promote environmental sustainability. Alternatively, individuals lease their own space from municipal or privately-owned lots in the Downtown area. For example, the Energy Court municipal parking lot is located within 350 m of the subject lands. By way of background, the development of the Dufferin Street Road Allowance municipal parking area is underway, and is located at the end of Pine Street approximately 90 m east of the subject lands. This project will provide 40 parking spaces with a mix of hourly, daily and monthly parking.

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It is recommended that the proposed three parking spaces would be adequate given the availability of parking in the area, and would align with the Official Plan policy that Council may permit reduced parking requirements in order to promote development in the Downtown.

Loading spaces are off-street spaces intended for the parking of a vehicle loading or unloading materials pertinent to a use, and are required to be 3.6 x 9 m in size. Loading spaces requirements are calculated based on the gross floor area of a building, and at least one space is required for buildings exceeding 300 square metres. No loading space is required for buildings less than 300 square metres. Given the potential needs of a business office 385.2 square metres in size, it is recommended that the proposed three parking spaces and paved area in the rear of the building would be adequate space to accommodate delivery vehicles.

It is recommended to update the current provision for the C4(5) zone that permits the location of the existing building to include the date September 9, 2020. This update will account for any changes to the building location since the provision was enacted as a result of application RP751-6/87-41 (the definition of 'existing' refers to the date of enactment).

Infrastructure and Capital Planning Services has identified the need to paint the parking spaces lines to clearly reflect the number of parking spaces, and it is recommended that this be required as a condition of development.

## **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 Amendment:

- To enable the use of the site as a business office by:
  - reducing the required parking to three (3) spaces where 13 spaces are required; and
  - requiring no loading space where one space is required for a building with greater than 300 square metres gross floor area.

The development of the subject lands achieves a number of policy directives, including the promotion of economic development. 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 are of the opinion that the proposed Zoning By-law Amendment is appropriate based on the following:

- Development in this location aligns with economic development policies and directing development to an area with existing infrastructure.
- There are no identified servicing constraints or traffic impacts expected. Adequate on-site parking and loading is provided.

Staff recommends approval of the application 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.