

Title: 1916596 Ontario Ltd. (Recreation and Community Centre)

Date: March 12, 2018

STAFF REPORT

Applicant:

1916596 Ontario Ltd.

Location:

PIN 73561-0282, Part of Parts 10 & 11, Parts 12 & 13, Plan 53R-19391, Lot 9, Concession 4, Township of Neelon, Kingsway, Sudbury (see attached sketch)

Application:

To amend [By-law 2010-100Z](#) being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from “M1-1”, Business Industrial and “M2”, Light Industrial to “M1-1(S)”, Business Industrial Special to permit a recreation and community centre and to provide exceptions to the required interior side yard setback and maximum height permitted.

Proposal:

The application proposes to rezone the property to permit a recreation and community centre in the form of a public arena. A 5,800 seat recreation and community centre with 1,250 parking spaces are proposed on lands bounded by Streets A and C on the draft plan of subdivision. The 11.96ha (29.56 ac.) site is proposed to have three points of access on north/south Street C and four points of access on east/west Street A.

The recreation and community centre site is proposed to be immediately adjacent to a proposed 7,696 m² (82,839 sq. ft.) casino and 15 storey hotel project with 825 parking spaces on a 6.96 ha (17.2 ac.) site that is the subject of separate official plan amendment and rezoning applications to permit a place of amusement in the form of a casino. The casino and hotel are proposed to be connected, via an enclosed pedestrian bridge, to the recreation and community centre and the projects will share an outdoor plaza referred to as “Festival Square” on the conceptual development plan. The applicant has provided the attached conceptual elevations of the proposed development.

Studies and submittals made with respect to the applications and in the review of the applications have been attached as Appendix # 3.

Event Centre Background:

November 2, 2015

On November 2, 2015 City Council invited organizers (public and private) of large projects seeking municipal funding to share their ideas for key projects that could have a significant impact on the future of the community. Sixteen projects were presented, including two proposals to construct multi-use sports facilities in the Kingsway east and Regent/Algonquin Road areas. Both proposals anticipated a partnership with the City. These projects were reviewed and analyzed by staff.

April 12, 2016

On April 12, 2016 Council received a [Summary and Analysis Report on Large Projects](#) presented at Public Input Meeting of November 27, 2015 for information only. At that meeting, Council agreed to prioritize the sixteen projects at a session on April 26, 2016.

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April 26, 2016

On April 26, 2016 Council met to prioritize the sixteen projects. At that meeting, Council passed Resolution CC2016-149, as follows:

THAT the City of Greater Sudbury endorses the following projects as presented at the Public Input Session on November 27, 2015:

1. Art Gallery of Sudbury/Library
2. Event Centre
3. Place des Arts
4. Synergy Centre

AND THAT staff be directed to take the next steps in implementation for each of the projects listed above as described in the report titled, *Summary and Analysis Report on the Large Projects Session of November 27, 2015*, from the meeting of April 12, 2016;

AND FURTHER THAT staff be directed to report back to Council as these next steps are completed;

AND THAT any request for funds be brought to Council by resolution.

With respect to the event centre projects, the next steps included were as follows:

Should Council wish to prioritize this project, the following steps are recommended:

1. Direct staff to create a project working group comprised of senior staff from appropriate corporate divisions including CAO, Planning, Leisure Services, Purchasing, and Legal to oversee the development of this process.
2. Direct staff to proceed with engaging the services of a consultant on a staged scope of work (which may include a market analysis and pro forma) to assist Council and Senior staff to determine criteria for a new sports & entertainment complex (size, type, amenities, etc.), to review and decide on potential funding models and partnership structures, and ultimately to assist with the development of a Terms of Reference *for*, and evaluation *of*, an RFP for a competitive bidding process for this project.
3. Direct staff to identify a funding source for an allocation of up to \$275,000 to fund this initial phase.

July 12, 2016

On July 12, 2016 Council received an [update report](#) from the CAO on the Four Large Projects. At this meeting, Council passed Resolution CC2016-259, as follows:

THAT the City of Greater Sudbury approves a one time allocation of \$125,000.00 to secure a consultant to assist with the development of the Arena/Entertainment Centre project, as outlined in the staff report dated June 21, 2016;

AND THAT this option be funded through a contribution of \$62,500 from the Economic Development Reserve Fund and \$62,500 from the Tax Rate Stabilization Reserve;

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AND FURTHER THAT Council directs staff to develop a business case option for an additional \$150,000 towards this project, for consideration as part of the 2017 Budget

December 13, 2016

On December 13, 2016, City Council received an [update report](#) from the CAO on the Four Large Projects. This report described the next steps in the Event Centre project as follows:

1. Meet with community stakeholders including members of City Council
2. Conduct a market and future needs assessment
3. Develop location criteria
4. Develop facility concept and cost estimates
5. Develop capital budget and financing options
6. Develop an operational model
7. Report to City Council on February 28, 2017

March 7, 2017

On March 7, 2017 Council received a [report](#) from the CAO that outlined key findings from the Phase 1 consultant report for the Event Centre and recommended next steps in the process, at this meeting, Council passed five resolutions, as follows:

CC2017-61: THAT the City of Greater Sudbury Council receives the *Phase I Market Analysis and Business Case Assessment* report dated March 7, 2017 from the Special Advisor to the CAO

CC2017-62: THAT the City of Greater Sudbury Council endorses the recommendations from PWC as contained in *Appendix A: Phase 1 Market Analysis and Business Case Assessment* as attached to the report dated March 7, 2017 from the Special Advisor to the CAO, for the design and construction of a 5,800 seat Event Centre.

CC2017-63: THAT the City of Greater Sudbury Council approves the process described in the report dated March 7, 2017 from the Special Advisor to the CAO for evaluating and recommending a site to serve as a location for a new Event Centre;

AND THAT the site evaluation criteria and their weighting as described on pages 45-49 *Appendix A: Phase I Market Analysis and Business Case Assessment* as attached to the report dated March 7, 2017 from the Special Advisor to the CAO also be approved;

AND THAT an evaluation of potential sites and a recommendation for a preferred site be reported to Council no later than June 2017.

CC2017-64: THAT the City of Greater Sudbury Council direct that technical specifications for a 5,800 seat Event Centre be developed concurrently with the site selection process based on a Design/Build procurement method and incorporated into a Request for Proposals with a target release date of June, following Council's site selection decision as described in the *Appendix A: Phase I Market Analysis and Business Case Assessment* as attached to the report dated March 7, 2017 from the Special Advisor to the CAO;

AND THAT the City of Greater Sudbury complete a prequalification process to create a short-list of prospective design-build teams that will receive the Event Centre Request for Proposals from the City of Greater Sudbury in June 2017;

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AND THAT a Request for Proposals for an Event Centre Operator be issued concurrent with the release of the Event Centre Request for Proposals;

AND THAT prior to the issuance of an RFP to select a venue operator, that the City negotiate a "term sheet" of key lease terms with the Sudbury Wolves;

AND THAT PWC's current engagement be extended to include assistance with the recommended next steps as described in the report dated March 7, 2017 from the Special Advisor to the CAO, with funding of up to \$200,000 provided from the Tax Rate Stabilization Reserve.

CC2017-65: THAT the City of Greater Sudbury direct staff to develop a budget for the design and construction of a 5,800 seat Event Centre, with that budget to be included in the 2018 capital for Council's consideration, which budget reflects all known or anticipated costs at that time;

AND THAT Staff be directed to prepare a funding plan that minimizes or eliminates any tax impacts.

April 11, 2017

On April 11, 2017 City Council considered a [report](#) from the CAO regarding the evaluation criteria for the site selection exercise approved on March 7, 2017. At this meeting, Council passed Resolution CC2017-92, as follows:

THAT the City of Greater Sudbury approves Option 3 for the purposes of evaluation and recommendation of a preferred site as outlined in the report dated March 29, 2017 from the Chief Administrative Officer titled "Event Centre Site Evaluation Matrix".

Option Three: That each of "cost", "economic impact" and "parking" are equally of highest importance, while "complimentary benefits", "access" and "ease of development" would be extremely important and "vision" and "city building" would continue to be important.

June 27, 2017

On June 27, 2017 Council considered a [report](#) from the CAO regarding discussing the evaluation results and the results of the site selection exercise for the proposed event centre, which identified 2 possible sites. At this meeting, Council passed five resolutions as follows:

CC2017-183: THAT the City of Greater Sudbury selects the Kingsway location, as identified in the attached report from PWC attached as Appendix A and assessed by the Site Evaluation Committee as being the highest rated site for two of the three criteria identified by City Council as being of the highest importance, as the preferred location to construct the Arena/Event Centre as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CC2017-184: THAT the City of Greater Sudbury approves a financing plan for inclusion in the 2018 capital budget that utilizes the following funding sources:

- a) Contributions from senior governments where available
- b) Operating funds assigned to completed community grant obligations
- c) Debt financing

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- d) Fundraising
- e) Other non-property tax based funding sources, as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CC2017-185: THAT the City of Greater Sudbury execute the Option to Purchase Agreements negotiated for the selected site and that any necessary funding required to execute these agreements be provided from the Land Acquisition Reserve Fund, Industrial Park Reserve Fund and the WSIB Schedule 2 Reserve Fund at a value no greater than \$100.00, which funds will be replenished through the Arena/Event Centre debt financing plan as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CC2017-186: THAT the City of Greater Sudbury approves an honorarium of \$150,000 to each unsuccessful Design/Build team, total \$300,000 to be included in the total project costs as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CC2017-187: THAT the City of Greater Sudbury approves the recommended next steps as presented in the report from the Special Advisor to the CAO dated June 14, 2017 as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

August 22, 2017

On August 22, 2017 City Council considered a [report](#) from the CAO regarding the creation of an integrated site design strategy, delegation of authority for project approvals, a financing plan and evaluation criteria for selecting a proponent to complete construction. At this meeting, Council passed three Resolutions, as follows:

CC2017-257: THAT the General Manager of Community Development be authorized to enter into the following agreements:

- a. On a single-source basis with Cumulus Architects Inc. for the development of a Site Design Strategy at a cost not to exceed \$387,000 plus applicable taxes, with costs to be shared by Gateway Casinos and Entertainment Limited and with 1915695 Ontario Limited (Zulich) such that the City's share does not exceed one-third of the total cost;
- b. With Gateway Casinos and Entertainment Limited and with Zulich for sharing the cost of a site concept plan on terms satisfactory to the Chief Administrative Officer and Executive Director, Finance, Assets and Fleet;

CC2017-258: THAT staff be authorized to submit a re-zoning application on behalf, and with the consent, of the property owner to include "public arena" as a permitted use;

CC2017-259: THAT the General Manager of Community Development be delegated authority to negotiate, execute and subsequently amend or extend any agreements, including, without limitation, agreements for cost-sharing, professional and consulting services and for non-competitive purchases with a total acquisition cost of \$50,000 or more, including instruments, assurances and any other documents as may be necessary to complete the Event Centre Project subject to Council's approval of and in accordance with:

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- A Site Design Strategy
- A financing plan
- Criteria used to evaluate proposals leading to the selection of a successful proponent to Construct the Event Centre;

AND THAT a by-law be presented to formalize the decisions and authorities delegated to staff herein.

November 22, 2017

On November 22, 2017 City Council received a [report](#) from the CAO regarding the site design strategy for the Kingsway Entertainment District. At this meeting Council passed one Resolution, as follows:

CC2017-330: THAT the City of Greater Sudbury accept the Site Design Strategy for the Kingsway Entertainment District as outlined in the report entitled "Site Design Strategy for Kingsway Entertainment District", from the General Manager of Community Development, presented at the City Council meeting of November 22, 2017.

December 12, 2017

The City of Greater Sudbury [2018 Budget](#) included a [business case](#) with respect to Financing for a new arena/event centre.

Site Description & Surrounding Land Uses:

The subject lands are located on the north side of the Kingsway west of the intersection of Levesque Street and the Kingsway in the settlement area of the community of Sudbury. The community of Sudbury is the regional service centre for the City of Greater Sudbury and Northeastern Ontario providing a mix of employment and residential uses. The lands form a part of the City's employment area and are designated General Industrial in the City of Greater Sudbury Official Plan.

The lands form a part of a draft approved industrial plan of subdivision referred to as the Jack Nicholas Business and Innovation Park, City file reference 780-6/10002. The plan of subdivision was draft approved on October 26, 2010, proposing a total of 33 blocks of land to the north of the Kingsway Boulevard in the community of Sudbury. The subdivision is accessed via two proposed roads (Streets "A" and "C" on the draft plan) from Kingsway. At this time no lots within the draft plan of subdivision have been registered.

The south western portion of the community recreation centre site has limited frontage on the Kingsway with additional frontage provided by Streets "A" and "C" of the draft approved industrial plan of subdivision. The property encompasses approximately 11.96 ha (29.56 acres) and is currently vacant and consists of undulating bedrock and a lowland area, located at the south west corner of the site. An air photo of the subject lands is attached to this report. The lands are subject to the [Source Water Protection Plan](#), located partly within the Intake Protection Zone 3 of the Lake Ramsey Issue Contributing Area.

Immediately to the south of the subject lands, on the north side of the Kingsway there are four properties located in the "FD", Future Development zone. The easternmost property is owned by the applicant and is vacant while the other three properties, 2600, 2618, and 2626 Kingsway, are occupied by a duplex and two single detached dwellings. Land to the east, west and north within the draft approved industrial plan of subdivision are vacant and zoned "M1-1", Business Industrial, "M2", Light Industrial and "M3", Heavy Industrial. There are two other draft approved industrial plans of subdivision in the area.

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On the south side of the Kingsway, south and southeast of the subject lands, is a developed area within the Sudbury community referred to as the Minnow Lake area which had a 2016 Census population of approximately 9,500 persons. Commercial and institutional uses are located in close proximity to the Kingsway and residential land uses are located further to the south. There are six draft approved residential plans of subdivision in this area.

In October 2014 the City Council ratified Planning Committee recommendation 2014-14 which recommended approval of an application for rezoning of a portion of the lands subject to this application from "M1", Mixed Light Industrial/Service Commercial and "M1(31)", Mixed Light Industrial/Service Commercial Special to "M1-1", Business Industrial. The application proposed the development of a complex with office, hotel, bulk retail, warehouse, and commercial recreation centre uses. The report presented to Planning Committee concluded that the uses proposed were consistent with the goals of the City in terms of promoting potential for employment growth within the Community.

Neighbourhood Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to property owners and tenants within a minimum of 120 metres of the property and to those who requested notice. The owner 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.

The first public hearing on the application was held before the Planning Committee on January 22, 2018. The staff report considered at the first public hearing is attached for the Committee's reference along with the minutes of the meeting. At the first public hearing 28 members of the public spoke on the application.

Comments provided by the public, received at the public meeting and in writing through the Clerk's office can be grouped into the following themes: consistency with the [Provincial Policy Statement](#) (PPS), conformity with the City of Sudbury Official Plan, environmental impacts, financial impacts, site accessibility, facility design, the site selection process, and the impact on downtown Sudbury.

At the first public hearing, the Planning Committee resolved:

PL2018-15: THAT the City of Greater Sudbury receives the comments and submissions made at the public hearing on File 751-6/17-27, as outlined in the report entitled "1916596 Ontario Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 22, 2018;

AND THAT staff complete their review of application File 751-6/17-27 and schedule a second public hearing on this matter before the Planning Committee when complete.

The motion carried and was ratified by Council on February 27, 2018.

This staff report will provide additional information with respect to consistency with the PPS, conformance with the Official Plan, environmental impacts including endangered species and water resources, issues related to traffic and site access, and facility design. City Council met in June 2017 to consider two possible locations for the proposed event centre. At that time, City Council considered the merits of the two possible locations and selected the subject lands as the preferred site for the proposed event centre. Speakers at the public hearing also raised concerns regarding the financial impacts associated with the proposal. City Council approved a plan for finance the proposed event centre last year. Speakers also raised concerns regarding this decision and its impact on Downtown Sudbury. City Council continues to take other steps to support and encourage downtown revitalization, consistent with the opportunity-based Downtown Sudbury Master Plan.

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The Planning Framework:

Council's decision on this land use planning matter must be consistent with the Provincial Policy Statement (PPS), conforms to/does not conflict with the Growth Plan for Northern Ontario (Growth Plan) and conform to the City of Greater Sudbury Official Plan.

The PPS and Growth Plan indicate that they are to be read in their entirety and the relevant policies are to be applied to each situation; they are more than a set of individual policies. When more than one policy is relevant, consideration should be given to all of the relevant policies to understand how they work together. Similarly, the Official Plan for the City of Greater Sudbury provides a policy framework for the implementation of a wide range of land use planning policies that require consideration when evaluating multiple facets of a development application.

Provincial Policy Statement

The PPS was issued under Section 3 of the [Planning Act](#) and came into effect on April 30, 2014.

The following policies of the PPS are relevant to the application:

Policy 1.1.1, relating to sustaining healthy, liveable and safe communities;

Policy 1.1.2, relating to land availability;

Policy 1.1.3, relating to settlement areas;

Policy 1.2.6, relating to land use compatibility;

Policy 1.3, relating to employment;

Policy 1.6, relating to infrastructure and public service facilities;

Policy 1.7, relating to long-term economic prosperity;

Policy 1.8, relating to energy conservation, air quality and climate change;

Policy 2.1, relating to natural heritage; and

Policy 2.2, relating to water.

These policies are included in Appendix 2 for the Planning Committee's information and will be referenced throughout the remainder of this report.

Growth Plan for Northern Ontario

The Growth Plan was prepared and approved under the Places to Grow Act and came into effect on March 3, 2011.

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The following policies of the Growth Plan for Northern Ontario are relevant to the application:

Section 2.2, relating to existing and emerging priority economic sectors;

Section 2.3.10, relating to tourism;

Section 4.2, relating to long range planning for all communities; and

Section 4.4.4 relating to strategic core areas.

These policies are included in Appendix 2 for the Planning Committee's information and will be referenced throughout the remainder of this report.

Official Plan

The Official Plan was adopted on June 14, 2006, approved by the then Ministry of Municipal Affairs and Housing on March 7, 2007 and upheld by the Ontario Municipal Board in an April 10, 2008 decision.

The following policies are relevant to this application:

Section 2.1, relating to pattern of development;

Section 2.2, relating to defining the urban structure;

Section 4.0, relating to employment areas;

Section 8.0, regarding water resources;

Section 9.0, relating to the natural environment; and,

Section 11.0, regarding transportation;

Section 12.2, regarding sewer and water; and,

Section 14.2, regarding community design.

These policies are included in Appendix 2 for the Planning Committee's information and will be referenced throughout the remainder of this report.

The Official Plan contains a holistic set of goals, objectives, and policies to manage and direct growth and change and its effects on the social, economic and natural environment of Greater Sudbury. All applications for rezoning are reviewed against the policies of the Official Plan. It is the policy of Council to ensure that zoning by-law amendments conform to the plan, and the plan indicates that it is the intent of Council to evaluate each rezoning application according to all applicable policies.

The subject lands are designated "General Industrial" in the City of Greater Sudbury [Official Plan](#). Section 4.4 of the Official Plan which indicates that Institutional uses, which include community facilities intended for public use, are permitted throughout the municipality in accordance with the needs of area residents. Institutional Area Policy 2. contained in Section 4.4 indicates that:

In considering the establishment of new institutional uses or the expansion of existing facilities on lands not specifically designated for institutional purposes, Council will ensure that:

- a. sewer and water services are adequate to service the site;
- b. adequate traffic circulation can be provided;
- c. adequate parking for the public is provided on-site;
- d. public transit services can be provided economically for the site;
- e. the proposed institutional use can be integrated into the area and is compatible with surrounding uses; and,
- f. adequate buffering and landscaping is provided.

Consideration with respect to these policies is provided later in this report.

Zoning By-law

[By-law 2010-100Z](#), the Zoning By-law for the City of Greater Sudbury implements the policies of the City of Greater Sudbury Official Plan by regulating land uses and built form throughout the municipality.

The subject lands are currently zoned “M1-1”, Business Industrial and “M2”, Light Industrial. These zones permit a variety of land uses but do not permit a recreation and community centre and, as such, the applicant is requesting a rezoning to “M1-1(S)”, Business Industrial Special to permit a recreation and community centre. The application requests an exception to permit a building height of 35 m (114.83 ft.) in the M1-1 Zone where the maximum building height permitted in the by-law is 12.0 m (39.37 ft.). An additional exception to permit a minimum interior side yard of 0 m where the minimum interior side yard required in the by-law is 3.0 m (9.84 ft.).

By-law 2010-100Z defines a Recreation and Community Centre as:

A building or structure, or part thereof, owned or operated by a private club, a non-profit or charitable institution or a public agency including a facility developed or operated as a public-private partnership, where facilities are provided primarily for athletic or recreational activities or events, and includes, without limiting the generality of the foregoing, an arena and a public pool.

defines an Arena as:

A building housing ice making equipment and infrastructure capable of enclosing an artificial ice surface intended for year round recreational use and may include uses such as special events and competitions, circuses, concerts, conventions, weddings/banquets/anniversaries, auctions, restaurants, flea markets and trade shows or exhibits with a retail component.

and defines a Public Agency as:

- a) The Government of Canada, the Government of Ontario, the City of Greater Sudbury or any other municipal corporation.

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- b) Any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Ontario, the City of Greater Sudbury or any other municipal corporation; or,
- c) Any *public utility*.

The parking standard for a recreation and community centre use and for an arena use is 1 parking space for every six (6) persons of capacity of the facility.

The by-law defines a Commercial Recreation Centre as:

An establishment where participatory athletic, recreational or physical fitness facilities are provided for gain or profit, and includes without limiting the generality of the foregoing, a commercial fitness centre and exercise spa or club, a commercial ice or roller skating rink, a commercial squash, tennis or golfing facility and a commercial outdoor recreation area, but does not include a riding stable, place of amusement or amusement park.

The maximum height permitted in the M1-1 zone is 12.0 m. The applicant has requested an exception to this by-law standard to permit a maximum height of 35.0 m.

The M1-1 zone requires an interior side yard setback of 3.0 m on at least one side of the lot; the subject lands, as configured would only have one interior side yard, on the west side of the lot. The applicant has requested an exception to this by-law standard to permit an interior side yard of 0 m.

The site plan indicates that the subject lands will be sharing an outdoor accessory space referred to as the "Festival Square" with the abutting place of amusement and hotel project. A site specific zoning provision should be considered in order to allow this land use accessory to the proposed recreation and community centre.

Departmental/Agency Circulation:

The Nickel District Conservation Authority advised that they had no concerns with the application. Building Services, Environmental Planning Initiatives, Environmental Services and Transit Services have not indicated any objection to the application and provided additional comments for the information of the applicant.

Development Engineering has advised that municipal water services are available at the Kingsway for the development to connect to as part of the construction of Streets A and C in the subdivision plan and that water supply for the development should be sufficient. With respect to sanitary sewer services Development Engineering has advised that no additional upgrades are required to the linear collection system. The Levesque Lift Station is required to be upgraded and the City is in the process of issuing a Request For Proposal (RFP) for the upgrades which are expected to be completed in 2019. Storm water management can be finalized as part of the development of the review of the plans for the subdivision and at the site plan stage.

Infrastructure Capital Planning Services (Roads) have advised that sufficient parking can be provided within the subdivision lands to satisfy the needs of the arena. A single left turn lane is sufficient at Street "A" and Street "C" to accommodate the expected volume of vehicles that will be attending the site on event nights. Improvements to provide the turn lane are required in accordance with the current conditions of draft plan approval for the subdivision.

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Water/Wastewater Services has indicated that a Risk Management Plan is required before the development application may receive final approval.

Detailed department and agency comments are attached in Appendix 1.

Planning Review and Considerations:

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). The PPS acknowledges the complex relationships between environmental, economic and social factors in land use planning.

The PPS includes policies designed to build strong and healthy communities. These policies are intended, in part, to ensure that land uses are managed and directed to achieve efficient and resilient development and land use patterns.

The PPS states that healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; ... ; and promoting cost effective development patterns and standards to minimize land consumption and servicing costs (Policy 1.1.1 a) e).

These broad outcomes are further articulated in the PPS policies that speak to settlement areas, rural areas in municipalities and rural lands in municipalities. With respect to settlement areas, the PPS recognizes that the vitality of these areas is critical to the long-term economic prosperity of communities.

Location:

The PPS states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted (Policy 1.1.3.1). The proposal is consistent with this policy as the site is located within the settlement area of the Sudbury community.

The PPS states that land use patterns within settlement areas shall be based on: densities and mix of land uses which efficiently use 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, support active transportation, are transit-supportive, where transit is planned, exists or may be developed... (Policy 1.1.3.2 a) 1-5). The proposal for a public arena on the subject lands furthers the goal of providing a mix of land uses in this portion of the Sudbury community through the development of an institutional facility on the subject lands, supplementing the existing residential, commercial, and industrial land uses in the area. Comments regarding infrastructure and public service facilities, active transportation, transit, air quality, climate change and energy efficiency are provided later in this report.

The PPS states that new development taking place in designated growth areas should occur adjacent to the existing built up area and shall have compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Policy 1.1.3.6). The proposal is consistent with this policy. It is adjacent to a built up portion of the Sudbury community located to the south and southeast. There are also three draft-approved residential subdivisions and two draft-approved industrial subdivisions southwest and west of the site which supports a mix of built form, uses and densities in this part of the Sudbury community. Comments regarding infrastructure and public service facilities are provided later in this report.

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Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform/does not conflict with the [Growth Plan for Northern Ontario](#). The Growth Plan for Northern Ontario is “in part an economic development plan, an infrastructure investment plan, a labour market plan and a land-use plan” and as such, only select portions of the plan are relevant to this application for rezoning to permit a community recreation centre in the form of a public arena.

The Growth Plan contains policies that speak to community planning and design. These policies are intended to support community planning in Northern Ontario that balances the equally important priorities of human, economic and environmental health. These policies speak to long range planning in all communities, economic and service hubs, strategic core areas and regional economic planning. The City of Greater Sudbury can be considered an economic and service hub for the purposes of the Growth Plan.

The Growth Plan states that economic and service hubs should be designed to: accommodate a significant portion of future ... employment growth in Northern Ontario, function as service centres that deliver important region-wide public services to broader surrounding regions, and function as economic hubs linking Northern Ontario with other significant economic regions in Ontario (Policy 4.3.2). The proposal conforms/does not conflict with this policy. The Proposed Sports and Entertainment Centre Feasibility and Business Case Assessment prepared by PWC and presented to City Council in March 2017 concludes that construction of the proposal would generate some 495 years of direct employment and \$31.4 million in direct employment income impact. The report also concluded that the operation of the proposal would directly sustain approximately 60 years of person employment and approximately \$1.9 million in annual salaries and wages. The proposal is expected to reinforce Greater Sudbury's role as a regional service centre.

The Growth Plan also states that economic and service hubs shall be the areas for investment in regional transportation, energy, information and communications technology, and community infrastructure (Policy 4.3.4). The proposal conforms/does not conflict with this policy. The proposal represents an investment in community infrastructure.

In terms of urban structure, the Official Plan recognizes three forms of settlement: communities, non-urban settlements, and rural and waterfront areas. The Official Plan establishes communities as the primary focus of residential and employment growth. Within these communities, Sudbury is the regional service centre for the city and region and is the main residential and employment centre (Sections 2.1, 2.2.1). The proposal to create a community and recreation facility in the form of a public arena on the site conforms to these policies and would reinforce Sudbury's role as the main employment area within the City.

The proposed development is located on lands designated General Industrial in the City of Greater Sudbury Official Plan and are located within the serviced community of Sudbury, consistent with the policies of Section 1.1. of the PPS. Municipalities are encouraged to support land use patterns having a mix of densities and land uses, including recreation uses, within settlement areas. The application conforms to Section 4.3 of the Growth Plan respecting Economic and Service Hubs as it is located within the City of Greater Sudbury which is identified in the plan as being an economic hub that benefits all of Northern Ontario. Economic service hubs are intended to deliver region-wide public services to broader surrounding regions, the proposal to construct a new community arena conforms with this intent. The Official Plan for the City of Greater Sudbury indicates in Section 4.4 that institutional uses, which include community facilities intended for public use, are permitted throughout the community.

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The lands are located within a draft approved industrial plan of subdivision within the community of Sudbury abutting another draft approved industrial plan of subdivision. The lands are located immediately north of the Living Area designation in the Minnow Lake area of the community of Sudbury. This portion of the Living Area, with five draft approved plans of subdivisions has, in recent years, been a focus of new residential development in the east end of Sudbury. It is anticipated that the development of the subject lands with a community recreation centre will contribute positively to the completion of this portion of the community in terms of encouraging continued residential and industrial development.

In these respects, the proposal to locate an institutional land use (arena) within the settlement area of the community of Sudbury adjacent to existing and planned development is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the pattern of development and urban structure policies of the Official Plan.

Land Use

The location of an institutional use in an employment area is consistent with the PPS, Policy 1.3, and the City of Greater Sudbury Official Plan. The application proposes the construction of a new public service facility in the form of a public arena to meet current and projected needs for recreational facilities in the City of Greater Sudbury, consistent with the PPS. The application conforms to Section 4.2 of the Growth Plan respecting Long Range Planning for All Communities as it supports the replacement of a community recreational amenity with a new facility that will accommodate the recreational needs of residents into the future. The Employment Area objectives of the City of Sudbury Official Plan intend to ensure that institutional facilities are provided at suitable locations to meet the evolving needs of residents.

With respect to the integration of the proposed institutional use into the area and the compatibility of surrounding uses, Official Plan Section 4.4.2.e., staff are of the opinion that the proposed recreation and community center in the form of a public arena can be integrated into the area and will be compatible with surrounding uses. The balance of the lands contained in the draft approved industrial subdivision where the project is proposed to be located are undeveloped and there are no issues related to integrating the proposed institutional use with other uses in the immediate vicinity. The subject lands are proximate to a municipal sanitary landfill site, however they are located outside of the 500 m buffer zone that has been established to ensure the long-term viability of the sanitary landfill site by limiting the introduction of uses which may be adversely affected by the ongoing operations of the landfill site.

Significant setbacks and the location of the proposed stormwater management pond at the south boundary of the subject lands will serve to buffer and protect existing residential uses located in the "FD", Future Development Zone from adverse impacts from the proposed recreation and community centre use. Buffering and landscaping issues (4.4.2.f.) will be subject to further review through the City's review of the development project.

The City of Greater Sudbury Zoning By-law currently permits a commercial recreation centre on the portion of the subject lands zoned M1-1. The proposed recreation and community centre use is similar to the commercial recreation centre use currently permitted in the M1-1 zone, with the primary difference being public versus private ownership.

In conformance with the Policy 2 of Section 4.4 of the Official Plan, the sketch provided by the applicant indicates that the arena site will accommodate approximately 1,250 parking spaces, in excess of the 967 parking spaces required for a 5,800 seat community recreation centre. Detailed review of the layout and function of the proposed parking areas will occur through the City's review of the development project. Additional parking supporting the arena use, based on the peak demand anticipated in the Traffic Impact Study, has been proposed on lands to the north of the subject lands and are subject to a separate application for rezoning.

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The proposal to establish an institutional land use within an employment area is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the Employment Area objectives of the Official Plan.

Infrastructure

The site is to be serviced through the construction of Streets A and C along with the associated municipal services in the draft approved plan of subdivision. Sanitary sewers, watermains and storm sewers are to be provided in the subdivision as required in the conditions of draft approval. The site is subject to a Section 391 Municipal Act Charge for water and sanitary sewer upgrades that the City undertook in 2007 and for future sanitary upgrades to be constructed that would benefit the subject lands.

Kingsway Sewer and Water Enhancements – Section 391 Municipal Act Charge February 28, 2007

On February 28, 2007 Council considered a report from the Acting General Manager of Infrastructure and CFO/treasurer respecting [Kingsway Sewer and Water Enhancements](#). Council adopted Resolution 2007-98 as follows:

The City proceed with the installation of new water and wastewater services along the Kingsway from Falconbridge Road to Moonlight Avenue, in conjunction with the 2007 road widening project, an estimated cost of \$2.565 million;

The City fund its share of this project (\$768,800) through the 2006 Water Capital Envelope and the 2008 Water and Wastewater Capital Envelopes;

Proceed with the necessary downstream upgrading works (estimated at \$3 million) as the projects are required, funding the city's share from the appropriate Capital Envelopes, and financing the recoverable portion through the Capital Fund;

Recover \$3.8 million, based on a 6% interest rate and a 20-year recovery period, through a Section 391 Charge, as outlined in Option 2 of the report dated 2007-02-21 from the Acting General Manager of Infrastructure and CFO/Treasurer and in the Hemson Report dated February 2007;

Collect these fees at the building permit stage for all new residential, commercial and industrial development in the catchment area; and

Have the Section 391 Charge By-law prepared for Council approval.

The Section 391 Charge By-law 2007-309F was enacted by Council on December 12, 2007.

The City's Water and Wastewater Policy and Water and Wastewater Rates and Charges in General and for Special Projects, By-law 2017-6, includes on Schedule F, the Section 391 Fee Schedule for the Kingsway Sewer and Water Project. The commercial /industrial fee from January 1, 2018 to December 31, 2022 is \$16.49 per m², increasing to \$22.06 per m² from January 1, 2023 to December 31, 2027.

The subject lands are located within the area benefitting from the installation of new sewer and water services along the Kingsway in 2007 and future upgrades to the Levesque Street Lift Station and downstream sanitary sewer upgrades.

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Wastewater

The 2007 cost estimates for the Levesque lift station upgrade was \$1,000,000 with the City's share being \$100,000 and \$900,000 to be recovered from Section 391 Charges. To date, the works associated with upgrading the Levesque Street Lift Station have not occurred as development in the catchment area of the lift station has not proceeded to the point where the upgrade has been required.

Based on the total peak sewage flow calculations provided by the applicant's agent, J. L. Richards, of 97.9 litres/second to be generated by the arena, casino and ancillary uses and the remainder of the lands in applicant's plan of subdivision, upgrades will be required to the Levesque lift station.

The 2007 cost estimates for downstream upgrades was \$1,990,000 with the City's share being \$435,520 and \$900,000 to be recovered from Section 391 Charges. In 2011 the City undertook improvements to Levesque and Rheal Streets including upgrades to water and sanitary sewers. The sanitary sewers were upgraded from 400 mm to a combination of 450 mm and 500 mm mains.

WSP on behalf of the City has reviewed the impact of the estimated 97.9 litres/second sanitary sewer flows to be generated by the proposed arena, casino and the balance of the applicant's industrial subdivision on the downstream capacity of the sanitary sewer system. Based on hydraulic modeling assessment, the sanitary sewer system has enough capacity to handle these new flows with no additional upgrades to the linear collection system. However, the Levesque Lift station, as previously identified in the development of the Section 391 charge, will need upgrades to remedy existing capacity deficiencies in terms of peak flows and to provide equipment upgrades. The upgrades will also account for new flows coming from the proposed arena, casino and the balance of the applicant's industrial subdivision. The City is in the process of issuing a Request For Proposal (RFP) for the Levesque Lift Station upgrades and it is expected that detailed design/Schedule B Environmental Assessment (EA) will be completed by the end of year 2018 with construction completed by the end of year 2019.

Water

Street A connects to an existing 300 mm diameter main on the north side of the Kingsway and Street C connects to a 200 mm diameter stub provided for the subdivision at the Kingsway/Levesque Street intersection. Both watermains were constructed by the City as part of the Kingsway Sewer and Water Project in 2007. The development is proposing to connect to the watermain to be constructed on Street A. Development Engineering has advised that the municipal water supply for the site should be sufficient.

Water and Sewer Discussion

The proposed development is to be serviced by municipal sewer and water services consistent with Section 1.6.6.2 of the PPS which provides such services as being the preferred form of servicing in settlement areas. Consistent with Section 1.1.3.6 of the PPS, the proposed development will make efficient use of the investments in infrastructure that the City has already made in sewer and water along the Kingsway.

The proposed development conforms with the Growth Plan policies in Section 5.2.1 respecting the co-ordination of land-use planning and infrastructure investments. In this regard, the City has taken actions to provide water and sanitary services to the east Kingsway area, through the installation of services on the Kingsway in 2007 and the establishment of the Section 391 Municipal Charge and planned upgrades to the Levesque lift station and downstream sewers to accommodate the planned development in the area including on the subject lands. The proposed developments will contribute to the sharing of the costs of the installation and upgrading of the services.

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The Official Plan in Section 12.0 Utilities, Section 12.2.2 New Development Policy 1. Provides that:

1. Development in urban areas is permitted provided that existing and planned public sewage and water services have confirmed capacity to accommodate the demands of the proposed development. Alternatively, the proponent of the development will upgrade, at their own expense, the existing sewage and water systems to ensure adequate delivery and treatment facilities consistent with City standards, including adequacy of fire flows.

The Official Plan in Section 4.4 2. provides that:

In considering the establishment of new institutional uses or the expansion of existing facilities on lands not specifically designated for institutional purposes, Council will ensure that:

- a. sewer and water services are adequate to service the site;

As set out in this report, a significant portion of infrastructure works included in the Kingsway Sewer and Water Enhancements have been completed, with the upgrades to the Levesque lift station expected to be completed in 2019.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

Transportation System

Infrastructure Capital Planning Services (Roads) have advised that sufficient parking can be provided within the subdivision lands to satisfy the needs of the arena site in conformity with the Official Plan (Section 4.4 2. c)). They have advised the applicant that maintenance agreements between arena site and proposed overflow parking lot site(s) should be required in order to ensure that an appropriate standard of maintenance is provided.

Roads have advised that a single left turn lane is sufficient at Street "A" and Street "C" to accommodate the expected volume of vehicles that will be attending the site on event nights. Condition of approval #15 on the industrial draft plan of subdivision currently requires that the owner agrees to participate in the cost of any improvements or upgrades identified in the Traffic Impact Study. The developer will be required to satisfy this condition before this phase of the subdivision will be permitted to proceed to registration. This is consistent with the PPS (1.3.1 d., and 1.6.1 b.) and conforms to the Official Plan (Section 4.4. 2.b).

Roads have indicated in their comments that they have concerns with respect to the amount of development that can occur in the balance of the industrial subdivision and the impact of that development on the City's road network. Condition of approval #15 on the industrial draft plan of subdivision currently requires that the owner prepare a traffic impact study to identify any roadway improvements or upgrades to traffic control required to accommodate the development. The condition also provides that the owner agrees to participate in the cost of any improvements or upgrades identified in that study. The developer will be required to do additional Traffic Impact Studies to satisfy this condition before further phases of the subdivision will be permitted to proceed to registration.

The Safety and Access policies of the Official Plan (Section 14.3) which addresses traffic speeds, pedestrian safety and barrier free access to buildings have been addressed, in part, in the Traffic Impact Study submitted by the project proponents and will be addressed through the site plan review process.

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In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

Transit

The site is currently served by four transit routes including Routes 101 (Howey/Moonlight), 102 (Howey/Third), 241 (Howey/Moonlight/Shopping Centre) and 103 (Coniston). Route 101 operates at hourly intervals Monday through Saturday until 10 pm. Route 102 operates at hourly intervals (staggered with Route 101) during weekly peak periods. Route 241 is the “Sunday” service for Routes 101 and 102 and operates on hourly intervals. Route 103 services Coniston and operates every two to three hours, seven days a week. Routes 101 and 102 have a stop approximately 150 metres south of the Kingsway on Levesque Street. Routes 241 and 103 stop at the Kingsway/Levesque intersection.

The PPS requires that transportation and land use considerations be integrated at all stages of the planning process (Policy 1.6.7.5). The proposal is consistent with this policy. The proposed integrated site plan and Traffic Impact Study include transit considerations and the draft approved plan of subdivision can be serviced by public transit.

The proposal is also consistent with Policy 1.6.7.2 of the PPS, which requires that efficient use be made of infrastructure (including transit corridors and facilities). As indicated in the comments from Transit Services, the three urban routes (101, 102 and 241) that serve the site currently operate at an average capacity of 36 percent. It is anticipated that a proportion (approximately 5%) of patrons and employees of the proposal will rely on public transit. These additional riders will improve the efficiency of the existing service. Comments from Transit Services indicate that during event nights, transit service to the Event Centre can be enhanced by express shuttles to the Downtown and New Sudbury Shopping Centre transit hubs.

Similarly, the proposal also conforms to Section 5.3.1 and 5.3.2 a) c) of the Growth Plan as it optimizes the capacity and efficiency of existing routes and meets the needs of the tourism sector, which is identified as an emerging priority economic sector.

Finally, the proposal also conforms to Section 11.3.2, Policy 7 in the Official Plan as public transit has been integrated into the long term planning for this Employment Area.

Water Quality

Stormwater Management

The PPS addresses issues related to water to planning for stormwater in Section 1.6.6.7. Section 8 of the Official Plan, Water Resources, contains policies with respect to stormwater (8.6). Stormwater management for the subject lands will be addressed through the implementation of existing conditions of draft plan approval and the provision of additional volumes of stormwater retention, as the project is located within the Ramsey Lake watershed, and applied through the City's review of the development proposal for the public arena consistent with the PPS and in conformity with the Official Plan. A stormwater management pond, intended to serve the stormwater requirements of the arena site, casino site and a portion of the needs of the balance of the industrial subdivision has been identified on the southern portion of the arena site.

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A stormwater management pond is proposed to the east and south of the proposed arena and casino sites which will also serve the applicant's industrial subdivision. The storm water management for the site will need to address the requirements of the Ministry of Environment and Climate Change (MOECC), respecting source water protection under the Clean Water Act, 2006 as this area is located with the Intake Protection Zone (IPZ) 3 of Ramsey Lake with a vulnerability score of 9 in the Greater Sudbury Source Protection Plan. As a result, storm water facilities in this area, must provide enhanced level water quality control and an additional 20 percent water quantity control in addition to the requirements for the MOECC Stormwater Management and Planning Manual. The details of the stormwater management for the site will be finalized as part of satisfying the servicing conditions on the draft plan of subdivision, prior to registration and as part of the site plan for the casino and development plans for the arena. The PPS addresses issues related to water in Section 2.2 of the PPS and Section 8 of the Official Plan, Water Resources, contains policies with respect to drinking water resources (8.3).

Section 1.6.6.7 of the PPS provides that planning for stormwater management shall address various matters to prevent contaminant loads, minimizing changes in water balance and erosion, risks to human health, safety and property damage, use of pervious surfaces and promoting stormwater management best practices. Section 8.6 of the City's Official Plan includes policies which address storm water management and the requirement for a stormwater management reports for new development. The draft plan of subdivision on the subject lands includes conditions 18 and 19, requiring the preparation of a storm water management report and plan. Additional storm water management details will be finalized as part of the required site plan for the casino and arena development.

Sourcewater Protection

The applicant has submitted an application for Restricted Land Use Review Application for Section 59 Notice in accordance with the Greater Sudbury Source Protection Plan. On January 12, 2018 the applicant was advised that a Risk Management Plan (under Section 58 of the Clean Water Act) is required to manage the future threats related to the handling and storage of road salt, the on-site application of road salt, and the storage of snow. The Clean Water Act requires that decisions under the Planning Act conform to significant threat/condition policies identified in the Greater Sudbury Source Protection Plan.

Two significant threat policies, Sa3EF-RMP and Sa4E-RPM, have been identified by Water/Wastewater Services with respect to the subject lands; these threats are described as follows in the Greater Sudbury Source Protection Plan:

Sa3EF-RMP Where it could be a significant threat and where Policy Sa6F-SA does not apply, the application of road salt (existing and future) and storage of snow (existing) is designated for the purpose of Section 58 of the *Clean Water Act*, requiring risk management plans for those properties with exterior parking lots equal to or greater than one (1) hectare in area. Expansions to existing activities are permitted provided that the activity can be adequately managed.

All land uses except residential in the City of Greater Sudbury Zoning By-Law 2010-100Z are designated for the purpose of Section 59 of the *Clean Water Act* in the vulnerable areas where the application of road salt and the storage of snow could be a significant threat.

Sa4E-RMP The existing handling and storage of road salt is designated for the purpose of s. 58 requiring Risk Management Plans in the vulnerable areas where the activity is a significant threat. In the Ramsey Lake Issue Contributing Area, this policy applies to 0.5 tonnes of road salt and greater.

The risk management plan shall require at a minimum that a permanent structure be constructed to house the salt and/or sand/salt mixture. The structure will be constructed on an impermeable pad and drainage will either be treated (e.g. collected and transferred to an appropriate treatment facility) or directed to flow

away from sources of municipal drinking water. If excess outdoor storage space is required, the sand/salt will be stored on an impermeable pad, covered by a tarp, and drainage will either be treated or redirected to flow away from sources of municipal drinking water. Expansions to existing activities are permitted provided that the activity can be adequately managed.

All land uses except residential in the City of Greater Sudbury Zoning By-Law 2010-100Z are designated for the purpose of Section 59 of the *Clean Water Act* in the vulnerable areas where the handling and storage of road salt could be a significant threat.

Dillon Consulting has provided the City with a Preliminary Report on the Risk Management Plan, (RMP), providing a summary of the components to be included and outlining best management practices for design and operation of the site that will be considered for application after additional details regarding the site are determined. The components to be included in the RMP are summarized below:

1. The identification of traffic areas and sensitive features that may provide an opportunity for increased infiltration of salt into the subsurface or that may need to be protected.
2. The identification of snow storage areas and the transport of snow from these areas to approved snow dump facilities.
3. Consideration of alternatives to the use of road salt, or lower sodium concentrations, such as the application of sand, where it is safe and effective to do so.
4. Engineering measures, such as on-site grading and the location of roof downspouts to reduce ice formation and the use of fencing and vegetation to minimize snow drifting.
5. A winter operations plan with measures to minimize the use of road salt including details on the amount of salt to be stored on-site, the maintenance and washing of snow removal equipment to occur offsite, monitoring of weather conditions to remove snow quickly after snowfall events, and limiting the use of road salt.
6. On-going monitoring and management through logging winter maintenance activities including the amount of road salt used and the creation of a baseline winter maintenance conditions at the site to identify opportunities for improvement.

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Planning staff note that the Preliminary Report on the RMP, provides an overview of the components to be considered in finalizing the RMP. The discussions regarding the Risk Management Plan are ongoing.

Holding Provision

It is recommended that the amending by-law include an “H”, Holding provision restricting the use of the subject lands to those uses which legally existed on the date the by-law applying the “H”, Holding symbol is enacted.

In order to ensure that a Risk Management Plan has been accepted as part of the planning approvals, the use of a holding provision is recommended. Policy 20.5.4 of the Official Plan provides for the use of holding symbols (H) in certain instances which include:

- “i. when certain details of development have not yet been determined, or where certain conditions of development have not yet been met such as, but not limited to, development or servicing agreement with the City;
- ii. when the level of community services and/or infrastructure is not yet adequate to support the proposed use;
- iii. where environmental conditions or constraints temporarily preclude development; and,
- iv. where required studies have not yet been approved by the City.”

The “H”, Holding symbol may be removed by Council upon the Risk Management Official advising that a Risk Management Plan under Section 58 of the Clean Water Act has been submitted to his satisfaction.

Subject to the comments noted above, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

Long Term Economic Prosperity

The application for rezoning to permit a public arena conforms with Section 2.3.10 1. a) of the Growth Plan for Northern Ontario relating to growing and diversifying the tourism sector through investment in strategic public infrastructure and is consistent with Section 1.7.1 g. of the PPS relating to long term economic prosperity. The proposed new community arena which will enhance the visitor experience at Ontario Junior Hockey League games and will provide a venue for major entertainment events that will draw attendees from other parts of Northern Ontario to the City of Greater Sudbury. The project proposed the replacement of an existing public service facility (community arena) to provide continued access to this form of recreation amenity in the community, consistent with the PPS (1.7.1. a. and b.). The project proposes a replacement of an existing public service facility (community arena) currently located within downtown Sudbury. The site of the existing facility is proposed to be reused for new and expanded public service facilities in the form of a public library, expanded art gallery, and new convention centre, maintaining and enhancing the vitality and viability of downtown Sudbury, consistent with the PPS (1.7.1 c.).

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Supporting Section 17 of the Official Plan, Economic Development, [From the Ground Up](#), the City of Greater Sudbury's Community Economic Development Strategic Plan 2015 – 2025 indicates in Goal Seven: One of Ontario's top tourist destinations that "the development of a new arena/entertainment complex could help unlock the potential for continued growth and economic prosperity in the community."

Section 4.4.4 of the Growth Plan respecting Strategic Core Areas indicates that economic and service hubs shall be focal areas for investment in community infrastructure which includes facilities for recreation and socio-cultural activities like community arenas. The Growth Plan identifies the City of Greater Sudbury as having strategic core areas and the plan encourages municipalities to plan for these areas.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

Energy Conservation, Air Quality and Climate Change

The proposal for a public arena, which is both an employment land use and a travel-intensive land use, is located proximate to existing transit routes and will be designed to benefit from direct transit access, consistent with the PPS (1.8.1. c). The PPS promotes improving the mix of employment uses to shorten commute journeys and decrease traffic congestion (1.8.1 e.). The proposed development is located on lands designated General Industrial in the City of Greater Sudbury Official Plan and are located in close proximity to the Living Areas of the Sudbury community, consistent with the PPS.

The PPS promotes design and orientation which maximizes energy efficiency and conservation (1.8.1 f.). The proposed recreation and community centre project will be built in compliance with the current Ontario Building Code requirements for energy conservation, consistent with the PPS. The proposed recreation and community centre will replace an existing facility constructed in 1951. As part of the site plan approval process, the applicant will be encouraged to design the facility in accordance with LEED (Leadership in Energy and Environmental Design) standards.

Transportation Demand Management

Transportation Demand Management (TDM) is a term used to refer to a wide range of tools (e.g. policies, programs, services and products) that influence how, why, when and where people travel to make travel behaviours more sustainable. Within the context of this application, TDM means a set of strategies that result in a more efficient use of the transportation system, by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route or cost.

The PPS requires that existing and planned infrastructure be used efficiently, including through the use of transportation demand management strategies, where feasible (Policy 1.6.7.2). This policy complements other policies which speak to connectivity within and among transportation systems, land use patterns that support public transit and active transportation, transit and active transportation supportive land use patterns and infrastructure being provided in a manner that considers climate change while accommodating projected needs (Policies 1.1.3.2, 1.6.1, 1.6.7.3 and 1.6.7.4).

Similarly, the Growth Plan calls for transportation systems to be planned and managed to emphasize opportunities to optimize capacity and efficiency, enhance connectivity between transportation modes and reducing emissions and other environmental impacts (Section 5.3.2).

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The Official Plan's public transportation and active transportation policies support these broad policy outcomes. The plan states that pedestrian walkways, intersections of major roads, and pedestrian access systems are integrated with transit stops and connected to trail systems (wherever possible) (Section 11.3, Policy 6). The plan also requires that development proposals be reviewed to ensure adequate pedestrian access and bicycle facilities, requires for sidewalks on one side of local roads and two sides of collector roads, high quality pedestrian connections to public transit, pedestrian connections to major attractions/generators (Section 11.7 Policies 2, 5).

The subject site is served by public transit. There is a sidewalk along the east side of Levesque Street, which connects to Bancroft Drive. There are bicycle lanes on Bancroft Drive, which form part of the Ramsey Lake Cycle Tour.

Given the location, it is anticipated that the majority of transportation trips to and from the site will be automobile trips. The proposed integrated site plan includes a number of design features intended to influence travel behaviour including: prioritized car pool parking for the proposed event centre; a "looped" driveway that would provide prioritized transit access to the proposed Event Centre and Festival Square; prioritized transit egress from the looped driveway; and pedestrian crossings across Street A. City Council's previous approval of the draft plan of subdivision includes conditions that require the owner to construct Streets A and C to an urban standard (including sidewalks) and a sidewalk along the north side of the Kingsway to connect Streets A and C. The provision of bicycle parking is required by the Zoning By-law and implemented through the site plan process.

The Traffic Impact Study Addendum dated March 9, 2018 has identified several Transportation Demand Management (TDM) measures related to events at the arena to help ensure that a minimum of 5% of event goers utilize transit. However, the study did not provide details about how these measures would be operated and what the financial implications would be. With over 2,200 vehicle trips expected to be generated from a sold out OHL game, a small increase in the percentage of event goers utilizing transit will result in a significant reduction in the number of vehicles traveling to the site. Staff recommend that a detailed TDM plan be developed for the arena to determine the details of the identified TDM measures and potentially identify additional measures to be implemented during the operation of the event site. These discussions are ongoing.

Holding Provision

In order to ensure that Transportation Demand Management has been comprehensively addressed before development proceeds, the use of a holding provision is recommended.

The use of an "H", Holding provision limiting the use of the property until such time as the Transportation Demand Management Plan has been submitted to the satisfaction of the General Manager of Growth & Infrastructure in conformance with the policies in Section 20.5.4 of the Official Plan is appropriate.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

Natural Environment

The PPS prohibits development and site alteration in significant wildlife habitat, habitat of endangered and threatened species (except in accordance with provincial and federal requirements) and on adjacent lands, provided certain conditions have been met (Policy 2.15 d., 2.1.7 and 2.1.8). These outcomes are reiterated in Section 9.2.2 of the Official Plan.

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The applicant has submitted correspondence from the Ministry of Natural Resources and Forests dated September 23, 2015 indicating that the Ministry has determined that activities associated with development of the site have a low probability of contravening the Endangered Species Act for Blanding's Turtle and Whip-poor-will.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

Site Plan Control

The City's Site Plan Control By-law 2010-220 designates the whole of the municipality as a site plan control area under Section 41 of the Planning Act and excludes specific zones from being subject to site plan control. Lands zoned Industrial that are located more than 152.4 m (500 feet) from the nearest residential zone and from the nearest Municipal Road (designated with an "MR" number) or Provincial Highway are excluded from site plan control.

The proposed casino and associated parking would be subject to site plan control as they are located on lands within 152.4 m of lands zoned Residential to the south of the Kingsway and the lands about the Kingsway which forms part of Municipal Road 55.

Most of the lands on which the arena and associated parking are proposed are located beyond 152.4 m of the Kingsway (MR #55); other than the stormwater management pond and some parking immediately to the north of the pond.

In addition to the casino lands, Lots 1, 25 and 26 on the draft approved subdivision plan would be subject to site plan control.

Section 20.6 of the Official Plan provides that, "Council may impose site plan control on exempted properties during the development application review process where warranted".

Given the significance of the development being proposed, the extension of site plan control to apply to all lands abutting Streets A and C on the draft plan of subdivision is recommended. This will permit the City to review the design details of the development surrounding the arena and casino sites to ensure that they reflect a high level of urban design, and landscaping features.

The Official Plan contains policies with respect to the Community Design (Section 14.2), Built Heritage and Natural Environment Feature Integration (Section 14.4), and Design Features, Views and Corridors (Section 14.5). Review for compliance with the policies will form a part of the City's review of the development project, through the site plan control process. Compliance with the barrier free access policy will be addressed through the City's review of the development project through assessment of both on-site and off-site accessibility and will be integrated with the building design as required by Building Services through their review of the permit drawings for the facility.

The proposed development is adjacent to a landfill site and periodic nuisances should be expected and considered in the design of the site, especially the proposed hotel. The lands are currently zoned for industrial uses and the proposed addition of a greater range of industrial uses is not expected to pose land use conflicts with the landfill site.

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Urban Design

To assist in the implementation of site plan control on the subject lands and the lots abutting Streets “A” and “C” on the draft plan, it is recommended that urban design guidelines specific to the draft plan of subdivision be prepared by the owner. The design guidelines will encourage a high level of design quality and promote a built environment that is safe and aesthetically pleasing. The design guidelines will establish recommendations respecting but not limited to, building massing and placement, building materials, landscaping, parking lot design, lighting, paving, fencing, pedestrian walkways and signage. It is recommended that the conditions of draft approval be amended by adding a condition requiring urban design guidelines for the subdivision.

Zoning By-law Standards

As noted previously, the maximum height permitted in the M1-1 zone is 12.0 m and the applicant has requested an exception to this by-law standard to permit a maximum height of 35.0 m to accommodate the proposed arena building. The M1-1 zone also requires an interior side yard setback of 3.0 m on at least one side of the lot; the subject lands, as configured would only have one interior side yard, on the west side of the lot. The applicant has requested an exception to this by-law standard to permit an interior side yard of 0 m in order to permit the proposed enclosed connection between the arena and the proposed casino and hotel project located on lands immediately to the west of the subject lands.

Planning staff are of the opinion that relief requested is appropriate within the context of the area and in keeping with the purpose and intent of both the Zoning By-law and Official Plan.

Conclusion

The proposed rezoning application is considered to be consistent with the Provincial Policy Statement, in conformity with the Northern Growth Plan, and in conformity with the City of Greater Sudbury Official Plan. The application represents good planning and is in the public interest. There do not appear to be any adverse impacts that will result from the approval of the application, and it is therefore recommended for approval subject to the conditions noted in the resolution section of this report.