

Title: 1916596 Ontario Ltd. (Place of Amusement)

Date: March 12, 2018

STAFF REPORT

Applicant:

1916596 Ontario Ltd.

Location:

Part of PINs 73561-0282 & 73561-0264, Part 6 and Part of Part 11, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon, Kingsway, Sudbury

Application:

1. To amend the [Official Plan](#) for the City of Greater Sudbury to provide a site specific exception to Section 4.5.1.1 to permit a place of amusement in the form of a casino within the General Industrial area.
2. 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 to "M1-1(S)", Business Industrial Special to permit a place of amusement in the form of a casino and to provide exceptions to the required interior side yard setback and maximum height permitted.

Proposal:

The application proposes to amend the Official Plan for the City of Greater Sudbury and to rezone the property to permit a place of amusement in the form of a casino. A 7,696 m² (82,839 sq. ft.) casino, a 15 storey hotel and an outdoor plaza with approximately 825 parking spaces is proposed on the 6.96 ha (17.2 ac.) site contained by the loop formed by Streets A and C on the draft plan of subdivision. The site is proposed to have two points of access on east/west Street A and will have no direct access to the Kingsway.

The casino and hotel site is proposed to be immediately adjacent to a proposed 5,800 seat recreation and community centre project with approximately 1,250 parking spaces on an 11.96ha (29.56 ac.) site that is the subject of a separate rezoning application. 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 application and in the review of the application have been attached as Appendix # 2.

Casino Gaming Background:

In March 2012, the Government of Ontario and Ontario Lottery and Gaming Corporation (OLG) launched the modernization of Ontario's lottery and gaming industry. This initiative was launched in response to earlier direction from the Province, when OLG was asked to review its operations and determine how it might improve operational efficiency and market appeal to generate additional revenue to the Government of Ontario. The modernization initiative is intended, in part, to reconfigure the casino landscape, expand private sector delivery of gaming, as well as responsible gambling programs. Within this context, Greater Sudbury was identified as a site for expanded gaming opportunities.

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May 15, 2012

On May 15, 2012 City Council adopted motion [CC2012-166](#) respecting the implementation of the OLG Report Modernizing Lottery Gaming in Ontario. Council included in their motion, ...“that the City of Greater Sudbury will continue to support gaming and will continue to be a willing host for gaming as it evolves”...

August 14, 2012

On August 14, 2012 City Council adopted motion [CC2012-265](#) as follows:

That the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:

1. The City of Greater Sudbury welcomes the results of OLG's Gaming Modernization Initiative and commits to working with the successful proponent of the forthcoming Request for Proposals;
2. The City of Greater Sudbury encourages gaming facility investment proponents to maximize benefits to the community by identifying and developing opportunities for ancillary and complementary amenities as part of their proposal;
3. The City of Greater Sudbury may consider the sale of municipal property or a gaming facility based upon the proponent's commitment to develop ancillary and complementary amenities which benefit the Greater Sudbury community;

FURTHER THAT staff be directed to convey this information to OLG for their information and uses as part of the Request for Proposal for the Sudbury Gaming Zone;

AND FINALLY THAT staff be directed to initiate an open house information session to seek public input on casino development in the four areas identified in the report dated August 2, 2012 from the General Manager of Growth & Development.”

The August 2, 2012 [report](#) from the General Manager of Growth and Development identified four areas of interest for casino development, which were described as, “South End”, “Kingsway East”, “Sudbury Downs” and “Downtown Sudbury”.

In accordance with the August 14, 2012 direction from Council, an Open House was held on October 10, 2012 attended by approximately 200 people with 450 responses provided at the meeting and on-line. The [presentation](#) to Council on February 26, 2013 included a summary of the public consultation and the general responses received from the public.

February 26, 2013

On February 26, 2013 City Council, adopted motion CC2013-71, as follows:

WHEREAS the Ontario Lottery and Gaming (OLG) has conveyed its intention to modernize its gaming infrastructure in Greater Sudbury and other communities in Northern Ontario;

AND WHEREAS the City of Greater Sudbury has confirmed its support for this gaming modernization as approved by City Council on May 15, 2012 and August 14, 2012;

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AND WHEREAS the OLG has asked municipalities for a better understanding of the expectations of the modernization process to inform the development of the request for proposal process and to share with potential bidders;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:

- The City of Greater Sudbury requires gaming facility proponents to maximize economic opportunities to the community by working with local groups to develop ancillary complementary amenities as part of their proposals;
- These amenities may include, but not be limited to, a hotel, a convention or multi-use centre, a performing arts centre and/or an Ontario Hockey League-ready arena;
- That Council reaffirms its commitment to the four areas identified in the report dated August 2, 2012 from the General Manager of Growth and Development;
- That staff be instructed to convey these requirements to the OLG and continue its open, accountable and transparent process regarding the future of this project in Greater Sudbury."

December 13, 2016

On December 13, 2016 OLG announced Gateway Casinos and Entertainment Limited as the service provider for the Northern Ontario gaming bundle of casinos, which includes casino facilities in the City of Greater Sudbury, Sault Ste Marie, Thunder Bay, North Bay and Kenora.

August 22, 2017

On August 22, 2017 City Council considered a report from the CAO regarding the creation of an integrated site design strategy, financing plan and other matters. With respect to the principles set out in Council's February 26, 2013 motion, it is noted that the subject lands are considered to be located within the "Kingsway East" area, one of the four areas of interest identified by Council for casino development. In addition, Gateway Casinos and the applicant (1915695 Ontario Limited) have worked with the City in sharing in the costs of preparing the site plan concept for the arena and casino use as provided for in Council's resolution [CC2017-257](#) on August 22, 2017.

November 22, 2017

On November 22, 2017 City Council considered a [report](#) from the General Manager of Community Development on the site design strategy for the arena and casino uses. Council passed resolution [CC2017-330](#) accepting the Design Strategy for the Kingsway Entertainment District as outlined in the staff report.

The design strategy accepted by Council is reflected in the concept plan submitted by the applicant which includes a hotel use as part of the casino site, an enclosed pedestrian link between the arena and casino and an outdoor amenity area, referred to as "Festival Square" serving users of both the arena and the casino.

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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 subject lands are located in 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 in the community of Sudbury. The subdivision is accessed via two proposed roads (Streets "A" and "C" on the draft plan) from the Kingsway.

The south western portion of the place of amusement site has approximately 240 m (787 ft.) of frontage on the Kingsway with another approximately 287 m (941 ft.) of frontage provided by Street "A" on the draft approved industrial plan of subdivision. The property encompasses approximately 6.96 ha (17.2 ac.) and is currently vacant and consists primarily of undulating bedrock. An air photo of the subject lands has been attached to this report. The lands are subject to the [Source Water Protection Plan](#), located within the Intake Protection Zone 3 of the Lake Ramsey Issue Contributing Area.

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

Lands on the south side of the Kingsway, immediately south of the subject lands are zoned C2(52), General Commercial Special permitting multiple dwellings, retail uses, restaurants, offices or personal service shops and their related accessory uses, C2(75), General Commercial Special permitting a trade school offering transport training, storage for an institutional use; and offices and related accessory uses, and R1-5, Low Density Residential One. These properties are vacant, occupied by a trade school and additional uses, and occupied by a single detached dwelling respectively.

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 "M", Heavy Industrial. There are two other draft approved industrial plans of subdivision in the area.

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 17 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, transit, traffic and accessibility issues, facility design, socio-economic impacts and the public consultation process.

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At the first public hearing, the Planning Committee resolved:

PL2018-16: THAT the City of Greater Sudbury receives the comments and submissions made at the public hearing on Files 701-6/17-9 and 751-6/17-24, 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 the applications and schedule a second public hearing on these matters 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 these themes with the exception of socio-economic impacts, as the socio-economic impacts of gambling fall outside of the scope of these land use planning matters.

The Planning Framework:

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

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These policies are included in Appendix 3 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.

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 4.3, relating to economic and service hubs.

These policies are included in Appendix 3 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 3 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.

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The subject lands are designated “General Industrial” in the City of Greater Sudbury [Official Plan](#). A place of amusement in the form of a casino is a permitted use in the Official Plan’s Mixed Use Commercial Designation, Downtown, Regional Centres and Town Centres but is not expressly permitted in the General Industrial designation and thus the applicant has submitted an application to amend the Official Plan.

Zoning By-law

The Zoning By-law came into effect on September 29, 2010. [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. This zone permits a variety of land uses, including hotels and restaurants, but does not permit a place of amusement and, as such, the applicant is requesting a rezoning to “M1-1(S)”, Business Industrial Special to permit a place of amusement in the form of a casino. The application requests an exception to permit a building height of 55 m (180.45 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.) has been requested.

By-law 2010-100Z, the Zoning By-law for the City of Greater Sudbury defines a Place of Amusement as:

A commercial establishment where indoor facilities are provided for participatory entertainment and amusement activities, or where exhibits are displayed for gain or profit, and includes, without limiting the generality of the foregoing, a bowling alley, pool hall, billiards parlour, arcade or game establishment, pinball arcade and wax museum.

A place of amusement is permitted in the “C2”, General Commercial, “C5”, Downtown Commercial and “C5”, Shopping Centre Commercial zones. Sudbury Downs, the current location of the OLG Slots in Rayside Township has a site specific “OSR(2)”, Open Space Recreational Special zoning which permits wagering facilities and a gambling casino.

The parking standard for a place of amusement is 1 parking space for every 20 m² net floor area.

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 on 55.0 m.

The M1-1 zone requires an interior side yard setback of 3.0 m on at least one side of the lot. The applicant has requested an exception to this by-law standard to permit an interior side yard of 0 m. The applicant has requested that the site specific zoning permit the outdoor use referred to as the “Festival Square” as a permitted land use accessory to a place of amusement as the definition of place of amusement does not permit accessory outdoor uses.

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

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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.

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

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, liveable 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.

Location

With respect to settlement areas, the PPS recognizes that the vitality of these areas is critical to the long-term economic prosperity of communities. 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 place of amusement in the form of a casino 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 employment land use on the subject lands, complementing the existing residential, commercial, and industrial land uses in the area. Further comments regarding infrastructure and public service facilities, active transportation, transit, air quality, climate change and energy efficiency are provided later in this report.

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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, mixed use area to the south and southeast. There are also six draft-approved residential subdivisions and two draft-approved industrial subdivisions southwest and west of the site. Further comments regarding infrastructure and public service facilities are provided later in this report.

The employment policies of the PPS, contained in Section 1.3, speak to protecting and preserving employment areas for current and future uses. The proposed casino is an employment use, consistent with the PPS; the proposed casino will not result in the conversion of employment lands to non-employment uses.

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform/do 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 place of amusement in the form of a casino.

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 casino and hotel development will allow for the expansion and diversification of the employment base of the City of Greater Sudbury.

The proposal to locate a commercial land use 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.

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 sees 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). In these respects, the proposal to locate a commercial land use 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 application proposes to establish a commercial land use (casino) on the subject lands, which is within an employment area, although designated and zoned for industrial land uses.

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The Official Plan Amendment proposes a site specific amendment to add “place of amusement” as a permitted use in the General Industrial land use designation. The proposed development includes a place of amusement in the form of a casino and an outdoor plaza. The proposed hotel is permitted within the General Industrial land use designation. The proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for Northern Ontario.

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 a mix of land uses within settlement areas. The PPS indicates, in Section 1.3.1, that economic development and competitiveness shall be promoted by providing for a mix and range of employment and institutional uses to meet long term needs and by supporting a wide range of economic activities and ancillary uses. The application conforms to Section 4.3 of the Growth Plan respecting Economic and Service Hubs. The City of Greater Sudbury can be considered an economic and service hub for the purposes of the Growth Plan. The Official Plan in Section 4.1 b. indicates that it is the objective of the employment area policies to ensure that a broad range of commercial opportunities be provided for residents, employees and tourists.

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. It is anticipated that the existing development in the area and the development of the subject lands will contribute positively to the completion of this portion of the community in terms of encouraging continued development of employment and residential lands in the area.

The vision of the City of Greater Sudbury Official Plan, expressed in Section 1.2 of the Plan, is of a city that is open to business and strives to provide an economic environment to grow commercial and industrial enterprises and to attract new investment. The City’s Official Plan, adopted by City Council in June 2006 was informed by the City’s economic development strategic plan entitled “Coming of Age in the 21st Century. That plan, adopted in 2003, sought to embrace opportunities for investment and growth in the community.

The Official Plan’s Employment Area policies (Section 4.0) speak to ensuring that a broad range of commercial, institutional, industrial, and mining and aggregate sector employment opportunities are provided within the City. Further, in Section 4.1 of the Plan, one of the objectives of the employment area policies is to promote the development of underutilized or unused industrial lands like the subject lands which are within an undeveloped draft approved industrial plan of subdivision. The proposed site specific official plan amendment to permit a place of amusement in the general industrial area furthers the overall objectives of the employment area policies by allowing the expansion and further diversification of the employment base.

Other employment based land uses permitted in the general industrial designation, where the place of amusement is proposed, include offices, hotels, restaurants; commercial recreation centres and bulk retail outlets. These land uses are compatible with and serve to support other employment uses in the general industrial area; the proposed casino use is, similarly, anticipated to be compatible with other employment uses in the general industrial area. No other land use compatibility issues are anticipated, either with the proposed arena project on lands immediately to the east, or with existing land uses in the area.

The proposal to establish a commercial 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.

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Transportation System

Infrastructure Capital Planning Services (Roads) have reviewed the traffic impact study and addendum prepared by Dillon for the applicant.

The traffic impact study has considered the traffic volumes to be generated by the casino, arena and employment uses in the area. 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 casino along with the adjacent arena 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.

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 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.

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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.

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, watermain 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 provided that the watermain on Street A is sufficiently sized.

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.

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.

Water Quality

The subject lands are located within the Intake Protection Zone (IPZ) 3 of Ramsey Lake with a vulnerability score of 9 in the Greater Sudbury Source Protection Plan. 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 plan of subdivision.

Stormwater Management

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 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 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. 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.

Sourcewater Protection

The PPS addresses issues related to protecting, improving or restoring the quality of water in Section 2.2 of the PPS. Section 8 of the Official Plan, Water Resources, contains policies with respect to safeguarding drinking water resources (8.3).

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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:

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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.

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.

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.

Holding Provision

In order to ensure a Risk Management Plan has been accepted as part of the planning approvals that services are adequate before development, 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.

Energy Conservation, Air Quality and Climate Change

The proposal for a casino and a hotel development, which is an employment 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 casino and hotel project will be built in compliance with the current Ontario Building Code requirements for energy conservation, consistent with the PPS. 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).

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, required 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;

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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. It is recommended 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 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.

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.

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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.

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 uses are not expected to pose land use conflicts with the landfill site.

Zoning By-law Standards

The applicant's sketch indicates that all of the parking required by the proposed casino and hotel project can be provided on the subject lands; no exception to the parking standard has been requested or is required.

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 55.0 m to accommodate the proposed hotel building. Given the location of the hotel no adverse impacts to adjacent residential land uses with respect to shadow/shade are anticipated. No adverse impacts related to the height of the proposed hotel on other proposed land uses in the industrial subdivision, including the proposed arena, are anticipated.

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