

Title: Claudette Therrien

Date: January 31, 2020

STAFF REPORT

PROPOSAL:

The application for Zoning By-law Amendment seeks 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 “R2-2”, Low Density Residential Two to “R2-2(S)”, Low Density Residential Two Special.

The proposed rezoning is intended to recognize and permit a multiple dwelling containing four residential dwelling units within the existing building presently located on the subject lands. Staff understands from Fire Services that the owner of the lands was recently in receipt of an Order to Comply (OTC) with respect to an a non-permitted dwelling unit requiring building permits with to ensure proper fire separation. The owner in response to the OTC submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on September 4, 2019, and the owner has subsequently now submitted a rezoning application to the City for consideration.

The owner has submitted a Concept Plan along with Floor Plans in support of the proposed rezoning that would recognize and permit a multiple dwelling containing four residential dwelling units within the existing building presently located on the subject lands

Existing Zoning: “R2-2”, Low Density Residential Two

The “R2-2” Zone permits a bed and breakfast establishment with a maximum of two rooms, a duplex dwelling, a group home type 1 with a maximum of ten beds, a linked dwelling, a private home daycare, a semi-detached dwelling, and a single-detached dwelling.

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

The proposed rezoning would add a multiple dwelling containing a maximum of four residential dwellings units as a permitted use in addition to those uses currently permitted in the “R2-2” Zone.

Location and Site Description:

The subject lands are located on the east side of Paquette Street and to the north of Lasalle Boulevard in New Sudbury. The lands have a total lot area of approximately 696 m² (7,500 ft²) with approximately 15 m (50 ft) of lot frontage onto Paquette Street and a lot depth of approximately 45 m (150 ft). The lands presently contain a multiple dwelling having four residential dwelling units.

Surrounding Land Uses:

North: Predominantly lower density urban residential land uses.

East: Predominantly lower density urban residential land uses.

South: Lower density urban residential land uses and general commercial/business industrial land uses along the Lasalle Boulevard corridor.

West: Lower density urban residential land uses and Lasalle Secondary School.

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The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned, as well as the applicable zoning in the immediate area.

Site photos depict the subject lands containing the existing multiple dwelling containing four residential dwelling units along with a detached garage and outdoor parking area located in the rear yard. Photos of the immediately surrounding residential area also included illustrate the lower density residential nature of the general area.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on October 10, 2019. The statutory Notice of Public Hearing dated February 20, 2020 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owners and agent were also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. Staff understands that the owners distributed a handout describing their rezoning application to immediate neighbours in the area.

At the time of writing this report, no emails or letter submissions have been received by the Planning Services Division. Staff did receive one phone call from an area resident who was seeking clarification on the lands to be rezoned and what land uses would be permitted should the application be approved.

POLICY AND REGULATORY FRAMEWORK:

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

- [2014 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

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

2014 Provincial Policy Statement:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2014 Provincial Policy Statement (PPS). The following PPS policies are applicable to this application for rezoning:

1. Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted;
2. Section 1.1.3.2 outlines that land use patterns should have a mix of densities and land uses which efficiently use land and resources, are appropriate for the infrastructure available, minimize negative impacts on air quality and climate change and support active transportation and are transit-supportive are to be promoted;

3. Section 1.1.3.4 notes that appropriate development standards should be promoted which facilitate intensification and compact form, while avoiding or mitigating risks to public health and safety;
4. Section 1.4.3 outlines that municipalities are required to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged;
5. Section 1.4 generally requires municipalities to provide for an appropriate range of housing types and densities in order to meet the housing needs of current and futures residents;
6. Section 1.4.3 specifically directs municipalities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents and to permit and facilitate all forms of intensification; and,
7. Section 1.4.3 also directs development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

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

The following policies under the Living Area 1 designation are relevant to the proposed rezoning:

Section 3.2.1 of the Official Plan outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, medium density residential uses up to a maximum density of 90 units per hectare and high density residential uses up to a maximum density of 150 units per hectare. Medium density housing should be located in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas and community/recreational services. Medium density development is to be located where adequate servicing capacities exist along with a road system that can accommodate the growth. High density residential development is permitted in the community of Sudbury.

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Section 3.2.1.6 of the Official Plan specifically outlines those matters to be reviewed when considering applications to rezone lands within the Living Area 1 designation:

- a) The site is suitable in terms of size and shape to accommodate the proposed density and built form;
- b) The proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas;
- c) Adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d) The impact of traffic on local streets is minimal.

Section 2.3.3 of the Official Plan generally acknowledges that residential intensification is an effective means of ensuring the efficient use of land and infrastructure in the City. Intensification is permitted in the Living Area 1 designation and encouraged on sites with suitable existing or planned infrastructure. Intensification is to be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the development proposal.

Section 2.3.3.9 establishes criteria to evaluate applications for intensification:

- a) Suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
- b) The compatibility of the proposed development on the existing and planned character of the area;
- c) The provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
- d) The provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation; and,
- e) The availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure.

Residential intensification proposals are to be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Section 18.0 of the Official Plan generally includes policies which encourage the provision of adequate and affordable housing for all residents in the City of Greater Sudbury. Section 18.2.1 addresses the achievement of diversity in housing type and form. Those policies under Section 18.2.1 which are relevant to the development proposal include:

- 1. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
- 2. To encourage production of smaller (ie. one and two bedroom) units to accommodate the growing number of smaller households; and,
- 3. To promote a range of housing types suitable to the needs of senior citizens.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations.

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Zoning By-law 2010-100Z:

The owner is requesting that the subject lands be rezoned to “R2-2(S)” in order to recognize and permit a multiple dwelling containing four residential dwelling units within the existing building presently located on the subject lands. The “R2-2” Zone does not permit a residential built-form being that of a multiple dwelling containing four residential dwelling units. There are no provisions in the “R2-2” Zone which contemplate development standards for this type of built-form as a multiple dwelling is not permitted as of right in the “R2-2” Zone. No site-specific relief from any general or parking provisions or from the development standards of the “R2-2” Zone is being requested by the owner.

Department/Agency Review:

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate appropriate development standards in an amending zoning by-law should the application be approved.

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

Active Transportation, the City’s Drainage Section, Operations, and Roads have each advised that they have no concerns from their respective areas of interest.

Building Services has advised that prior to passing an amending zoning by-law a satisfactory building permit application for the proposed multiple dwelling is required to the satisfaction of the Chief Building Official. Records also indicate there is no building permit for a “sunroom” addition that was made to the existing building and the above noted building permit application must also address this matter. Building Services has also noted from a zoning requirement perspective that “Parking Space #1” on the submitted sketch abuts a building wall and must therefore have a width of 3 m (9.84 ft) and, in addition, the lands are required to provide for 50% landscaped open space in the required front yard.

Development Engineering advises that the lands are presently serviced with municipal water and sanitary sewer infrastructure.

Traffic and Transportation has no concerns provided that sufficient parking spaces can be provided on the lands that complying with zoning requirements.

PLANNING ANALYSIS:

The 2014 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency and department circulation.

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

1. The community of New Sudbury is an identified settlement area in the City's Official Plan. The addition of a multiple dwelling containing four residential dwelling units in addition to those other uses permitted in the requested "R2-2" Zone in this urban setting and location on Paquette Street should be promoted and is considered to be good land use planning;
2. Staff is of the opinion that the proposed development contributes positively to improving the mix of densities and land uses that would be permitted in this particular area north of Lasalle Boulevard in the City. The lands are serviced with municipal water and sanitary sewer and access to public transportation is available to the south at Lasalle Boulevard and Barry Downe Road (ie. New Sudbury Transit Hub, 1 – Main Line & 2 – Barry Downe-Cambrian). Active transportation is also an option for residents as sidewalks are available on the east side of Paquette Street providing access to the Lasalle Boulevard corridor. The proposed rezoning will make good intensified use of the subject lands from a good land use planning perspective;
3. The subject lands are presently zoned to permit a range of lower density residential uses including a bed and breakfast establishment with a maximum of two rooms, a duplex dwelling, a group home type 1 with a maximum of ten beds, a linked dwelling, a private home daycare, a semi-detached dwelling, and a single-detached dwelling. Staff is however satisfied that the lands can appropriately be zoned to permit a multiple dwelling containing four residential dwelling units at a higher density than currently permitted and in doing so no risks have been identified with respect to public health and safety. Staff notes that the owner is not seeking any site-specific relief in order to accommodate the built-form they are requesting being that of multiple dwelling having four residential dwelling units;
4. Staff is of the opinion that the proposed rezoning would positively contribute to and allow for additional housing options in terms of tenure and built-form in this particular area of New Sudbury. The rezoning would also positively contribute to permitting and facilitate all forms of housing to meet social, health and well-being requirements for current and future residents in New Sudbury and surrounding areas of the City;
5. Staff notes that in this particular area there are not many properties zoned for multiple dwellings. Staff also notes that in this part of New Sudbury this opportunity to provide for a multiple dwelling in this context would represent a positive contribution toward improving the mix of housing types and built-forms available in this particular neighbourhood; and,
6. As previously noted, the lands are presently serviced with municipal water and sanitary sewer infrastructure and therefore the rezoning would represent the municipality directing new housing options toward locations where appropriate municipal infrastructure and public service facilities are available.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal to allow for a multiple dwelling containing four residential dwelling units as an additional permitted use on the subject lands are discussed in detail below.

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With respect to general Living Area 1 policies in the Official Plan, staff has the following comments:

1. The proposed residential land use being that of a multiple dwelling containing four residential dwellings units is permitted within the Living Area 1 designation and would yield a density of approximately 57 residential dwelling units per hectare, which is within the threshold of those medium density residential policies in the Official Plan; and,
2. Staff is of the opinion that the proposed residential density is not excessive and that the submitted sketch demonstrates that the multiple dwelling containing four residential dwelling units that is being proposed can be reasonably accommodated in this setting on Paquette Street in New Sudbury and in close proximity to the Lasalle Boulevard corridor. Staff also has no concerns with the lands retaining all other permitted land uses in the "R2-2" Zone.

With respect to the Living Area 1 policies set out under Section 3.2.1(6) of the Official Plan that are to be considered when rezoning lands, staff has the following comments:

1. Staff has reviewed both the submitted sketch of the existing building and parking areas and are satisfied that in general a land use in the form of multiple dwelling containing four residential dwelling units can be reasonably situated on the site and the subject lands are of appropriate size and shaped to accommodate the proposed density and built-form;
2. Staff notes the subject lands are located along the east side of Paquette Street and within an established residential neighbourhood having homes of varying ages in terms of housing stock and consisting of predominantly single-detached dwellings and other residential buildings containing two or three residential dwelling units. There also may be some legal non-conforming residential uses in the area. Staff is of the opinion that to permit a multiple dwelling having four residential dwelling units in this setting is not an excessive departure from the generally low density nature of this particular residential neighbourhood in New Sudbury. Staff in reviewing the submitted sketch is satisfied that the residential land use being requested can be reasonably accommodated in this residential setting with respect to scale, massing, height, siting, setbacks and the location of parking and amenity areas. No site-specific relief beyond permitting is required in order to accommodate the requested land use;
3. Staff is satisfied that adequate on-site parking in the rear yard, lighting, landscaping and amenity areas can be provided on the subject lands. The built-form being that of a multiple dwelling is permitted as a medium density residential built-form in the Living Area 1 designation. It is noted that it is the opinion of staff that comprehensive site lighting is not a concern in this medium density residential setting. The submitted sketch demonstrates that sufficient land is available to provide each dwelling unit with one required parking space, along with visitor parking spaces, either within the detached garage or in the rear yard. Sufficient area for some landscaped open space and outdoor amenity area would also appear to be available in the front yard provided that the owner re-institutes landscaped open space comprising of 50% of the required front yard, which is being recommended by staff. The front yard parking area is not required to service the lands from a parking perspective and should therefore be removed in favour of re-instituting front yard landscaping; and,
4. Staff is satisfied that minimal traffic impacts would be generated along Paquette Street should the one additional residential dwelling unit located within the existing multiple dwelling building be permitted. The City's Traffic Section did review the application and expressed no traffic impact concerns with respect to the proposed rezoning.

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With respect to intensification policies set out under Section 2.3.3 of the Official Plan, staff is of the opinion that the addition of a multiple dwelling containing four residential dwelling units along with continuing to permit other uses in the "R2-2" Zone can be accomplished in a complementary manner without disrupting the existing character of the residential neighbourhood in this part of New Sudbury. Maintaining those other uses permitted in the standard "R2-2" Zone will allow for continued and appropriate flexibility in terms of potential land uses on the subject lands.

Staff is satisfied that the existing building as constructed does not appear imposing on nearby low density single-detached dwellings and it directly abutting similar buildings in terms of appearance from the Paquette Street right-of-way. Staff is of the opinion that there is no negative impact on the existing character of this particular residential area should the additional residential dwelling unit within the existing building be permitted. No issues with respect to soil conditions, drainage or topography were identified in the review of the application. Staff has noted that should the front yard landscaping be installed as recommend that it is anticipated that the resulting multiple dwelling with four residential dwelling units can adequately provide for on-site landscaping, fencing, and planting in a complimentary manner to other uses in the immediate area. No issues with respect to adequate ingress and egress from the lands onto Paquette Street, or other roads and traffic matters in the vicinity of the lands, were identified through the circulation of the application. Staff has also noted in this report that there is access to public transit and active transportation options in this particular part of New Sudbury. Staff is therefore satisfied that this represents a balanced approach to intensification in this setting.

With respect to housing policies set out under Section 18.0 of the Official Plan, staff notes that the proposed would allow for what amount to a multiple dwelling containing four residential dwelling units on the subject lands as opposed to a multiple dwelling containing three residential dwelling units and the request therefore represents an opportunity to improve the availability and provision of adequate and affordable housing in the community of Sudbury. The addition of one additional residential dwelling unit within the existing multiple dwelling as a permitted use in general would also positively contribute to the diversity of housing types and forms available in the general neighbourhood along Paquette Street and to the north of Lasalle Boulevard. Staff would advise the owner that the Official Plan encourages and is supportive of residential dwelling units which have two bedrooms or less which serve as an attractive housing option for those with smaller household sizes living in or wanting to live New Sudbury. Staff are also of the opinion that the proposed rezoning in general will contribute to ensuring that a range of suitable housing types are available to meet the needs of senior citizens living in New Sudbury.

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

The owner is requesting that the subject lands be rezoned from "R2-2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special. Staff in general has no concerns with the requested zone category. Staff further notes that beyond adding a multiple dwelling having four residential dwelling units that the amending zoning by-law will continue to also allow for all other uses permitted in the standard "R2-2" Zone. Staff has reviewed the submitted sketch and analyzed those other uses that could locate on the lands and are satisfied that the "R2-2(S)" request to also permit a multiple dwelling with four residential dwelling units is both reasonable and supportable.

It should be noted that staff supports the rezoning on the condition that the owner install a minimum of 50% landscaped open space in the required front yard and that no parking areas be provided for in the required front yard as a result. Staff notes however in this respect that the cleared area in the front yard is not necessary for the purposes of providing off-street parking in compliance with parking requirements for the proposed multiple dwelling containing four residential dwellings units. There is a detached garage at present located in the rear of the subject lands providing two parking spaces and the submitted sketch depicts an additional four parking spaces along the northerly lot line. Staff notes that all parking space dimensions on the submitted sketch appear to comply with those dimension requirements set out in the City's Zoning By-law.

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Staff would recommend that no amending zoning by-law be enacted until such time as required building permits be applied for to the satisfaction of the Chief Building Official and that 50% landscaped open space in the required front yard be installed to the satisfaction of the Director of Planning Services prior.

CONCLUSION:

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

Staff is recommending that required building permits where required be applied for and that 50% landscaped open space in the required front yard be installed prior to an amending zoning by-law being passed. It is noted that the existing parking area in the front yard is not required from an on-site parking perspective as adequate parking for each residential dwelling unit is provided for in the rear yard.

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

- To add a multiple dwelling having a maximum of four residential dwelling units as a permitted use on a site-specific basis in addition to those uses currently permitted within the standard "R2-2" Zone; and,
- For clarity purposes that 50% of the required front yard be landscaped open space.

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