



Special Committee Meeting
AGENDA

Tuesday, April 9, 2024, 5:30 p.m.

Council Chambers

City Hall - 200 McIntyre Street East, North Bay, ON

Community Services Committee

Chair: Councillor Mallah

Vice-Chair: Councillor King

Public Meeting pursuant to the Planning Act

CS 2024-03

Report from Adam Curran dated February 8, 2024 re: Condominium Conversion Policy Review

CS 2024-02

Supplemental Report by Peter Carello dated March 27, 2024 re: Proposed Zoning By-Law Amendment by 2412594 Ontario Limited - Premier Road (unaddressed).

Infrastructure and Operations Committee

Chair: Councillor Mitchell

Vice Chair: Councillor Mayne

No Items to be Addressed.

General Government Committee

Chair: Councillor Horsfield

Vice-Chair: Councillor Inch

No Items to be Addressed.

CS 2024-03

Draft Recommendation:

“That Council approve the general Official Plan Amendment to the City’s Official Plan policies on Condominium Conversion based on Schedule ‘A’ in report to Council CSBU-2024-001 by Adam Curran, dated February 8, 2024.”



City of North Bay Report to Council

Report No: CSBU-2024-001

Date: February 8, 2024

Originator: Adam Curran, M.E.S., MCIP, RPP

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Condominium Conversion Policy Review

Closed Session: yes no

Recommendation

That City Council direct Planning Staff to hold a public meeting under the Planning Act for a proposed Official Plan Amendment to amend the City's Condominium Conversion Policy based on Schedule 'A' in Report to Council CSBU-2024-001 by Adam Curran, dated February 8, 2024.

Background

The City of North Bay's current Official Plan was approved by City Council on September 8, 2009, and received final approval by the Ministry of Municipal Affairs and Housing in January 2012.

In 2017, North Bay City Council adopted a workplan to begin the Official Plan review and update to ensure our current policies are in line with Provincial Policy. This work is still ongoing and has taken longer than anticipated because of a number of new Planning Act changes and the release of a draft version of the Provincial Planning Statement, 2023 (PPS, 2023).

Planning Staff is currently waiting on the adoption of the PPS, 2023 before bringing the Draft Official Plan Update to the public and council to ensure the policies reflect the most up to date Provincial Policy.

City Council passed Resolution 2023-417 on November 14, 2023 that directed Planning Services Staff to *"review the Official Plan Policy as it relates to condominium conversions taking into account current rental information"*.

It is important to note that should Council move forward with an amendment to the Official Plan to update the Condominium Conversion policies, existing

current applications would be processed under the policies that are currently in place.

The purpose of this report is to provide a background on our current condominium conversion policies, other jurisdictions policy, current tools, and previous condominium conversions within the City.

Attached to the report are the proposed Draft policies for condominium conversions of the Official Plan (Schedule 'A').

The City's Official Plan and the Provincial Policy Statement, 2020, require that a community have an appropriate mix and range of housing, in terms of form, function, tenure, and affordability. Providing appropriate housing options is important to the health and well-being of the residents.

The housing continuum identifies different needs and types of housing, from homelessness to market ownership. In the City of North Bay, the District of Nipissing Social Services Administration Board is responsible for homelessness and affordable housing. The City of North Bay plays an important role in ensuring our policies and practices create an environment for different types of housing, ensuring appropriately zoned and serviced land to support housing across the whole continuum.

Rental housing stock is an important component to housing options within the community. In some circumstances the conversion of rental units to a condominium may be appropriate because of an opportunity to convert existing units into a reinvestment in housing stock and create affordable or attainable home ownership options.

The City of North Bay's current policy for condominium conversions is as follows:

"2.1.13 Condominium Conversion Policy

2.1.13.1 The conversion of existing rental units to condominium may be permitted, provided that the rental vacancy rate of the City has been at or above 3% for two successive surveys, as reported by Canada Mortgage and Housing Corporation in the bi-annual rental vacancy survey.

2.1.13.2 A conversion may be permitted, where the rental vacancy rate is below 3%, where one or more of the following conditions are satisfied:

- a) The developer has a signed agreement with 50% or more of the existing tenants to purchase their unit as provided for in the Condominium Act 1998, as amended;
- b) all of the resulting condominium units provide affordable

ownership as defined by the Provincial Policy Statement 2005 or any successor policy document;

- c) the existing market rents of the units proposed for conversion are above the average market rent levels for the City of North Bay, as reported yearly by the CMHC Rental Housing Market Survey for rental units of a similar dwelling/structure and bedroom type; or
- d) It can be demonstrated that the resulting conversion will have no net reduction on the availability of affordable housing, as defined by the Provincial Policy Statement 2005 or any successor policy documents.”

Figure 1, below, shows a comparison of the City’s current policies against several other Municipalities.

The categories reviewed are defined as follows:

Rental Vacancy Rate Threshold: Municipalities review the CHMC data on vacancy rates and create a threshold of when Condominium Conversions are permitted.

Timeframe for Vacancy Rate: Municipalities review CHMC data over a set period, for example 1 year or 2 years.

Vacancy Rate Threshold after Conversion: This considers the number of units that are subject to the Condominium Conversion, and how the conversion will affect the vacancy rate.

Use of CMHC Data to Monitor the Rental Market: Rely on CMHC data for the policy decisions for condominium conversions.

Vacancy Rate Threshold by Unit Type and Location: Reviews the overall vacancy rate and the particular type of unit that is proposed to be converted (bedroom numbers).

Additional Requirements to Protect Affordable Housing: Are there are policies within the Official Plan to protect affordable housing?

Municipality	Rental Vacancy Rate Threshold	Timeframe for Vacancy Rate	Vacancy Rate Threshold After Conversion	Use of CMHC Data to Monitor the Rental Market	Vacancy Rate Threshold by Unit Type and Location	Additional Requirements to Protect Affordable Housing
City of Burlington	✓	✓		✓	✓	
Municipality of Clarington	✓	✓	✓	✓	✓	
City of Hamilton	✓	✓	✓	✓	✓	✓
City of Regina	✓				✓	
City of Thunder Bay	✓			✓		
City of Toronto	✓	✓		✓		✓
City of Waterloo	✓	✓		✓		✓
City of Sudbury				✓		✓
City of North Bay	✓	✓		✓		✓

Figure 1: Municipalities Condominium Conversion Requirements.

As shown above in Figure 1, there are common themes in what is required in other Municipalities for Condominium Conversions, these include:

- Most municipalities identified a vacancy rate threshold, the standard was 2% or 3% and that this threshold has been above this threshold for a specified timeframe, typically 1 or 2 years.
- Some municipalities reviewed the vacancy rate threshold for the dwelling type/unit size that would be converted.
- Some municipalities limit conversions if there is an impact on the affordable housing supply.

Planning Services completed a review of the previous applications and identified four condominium conversions dating back to 2012. The four condominium conversions had 41 residential units proposed to be converted to Condominiums. It appears that out of the 41 units, to date only 12 units have been converted to a Condominium Unit. The remaining 29 units that had been approved to be converted are still part of the rental supply.

Vacancy Rates – North Bay

The City of North Bay relies on the Canada Mortgage and Housing Corporation (CMHC) data on vacancy rates and average market rent rates. The chart below demonstrates the trends in the vacancy rate and shows the average market rent since 2012.

Year	Vacancy Rate	Average Rent
2012	2.9%	\$797
2013	3.7%	\$819
2014	2.7%	\$838
2015	6.3%	\$866
2016	5.8%	\$870
2017	4.3%	\$883
2018	1.7%	\$908
2019	3.2%	\$940
2020	2.3%	\$969
2021	4.4%	\$1,007
2022	2.6%	\$1,085
2023	2.4%	\$1,184
Average Vacancy Rate	3.5%	N/A

Since 2012, the City of North Bay has had an average vacancy rate of 3.5%. A report published by Advocacy Centre of Tenants Ontario '*Tenant Protection and Rent Regulation in Ontario, March 2021*', they found that "a vacancy rate between 3% to 5% is considered the minimum necessary for a healthy rental market."

In the last two reported years, the average vacancy rate has fallen below 3%.

The current Official Plan does recognize the importance of maintaining a 3% vacancy rate but, even with a vacancy rate below 3%, does provide other means for a condominium conversion to happen provided certain criteria is met.

City Council does have tools available to them under the Municipal Act and the Planning Act preventing the conversions or allow for a pause should additional study need to be completed. These include:

Municipal Act, 2001

Section 99.1 of the *Municipal Act, 2001*, permits a local municipality to regulate the demolition or conversion of residential rental properties. The permissions include the power to pass a by-law to prohibit demolitions or conversions without a permit, and to impose conditions as a requirement of obtaining a permit. Conditions may be imposed requiring an owner to enter into an agreement with the municipality, which may be registered on title to land to which it applies. These permissions are only applicable where there are

six or more rental housing units affected.

Interim Control By-law, Planning Act

An interim control by-law (ICBL) is a tool available under Section 38 (1) of the Planning Act which can place a temporary freeze on some land uses while the municipality performs a review or study of the current policies in effect.

Given the limited number of condominium conversions that have occurred in the community to date and, should Council agree to move forward with a public meeting under the Planning Act to implement the proposed changes outlined in this report, there is no need to implement these additional tools.

Proposed New Policies

Through the review of the City's existing Condominium Conversion policies, it has been identified that there is an opportunity to make the Official Plan policies clearer and reduce the risk of unintended impacts on the rental market.

The proposed policy, included in Schedule 'A' to this report, would not permit condominium conversions if the vacancy rate has been less than 3% in the previous two surveys.

In addition, the proposed policy would allow condominium conversions when the vacancy rate has been between 3% and 5% for the previous two survey years, provided the applicant can meet one of the listed criteria.

The criteria is proposed as follows:

- a) All of the resulting Condominium Units will provide affordable ownership as defined by the Provincial Policy Statement 2020 or any successor policy documents or as defined by the City of North Bay;
- b) The existing market rents of the units proposed for conversion are currently being rented for 15% or higher than the average market rent levels for the City of North Bay, as reported yearly by the Canada Mortgage and Housing *Rental Market Statistics Summary* for rental units of a similar dwelling/structure and bedroom type;
- c) The proposed vacancy rate for this specific unit type is 5% or higher for two consecutive surveys, as reported by Canada Mortgage and Housing in the *Rental Market Statistics Summar*.

In addition, an applicant would be required to show that the proposed resulting condominium conversion would not bring the vacancy rate below 3%.

Financial/Legal Implications

The Financial implications are minor in that an Official Plan amendment would be completed in house and includes normal mailing and advertising costs.

Legal implications include possible appeals to the Ontario Land Tribunal related to the proposed new policy.

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input checked="" type="checkbox"/> Affordable Balanced Growth | <input checked="" type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Facilitate the development of housing options to service the entire community, with consideration to socio-economic characteristics of the community.
- Facilitate the development of housing options to service the needs of the community.

Options Analysis

Option 1: That City Council direct Planning Staff to hold a public meeting under the Planning Act for a proposed Official Plan Amendment to amend the City's Condominium Conversion Policy based on Schedule 'A' in Report to Council CSBU-2024-001 by Adam Curran, dated February 8, 2024.

Option 2: Do not proceed with a standalone Official Plan Amendment related to the Condominium Conversion Policies and incorporate the review into the City's Official Plan review process.

Option 3: Maintain the current policies and do not proceed with an Official Plan Amendment.

Recommended Option

Option 1 is the recommended option.

That City Council direct Planning Staff to hold a public meeting under the Planning Act for a proposed Official Plan Amendment to amend the City's Condominium Conversion Policy based on Schedule 'A' in Report to Council CSBU-2024-001 by Adam Curran, dated February 8, 2024.

Respectfully submitted,

Name: Adam Curran, M.E.S., MCIP, RPP

Title: Policy and Business Development Planner

I concur with this report and recommendation

Name: Beverley Hillier, MCIP, RPP
Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP, RPP
Title: Director, Community Services

Name: John Severino, P.Eng., MBA
Title: Chief Administrative Officer

Personnel designated for continuance:
Name: Adam Curran, M.E.S., MCIP, RPP
Title: Policy and Business Development Planner

Schedule A

Draft Proposed Official Plan Policy

AMENDMENT NO. ___

TO THE

OFFICIAL PLAN

OF THE

CITY OF NORTH BAY

(Condominium Conversion Policy)

<DATE>

**AMENDMENT NO. ___
TO THE OFFICIAL PLAN OF THE CITY OF NORTH BAY**

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STATEMENT OF COMPONENTS

PART ONE - INTRODUCTION is included for information purposes and is not an operative part of this Official Plan Amendment.

PART TWO - THE AMENDMENT, consisting of the text and schedules attached hereto, is an operative part of this Official Plan Amendment.

PART ONE - INTRODUCTION

1. PURPOSE

The purpose of Amendment No. ___ to the Official Plan of the City of North Bay is to address a motion passed by Council, Resolution 2023-417 which recommended Planning Services review the Official Plan Policy as it relates to condominium conversions.

2. LOCATION

This Amendment applies to the entirety of the City of North Bay.

3. BASIS

The City of North Bay's Official Plan has policies to convert existing rental units to Condominium. The current policies have been in place since the adoption of the current Official Plan in 2009.

North Bay City Council passed resolution number 2023-417 on November 14, 2023 which states the following:

"Whereas the City's current Official Plan Policy allows condominium conversions.

Therefore Be It Resolved that Council recommends Planning Services staff review the Official Plan Policy as it relates to condominium conversions taking into account current residential rental information".

The basis for these changes have been based on Council's desire to further protect rental units, and ensuring that condominium conversions can proceed, provided the market can support the conversions and loss of rental units.

A ban on Condominium Conversions is not recommended. Condominium Conversions have the ability to, and typically do, create the most affordable type of housing ownership.

The proposed changes to the Official Plan will create a policy regime that protects the residential rental market at times when the vacancy rate is low, however, would also permit conversions at times when there is a higher vacancy and the conversions could create home ownership options.

PART TWO - THE AMENDMENT

1. PURPOSE

The purpose of Amendment No. ___ to the Official Plan of the City of North Bay is to amend the policies as they relate to condominium conversion as to not negatively affect the residential rental market.

This amendment applies to all lands within the City of North Bay.

2. THE AMENDMENT

The Official Plan of the City of North Bay is hereby amended:

2.1.1 Policies

- i) By deleting Section 2.1.13.1 and 2.1.13.2 and replacing it with the following:

“2.1.13 Condominium Conversion Policy

2.1.13.1 The conversion of existing rental units to condominium units are not permitted if the rental vacancy rate for the City has been an average of 3% or less for the previous two consecutive surveys, as reported by Canada Mortgage and Housing in the *Rental Market Statistics Summary*.

2.1.13.2 The conversion of existing rental units to condominium units may be permitted provided that the rental vacancy rate for the City is between 3% and 5% for two consecutive surveys, as reported by Canada Mortgage and Housing in the *Rental Market Statistics Summary*, and the conversion of the rental units would not reduce the City of North Bay’s rental vacancy below 3% and provided that the applicant can meet one or more of the following conditions:

- a) All of the resulting Condominium Units will provide affordable ownership as defined by the Provincial Policy Statement 2020 or any successor policy documents or as defined by the City of North Bay;
- b) The existing market rents of the units proposed for conversion are currently being rented for 15% or higher above the average market rent levels for the City of North Bay, as reported yearly by the Canada Mortgage and Housing *Rental Market Statistics Summary* for rental units of a similar dwelling/structure and bedroom type;
- c) The proposed vacancy rate for the specific unit type is 5% or higher for two consecutive surveys, as reported by Canada Mortgage and Housing in the *Rental Market Statistics Summary*.

3. IMPLEMENTATION AND INTERPRETATION

This Official Plan Amendment shall be implemented and interpreted in accordance with the implementation and interpretation provisions set out in the Amendment and the Official Plan.

DRAFT

CS 2024-02

Draft Recommendation:

“That:

1. Council approve the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited, to rezone the property legally described in Appendix A to Report to Council No. CSBU 2024-17 dated March 27, 2024 by Peter Carello, from a “Residential First Density (R1)” zone to a “Residential Sixth Density (R6)” zone; and
2. the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.”



City of North Bay Report to Council

Report No: CSBU-2024-017

Date: March 27, 2024

Originator: Peter Carello, Senior Planner

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Supplemental Report - Proposed Zoning By-law Amendment by
2412594 Ontario Limited – Premier Road (Unaddressed)

Closed Session: yes no

Recommendation

1. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited, to rezone the property legally described in Appendix A to Report to Council No. CSBU 2024-017 from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone be approved; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Site Information

Legal Description:

See Appendix A

Site Description:

The subject property is an existing lot of record on Premier Road, located at the intersection of Premier Road and Cherry Point Court, as shown below on Figure 1 and on attached Schedule A.

It is designated "Residential" by the Official Plan and is zoned "Residential First Density (R1)" under the City's Zoning By-law No. 2015-30.

Figure 1: Satellite Imagery of Subject Property and Surrounding Area



The property has an existing lot area of 0.132 hectares and lot frontage of 28.9 metres on Premier Road, as shown on attached Schedule B. The property is mostly vacant, apart from a small shed and some other smaller items (a sign, a garden planter, etc.).

Proposal

Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited has submitted a Zoning By-law Amendment application to rezone an unaddressed property located on Premier Road from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone.

The purpose of the application is to allow the development of the lot under the regulations of the R6 zone.

Background

The subject application was received in late 2023 requesting to rezone the property described in Appendix A from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone. The application stated that the purpose of the requested rezoning was to allow the property to be developed with a fourplex. The application was processed on this basis. This includes notifying the public of the application and repeating the applicants' stated intention of a fourplex. It also included the preparation of a Report to City Council ([CSBU 2024-008](#)) that made a recommendation to approve the requested rezoning.

At the public meeting before City Council on February 5, 2024, the agent for the applicant indicated that there is a possibility that the property might be developed with one of the other uses permitted by the R6 zone; that the

development potential is not exclusively limited to a fourplex. While CSBU 2024-008 does list the other permitted uses in the Zoning By-law section of the report, it did not discuss or consider these other uses in great detail.

As a result of this ambiguity, City Council voted to return the rezoning application to Committee in order to reconsider the file from the perspective of the uses other than a fourplex.

The purpose of this report is to give greater consideration of the other potential uses of the property that would be made possible should the rezoning be approved. This report will also attempt to determine what the maximum number of units that could be created by the rezoning.

Maximum Number of Units

Planning Services reached out to the agent for the applicant shortly after the file was referred to Committee to request sketches that would outline different potential uses. The owner has indicated that they are not prepared to draft hypothetical site plans and would like the application considered as presented.

Given the owner's reluctance to draft potential site plans, Planning staff have conducted a simple mathematical analysis of what is possible relative to the minimum requirements of the Zoning By-law. It is important to note that Planning Staff did not draft a site plan, therefore we cannot confirm that the site plan itself would function at the level of development suggested. For example, we will calculate the number of street front townhouse units that can be constructed given the lot frontage and area, but we cannot confirm that the development would meet the parking minimum as this requires a full site layout, including ensuring appropriate turning radius etc.

Primary uses Permitted in an R6 Zone are:

- Semi Detached Dwelling;
- Fourplex Dwelling;
- Cluster Townhouse;
- Stacked Townhouse;
- Street Front Townhouse;
- Group Home Type 1;
- Group Home Type 2; and
- Institutional Uses.

For the purpose of this analysis, it is important to consider that the Zoning By-law Amendment permits Additional Dwelling Units (ADUs) as a permitted use in all low-density residential uses, except for Fourplexes, Group Homes (Type 1 & 2) and Institutional uses.

Based on the Planning Department's mathematical analysis, the following represents the maximum number of units that could be constructed based on Zoning By-law requirements.

- Semi-Detached Dwelling Units: A semi-detached dwelling requires 9 metres of frontage and 270 m² of lot area per unit. By definition, semi-detached dwelling units can only be created in increments of two, as in order to be a semi-detached dwelling the structure must have a shared wall with a second unit. The subject property has frontage of 28.9 metres, meaning that that two semi-detached dwelling unit, each with two ADUs for a total of six units is the maximum that could be constructed.
- Fourplex Dwelling Unit: A Fourplex requires 22.8 metres of frontage and 171 m² in lot area per unit (684 m² in total). A Fourplex is not eligible for ADUs, meaning that the maximum number of dwelling units that can be constructed is four.
- Cluster Townhouse: A Cluster Townhouse requires 30 metres of frontage and 200 m² in lot area per unit. As the property only has 28.9 metres of frontage, a cluster townhouse would not be permitted on the subject property at this time.
- Stacked Townhouse: A Stacked Townhouse is when each individual townhouse lot has two units stacked over/under one another. In order to achieve a Stacked Townhouse, the application must be accompanied by a Plan of Condominium application. A condominium application was not received, therefore stacked townhouses are not a possibility at this time.
- Street Front Townhouse: A Street Front Townhouse requires 8.7 metres for each of the units on the exterior of the townhouse, 7.5 metres for each townhouse unit in the interior of the townhouse complex. It also requires 200 m² in lot area per unit. The property could theoretically accommodate three townhouse units, each could potentially have two ADUs for a total of nine units. Based on a total of 9 units constructed in this scenario, a total of 9 parking spaces would be required. Depending on the site layout, there is the possibility that 9 units can be constructed while also achieving the required parking spaces.
- Group Home Type 1: A Group Home Type 1 is defined as a "*single housekeeping unit in which up to 4 residents (excluding the staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents*". A Group Home Type 1 requires frontage of 18 metres and lot area of 270 m². The property meets these requirements, meaning that a Group Home Type 1 is a potential use of the subject property.
- Group Home Type 2: A Group Home Type 2 is defined as a "*An occupancy in which up to 8 patients (excluding the staff or receiving family) live and receive treatment under responsible supervision consistent with the requirements of its residents*". A Group Home Type 2 requires lot frontage of 22.8 metres and lot area of 171 m². The property meets these requirements, meaning that a Group Home Type 2 is a potential use of the subject property.
- Institutional Use: An Institutional Use is defined as "*The use of land, buildings or structures for a public purpose including schools, places of worship, community centres, and hospitals*". Institutional uses do not have specific lot frontage or area requirements, but must meet the

regulations of the zone. This means that an Institutional Use is theoretically possible on the subject property, but it would be of a modest size and would need to meet the requirements of the Zoning By-law, including parking and setbacks to the property line. Major Institutional Uses, such as a school, would not be able to be located on the subject property.

Based on this analysis, it would appear that the most units that could be constructed would be nine (by way of the Street Front Townhouses with ADUs). This is contingent on the developer achieving a site plan that meets the regulations of the Zoning By-law and resolving the question of the easement that was raised in the initial Report to Council CSBU No. 2024-008.

Removal of Permitted Uses

The City does have the ability to remove uses from the list of permitted uses by way of a Special Zone. This has been done on numerous occasions in previous years.

However, it is my opinion that deviating from the standard list of permitted uses should be done cautiously where there is a demonstrable reason why the removed use is inappropriate or incompatible with the neighbourhood.

The City's Zoning By-law is written in a fashion that creates several types of checks and balances to ensure that the scale of development is appropriate for the neighbourhood and the site characteristics of the subject property. Most notably, there are the lot frontage and lot area requirements that were referenced above. Minimum parking standards can also serve as a limit on how much development can take place on a property. Certain uses and zones have other types of regulations, such as landscaping requirements or limiting how much parking can take place in the front yard, will also limit the intensity of development.

Taken as a whole, the combinations of regulations contained within the Zoning By-law helps ensure that any individual property is not overdeveloped and new developments maintain the existing character of the neighbourhood.

The same system of regulations would apply to the subject property. As discussed above, the property cannot be used as a stacked townhouse or a cluster townhouse under the current application.

In order for Council to have fulsome information, planning staff discussed the preliminary possibility of a street front townhouse, with a combined total of 9 units. In general, without a specific site plan to review, Engineering's comments remain the same as originally presented in Report to Council CSBU 2024-08. The Owner would be required to confirm service capacity as part of the Building Permit process.

There were also concerns raised regarding the adequacy of Premier Road. The Capital Budget was given committee approval and is set to be considered by

Council on April 2, 2024. Premier Road reconstruction is scheduled for 2024 and includes a complete rehabilitation of the road surface and the installation of sidewalks on one side of Premier Road.

Given these capital improvements, there are no traffic or road infrastructure concerns from Engineering for the proposed development.

It is my professional opinion that the proposed rezoning to a Residential Sixth Density (R6) zone is consistent with the Provincial Policy Statement, conforms to the City's Official Plan and the Growth Plan for Northern Ontario.

Financial/Legal Implications

There are no financial implications to the City at this time.

Any decision by City Council will be subject to an appeal to the Ontario Land Tribunal by either the applicant or any member of the public.

Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input checked="" type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Facilitate the development of housing options to service the entire community, with consideration to socio-economic characteristics of the community
- Facilitate the development of housing options to service the needs of the community

Options Analysis

Option 1:

To approve the Zoning By-law Amendment as presented. This is the recommended option.

In my professional opinion, the regulations of the Zoning By-law are sufficient to regulate the overall scale of development on the subject property. It is further my opinion that the property is large enough to accommodate those uses of the "Residential Sixth Density (R6)" zone that meet the minimum requirements of the Zoning By-law.

1. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited, to rezone the property legally described in Appendix A to Report to Council No. CSBU 2024-008 from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone be approved; and

2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended

Option 2:

To approve the Zoning By-law Amendment with a modification to a Special Zone that would limit the total number of residential units on the subject property. In the absence of a site plan provided by the applicant that would indicate the maximum number of units that could conceivably fit on the property, Council would have the discretion to set the maximum number at whatever figure they deem appropriate.

Though this option would provide certainty as to what density of development the property would be limited to, staff are of the opinion that this type of hard cap is not required to maintain the character of the neighborhood. It is staff's opinion that the regulations of the Zoning By-law discussed in this report are sufficient to ensure that the size and scale of future development is compatible with the area.

Option 3:

To decline the Zoning By-law Amendment. This option is not recommended for all the reasons outlined in the initial Planning Report (CSBU 2024-008).

Recommended Option

Option 1 is the recommended option.

1. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited, to rezone the property legally described in Appendix A to Report to Council No. CSBU 2024-017 from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone be approved; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Respectfully submitted,

Name: Peter Carello, MCIP, RPP
Title: Senior Planner, Current Operations

We concur with this report and recommendation.

Name Beverley Hillier, MCIP, RPP
Title: Manager, Planning & Building Services

Name Adam Lacombe, P.Eng.
Title: Senior Capital Program Engineer

Name John Severino, P.Eng., MBA
Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP
Title: Senior Planner, Current Operations

W:\PLAN\Planning\Reports to Committees & Council (C11)\to Council\2024\CSBU 2024-017 – ZBLA File
#960 – Zoning By-law Amendment – 0 Premier Road – Supplemental Report

Appendix A

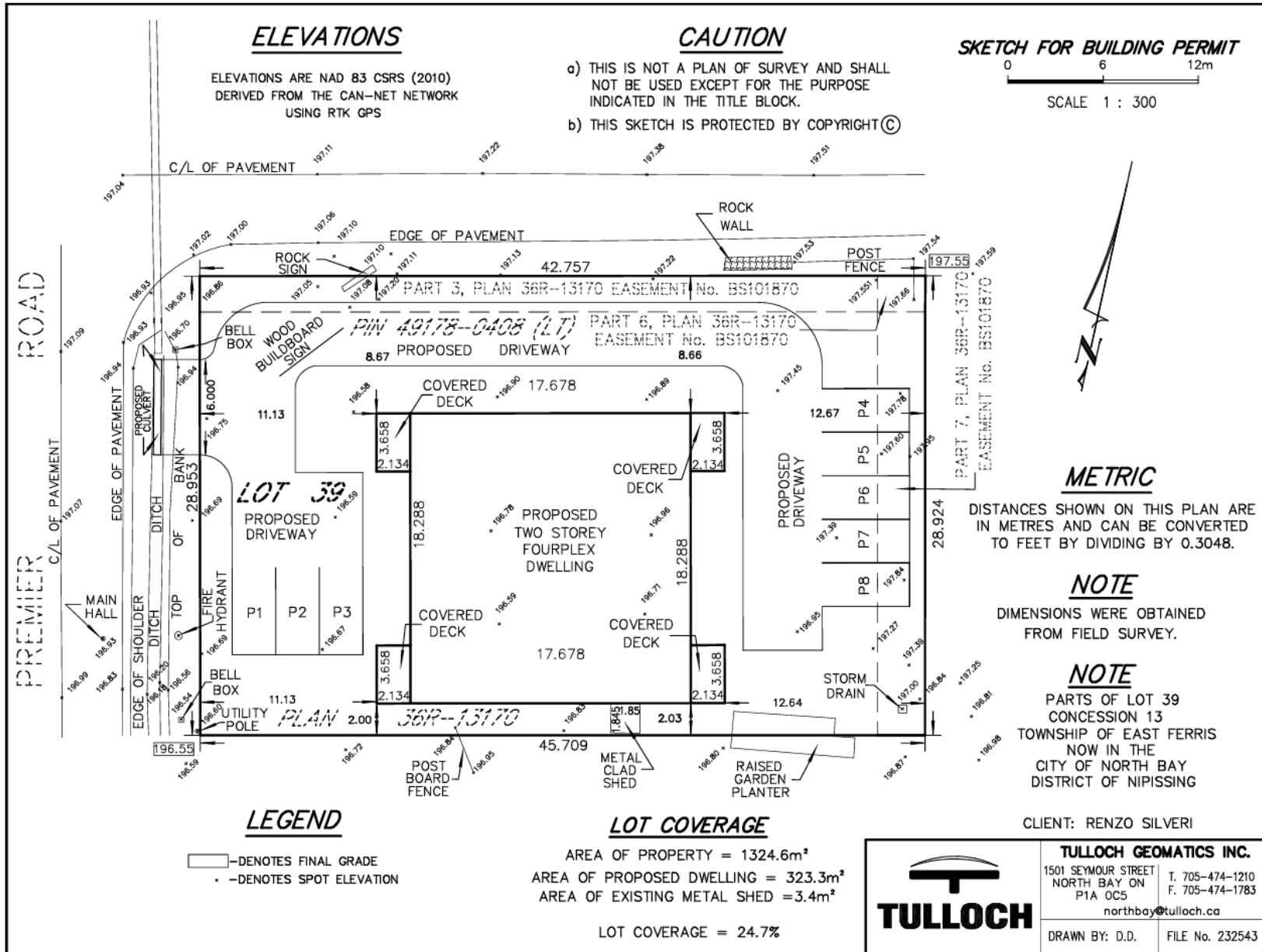
PIN 49178-0408 (LT)

PT LT 39 CON 13 Widdifield PTS 3, 4, 6 & 7 36R13170; S/T Over PTS 3, 6 & 7
36R13170 as in BS101870; North Bay; District of Nipissing

Schedule A



Schedule B – Site Plan Presented by Owner as Part of the Application





City of North Bay Report to Council

Report No: CSBU-2024-008

Date: January 25, 2024

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: RTC CSBU-2024-008 - Rezoning - Premier Road (Unaddressed).docx

Closed Session: yes no

Recommendation

1. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited, to rezone the property legally described in Appendix A to Report to Council No. CSBU 2024-008 from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone be approved; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Background

Site Information

Legal Description:

See Appendix A

Site Description:

The subject property is an existing lot of record on Premier Road, located at the intersection of Premier Road and Cherry Point Court, as shown below on Figure 1 and on attached Schedule A.

It is designated "Residential" by the Official Plan and is zoned "Residential First Density (R1)" under the City's Zoning By-law No. 2015-30.

Figure 1: Satellite Imagery of Subject Property and Surrounding Area



The property has an existing lot area of 0.132 hectares and lot frontage of 28.9 metres on Premier Road, as shown on attached Schedule B. The property is mostly vacant, apart from a small shed and some other smaller items (a sign, a garden planter, etc.).

Surrounding Land Uses:

The subject property is located in a residential area in the south part of the City. Surrounding land uses are mostly low-density residential units, largely single detached dwellings.

Immediately to the northeast of the subject property is a thirty-two (32) unit vacant land condominium development. This vacant land condominium is comprised of single detached dwellings.

A short distance to the south (approximately 300 metres) is a fifteen-unit townhouse complex.

Residential properties to the north are largely low-density residential properties that are particularly deep.

Lands to the east are mostly vacant.

To the south is a municipally owned park (Champlain Park) and a commercial trailer park operation.

Natural features in the area include Lake Nipissing located west of the Subject Property and the Lavase River.

Proposal

Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited has submitted a Zoning By-law Amendment application to rezone an unaddressed property located on Premier Road from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone.

The purpose of the application is to allow the development of the lot as a fourplex.

Summary

The subject property is a vacant lot located in a built-up area of the community. This area is largely developed with low density residential dwelling units. The property has access to the full range of public services, including municipal water supply, sanitary sewer, public transit and municipally owned parks.

Applicable policy documents, including the Government of Ontario's Provincial Policy Statement and the City of North Bay's Official Plan, encourage infill and intensification to take place within a community's Settlement Area where appropriate levels of public services are available and the scale of the proposed development is in character with the neighbourhood.

The subject property is sufficiently sized to meet the minimum requirements of the Zoning By-law for a fourplex. Considering the availability of services, the size of the lot and how the scale of the proposed structure will compare to the remainder of the neighbourhood, it is my professional opinion that the proposed Zoning By-law Amendment meets the policies of both the Official Plan and the Provincial Policy Statement.

The City received a number of responses from the neighbourhood regarding the proposed Zoning By-law Amendment. The concerns received from the neighbourhood were varied in nature. The Correspondence section of this report includes a summary of the comments received through the public consultation process. A complete copy of the correspondence received is attached as Appendix B to this report.

Numerous respondents stated that the proposed fourplex would be inconsistent with the area and would not be in character of the neighbourhood. They identify that the area is largely comprised of single detached dwellings and that the proposed fourplex would potentially enable future multi-residential uses.

Planning staff would note that the proposal on the subject property would meet the minimum regulations of the Zoning By-law in terms of minimum frontage, lot area, lot coverage and setbacks. The proposed scale of development at two storeys is consistent with the surrounding neighbourhood.

The existing zoning allows the owner to construct up to three dwelling units without a rezoning. The proposed rezoning would enable the construction of one additional unit.

Considering these circumstances, the proposed four-unit residential use represents a minor form of intensification and would be consistent with the neighbourhood.

Another common concern expressed by residents is the impact the proposed development would have on traffic. As noted, the owner could construct three units as a right. The increase to a fourplex would have a negligible increase in traffic.

The subject property is adjacent to a vacant land condominium. Through their correspondence the Condominium Corporation noted that there is an easement registered on the rear and side yard of the subject property in favour of the Condominium Corporation and note the presence of stormwater facilities on the subject property that services their property. The Condominium Corporation observed that the proposed site plan places some of the proposed fourplex's parking on a portion of the easement.

The Condominium Corporation expressed concerns about the impact this would have on their infrastructure and whether the site plan can accommodate the proposed development. Planning staff discussed these concerns with the agent for the applicant. They disagree with the Condominium Corporation's assessment of how restrictive the easement is and believe that they have the right to place parking on the easement.

A dispute regarding this easement and the rights/restrictions that it confers is a private matter between the Condominium Corporation and the applicant. The City cannot adjudicate which party is correctly interpreting the meaning of the easement. This must be settled by the parties, either through agreement or via the court system.

However, this disagreement does not preclude the City from considering the overall use of the property. Should it be determined that the applicant cannot utilize the lands described by the easement, the applicant would need to modify their proposed site plan while at the same time meeting the regulations and requirements of the Zoning By-law.

It is my professional opinion that the proposed Zoning By-law Amendment is in conformity with the Official Plan and the Growth Plan for Northern Ontario (GPNO 2011) and the end use is consistent with the Provincial Policy Statement (PPS 2020).

Provincial Policy

Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and Aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

Section 4 of the GPNO (Communities) deals with land use planning matters. This Section speaks to creating a vision for a community's future. The City of North Bay achieves this through the implementation of the Official Plan. As discussed in greater detail later in the report, it is my opinion the proposed development conforms with the City's Official Plan.

In my professional opinion, the proposed Zoning By-law Amendment conforms with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Provincial Policy Statement (PPS 2020)

The current Provincial Policy Statement issued by the Provincial Government came into effect on May 1, 2020. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2020).

Excerpts of the Provincial Policy Statement (PPS 2020) applicable to this application are discussed below.

The PPS 2020 encourages "Residential Intensification" within a community's Settlement Area. Specific passages discussing this objective are cited below:

The Preamble to Part IV (Vision for Ontario's Land Use Planning System) states that "*Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.*"

Section 1.4.3 of the PPS 2020 further states that:

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

For context, Residential Intensification is defined by the PPS 2020 as:

“Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new housing options within previously developed areas;
- e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.”

The subject property is a large vacant lot in a built-up area of the City. If approved, the proposed Zoning By-law Amendment would result in the construction of a new fourplex. It is my professional opinion that the proposed rezoning and eventual development would meet the PPS 2020’s definition of Residential Intensification.

The general intention of these policies is to focus higher levels of density and population growth to the Settlement Area, where public services and other development is located. Concentrating development in this manner reduces the need for infrastructure expansion and the amount of land consumed by a municipality. This helps preserve more lands outside the Settlement Area in a natural state.

It is my professional opinion that the end use of the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS 2020).

Official Plan

The property is currently designated "Residential" in the City of North Bay's Official Plan.

Similar to the PPS, the Official Plan encourages the concentration of development to take place within the Settlement Area where appropriate levels of public services are available and the proposed development would be compatible with the neighbourhood.

Section 1.4.2 of the Official Plan states that "*North Bay endorses the principles of "smart growth" by concentrating growth within the Settlement Area in a manner that new development has easy access to employment lands, commercial lands, residential lands, parks, trails and public transit. North Bay continue the practice of concentrating growth within the Settlement Area in a manner that allows new development to have easy and efficient access to employment, residential, commercial and park areas.*" By placing greater levels of development within the Settlement Area in this manner, it creates efficient development patterns and is a more environmentally friendly approach to community building.

The subject property is situated in an existing established neighbourhood. It has access to the full range of public services, including municipal sewer and water, access to parks, major road accesses and transit. The scale of the development (two storeys, four units) is in character with the surrounding area.

It is my professional opinion that the proposed Zoning By-law Amendment is appropriate and conforms to the City of North Bay's Official Plan.

Zoning By-Law No. 2015-30

The subject property is presently zoned "Residential First Density (R1)". The R1 zone permits the following uses:

- Single Detached Dwelling;
- Additional Residential Urban Dwelling Unit;
- Group Home Type 1;
- Bed and Breakfast (as an Accessory Use only);
- Home Based Business (as an Accessory Use only);
- Parks and Playgrounds;
- Day Nursery (as an Accessory Use associated with an Institutional or Public Building only);

- Institutional Uses; and
- Principal Dwelling Unit Short-Term Rental.

The proposed Zoning By-law Amendment would rezone the property to a “Residential Sixth Density (R6)” zone. If approved, the proposed R6 zone would permit the following uses:

- Semi Detached Dwelling;
- Additional Residential Urban Dwelling;
- Fourplex Dwelling;
- Cluster Townhouse;
- Stacked Townhouse;
- Street Front Townhouse;
- Group Home Type 1;
- Group Home Type 2;
- Home Based Business (as an Accessory Use only);
- Parks and Playgrounds;
- Day Nursery (as an Accessory Use associated with an Institutional or Public Building only);
- Institutional Uses; and
- Principal Dwelling Unit Short-Term Rental.

The subject property is able to meet all regulations of the Zoning By-law.

Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

Of the agencies that provided comments, the Ministry of Transportation and North Bay Hydro both offered no concerns or objections.

The North Bay Mattawa Conservation Authority offered no objections but stated that a Development, Interference with Wetlands & Alteration to Shorelines & Watercourses (DIA) permit is required from their office.

The Engineering Department also offered no objections, but noted their requirements that will need to be met at the time of development.

There were a number of responses received from members of the public. The below paragraphs are intended to summarize the most common and relevant responses and provide staff’s response to some of the issues raised. However, it is not intended to capture all of comments and objections received.

A complete copy of responses received are attached as Appendix B to this report.

Compatibility with the existing neighbourhood

Numerous area residents replied to the City that the proposed development would not be compatible with the surrounding neighbourhood. The general sentiment is that the area is largely comprised of single detached dwellings and the fourplex would be different from this built form.

Similar to this concern, several individuals expressed worry that permitting this fourplex might create a precedent for future development of a similar scale.

The applicant is proposing to construct a two storey residential building with up to four dwelling units. The existing zoning permits the applicant to construct up to three units and two and a half storeys in height.

It is also noted that the subject property has just under 29 metres of frontage, which exceeds the minimum frontage requirement of 22.8 metres established by the Zoning By-law. It also has a total lot area of 1324 square metres, which is nearly double the lot area requirement of 684 square metres.

The proposed fourplex, while being a minor form of intensification, would be consistent with the character of the neighbourhood. The scale of development is appropriate for the size of the property.

This application does not create a precedent for any future rezoning requests. Each application is considered on its own merits.

Traffic

A number of individuals stated that traffic on Premier Road is heavy and that the development of the subject property would exacerbate this problem.

The Engineering Department reviewed the application. They did not express any specific concerns related to the volume of traffic on Premier Road. They also stated that the increase in the number of dwelling units from three units to four units would have a negligible effect on the overall level of traffic on Premier Road.

The Engineering Department further noted that the City expects to install sidewalks in the area in the near future (contingent on funding availability), as soon as 2024.

Parking on Street

Several individuals expressed their worry that the proposed fourplex would result in on-street parking.

The applicant has not requested any amendments to the parking requirements, meaning that they would need to provide a total of six parking spaces entirely contained on their property. In staff's experience, this

standard is sufficient to accommodate the parking needs of the development.

Easement Concerns

One of the adjacent properties is a vacant land condominium comprised of 32 residential units. There is an easement registered on title in favour of the condominium corporation for utility and landscaping purposes. This includes the placement of a catch basin on the subject property for stormwater purposes located on the easement.

The Condominium Corporation identified that the proposed site plan encroaches into the easement and were concerned that the proposed development did not comply with regulations. Planning staff discussed the matter with the agent for the applicant, who disagreed with the Condominium Corporation's interpretation of what rights were conveyed by the easement.

Planning Staff consulted with the City Solicitor to discuss this matter. We were advised that the covenant is a matter between the two parties and that the City cannot adjudicate which party is correct in their interpretation.

Regardless of the outcome of this disagreement, the application before City Council pertains only to the use of the property. Should the Condominium Corporation prove correct in their interpretation, the onus would fall to the developer to reconfigure their site design to comply with the requirements of the Zoning By-law and easement restrictions at the time of development.

Environmental Concerns

There were questions raised about environmental matters, such as Species at Risk.

The City does not have jurisdiction over Species at Risk matters, nor do we have the expertise to comment on these matters. Species at Risk are regulated by the Ministry of Environment, Conservation and Parks. Under the Environmental Protection Act, the applicant is responsible to ensure that they have complied with all requirements of this Act, including Species at Risk.

The North Bay Mattawa Conservation Authority has stated that they shall require a DIA permit from their office to regulate watercourse and floodplain matters.

Site Plan Control

There were some concerns that could be addressed by Site Plan Control, should City Council approve the proposed Zoning By-law Amendment. This includes snow storage, garbage storage, setbacks to property lines.

The property is subject to Site Plan Control due to its proximity to Lake Nipissing. Planning Staff will be making use of this tool to ensure compliance with all regulated concerns.

Financial/Legal Implications

There are no legal or financial implications to the City at this time.

Corporate Strategic Plan

- Natural North and Near Economic Prosperity
- Affordable Balanced Growth Spirited Safe Community
- Responsible and Responsive Government

Specific Objectives

- Facilitate the development of housing options to service the entire community, with consideration to socio-economic characteristics of the community
 - Facilitate the development of housing options to service the needs of the community
-

Options Analysis

Option 1:

To approve the proposed Zoning By-law Amendment.

1. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited, to rezone the property legally described in Appendix A to Report to Council No. CSBU 2024-008 from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone be approved; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Option 2:

To deny the proposed Zoning By-law Amendment. This option is not recommended for the reasons outlined in this report.

Recommended Option

Option 1 is the recommended option:

1. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited, to rezone the property legally described in Appendix A to Report to Council No. CSBU 2024-008 from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone be approved; and
 2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.
-

Respectfully submitted,

Name: Peter Carello, MCIP, RPP
Title: Senior Planner, Current Operations

We concur with this report and recommendation.

Name Beverley Hillier, MCIP, RPP
Title: Manager, Planning & Building Services

Name: John Severino, P.Eng., MBA
Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP
Title: Senior Planner, Current Operations

W:\PLAN\Planning\Reports to Committees & Council (C11)\to Council\2024\CSBU 2024-008 – ZBLA File
960 – Zoning By-law Amendment – Premier Road (Unaddressed)

Appendix A

PIN 49178-0408 (LT)

PT LT 39 CON 13 Widdifield PTS 3, 4, 6 & 7 36R13170; S/T Over PTS 3, 6 & 7
36R13170 as in BS101870; North Bay; District of Nipissing

Appendix B – Correspondence

Engineering Dept

Member: Megan Rochefort

Status: Approved

DEC 5 2023

I have reviewed the proposed ZBLA for Premier Road.

1. The following engineering civil plans/drawings are required:
 1. A site servicing is to be provided as part of the service contract application process;
 2. A grading/site plan is to be provided through the building permit application process;
2. All the drawings must be designed and stamped by a Professional Engineer licensed to practice in the province of Ontario. Documents must be sealed prior to being submitted to the City for review.
3. Private Approaches (entrance and exits) will need to meet the City's Private Approach By-Law 2017-72.
4. It will be the proponent's responsibility to confirm servicing requirements and conduct necessary testing.
5. The developer must enter into a Service Contract with the Engineering Department for any services, restoration work or work in general on City property.
6. Through our review of the file, we noted that that there may be an easement located adjacent to the Southern property line. Please confirm if this is the case and ensure the easement is reflected on the appropriate drawings.
7. Please note that a sidewalk on Premier Road in the area of the development is tentatively scheduled in 2024 but this is dependent on receiving the applicable government funding.

At this stage, these comments are very high level and upon receiving further information and detailed plans we will have additional comments to provide.

Hydro

Member: Roch Pilon, NB Hydro

Status: Approved

No concerns. Distribution power is available off Premier Road. Maximum power available off distribution service is 1MVA. Lead times for large transformer are approx. 6 months from the time the owner pays for the service.

NBMCA

Member: Paula Scott, NBMCA

Status: Approved

This office has received and reviewed the above zoning by-law amendment which proposes to rezone the property from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone. The proposed Zoning By-law Amendment

application would permit the use of the property as a fourplex.

The following comments are based on a review of the application with respect to our delegated responsibility from the province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement, 2020 (PPS, 2020) and our regulatory authority under Ontario Regulation 177/06 Development, Interference with Wetlands & Alteration to Shorelines & Watercourses (DIA). The Conservation Authority has no objection to this zoning change.

The subject property is regulated by NBMCA as it is situated within the floodplain of Lake Nipissing (197.25m C.G.D.) and is subject to flooding. Lake Nipissing is a large inland lake and, as such, development is permitted within the floodplain if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding and erosion will not be affected by the proposed undertaking. A DIA permit is required for any new construction on this property.

The following information and development criteria are required when developing this lot:

- The proposed four-plex must be floodproofed to 197.55 meters C.G.D.
- A survey of the property is required to identify pre and post-construction elevations.
- There shall be no negative impacts to the neighboring properties when developing this lot.

Consideration must be given to lot grading to prevent drainage from flowing into neighboring properties. Trusting this is satisfactory. Should you have any questions, please do not hesitate to contact me at (705) 471-7636. For administrative purposes, please forward any decisions and resolutions regarding this matter.

Ministry of Transportation

The Ministry of Transportation (MTO) has reviewed the attached zoning by-law amendment for an unaddressed lot on Premier Road. We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

If you have any questions or concerns, don't hesitate to contact me.

Thank you,

Cameron Cole

Corridor Management Planner

Corridor Management, North Region, Area East

Ministry of Transportation

447 McKeown Ave

North Bay, Ontario, P1B 9S9

Public Correspondence

Matthew Bernardi

████ Premier Rd

North Bay, ON P1A 2J1

████@████.████
(████) █████-████

December 11, 2023

Mr. Peter Carello

Senior Planner - Current Operations, Planning Services

City of North Bay

200 McIntyre Street East,

North Bay, ON P1B 8V6

REF: Notice of Complete Application for a Zoning By-Law Amendment (Premier Rd) - 01
DEC 23

Dear Mr. Carello,

In reference to your letter regarding the zoning by-law amendment, I wish to register my **strong objection** to the proposed zoning change from R1 to R6 on Premier Rd on the following grounds:

1. That the rezoning from R1 to R6 is inconsistent with the official plan for the area;
2. That the construction of the proposed fourplex would diminish the aesthetic of its surroundings and thus devalue the residences that currently exist in the area.
3. The proposed building does not have adequate parking spaces available which will result in more vehicles parking on the street.
4. The developer, Mr Renzo Silveri, has a notorious reputation with the residents of Premier Estates for his poor management of the property. When developing Premier Estates, Mr Silveri did not properly install drainage systems and as a result the adjacent properties are filled with water that needs to be pumped out by the adjacent residence at their expense. This has never been properly addressed by the City of North Bay. Mr Silveri also received a fine of \$25,000 from the Chartered Professional Accountants (CPA) of Ontario after a finding of professional misconduct by a disciplinary committee relating to his involvement in the same Premier Road condominium corporation. The people of Premier Rd do not want Mr. Silveri to conduct his business in our neighbourhood.
5. Referencing the previous point, I question whether or not the fourplex will be maintained to a sufficient standard so as not to become a slum, devaluing the surrounding area.
6. The two empty lots flanking each side of Premier Estates are of sufficient size to allow two residential homes to be built, satisfying the need for more housing while maintaining the aesthetics of its neighbours.

I am available to present these points in person to council during the upcoming public

meeting, if needed.

Regards,



Matthew Bernardi

Hi Peter - as owners of [REDACTED] Premier Rd we do have concerns about this application and would like to suggest it should be rejected. Questions/ concerns we would have include:

1. would this be a rental 'apartment'? short term or long term?
2. would the units be owned - ie. condo - would they be allowed to be sublet? which leads back to concern #1
3. why wouldn't it just be a single dwelling or even 2 single dwellings as per the neighbourhood

yours truly
David and Joeline Hilbert

Mr. Carello,

My wife and I live at [REDACTED] Premier Rd. We received a letter from City Hall relating to an application for a zoning bylaw amendment. The property in question is on Premier Road at the entrance to Premier Village, directly across from Cherry point.

My wife and I are both opposed to the proposed change. The area is zoned R1, and all the homes in the vicinity are single-family dwellings. Premier Road is narrow because of ditches on one side, and in extremely poor condition. Traffic was heavy enough prior to the building of Premier Village, but with its addition as well as the dog and municipal parks at the end of the road, I believe there's far too much traffic under the circumstances. We are not opposed to homes being built on that lot and the one across the road, but we feel they should conform with R1 zoning. To add a four plex building at the entrance to Premier Village would, in my opinion, cause unnecessary congestion at the corner. Although eight parking spaces are included on the site plan, I'm concerned that additional guest parking would cause traffic problems in front of the property and along Premier Road. The addition of eight garbage cans and extra recycling containers would further cause congestion to an already busy corner. Snow removal for four residences would add to the situation.

Regardless of how big a home was built on that property, providing that it conformed with R1 zoning, the above mentioned problems would not affect traffic flow.

When Premier Village was built, in my opinion, reckless construction and a lack of or incompetent oversight caused several of the adjacent properties to flood. The situation is yet to be remediated and the entire neighbourhood is concerned that a four plex would add to the problem. Prior to anything being built, including the building of a home that would conform to R1 zoning, the person responsible for the damage, and/ or the city should, in our opinion, repair the existing damage.

Another concern is the trust that we have in our planning department. The entire time we've lived on Premier Road, we were surrounded by single-family dwellings. This is a beautiful residential area and although the houses range in size and style, they complement the area aesthetically. A four plex would not fit in. I wonder if the residents of Premier Village would have had second thoughts about buying had they known a four plex was proposed on the corner.

Thank you for your time. We would like to be notified about the City Hall meeting regarding this situation.

Respectfully submitted,
Rick Sapinski ([REDACTED])
Mary Sapinski ([REDACTED]@ [REDACTED]. [REDACTED])

Mr. Carello,
Thank you for your quick response. I would like to minimize the number of units as much as possible to mitigate the situation as the best we can.
Respectfully,
Rick Sapinski

Good morning Mr. Carello,
I just wanted to add a couple of other issues that aggravate the situation in terms of traffic on Premier Road. There's a fairly substantial trailer park at the end of the street. There is also one of few free boat launches at Champlain Park. I realize it may seem like I'm nit picking, but traffic really does get heavy, mostly during the summer. People like to walk the street, but it's difficult under the circumstances. Basically what I'm trying to say is that we'd really like to keep the development on the street to R1 zoning.
Thank you again for your time,
Rick

I am against the plans for that corner. It is just too much.

The construction trucks for the other homes have already made a mess of the road.

Everyone ignores the sign at the beginning of Premier "NO TRUCKS"

B Moore
[REDACTED] Premier

Good Afternoon Peter,

It is unfortunate that we have to respond to this application for zoning change. Both Premier Road and Premier Estates are single family areas and to even consider this application shows the lack of vision and compassion towards the citizens of Premier Road and North Bay. We have been paying taxes to be part of this wonderful area of North Bay and this 4 plex will have a detrimental effect on our property values. It is my hope and expectation that this application will be denied. Furthermore the implantation of the Premier Estates development has greatly affected my property. Every spring and heavy rain, I spend a week pumping out my back yard because that development has cut off the flood route to the Lavase river, I have attached pictures. So I don't trust that this new project will not add to my issues. Please consider keeping the zone as is.

Thank You, Allen McCauley

Allen McCauley

■ Premier Rd
North Bay, On

■ - ■ - ■

Dear Peter Carello

I am writing this letter to express my strong objection to the proposed rezoning application for the construction of a fourplex on Lot 39 Premier Road. As per the current zoning regulations, a triplex can be built without any zoning change, which would be preferable to a fourplex.

I would like to emphasize that it is of utmost importance to us to maintain the existing character of our neighbourhood, which has been established for a long time. Premier Road is a quiet street that comprises mainly single-family homes, with townhouse developments situated at the beginning and end of the road. The proposed fourplex would be out of place in this neighbourhood and would disrupt the aesthetic of the street.

I believe that approving the rezoning request will allow for the construction of multi-unit developments throughout the street. This will eventually lead to the loss of the neighbourhood and street's character, which we have worked hard to maintain over the years.

Furthermore, the proposed construction of a fourplex would increase traffic and noise levels in the area, causing inconvenience to the residents. It would also lead to a shortage of parking spaces, which is already a problem in the neighbourhood.

Therefore, I strongly urge you to reject the proposed rezoning application and maintain the current zoning regulations. Please consider the concerns of the residents and the impact it would have on the character of the neighbourhood.

Thank you for your attention to this matter.

Sincerely, Peter Menard
[REDACTED] Premier Road
North Bay, On, P1A 2J4

I received a Notice of Complete Application for a Zoning Bylaw Amendment for Premier Road and I have questions and concerns regarding the By-law Amendment.

As a 30 plus year homeowner on Cherry Point Court, I very well remember the controversy over the proposed development of Premier Village By the Lake. By-law No. 2006-27 stipulates an agreement between the city and the developer, 1552443 Ontario Inc., for the construction of condominiums and the property was designated as residential which in keeping with the majority of the housing on Premier Road.

The designation of the property Residential Sixth Density does not comply with the existing Condominium Development that has been constructed. Will the new units be condominiums, rental units, or geared to income units? Why would the proposed units not be part of the already existing Premier Village Condominium Complex and maintain the standard of single units?

Premier Road is heavily trafficked and I foresee parking becoming an issue with the proposed change with vehicles having to park on surrounding roadways making it even more difficult to navigate potholes, pedestrians, and puddles on the road.

I urge council to examine closely the ramifications of changing the zoning for the proposed development. The neighbourhood is a cohesive part of the city and disrupting the balance would be detrimental to everyone.

Lindsay Furlong
Cherry Point Court

Hello, Peter.

I am writing you to voice our concern about the re-zoning request trends we are observing on Premier Road. As a resident for many decades, it has been clear that there are two significant realities for this road that preclude any decisions to approve multi-unit dwelling development:

1. Our antiquated sewer and service was designed for single-unit dwelling densities. We have already seen the stresses imparted on an already contentious addition of Premier Estates. Furthermore, the development has been riddled with legal controversy since its onset, and had added significant traffic to the road.
2. The addition of higher-density living options detracts from (1) the low-congestion lifestyle that house owners have invested in and enjoy; and (2) will invariably result in the devaluing of current properties.

Given the high mill rate of property taxes on the road, it is reasonable to say that the current residents pay disproportionately for the investment and lifestyle that Premier Road offers.

With this, I oppose the approval of this re-zoning.

I will also add that I preemptively oppose [REDACTED]'s plan to develop the 1024 property for the very same reasons outlined above.

Kind regards,

Phil Nickerson

Dear Mr. Carello,

We are writing to express our deep concern regarding the proposed zoning bylaw amendment for housing on Premier Road. While we understand the need for growth and development, we believe this amendment poses several potential issues that warrant careful consideration.

Firstly, the proposed changes may compromise the character of our neighborhood. The existing zoning regulations were put in place to maintain a cohesive and harmonious community. Altering these regulations could lead to an influx of housing that may not align with the aesthetic and architectural charm that our neighbourhood currently embodies.

Additionally, we are worried about the potential strain on existing infrastructure. Increased housing density may exacerbate already problematic issues of traffic congestion, parking availability and road maintenance. Premier Road is currently a posted 50 km/h zone, which is unsafe for pedestrians and increasing the residential density will only add to this problem. Our dead end street is already home to a free boat launch, beach, playground, dog park and major snowmobile trail artery. With all of the traffic that these amenities create, can our little street, with no sidewalks and full of pot holes, handle more? It is crucial that we thoroughly assess the capacity of our infrastructure to accommodate the proposed changes before proceeding with such amendments.

Moreover, I urge the city to prioritize community input and engagement in this decision making process. It is essential that the concerns and opinions of residents are taken into account before finalizing any changes to the zoning bylaws. Open dialogues and transparent communication will help build trust and ensure that the decisions made are in the best interest of the entire community.

In conclusion we respectfully request that the city reevaluates the proposed zoning bylaw amendment for housing and carefully considers the potential impact on the character of our neighborhood and existing infrastructure. We believe that a well informed decision, taking into account the perspectives of the community, will lead to a more sustainable and thriving city.

Thank you for your attention to this matter and I look forward to hearing about the steps taken to address these concerns.

Sincerely,
Charlotte Tavenor and Emile Hummel
[REDACTED] Premier Rd.
North Bay, ON
P1A 2J3

Peter Carello-Senior Planner, Current Operations
Planning Services 5th Floor, City Hall
200 McIntyre St. E.
North Bay, ON P1B 8H8
Tel. 705-474-0400 Ext. 2409
Email: peter.carello@northbay.ca

December 10, 2023

Dear Peter Carello,

We are in receipt of your letter of December 1, 2023 where you give Notice of Application for a Zoning By-Law Amendment for a vacant lot on the corner of Premier Road and Premier Village (Lane). As per your request, we are writing to offer our comments, questions and input with the hopes that our concerns will be addressed in a timely, professional and serious manner.

After taking the time to speak with several neighbours in the Premier Road, Cherry Point Court and Premier Village Lane area, we would like to make note of the following points in order that Council reconsider any changes in zoning as a result of the Zoning By-Law Amendment Application mentioned in your correspondence.

1.

We feel that your letter dated December 1, 2023 and received on December 8, 2023 does not allow for sufficient time for the neighbourhood to process or plan for a group response to this matter. Winter months where neighbours are mostly indoors and presently, with Christmas approaching, we would have appreciated a more timely notification and a longer response period to organize ourselves.

2.

In surveying our neighbourhood, we learned that very few letters were received from your department. Although it is in following with City of North Bay policy, this decision to re-zone affects ALL residents along the Premier Road, Cherry Point Court and Premier Village Laneway, beyond the 300 metre radius due to the unique characteristic of these streets along Lake Nipissing.

3.

The proposed 'fourplex' would be situated at the corner of Premier Road and Premier Village Laneway according to your map. We strongly stress that this is already a VERY congested area. The condominiums in Premier Village are built extremely close together and there is only one single car lane leading in and out of this high-density village. The driveways on this one-lane road are also very short and close to the roadway resulting in limited parking for the owners only. Guests and visitors are forced to park on the single lane street causing even more traffic chaos.

The parking for this proposed fourplex indicates that 3 of its parking spaces would face Premier Road whereas another 5 parking spaces would be accessed from the single lane on Premier Village Lane. How would the added flow of traffic on a single lane road be handled? We invite you to visit the site to see for yourself how 'crammed in' the area is already. We are uncertain and still mystified how the number of condos jammed into a one-

lane street, with barely any frontage to their properties, could have been approved in the first place.

4.

In recent years, traffic flow on Premier Road itself has increased greatly. Our road is consistently travelled due to the dog park, camping sites, boat launch, ski-doo trails, hiking trails, picnic, beach and playground areas at Champlain Park. In the summer months especially, tourists drive up and down Premier Road frequently, to enjoy these wonderful facilities.

The condition of Premier Road, however, is deplorable, being voted one of the worst streets to drive in Ontario if not Canada according to a recent poll which was published in our local newspaper. The size of potholes and gravel patchwork make it difficult for drivers. Increase in drivers will worsen the conditions. How can this issue be addressed as well?

5.

Our fifth concern/comment addresses the anonymity of the owner(s) requesting the Zoning By-Law Amendment. Who is/are the property owner(s) 2412594 Ontario Limited and what is/are their relationship with the City of North Bay? What building reputation do they possess? Are residents guaranteed ethical, professional and quality standards so that our own investments are protected and do not depreciate as a result of this proposed apartment building in the middle of a residential area?

Presenting as a business with a 'number' attached rather than taking pride in a personal business name is worrisome. What is being hidden? Would you not want your name to showcase good standing, reputable recommendations and positive reviews? We worry about what exactly could be built and why only Tulloch Geometrics Inc. is used to identify the owner(s) applying.

6.

Does this owner 2412594 Ontario Limited also own the other lot across the lane on the opposite corner of Premier Village? Is another 'fourplex' being planned by the same builder for this adjacent property? If so, the same concerns (and more) would be echoed and multiplied if this indeed is the case.

7.

We understand fully the City's desire and need to encourage and promote economic growth and we support growth for the City of North Bay. However, we ask that our city planners, urban planners, and Council exercise careful and well-informed caution in how, why and where existing Zoning By-Laws are changed when business and property owners request them for their own financial gain without concern for the citizens and residents who live here.

8.

The present residents on Premier Road, Cherry Point Court and Premier Village chose to invest in their present homes because it is a lovely R-1 "Residential" area. We bought, built and renovated our homes specifically because of its present R-1 Zoning. Had we known that it was slated for a possible R-6 "Residential Sixth Density" Zone, perhaps we would have chosen to settle elsewhere – where taxes or prices of homes were lower. We feel rezoning in

such conditions is an unfair practice after we have invested so much.

9.

Finally, we invite you to visit the lot and area in question and to speak with us about our valid concerns. Council members are also welcomed to visit the property and area in order to make an informed decision.

We look forward to your reply and next steps in addressing the above-mentioned comments, concerns and questions.

Sincerely,

Marcello and Josephine Tignanelli
(in consultation with the neighbours)

December 18, 2023

Peter Carello
Senior Planner- Current Operations Planning Services

Dear Mr. Carrelo

I am writing to you to voice my concerns regarding the proposed multi unit construction at Premier Village, North Bay.

1. Premier Road does not have the infrastructure to support the additional traffic that will occur as a result of the construction from the development phase to completion and then as a result of the purchasers travelling at a minimum of daily perhaps more frequently. As it stands now our home at 5 Birch Street, along with our neighbors on Lakeshore, Rheaume and Birch Streets experience our entire homes shaking and rattling with every bus and large vehicle travelling down Premier Road. This has caused damages to our home: integrated LED light fixtures have failed and required replacing amounting to just under \$500.00 as well as damage to our linear gas fireplace - the panels at the top of the fireplace have fallen down from the vibration and have had to be replaced. We have our hot tub located outside and it shakes with every bus and truck travelling Premier Rd. In addition to this it's a constant effort to keep pictures hanging never mind hanging straight, checking the China cabinet for damage daily. I've had an antique mirror fall off the wall from vibration and it was secured with drywall anchors.
2. The additional traffic that will occur as a result of the construction will further add to the already dangerous conditions a person faces while trying to walk on Premier Road. That coupled with the additional traffic from the placement of the Dog Park at Champlain Park on a dead end road has already doubled the traffic and the majority of these vehicles do not heed the posted speed limits or have any regard for pedestrians. There have been so many near miss incidents with pedestrians and traffic already including city buses!

I am not opposed to development but it needs to happen where there will be negligible impact to the existing homes in the area.

The condition of the road on Premier is abhorrent. I've seen city buses almost lose control as they turn onto Premier Rd from Lakeshore Drive. Vehicles constantly try swerve to the opposite side of the road to avoid holes, bumps etc. These concerns were forwarded to a previous city council member who witnessed these incidents and in fact addressed it with the person responsible for the city buses.

The condition of Premier Road requires immediate action prior to planning further housing and increased construction traffic.

The relocation of the dog park from the dead end street to another area of the city with traffic flow would also greatly increase the safety of Premier Road residents.

Perhaps if Premier road was designated as a community safety zone with the speed limit reduced that may help alleviate some of the safety issues residents of Premier Road experience daily. At one point the city had installed Electronic Signage on both sides of Premier Road to display each vehicles speed but this was only for a very short period of time and never repeated.

Premier Road has not been upgraded in years. Sporadic patching is not the solution. Premier Road was not developed as a major residential road therefore it cannot withstand three additional traffic that has been occurring for a number of years now.

Thank you for the opportunity to voice my concerns.

Sincerely,

Maureen de Jourdan
● Birch Street
North Bay



December 15, 2023

Pietro Carello, MCIP, RPP
Senior Planner – Current
Operations,
City of North Bay,

Dear Mr. Carello:

Re: Application for Zoning By-law Amendment Premier Road (Unaddressed)

We are writing in response to your correspondence of December 1, 2023 in which you advised us of the Application for a Zoning By-law Amendment for the vacant lot between 1134 and 1142 Premier Road in North Bay. We have completed a Petition asking City Council to vote “No” to this change. We have attached a copy of the Petition for your information.

We are objecting because, if approved, this change will substantially alter/downgrade the character of the neighbourhood (which is currently single family, owner occupied, homes) and will decrease property values of the surrounding properties. If approved, this change would open the door to any existing property on Premier Road being torn down and replaced by apartment buildings.

It is incomprehensible that one of the smallest vacant lots on the street would be proposed for the biggest structure with no planned guest parking, garbage storage or space for snow from winter plowing. The townhouse condominiums at either end of Premier Road are owner occupied, have sufficient parking, designated waste removal sites and designated areas for snow from plowing in the winter. Below are some of the concerns we have:

Encroachment on NVLCC41 Utility Easement: The proposed driveway encroaches on the NVLCC41 utility easement depicted in the lot survey for the proposed development. The “Sketch For Building Permit” actually shows the line drawn through NVLCC’s Rock “Premier Village” Sign at the entrance to Premier Village. This encroachment raises questions about the compliance of the proposed four-plex development with existing regulations and poses potential challenges for utility access.

NVLCC41 Storm Water Catch Basin: The proponent of the zoning amendment was the same developer for NVLCC41 (Premier Village), the adjacent development consisting of 30 homes and two vacant lots. The lot survey has raised concerns as the storm water drainage system for this condominium is on the newly surveyed lot. There is potential for damage to this storm water catch basin and its underground drainage pipes during excavation. This overlap prompts critical questions regarding the Storm Water Management Plan.

Phase 1 Environmental Assessment: In the original condominium agreement for this development there was a requirement for a Phase 1 Environmental Assessment regarding Natural Heritage Features. Was this ever done?

Extremely close proximity to adjacent homes: The quiet, privacy and solitude that these senior residents have enjoyed, some for over 50 years, will vanish abruptly. Elements of the four-plex are mere feet from their homes, and this encroachment threatens to disrupt their quality of life. This proposed change undermines the existing housing values of our residential neighbourhood. The zoning amendment application is very limited in detail and the site plan survey does not adequately depict the impact on the adjacent properties. We respectfully, invite North Bay City Councillors to make an onsite visit to the proposed site of the four-plex development.

Guest Parking: There appears to be two spaces allocated to each unit and no plan for visitor parking. Given the limited space on Premier Road, the addition of a four-plex could exacerbate overflow parking issues on Premier Road and Cherry Point Road. We foresee this as an ongoing issue for police and bylaw enforcement.

Snow Removal: Premier Road already faces challenges with narrow dimensions, and introducing a four-plex may complicate snow removal efforts during winter months. There is simply no room in the proposed plan to push or store snow on a lot of this size with the proposed building.

Garbage and Recycling: There is no indication how waste disposal will be managed efficiently to prevent any adverse impact on the neighborhood.

Damage to "Species at Risk", their Habitat and Nesting Sites: Recent neighbourhood conversations suggest that there was a previous agreement between the City of North Bay and the developer of NVLCC 41 to mitigate the impact on the Blanding's Turtle habitat. Was such an agreement made?

Site Plan Control: This development, if approved, must be under a Site Plan Control Agreement to ensure that the development aligns with the community's standards, addresses practical concerns, and adheres to zoning regulations. This would allow for a detailed examination of aspects such as parking, landscaping, and the overall layout to mitigate potential issues. We request transparency regarding the establishment of a Site Plan Control Agreement and urge thorough consideration of its necessity to guarantee the responsible and harmonious integration of the proposed four-plex within the existing neighborhood should its development be approved.

We believe that preserving the current zoning regulations is crucial for maintaining the integrity and harmony of our neighborhood. Thank you for the opportunity to identify and present our concerns.

We want Council to say "No" to this proposed Amendment.

Sincerely,



Thom Rolfe, President/Secretary,
Nipissing Vacant Land Condominium
Corporation # 41