

LaSalle Boulevard Corridor Plan and Strategy – Proposed Zoning By-law Amendment

Presented To:	Planning Committee
Meeting Date:	May 10, 2021
Type:	Public Hearing
Prepared by:	Ed Landry Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-01

Report Summary

This report provides a recommendation regarding the proposed zoning amendments associated with the LaSalle Boulevard Corridor Plan and Strategy (LBCPS).

This report is presented by Ed Landry, Senior Planner, Community and Strategic Planning.

Resolution

THAT The City of Greater Sudbury directs staff to complete their review of application File 751-6/21-01 and return with a final recommended zoning by-law amendment, as outlined in the report entitled “LaSalle Boulevard Corridor Plan and Strategy - Proposed Zoning By-law Amendment”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of May 10, 2021.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The proposed zoning by-law amendment is consistent with Goal 2.4B of Council’s 2019-2027 Strategic Plan which is “to complete the existing nodes and corridors strategy to ensure that strategic centres and corridors are ready for investment that complements transit and active transportation strategies.”

In terms of the City’s Community Energy and Emissions Plan (CEEP) goals, the proposed zoning by-law amendment will have the effect of encouraging more modes of transportation such as transit and active transportation. The proposed changes help the City get closer to its goals of transit mode share to 25% and active mobility transportation mode share of 35% by 2050 (Goals 7 and 8, respectively – Reference 3). The proposed amendment also reinforces the goal of compact, complete communities by encouraging infill development, decreasing dwelling size through an increase in multi-family buildings, and increasing building type mix (Goal 1).

Financial Implications

There are no financial implications associated with this report at this time.

Background

Council endorsed the City's Nodes and Corridors Strategy in November, 2016 (See Reference 1). The strategy prioritizes study areas to help guide investment and intensification within the community. It will help revitalize and better connect our Downtown, the Town Centres, strategic core areas and corridors of the City. Such a strategy will help create new and distinctive corridors and centres, all featuring mixed uses, public realm improvements and public transit.

In 2017, Council directed staff to proceed with the LaSalle Boulevard Corridor Plan and Strategy (LBCPS – See Reference 2). The LBCPS was completed over 13 months with various check-ins with the community and with Council. The LBCPS has a number of recommendations associated with land use planning to create a new land use framework for the corridor, including integrating high-quality intensification, supporting public transit, and policies for private and public realm improvements.

In July 2018, Council directed staff to commence work on the Official Plan and Zoning amendments. The draft proposed Official Plan Amendment (OPA 102) was brought to Planning Committee in June 2019 (See Reference 3). The OPA was adopted on April 14, 2020. The OPA came into effect on June 18, 2020.

Purpose

This report is the third of three reports on the proposed zoning amendments associated with the LaSalle Boulevard Corridor Plan and Strategy (LBCPS). The July 6, 2020 report described the approach to the zoning by-law amendment (See Reference 4). The September 21, 2020 report further refined the approach and included a draft zoning by-law amendment (See Reference 5). This third report includes the final zoning by-law presented for consideration at a public hearing under the Planning Act.

Highlights of the proposed zoning by-law include rezoning most of the parcels along LaSalle Boulevard to General Commercial (C2) Special, and establishing build-to line from the City's desired Right Of Way. In order to implement the built form recommendations of the LBCPS, intended to create a more pedestrian environment along LaSalle, the amendment introduces a requirement that 60% of the front lot line be occupied by a building.

PUBLIC CONSULTATION

The current emergency declaration required some modifications to City practices regarding public consultation. The City held two online open houses on May 4 and May 5, 2021 to the proposed ZBLA.

Staff sent Notice of Public Hearing and Open Houses per the requirements of the Planning Act, including direct communication with corridor stakeholders, publishing notices in community newspapers, and making use of the City's social media platforms. In all, over 3000 notices were sent out to the community.

The City has provided citizens the opportunity to comment online via such channels as "Over to You", which was also used in the development of LaSalle Boulevard Corridor Plan and Strategy and Official Plan Amendment No. 102.

This May 10, 2021 public hearing is the first of two-stages for input. Staff should now be directed to consider the feedback, make changes as appropriate, and return at a later date with the final recommended zoning by-law amendment for adoption.

Discussion

Proposed Draft Zoning By-Law

The changes to the Official Plan (OPA 102 – See discussion below) to implement the LBCPS guide the more detailed proposed changes to the City's Zoning By-law. Pursuant to the Planning Act, the zoning by-law must conform to the Official Plan.

The following section of the report details the proposed zoning by-law, which would rezone the properties fronting onto LaSalle Boulevard from Notre Dame to Falconbridge Road. The proposed zoning by-law would also encompass some properties on the west side of Notre Dame Avenue as shown on Attachment B - Proposed Zoning Changes.

Rezoning to “C2” General Commercial Special

The proposed zoning by-law rezones the majority of the properties along LaSalle to C2 – General Commercial – Special (See Attachment B). In general, properties rezoned to 'C2 (XXX)' include existing C1, C3, R1, R2, vacant R3, M1 and M1-1. Other zones like R3 and R3-1 would also each be placed in a new Special Zone (e.g. R3 (xx)).

As noted in the July, 2020 report, the C2 Zone is the most permissive commercial zone in the City's Zoning By-law. It allows for most commercial uses except for Camping Grounds, Carnivals, Commercial Tourist Facilities and Marinas. It also permits any dwelling containing not more than 2 dwelling units, multiple dwelling, private home daycares and shared housing (along the corridors only).

Prohibition of Some Uses along LaSalle

Not all permitted C2, R3 and R3-1 uses meet the new vision of LaSalle as expressed in the Official Plan. Subsection 1(3) of the proposed zoning by-law (See Attachment E) prohibits future standalone commercial parking lots, duplexes, single and semi-detached dwellings. Doing so encourages the development of these properties to increase assessment. It would also encourage sound urban design and community-oriented uses at transit-supportive densities in compact, pedestrian-friendly built forms.

Establishment of a Build-To Line based on 30M Right of way

The current minimum setback for commercial uses along LaSalle is 7.5m, and 9.0 metres for business industrial uses. The proposed zoning by-law (see Subsection 1(2) of Attachment E) introduces a build-to line to the corridor in order to promote a more consistent streetscape, introduce sound urban design, and to make the corridor friendlier to all users. A build-to line would bring buildings closer to the street, and would direct the parking to the rear of the buildings.

The build-to line requires that new buildings to be set back from 0m (minimum) to 4.5m (maximum) of the desired Right-of-Way as expressed in the City's Official Plan (which is 30 metres for LaSalle Boulevard). The Right of Way is the City's long-term vision for a road, and includes the space required for travelling lanes, the curb, sidewalk, and associated amenities.

Establishment of Percentage of Lot Line Occupied by Building

As noted in the July, 2020 report, this tool is typically used to ensure that the front of the building is located along the front lot line of the street. Should the City adopt a build-to standard for building, there is a risk that

new buildings would be turned to their side and the flank of the building would front onto LaSalle.

Subsection 1(2) of the proposed zoning by-law introduces a “Percentage of Lot Line Occupied by Building” of 60%.

Maximum or Minimum Building Heights

The LBCPS recommends that the City establish a minimum height of 11 metres along the corridor. It also recommends that the City consider a height overlay schedule to accommodate varied standards along the corridor.

Only the Downtown Commercial (C6 Zone) contains a minimum height in the City’s Zoning By-law. It is 8 metres. The C2 and C3 zones currently have maximum height provisions of 15 metres and 8 metres, respectively.

Staff does not recommend implementing a minimum building height or modifying maximum building heights at this time.

Holding Zone

Subsection 1(4) of the proposed zoning by-law introduces a Holding Zone to those properties smaller than the minimum lot size for a C2 zone (1350 sq. m). These properties are identified in Attachment D. Further to the newly-adopted Official Plan policies, the Holding Zone would be conditional upon a site plan agreement being entered into with the City. The effect of the Holding Provision and site plan control is to “discourage small lot rezoning” and to “promote land assembly for consolidated development.” Land assembly could “reduce the need for additional driveways along arterials and can be used to promote a more consistent streetscape.”

Legally existing single, semi-detached, duplex, group homes (type 1), row dwellings and linked dwellings would enjoy legal nonconforming status.

Legal Non-Conforming Uses

The proposed zoning by-law outlined in this report may create a legal non-conforming status for certain uses, lots or buildings. For example, some buildings may not meet the new standards of the proposed build-to line, the percentage of lot occupied by a building, while some industrial uses, single-detached dwellings, etc, may no longer be a permitted use along the corridor. These situations are contemplated by the City’s Zoning By-law.

Section 4.24 of the City’s Zoning By-law relates to non-conforming uses. Section 4.24.1 allows for the continuation of existing uses, lots, buildings or structures if they were lawfully used for those purposes prior to the effective date of the zoning by-law.

Existing Special Exception Zones

There are numerous zoning exceptions along the corridor. These are demarcated by the use of a bracket after the Zone category (e.g. C1(14)). These exceptions generally:

- Add additional permitted uses to zone
- Remove permitted uses from a zone
- Provide minimum parking requirements; and/or
- Provide tailored setbacks and building sizes

The proposed zoning by-law maintains most of the exception zones along LaSalle, save and except the C1 specials and the M1 and M1-1 specials. The City has reached out to individual land owners and tenants with exception zones. Feedback received as part of this process will be analyzed and addressed as part of the next report.

Policy and Regulatory Framework

Provincial Policy Statement, 2020

The proposed ZBLA is consistent with the Provincial Policy Statement, 2020 (PPS, See Reference 6). Specifically, the proposed zoning by-law amendment is consistent with:

- Policy 1.1.1 a) b) e) and f);
- Policy 1.1.3.2 a) e) f) ;
- Policy 1.1.3.3;
- Policy 1.6.7.4;
- Policy 1.7.1 a) b) d), e); and,
- Policy 1.8 a) b) c) e);

Taken together, these policies seek to: promote efficient development and land use patterns to sustain the financial well-being of the City; accommodate a range of uses; improve accessibility and encourage active transportation and transit; make an efficient use of infrastructure; minimize negative impacts to air quality and climate change; and, support long-term economic prosperity.

Growth Plan for Northern Ontario

The proposed ZBLA conforms to and does not conflict with the Growth Plan for Northern Ontario, 2011 (GPNO – See Reference 7). Specifically, the GPNO identifies Greater Sudbury as containing Strategic Core Areas. Strategic Core Areas are defined by the GPNO as “delineated medium-to-high density areas [...] that are priority areas for long-term revitalization, intensification and investment. These areas may consist of downtown areas, and other key nodes and significant corridors.” LaSalle Boulevard was identified as one of the City’s key nodes and significant corridors as part of the City’s Nodes and Corridors Strategy.

Per Section 4.4.2 of the GPNO, Greater Sudbury is encouraged to plan for these areas “to function as vibrant, walkable, mixed-use districts that can: a) attract employment uses and clusters, including office and retail; b) accommodate higher densities; c) provide a broad range of amenities accessible to residents and visitors including vibrant streetscapes, shopping, entertainment, transportation connections, lodging, and educational, health, social, and cultural services.” The proposed ZBLA strengthens the City’s Official Plan in this regard, both as it relates to LaSalle Boulevard, and as it relates to the implementation of the new land use designations brought in by Official Plan Amendment No. 102.

Official Plan for the City of Greater Sudbury

With Official Plan Amendment No 102, the City introduced new land use designations to the City’s Official Plan, including ‘Secondary Community Nodes’ and ‘Regional Corridors’. Secondary Community Nodes are nodes along the City’s strategic corridors with a concentration of uses at a smaller scale than a Regional Centre (e.g. LaSalle Court Mall vs New Sudbury Shopping Centre). These Secondary Community Nodes are located on primary transit corridors and permitted uses include residential, retail, service, institutional, park and other community-oriented activities. Given the function and high visibility of these nodes, special attention to sound urban design principles is essential.

Regional Corridors are the primary arterial links connecting the Regional Centres and the Secondary Community Nodes. These corridors are the City’s ‘Main Streets’ and the permitted uses include medium-density residential, retail, service, institutional, parks, open spaces, office and community-oriented uses at transit-supportive densities in compact, pedestrian-friendly built forms. Sound urban design principles is essential.

The proposed zoning by-law implements the changes introduced by OPA 102, and otherwise conforms to the City's Official Plan.

Zoning By-law 2010-100Z:

The proposal would maintain the development standards, as they exist today, for all zones along LaSalle with a few exceptions. As noted above, the proposed amendment seeks to introduce a build-to line to the corridor, as well as a standard percentage of front lot-line occupied by a building.

Site Plan Control

Section 19.6 of the City's Official Plan designates the entire municipality as a site plan area pursuant to the Planning Act. Section 41 of the Planning Act enables municipalities to require site plan approval for development that has the effect of "substantially increasing the size or usability" of buildings or structures.

The proposal to rezone many of the parcels along LaSalle would allow for more flexibility and could lead to substantially increasing the size or usability of the parcels. In those cases, a site plan control agreement would be a requirement prior to obtaining a building permit.

Department/Agency Review

The application has been circulated to all appropriate agencies and City divisions. Responses received will be used to assist in refining the final recommended amendment, where appropriate.

Nickel District Conservation Authority

The Nickel District Conservation Authority ("Conservation Sudbury") notes that some parcels proposed to be rezoned are regulated by Ontario Regulation 156/06. Further to this, there are a number of parcels that contain the hazards listed in the applicable policies of the 2020 Provincial Policy Statement ("2020 PPS") (i.e. flooding, erosion, and hazardous sites) that have not had the limit of development defined. They have noted that the following features are captured by the proposed amendment to the zoning by-law:

- The Frood (West) Branch of Junction Creek;
- The Ponderosa Provincially Significant Wetland;
- An unnamed tributary of Junction Creek;
- Junction Creek; and,
- An unnamed wetland.

Conservation Sudbury is requesting the following hold provision for any parcel containing, or adjacent to, a natural hazard regulated by Ontario Regulation 156/06:

"Until such time as the "H" symbol has been removed by amendment to this By-law by Council, no development shall be permitted on lands zoned H51C2(xxxx).

The "H" Holding symbol in this By-law shall only be removed by Council of the City of Greater Sudbury pursuant to Section 36 of The Planning Act, R.S.O. 1990, c. P. 13, provided that the following condition is first satisfied:

1. The limits of development associated with the natural hazard have been established to the satisfaction of Conservation Sudbury."

Summary and Recommendations

This report outlined the background to the LaSalle Boulevard Corridor Plan and Study (LBCPS), and

introduced a proposed zoning by-law amendment (ZBLA) that incorporates Official Plan Amendment No. 102 and the LBCPS' land use planning recommendations where appropriate.

Highlights of the proposed zoning by-law include rezoning many of the parcels along LaSalle Boulevard to a "C2" (General Commercial) Special, and establishing a 0-4.5m build-to line from the Right Of Way. In order to complement that concept, the amendments would introduce a requirement that a certain percentage of the front lot line be occupied by a building.

Staff is seeking direction to consider the feedback, make changes as appropriate, and return at a later date with the final recommended zoning by-law amendment for adoption.

Resources Cited

1. City-Wide Nodes and Corridor Strategy
<http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=9&id=992>
2. "Proposed LaSalle Boulevard Corridor Plan and Strategy", July 9, 2018 Report From the General Manager of Growth and Infrastructure
<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=1227&itemid=14212>
3. Official Plan Amendment No. 102
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1444&itemid=18472&lang=en>
4. July 6, 2020 Report, "LaSalle Boulevard Corridor Plan and Strategy – Proposed Approach to Zoning By-Law Amendment", July 6, 2020 report from the General Manager of Growth and Infrastructure.
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=8&id=1452>
5. "LaSalle Boulevard Corridor Plan and Strategy – Proposed Zoning By-law Amendment", September 21, 2020 report from the General Manager of Growth and Infrastructure
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=8&id=1455>
6. Provincial Policy Statement, 2020
www.ontario.ca/pps
7. Growth Plan for Northern Ontario
<https://www.ontario.ca/document/growth-plan-northern-ontario>
8. City of Greater Sudbury Zoning By-law
<https://www.greatersudbury.ca/do-business/zoning/zoning-by-law-2010-100z/>