

LaSalle Boulevard Corridor Plan and Strategy – Recommended Zoning By-Law Amendment

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Prepared by:	Ed Landry Planning Services
Recommended by:	General Manager of Growth and Infrastructure
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Report Summary

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

Resolution

THAT the City of Greater Sudbury approves the proposed draft zoning by-law amendment which is associated with the LaSalle Boulevard Corridor Plan and Strategy, as outlined in the report entitled “LaSalle Boulevard Corridor Plan and Strategy - Recommended Zoning By-law Amendment”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 8, 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). 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.

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.

Staff then brought three separate reports to Planning Committee on the zoning by-law amendments to implement OPA 102. 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). The May 10, 2021 report included the final zoning by-law presented for consideration at a public hearing under the Planning Act (See Reference 6).

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 City held two online open houses on May 4 and May 5, 2021 to the proposed Zoning By-Law Amendment (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. The May 10, 2021 public hearing was the first of two-stages for input. Staff has now considered the feedback, made changes where appropriate, and is now presenting the final recommended zoning by-law amendment for adoption.

Feedback Received

Expansions

A May 7, 2021 letter from the Canadian Tire REIT representing "multiple buildings with varying setbacks to both Barry Downe Road and LaSalle Boulevard" stated that they are "concerned that the effect of the Zoning By-law Amendment to create a build to line will render our buildings legal non-conforming and how this may impact our ability to expand and improve these buildings in the future."

They continue: "For example if we wanted to expand the existing Canadian Tire store would an expansion be refused as we could not meet the zoning required for the build-to line or would we be required to apply for a Zoning By-law Amendment or Committee of Adjustment setback variance?"

“We ask that staff and Council give consideration to amending the policies to allow the expansion and improvement of existing buildings without the need to meet the build-to line or a percentage of lot line occupied by building.”

A May 10, 2021 letter received from the Properties Group representing the LaSalle Court Mall wrote to confirm whether the build-to line would “not limit the ability to permit a drive-thru lane, drive aisle, or parking to be situated between the ‘build-to’ line [and] the right-of-way”.

A June 28, 2021 letter received from Family Dental Care noted concerns with the proposed provisions regarding the 60% frontage along LaSalle. The Family Dental Care is currently considering an expansion of their current business at 441 LaSalle.

Analysis and Recommendation

Staff recommends a new provision to Sections 4.25.1 and 4.25.2 that permits enlargement, reconstruction, repair and/or renovations that bring the property further into compliance with the new corridor provisions. See Subsections 1(2) and (3) of the proposed by-law in Attachment A.

Regarding the “ability to permit a drive-thru lane, drive aisle, or parking to be situated between the ‘build-to’ line [and] the right-of-way”, the new changes may not allow for a building to be set back to accommodate the items proposed by the Properties Group. The proposed definition of “Build-to line” states: The building line on which the front of a *building or structure* must be located or built, and which is measured from the *Ultimate Right of Way Width*.” Should the proposed changes be approved, new drive-thrus, drive aisles and parking may require alternative design solutions to meet the new provisions of the by-law.

Minimum and Maximum Heights

At the May 10, 2021 Public Hearing, Planning Committee requested that staff consider a minimum height of 8.0m, similar to the current standard for Downtown Sudbury.

The June 28 comment letter from Family Dental Care noted that “[their] existing foundation would not support a second storey.”

Analysis and Recommendation

Page 39 of the LaSalle Boulevard Corridor Plan and Strategy includes the following:

“Typically, height is regulated according to both a minimum and maximum standard. The minimum standard is applied to ensure that desired densities and built form are achieved. Many urban municipalities do not regulate a maximum height in priority nodes. Currently, Zoning By-law 2010-100Z only regulates maximum height within the C2 and C3 Zones that occur along LaSalle Boulevard. It is recommended that the City implement a minimum height of 11.0 metres to better define the built form. Establishment of a maximum height should be permissive enough to encourage density along the corridor while facilitating the proposed form within the nodes. As a result, maximum heights should be allocated according to the function and development form of the nodes and corridor and may vary amongst the differing character segments of the corridor. A height overlay schedule could be used to accommodate the need to varied standards according to current and future character areas.”

Staff recommends that minimum and maximum heights along corridors would be better expressed through Urban Design Guidelines. Section 14.0 of the City of Greater Sudbury’s Official Plan speaks to Urban Design. “The intent of this Plan is to provide broad urban design direction to improve the quality and character of future public and private projects. These broad directions will be further articulated through a comprehensive set of Urban Design Guidelines.”

The Official Plan further notes that “Greater Sudbury is very much a city of neighbourhoods”. Policy 1 of

Section 14.3 states that the “City will encourage community and neighbourhood design that: a) creates a distinctive community character and strong sense of place.”

Urban Design Guidelines for arterial main streets like those found in Ottawa (see Figure 6 - Reference 7) typically speak of ratio of building height to road corridor. In Ottawa, a ratio of 1:6 is considered low, 1:3 medium, and 1:2 high. In the LaSalle example, the desired right of way is 30m. A low profile would see a minimum building height of 5m (5 : 30), 10m for medium (10 : 30), and 15m for high (15 : 30). A minimum building height of 8m would represent a 1 : 3.75 ratio and would therefore sit somewhere between a low and medium profile for LaSalle Boulevard (using Ottawa’s example).

Section 4.4 of the City of Hamilton’s “City-Wide Corridor Planning Principles and Design Guidelines” includes the following guideline for minimum building heights: “New development should have a minimum building height of 2 storeys, for a minimum of 75% of the building frontage along arterial streets. The minimum 75% will ensure the majority of the building is at least 2 storeys in height, while allowing some flexibility in design” (See Reference 8). In the LaSalle example, a C2 lot has a minimum lot frontage of 30m. A proposed requirement would see 60% of the frontage occupied by a building (i.e. 18m in this example). Therefore, the minimum building height would be 13.5m (75% of 18m).

Other guidelines such as for Avenue Road in Toronto (Between the 401 and Lawrence Ave) include maximum building heights based on the viewing plane of 45% taken from either the opposite curb or in the middle of the lane. For LaSalle, measured at the opposite curb, the maximum building height would therefore be 30m. For the measurement taken at the middle of the lane, the maximum height would be 15m.

Staff recommends not having a minimum height for LaSalle Boulevard expressed in the Zoning By-Law at this time. The minimum (and maximum) height question can be considered at the urban design guidelines stage, and once the complete nodes and corridors strategy has been realized. The Urban Design Guidelines process would allow the City to outline guidelines tailored to community character, in a guideline document that is more flexible than a zoning by-law.

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 changes to the Zoning By-law:

- The addition of a Natural Hazards definition, which would capture the ‘hazardous lands’ and ‘hazardous sites’ definitions of the 2020 PPS, as amendment, and would include the flooding hazard, erosion hazard, dynamic beach hazard, and unstable soils or bedrock.
- That section 4.9 be renamed from “Flood Hazard Limit Provisions” to “Natural Hazard Limit Provisions”, and that a new section 4.9.3 be added as follows:

“4.9.3 Natural Hazards

Notwithstanding any other provision of this By-law to the contrary, for any lands under the jurisdiction of the Nickel District Conservation Authority pursuant to the Conservation Authorities Act, R.S.O 1990 c. C.27, as

amended, the following shall apply:

- i) *buildings or structures* shall be erected or used in accordance with any regulations of, and subject to the approval of, the Nickel District Conservation Authority. Approval of the authority must be obtained prior to the addition or removal of material (e.g. fill, soil, etc), whether originating on the site or elsewhere;
- ii) no new *buildings or structures* shall be erected or used on lands subject to natural hazards except for flood or erosion control or for providing access and only in accordance with any regulations of, and subject to the approval of, the Nickel District Conservation Authority.”

Analysis and Recommendation

This is new information to the LaSalle Boulevard Corridor Rezoning Process. The issue was not included in any of the City’s public notices and was not discussed during the public open houses.

However, section 10 of the City’s Official Plan contains policies on natural hazards, including flooding, erosion, and unstable soils. Staff recommends that this issue be addressed as an Official Plan conformity exercise, separate from the LaSalle Corridor Project. Staff can return with a further report on these matters in Q1 of 2022.

Site-Specific Zoning

In a letter dated May 4, 2021, the owner of 1865, 1869, and 1893 LaSalle Boulevard requested that “during the rezoning process we include in the M1 special zone, commercial self-storage use along with the current use.”

Analysis and Recommendation

The subject lands are currently designated Regional Corridor under the Official Plan. Per Policy 2 of Section 4.2.4 of the Official Plan, permitted uses in the Regional Corridor designation may include medium density residential, retail, service, institutional, recreational, entertainment, parks, open spaces, office and community-oriented uses at transit supportive densities in compact, cycling and pedestrian-friendly built forms.

The lands are proposed to be zoned to C2 (120) LaSalle Boulevard Corridor Overlay. The City’s Zoning By-law considers commercial self-storage as an industrial use. A commercial self-storage use would therefore not be consistent with Council’s new vision for Regional Corridors. Staff recommends that the owner start its own land use planning process (i.e. official plan amendment and zoning by-law amendment) should they wish to add this permitted use to the subject lands.

Finally, per the legal non-conforming uses provisions of the Zoning By-law, the existing waste management use at 1865-1893 can continue to be used as such “provided that the lot, building or structure continues to be used for that purpose and is not altered in any way except in conformity with [the Zoning] By-law.” The new long term vision for LaSalle, as expressed through the City’s Official Plan, does not include these industrial uses. As noted above, Staff recommends that the owner start its own land use planning process (i.e. official plan amendment and zoning by-law amendment) should wish they add this permitted use along LaSalle.

Summary

This report outlined the background to the LaSalle Boulevard Corridor Plan and Study (LBCPS), and presented a recommended zoning by-law amendment (ZBLA) that incorporates Official Plan Amendment No. 102 and the LBCPS’ land use planning recommendations, where appropriate.

Staff has considered the feedback received as part of public consultation period and made changes as appropriate. The final Recommended Zoning By-law Amendment (ZBLA) is included as Attachment A to this report. Compared to the amendment presented as part of the May 10, 2021 public hearing, the new proposed ZBLA includes provisions that would allow the expansion of existing buildings and structures that bring the property further into conformity with the build-to line and the new frontage requirements. Staff has considered a new minimum height requirement along LaSalle and is recommending that the minimum height provisions be considered at a later date, and perhaps as part of design guidelines specific to the completed nodes and corridors strategy.

As outlined in the May 10, 2021 Public Hearing Report, the recommended zoning by-law conforms to the City's Official Plan, conforms to and does not conflict with the Growth Plan for Northern Ontario, and is consistent with the 2020 Provincial Policy Statement. Staff is recommending that the attached zoning by-law amendment be adopted.

Attachments

- A. Recommended Zoning By-law
- B. Map of C2(120)
- C. Map of R3(75)
- D. Map of R3-1(31)
- E. Map of H51C2(120)

Resources Cited

1. Nodes and Corridors Strategy
2. "Proposed LaSalle Boulevard Corridor Plan and Strategy", July 9, 2018 Report From the General Manager of Growth and Infrastructure
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?documentid=5226>
3. Official Plan Amendment No. 102
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?documentid=841>
4. "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://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=309>
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://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=39115>
6. "LaSalle Boulevard Corridor Plan and Strategy – Proposed Zoning By-law Amendment", May 10, 2021 Public Hearing Report from the General Manager of Growth and Infrastructure
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=39871>
7. Ottawa Urban Design Guidelines
<https://ottawa.ca/en/city-hall/planning-and-development/community-plans-and-design-guidelines/design-and-planning-0-21/design-guidelines>
8. Hamilton Corridor Guidelines:
<https://www.hamilton.ca/sites/default/files/media/browser/2014-12-18/city-wide-corridors-planning-principles-design-guidelines.pdf>