

**Title: Daniel, Frances, and Bernard Bouffard**

**Date: June 8, 2020**

## **STAFF REPORT**

### **PROPOSAL:**

The applications propose to amend the City's Official Plan and By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, to permit three (3) residential units in addition to the uses permitted in the "C2(62)" zone, and to enable a west portion of 1167 Northway to be included in the redevelopment of the site. The applicant's site sketch shows the location of the proposed new building and parking areas on the site, and is depicted in the rendering included as Appendix 1.

The existing businesses on the site will be relocated into the new building, and some additional floor space will be available for rent. Three (3) second-storey dwelling units are proposed.

### **Existing Official Plan Designation and Zoning:**

PIN 02171-0318 and the west vacant portion of 1167 Northway are currently designated 'Living Area 1' in the Official Plan. PIN 02171-0320 is currently designated Mixed Use Commercial.

Both PINs 02171-0318 and 02171-0320 are zoned "C2(62)", General Commercial Special. The C2(62) zone permits a skate and tool sharpening business, retail stores, offices, personal service shops and service trades, and provides certain site-specific criteria for landscaping, setbacks and parking.

The west vacant portion of 1167 Northway is zoned "R1-5", Low Density Residential One. The R1-5 zone permits a limited range of low density residential uses including single detached dwellings, a home daycare, group home (type 1), and a bed and breakfast establishment.

### **Requested Official Plan Designation and Zoning:**

The Mixed Use Commercial designation is proposed to be applied to the portion of the site currently designated Living Area 1 in the Official Plan.

A revised C2(62), General Commercial Special is proposed to be applied to the entirety of the site in order to permit three (3) residential units in addition to the uses permitted in the "C2(62)" zone. Site-specific relief is also requested to:

- reduce the minimum required front and corner side yard to 4.5 m;
- to permit a garage with retaining walls greater than 1 m in height to be constructed with a setback of 1.2 m;
- to permit a retaining wall greater than 1 m in height to the north of the proposed garage to be constructed to within 0 m of the property line; and
- to permit a loading space and refuse enclosure to within 0.5 m of the westerly lot line.

### **Location and Site Description:**

The subject property is described as PINs 02171-0318, 02171-0320, and part of PIN 02171-0225, Parts 2 and 3, Plan SR-1908, part of Block A, Plan M-246, Except Parts 2 and 3, Plan 53R-15979, including Part 1, Plan 53R-15979, Lot 3, Concession 6, Township of McKim. The subject lands are located on the north side of Lasalle Boulevard in Sudbury and are municipally known as 664 & 667 Lasalle and part of 1167 Northway, Sudbury. The part of 1167 Northway that is subject to the applications consists of a vacant portion of the rear yard being approximately 0.02 ha in size. The subject lands, in total, are 0.4 ha in size with approximately 42 m of frontage on Northway and 56 m flanking on Lasalle.

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The lands are currently serviced with municipal water and sanitary sewer. One access driveway to the site is proposed from Lasalle; no access to Northway is proposed. Lasalle consists of five lanes including a centre turn lane at this location. There is a transit stop at the subject lands on the south side of Lasalle, and within 20m to the east of the subject lands on the north side of Lasalle.

The existing use of the site is for commercial and residential uses. There are three buildings on the site which will be removed prior to development. These include two westerly buildings constructed in 1960 and 1982 that are occupied by Lafrance Furs and Bay Sharpening, respectively, on PIN 02171-0318 and which is subject to the proposed official plan amendment. The easterly building is a former farm house partially constructed with stones in approximately 1890, and located on PIN 02171-0320. The stone house is not on the City's register of designated heritage buildings, nor is it a 'listed' heritage building.

### **Surrounding Land Uses:**

The area surrounding the site includes:

North: Residential uses (single-detached dwellings)  
East: Northway Avenue, residential and institutional use (single-detached dwelling, church)  
South: Institutional use, residential use (Felix Ricard elementary school, single detached and two-unit dwellings)  
West: Residential use (low rise multiple dwelling)

The existing zoning & location map indicate the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the existing commercial buildings on the subject lands, as well as the institutional and residential uses along this section of Lasalle Boulevard in the community of Sudbury.

Further to the east, there is a substantial commercial area designated 'Mixed Use Commercial' in the Official Plan.

### **Related Applications:**

**751-6/90-48 & 701-6-0/90-31:** In 1995, Official Plan Amendment #95 redesignated Parcel 33418 (the part of the site that was, at that time, occupied by Bay Used Books and Skater's Edge) as "Linear Mixed Use District". Several conditions were attached to the application for rezoning which had to be complied with prior to the passing of an amending by-law. However, it was decided that additional properties would be consolidated and redeveloped, so this by-law was not brought forward for passing.

**751-6/96-27 & 751-6/97-14 & 701-6/96-15:** These applications were made concurrently. The Official Plan Amendment application applied only to that part of the site which was not covered by Official Plan Amendment #95, and the application for rezoning was for the entire site.

The official plan amendment proposed to amend the Secondary Plan for the City of Greater Sudbury by changing the land use designation of the subject property from "Medium Density Residential District" and "Low Density Residential District" to "Linear Mixed Use District". It was approved as OPA #182 and came into force on December 31, 1997.

The rezoning proposed to amend By-law 95-500Z by changing the zoning classification from "R1", Single Residential District and "R2", Double Residential District, to "C2-Special", General Commercial District-Special. The application was recommended to be approved, subject to several conditions including that a 7-foot wide strip along Lasalle be provided for road purposes.

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The rezoning application was subsequently amended (renumbered as file 751-6/97-14) by adding additional floor space in the basement area of the building, eliminating a second storey apartment, and by expanding the area for parking on the northerly part of the site. It was approved on February 11, 1998, and is the basis of the C2(62) zoning that is currently on the majority of the subject lands.

**B0030/1997:** A consent to transfer a west vacant portion of 1167 Northway as a lot addition was approved and a certificate was issued, but the lands were not transferred.

**751-6/11-17:** A proposal to permit the temporary use of a shipping container for storage for a period of two years was conditionally approved by Planning Committee. However, the condition requiring the owner to provide plans addressing the outstanding orders to comply and the Ontario Building Code were not fulfilled and the approval lapsed.

### **Public Consultation:**

Notice of the applications was circulated to the public and surrounding property owners on April 16, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on June 18, 2020. As of the date of this report, five residents have inquired about the proposal. Only one comment has been received requesting the clean-up of trees on the subject lands that were damaged by a windstorm. No other comments, concerns, or objections have been received regarding the proposed applications.

### **POLICY & REGULATORY FRAMEWORK:**

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

- 2020 Provincial Policy Statement
- 2011 Growth Plan for Northern Ontario
- Official Plan for the City of Greater Sudbury, 2006
- Zoning By-law 2010-100Z

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development.

Planning authorities shall also identify appropriate locations for redevelopment taking into account existing building stock. The need for the unjustified and/or uneconomical expansion of services shall be avoided.

Section 1.4 requires municipalities to provide for an appropriate range and mix of housing types and densities, and to maintain at least a three year supply of residential units.

Section 1.3.1 of the PPS requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs, and maintaining a range and choice of suitable sites which take into account the needs of existing and future businesses.

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Section 1.7.1 (a) & (b) state that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness, and by optimizing the use of land and infrastructure. Section 1.6.7 regarding transportation systems further emphasizes that efficient use shall be made of existing infrastructure.

**Growth Plan for Northern Ontario:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform to the Growth Plan for Northern Ontario.

**Official Plan for the City of Greater Sudbury:**

Section 1.3.2 of the Official Plan acknowledges the link between planning, design and economic development, such as by providing a framework to reinforce the urban structure and achieve efficient urban form and use of infrastructure.

The subject lands are proposed to be designated as Mixed Use Commercial in the Official Plan. Section 4 of the Official Plan identifies that the Mixed Use Commercial designation reflects lands where people presently work and lands where employment opportunities will be provided in the future. These uses are generally concentrated along certain stretches of Arterial Roads.

Policy 4.3(2) states that in order to minimize the disruption of traffic flow along Arterial Roads and promote better development, small lot rezoning will be discouraged and land assembly for consolidated development will be promoted.

Given the function and high visibility of these areas, special attention is to be given to sound urban design principles including supporting active transportation and transit.

All uses except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process, subject to the following criteria listed in section 4.3:

- sewer and water capacities are adequate for the site;
- parking can be adequately provided;
- no new access to Arterial Roads will be permitted where reasonable alternate access is available;
- the traffic carrying capacity of the Arterial Road is not significantly affected;
- traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent;
- landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and
- the proposal meets the policies of Sections 11.3.2 and 11.8, and Chapter 14.0, Urban Design.

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The City of Greater Sudbury has adopted Official Plan Amendment (OPA) 102, as outlined in the report entitled "Official Plan Amendment No. 102 - LaSalle Boulevard Corridor Strategy", from the General Manager of Growth and Infrastructure, presented at the Planning Committee Meeting on March 9, 2020. (Planning Committee resolution PL2020-40). Staff will be bringing forward the implementing zoning by-law amendments for Planning Committee's consideration by the end of the second quarter. These new official plan policies were not in effect at the time that the current applications were made. However, they provide an indication as to the City's long-term intent for the use of these lands. OPA 102 redesignates the entirety of the subject lands as 'Regional Corridor', which are the primary arterial links connecting the Regional Centres and the Secondary Community Nodes. Permitted uses in Regional Corridors 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. Regional Corridors shall be planned subject to the criteria listed in section 4.2.4(3), specifically to:

- a. provide for a mix of housing types, tenures and affordability;
- b. encourage a cycling and pedestrian-friendly built form by locating commercial and other active non-residential uses at grade;
- c. provide residential development primarily in the form of medium density buildings;
- d. be designed to implement appropriate transitions of density and uses to facilitate compatibility with surrounding existing lower density neighbourhoods; and,
- e. develop at transit-supportive densities;
- f. function as the transit spines for the City while also facilitating other active modes of transportation; and,
- g. In order to minimize the disruption of traffic flow along arterial roads and promote better development, small lot rezoning will be discouraged and land assembly for consolidated development will be promoted. Land assembly will reduce the need for additional driveways along arterials and can be used to promote a more consistent streetscape.

### **Zoning By-law 2010-100Z:**

Development standards for the requested 'C2' zone include a maximum height of 15 m, maximum lot coverage of 50%, and minimum landscaped open space of 5%. The following are the current site-specific provisions applicable to the C2(62) zone which address permitted uses, the landscaped area abutting Lasalle and planting strips abutting the other lot lines, building setbacks from Lasalle and the northerly abutting Lot 19, Plan M-383, the parking rate, and location of parking areas:

*Notwithstanding any other provision hereof to the contrary, within any area designated C2(62) on the Zone Maps, all provisions of this By-law applicable to C2 Zones shall apply subject to the following modifications:*

- (i) That the only permitted uses shall be a skate and tool sharpening business, retail stores, offices, personal service shops and service trades;*
- (ii) That the most northerly 18.2 metres of Part 3, Plan SR-1908, shall be used for no purpose other than landscaped open space;*
- (iii) That the minimum landscaped area abutting Lasalle Boulevard shall be a minimum of 2.4 m in width;*
- (iv) That the minimum building setback from Lasalle Boulevard shall be 5.4 m;*
- (v) That the minimum northerly side yard requirement (abutting Lot 19, Plan M-383) shall be 2 metres;*

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- (vi) That a minimum of 1 parking space shall be provided per 23.5 square metres of net floor area;*
- (vii) Parking areas shall be permitted to within 0.5 metres of a Residential Zone;*
- (viii) A planting strip 0.5 metres in width shall be required along the westerly side lot line, together with an opaque or non-opaque fence, extending to the northerly limit of the parking area;*
- (ix) A planting strip 0.5 metres in width shall be required along the easterly side lot line extending to the northerly limit of the parking area, as well as the northerly and easterly side lot lines abutting the garbage enclosure and the northerly side lot line abutting the proposed building, together with an opaque fence.*

**Site Plan Control:**

A site plan agreement was registered on title to 664 and 672 Lasalle in 1998, as a condition of the previous rezoning for these lands. An updated agreement will be required prior to development of the site.

**Department/Agency Review:**

Planning staff circulated the development applications to all appropriate internal departments and external agencies. Responses received have been used to assist in evaluating the applications. Building Services, Transit and Drainage staff have not identified any concerns with the applications.

Traffic and Transportation staff have no concerns regarding the proposed use of the subject property, though are concerned about the proposed parking layout and on-site vehicular circulation which will be addressed during the site plan control agreement process.

Development Engineering has confirmed this area is serviced with municipal water and sanitary sewer. They have no objection provided the development continues to proceed by way of a site plan control agreement.

**PLANNING ANALYSIS:**

The PPS (2020), the Growth Plan (2011), and the Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the applications in respect of the applicable policies, including issues raised through agency circulation.

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There have been two historic official plan amendments approved to designate the whole of the subject lands to permit the proposed development. However, only PIN 02171-0320 (the part of the site occupied by the stone house) is designated in the current official plan as Mixed Use Commercial. Given the west vacant rear portion of 1167 Northway was not transferred and consolidated with adjacent lands, it is logical for this property to be designated Living Area 1 and zoned for residential use in the current Official Plan and Zoning By-law. However, applying the Living Area 1 designation to PIN 02171-0318 (the part of the site occupied by Lafrance Furs and Bay Sharpening) is presumed to have been inadvertent. The official plan designation issue has only come to light through the rezoning request. Approval of the requested official plan amendment will update the designation for PIN 02171-0318 (Lafrance Furs and Bay Sharpening) and enable infilling and maximize the use of the west vacant portion of 1167 Northway. This is consistent with the PPS which directs development to settlement areas to promote long-term economic prosperity by optimizing the use of land and infrastructure, and by providing a range of suitable sites for employment uses. The application also aligns with Official Plan direction to locate Mixed Use Commercial areas along Arterial Roads. Further, should OPA 102 come into effect, it would redesignate the entirety of the subject lands as 'Regional Corridor'. This designation recognizes these lands as being part of the primary arterial link connecting the more intense commercial nodes along Lasalle, and where a mix of residential and commercial uses should be permitted. The proposed development is an example of the type of project that OPA 102 is intended to promote.

The rezoning application requests three (3) residential units to be permitted, as well as certain site-specific relief. In terms of the additional residential units, enabling a mixed-use building with a residential component would align with the PPS and the Official Plan, which require the provision of an appropriate range and mix of housing types.

There are existing site-specific provisions that currently apply to the site and which will be maintained:

- The use of the most northerly 18.2 metres of Part 3, Plan SR-1908, is restricted to landscaped open space. This portion of the subject lands to the north and west abuts quite a number of single detached dwellings along Northway, Lavoie and Rideau. Given the potential impact of any future commercial use of these lands on abutting residential properties, it is considered appropriate to continue to restrict the use of the northerly portion of the site to landscaped open space.
- The minimum landscaped area abutting Lasalle Boulevard is 2.4 m in width rather than 3.0 m. This reduced landscaping was implemented in recognition of a 7-foot strip of land along Lasalle that was transferred to the Region and will enable some flexibility in the site design.
- Parking is permitted to within 0.5 m of a Residential Zone, rather than to 3 m. A 0.5 m planting strip, rather than 1.8 m, with an opaque fence is required adjacent to where development is proposed. These requirements were intended to enable flexibility in the site design while promoting compatibility with the adjacent Residential Zones.

It is recommended that the following site-specific provisions be reworded:

- The minimum northerly interior side yard setback (abutting 1167 Northway) shall be 2 m rather than the 3 m. This requirement should be adjusted to reflect the interior side yard is not a straight line given the additional portion of 1167 Northway where the garage is proposed to be located.
- The parking rate was established at 23.5 m<sup>2</sup> of net floor area for the site. However, applying this rate to the residential component would result in an oversupply of parking, and should instead be provided at a rate of 1.5 spaces per unit. Therefore, it is recommended that the parking rate of one space per 23.5 m<sup>2</sup> of net floor area should apply explicitly to a skate and tool sharpening business, retail stores, offices, personal service shops and service trades.

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- The provisions regarding the planting strip and opaque fence refer to features that are now proposed to be laid out different (e.g. location of parking area and garbage enclosure) and should be reworded.

The following new provisions requested by the applicant are recommended to be appropriate:

- Reduce the minimum building setback from Lasalle Boulevard and Northway Avenue to 4.5 m. The site-specific provisions currently include a minimum building setback from Lasalle Boulevard of 5.4 m. This reduced setback was implemented in recognition of a 7-foot strip of land along Lasalle that was transferred to the Region. A further setback reduction to 4.5 m will enable the building to be closer to the street which will help to promote a more pedestrian-friendly environment as envisioned by the Lasalle Boulevard Corridor Strategy.
- To permit a garage and retaining wall greater than 1 m in height with a reduced setback of 1.2 m from the northerly interior side yard abutting Lot 18, Plan M-383, and the easterly interior side yard abutting Lot 19, Plan M-383, where a 3 m setback would be required. Permission is also requested to permit a retaining wall greater than 1 m in height to the north of the proposed garage within 0 m of the easterly interior side yard abutting the west lot lines of Lot 17 and 18, Plan M-383. This reduction would enable flexibility for locating a proposed garage intended to provide indoor parking for the proposed residential units. Retaining walls are required given the slope of the lands in this location, and would be incorporated into the garage structure itself. The topography in this area will result in the garage being built into a slope, and an opaque fence will be required adjacent to the residential properties. The garage is expected to be compatible with the adjacent residential properties.
- To permit a refuse enclosure and loading space to within 0.5 m of the westerly adjacent Residential Zone, where a 3 m and 10 m setback would be required, respectively. This reduction would enable a more compact site design while promoting compatibility with the adjacent Residential Zone. Additionally, if the intent of the Lasalle Boulevard Corridor Strategy is to permit a mix of uses and ultimately results in a C2 zone being applied to the adjacent lands, no setback would be required for either of these features.

The rezoning application meets the specific considerations for a rezoning as listed in policy 4.3 of the Official Plan:

- There are no identified servicing constraints.
- Adequate on-site parking can be provided. The applicant's sketch identifies there are 35 parking spaces including one accessible space, plus 4 spaces in the proposed garage. The parking therefore meets the requirements for the proposed mix of commercial and residential uses. The parking requirement and layout will be assessed through the site plan control agreement process.
- There is sufficient traffic carrying capacity available to support the development. Traffic improvements, such as turning lanes are not required to support this development.
- Landscaping and buffering is illustrated on the applicant's site sketch. Some relief from landscaping requirements is in-effect, and the proposed additional setback relief will enable some flexibility in site design and enable more compact development, while in promoting compatibility generally with the adjacent residential use.
- Matters relating to site design will be further assessed through the site plan control agreement process.



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The stone house is a former farm house constructed in approximately 1890, and is notable given its age. However, this building is not on the City's register of designated heritage buildings, nor is it a 'listed' heritage building. The designation of a property is based on prescribed criteria related to its design/physical value, historical/associative value and/or contextual value. Given the stone house is not a designated or listed property, it is not subject to Official Plan policies that would require the protection of any cultural heritage value or interest (given these have not been determined). However, the owner is encouraged to have the stone house documented by a qualified person and to make the information available to the City for archival purposes. Documentation should include architectural measured drawings, any available land use history, as well as any photographs, maps and other available material about the house in its surrounding context. The owner is also encouraged to update the elevation plans, which will ultimately form part of the site plan agreement, to incorporate the re-use of the stones into the façade of the new building.

### **CONCLUSION:**

The Planning Division undertook a circulation of the applications to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific Official Plan and Zoning By-law Amendment:

- To permit a total of three (3) residential units in addition to the uses permitted in the "C2(62)" zone and to enable a west portion of 1167 Northway to be included in the redevelopment of the site.
- To amend the C2(62) zoning provisions to reduce the minimum required front and corner side yard to 4.5 m; to permit a garage with retaining walls greater than 1 m in height to be constructed with a setback of 1.2 m; to permit a retaining wall greater than 1 m in height to be constructed to the north of the proposed garage within 0 m of the easterly property line; and to permit a loading space and refuse enclosure to within 0.5 m of the westerly lot line.

The development of the subject lands achieves a number of policy directives, including the promotion of economic development in a manner that considers the available servicing and compatibility with adjacent uses. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for these applications.

Staff is of the opinion that the proposed amendments are appropriate based on the following:

- Development in this location aligns with economic development policies and directing development to an area with existing infrastructure.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- There are no identified servicing constraints and the traffic increase can be accommodated. Adequate on-site parking is provided.
- The site design, including landscaping provisions, will be further addressed through the site plan control agreement process.

Staff recommends approval of the applications, subject to the conditions identified in the resolution, on the basis that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, have regard for matters of provincial interest, and represent good planning.