

Presented To:	Planning Committee
Presented:	Monday, Sep 21, 2020
Report Date	Friday, Aug 28, 2020
Type:	Managers' Reports

Request for Decision

Shopping Centre Commercial Zone: Proposed Amendments

Resolution

THAT the City of Greater Sudbury directs staff to initiate an amendment to the Zoning By-law to incorporate additional medium and high density residential related uses in the Shopping Centre Commercial Zone, as outlined in the report entitled "Shopping Centre Commercial Zone: Proposed Amendments", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 21, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

Establishing policies that would permit additional medium and high density residential uses within the Shopping Centre Commercial Zone is consistent with both economic development and housing goals of the Strategic Plan. Specifically, the Economic Capacity and Investment Readiness goal of section 4.3 market and invest in Greater Sudbury as a centre of healthcare, healthcare technology, and healthcare innovation and the Housing strategic goal, section 5.1 Expand affordable and attainable housing options, and 5.1 Develop and Promote Solutions to Support Existing Housing Choices and encourage retirement residences in our town centres as part of the nodes and corridors strategy and improve services/housing for all those living or seeking to live in Greater Sudbury.

Report Summary

This report requests direction to initiate an amendment to the Commercial Shopping Centre (C5) Zone of Zoning By-law 2010-100Z to incorporate additional medium and high density residential uses. Specifically, multi-residential, long-term care facilities and retirement homes.

Financial Implications

Signed By

Report Prepared By

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Senior Planner
Digitally Signed Aug 28, 20

Manager Review

Kris Longston
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Digitally Signed Aug 28, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
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Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Sep 3, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
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There are no financial implications associated with this report.

Staff Report: Policy Options for Amendments to the Shopping Centre Commercial Zone

August 31, 2020

Planning Services Division

Background

The LaSalle Corridor Study, and associated Official Plan amendment OPA 102 recommended the addition of residential uses, specifically multiple-residential uses to the Shopping Centre Commercial (C5) zone. Multiple Dwellings are currently permitted within the C2, C3, C4 and C6 zones.

Staff have since identified an opportunity to accelerate the incorporation of residential uses in the C5 Zone and expand the proposed permitted uses to include long-term care facilities and retirement homes.

Shopping centres, similar to downtowns and town centres, are a focus of commercial activity within our urban areas. The rise of online retailing, evolution of customer preferences, government intensification efforts, and the long-term impact of COVID-19 have collectively called into question the future of the traditional shopping centre model (Mitani, 2020).

Over the past number of years there has been trend of permitting residential uses within shopping centre commercial zones in North America. In 2018, Revera struck a non-exclusive deal with SmartCentres Real Estate Investment Trust to develop 25 new retirement homes over the next five years on SmartCentre properties (Globe and Mail, 2019). Staff research has identified that development applications and official plan amendments have been submitted for a number of these projects in southern Ontario, including the South Oakville Centre and at the corner of Weston Road and Major Mackenzie Drive West in Vaughn. A list of other similar redevelopments is provided in appendix A.

With the changing retail environment there is an opportunity to facilitate the adaptive reuse of shopping malls by allowing for medium and high density residential development. Additionally, with the recent announcement by the Province regarding funding for long term care, staff recommend that these changes to zoning by-law be made to facilitate potential future developments. (News Release, July 15, 2020)

Shopping Centre Commercial Zone

The Shopping Centre Commercial Zone does not currently permit any residential uses. A range of non-residential uses are permitted, including personal service shop, pharmacy, and professional office. Hotels are currently permitted and Institutional uses are also currently permitted.

Per the Zoning By-law, *institutional uses* include *public uses*, the definition of which includes a building, structure, use or lot that is owned, occupied, used or administered by a public agency, such as Long Term Care Facilities which are licensed under the Long-Term Care Homes Act,

2007. The proposed amendment would more explicitly define long term care facilities as a permitted use.

Retirement Homes differ from Long-Term Care Facilities in that they are not licensed in the same manner. Similar to a Long-Term Care Facility, a Retirement Home provides private bedrooms or living units, in addition to common facilities for preparation and consumption of food, common lounges and medical care facilities may be provided for retired persons or residents that require nursing or homecare.

Other Considerations

Parking

A review of commercial parking standards was recently undertaken. It is recommended that the revised parking ratio for Shopping Centres as per the report prepared by J.L. Richards be incorporated into the Zoning By-law, which proposed a reduction from 1 per 20 square metres (5 per 100 square feet) to 1 per 25 square metres (4 per 100 square feet). The new parking rates would be more consistent with comparator municipalities and would help to facilitate the redevelopment of C5 sites.

Limitations on Size of Residential Component

The Shopping Centre Commercial Zone is primarily intended for commercial uses. In order to preserve the primary retail use of the site it is recommended that a cap be placed on the amount of residential ground floor area in relation to commercial ground floor area to preserve at grade retail. It is recommended that residential uses be limited to a maximum of 25% ground floor area. The Site Plan Control process will ensure that key integration issues such as emergency vehicle access, setbacks from adjacent railways, truck movement and loading access are appropriately considered.

Relationship to the Employment Land Strategy

An Employment Land Strategy which will ensure that the City is well positioned to respond to employment land needs, foster economic growth, and can support a diversified economy now and into the future, is currently underway and is expected to be completed in early 2021. The City's consultant, Cushman & Wakefield (CW) has advised that they are supportive of the proposed amendment for several reasons. As consumer preferences evolve, and more spending occurs online, shopping centres will need to overcome key challenges such as the departure of anchor tenants or the downsizing of stores – adaptive reuse will form a key role in overcoming these challenges. The proposed uses are compatible with the commercial uses and provide new residents in proximity to the commercial uses which can enhance their sales performance. CW has also noted that it is important to maintain a level of retail presence in a neighborhood to ensure that element is not lost. Which is consistent with staffs' recommendation that a limitation be placed on the maximum ground floor area that can be occupied by a residential use.

Conclusion/Next Steps

The addition of medium and high density residential along with retirement homes and long term care facilities has been identified as an opportunity facilitate the redevelopment and adaptive reuse of Shopping Centre Commercial (C5) zones while also providing additional opportunities for housing in areas that are well serviced by public transportation and retail. Adding these uses was also identified in LaSalle Corridor Study, and the planning policy frameworks has already been established by the City through the adoption of Official Plan amendment OPA 102.

The proposed amendment would also ensure the continued ability to provide commercial space while allowing shopping centres the flexibility to incorporate residential uses should the opportunity arise. Further, the proposed amendment would be consistent with Council's strategic objectives of ensuring investment readiness and encouraging retirement homes as part of the Nodes and Corridors Strategy. It is recommended that staff be directed to proceed with the preparation of the amending by-law. A draft by-law is attached to this report as Appendix B.

References

1. City-Wide Nodes and Corridor Strategy
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=992&itemid=11977>
2. Official Plan Amendment No. 102
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=2&id=1388>
3. City of Greater Sudbury Zoning By-law <https://www.greatersudbury.ca/do-business/zoning/zoning-by-law-2010-100z/#PART%203:%20%20%20DEFINITIONS>
4. Staff Report, LaSalle Boulevard Corridor Study and Strategy Proposed Approach to Zoning By-law Amendment. June 15, 2020.
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=30549.pdf>
5. LaSalle Boulevard Corridor Plan and Strategy – Final Report, June 2018
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=24185.pdf>
6. Staff Report, Report on the Commercial Parking Study. January 27, 2020.
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=29789.pdf>

7. Province of Ontario, News Release, July 15, 2020. Ontario Accelerating the Development of Long-Term Care Homes. <https://news.ontario.ca/opo/en/2020/7/ontario-accelerating-the-development-of-long-term-care-homes.html>
8. Mitanis, Marc. 2020. QuadReal Submits Comprehensive Plan to Redevelop Cloverdale Mall. Urban Toronto. <https://urbantoronto.ca/news/2020/08/quadreal-submits-comprehensive-plan-redevelop-cloverdale-mall>
9. The Globe and Mail, November 15, 2019. Revera Partners with SmartCentres to Bring Seniors Housing to Shopping Plazas. <https://www.theglobeandmail.com/real-estate/toronto/article-revera-partners-with-smartcentres-to-bring-seniors-housing-to-shopping/>

Appendix A

Municipality	Redevelopment Name	Residential Component	Status
Toronto	Galleria Mall (Dupont and Dufferin)	84% of space intended to be residential	In progress, construction underway
Toronto	Golden Mile Shopping Centre (Eglinton, Ashtonbee, Hakimi)	89% of space is intended to be residential	Applications in progress
Oakville	Hopedale/South Oakville Centre	86 townhouse units and 161 retirement residence units	Applications submitted
City of Toronto (Etobicoke)	Cloverdale Mall	Proposal envisions 4,050 residential units (a minimum 40% designated as family-sized layouts)	Applications submitted
Barrie	Collier and Owen	14 storey 193 suite retirement residence with amenity and commercial uses at grade.	Applications submitted - revisions include additional residential units.
Oakville	Garden Drive and Lakeshore Boulevard	No details	Plans not yet submitted
Toronto	Bathurst and Wilson	No details	Plans not yet submitted
Boca Raton, Florida	Mizner Park	272 residential units (1991)	Complete (1991)
Ottawa	Elmview Acres (formerly Westgate Shopping Centre)	4 mixed-use buildings, 570 units	New secondary plan approved 2017 – redevelopment underway
Toronto	Bayview Village	2 mixed-use towers. 760 residential units and 4,881 m2 commercial space.	OPA and ZBA submitted 2017. Under consideration.
Toronto	Yorkdale	3 redevelopment options submitted, all including residential and office.	submitted
Toronto	Eglinton Square	Surface parking surrounding square to be developed for 5 mixed use towers	In progress
Irondequoit, New York	Skyview of the Ridge	To include 157 unit senior apartment development	In progress
Cap-Rouge, Quebec City		To include 360 unit retirement residence	In progress

SCHEDULE "A" TO

BY-LAW XXXX-XXX

APPENDIX B

That Zoning By-law 2010-100Z is hereby amended by:

- 1.** In Part 5: Parking and Loading Provisions, by amending Table 5.4: Non-Residential Parking Requirements for All Zones Except the Downtown Commercial (C6) Zone, by:
 - a) Deleting the minimum parking space requirement of "1/20m² net floor area" for "Shopping Centre" and replacing it with a minimum parking space requirement of "1/25m² net floor area".
- 2.** In Part 7 – Commercial Zones, by amending Table 7.2, Permitted Non-Residential Uses, by:
 - a) Adding "Long Term Care Facility" after "Group Home Type 1" in the Use column;
 - b) Adding "Retirement Home" after "Private Home Daycare" in the Use column;
 - c) Adding "Multiple Dwelling", "Long Term Care Facility" and "Retirement Home" as permitted uses in the Shopping Centre Commercial (C5) Zone column by indicating with an "X" symbol.
- 3.** In Part 7 – Commercial Zones, by amending Table 7.3 – Standards for Commercial Zones, by:
 - a) Adding a special provision to Table 7.3 as follows: "7.(iii) *Maximum ground floor area for Multiple Dwelling, Long-Term Care Facility and Retirement Home – 25%*".

The applicant, a person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submission to the council, or the Minister may appeal the passage of this By-law to the Local Planning Appeal Tribunal by filing with the City Clerk, within 20 days of the giving of notice of passage of the By-law by the City Clerk:

- a) A Notice of Appeal;
- b) An explanation of how the by-law is inconsistent with a policy statement issued under subsection 3(1) of the *Planning Act*, fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan; and
- c) The fee prescribed under the *Local Planning Appeal Tribunal Act, 2017*.

If these materials and fees have not been filed with the City Clerk within this period, this By-law shall be deemed to have come into force on the day it was passed.

If these materials have been received within that time, this By-law shall not come into force until all appeals have been withdrawn or finally disposed of and except for those parts repealed or amended, and in such case it shall be deemed to have come into force on the day it was passed.

This By-law is in conformity with the City of Greater Sudbury Official Plan as amended.

Read and Passed in Open Council this XX day of XXXX, 2020.