

SUBJECT: City of Markham Comments to the Province on a Minister's Zoning Order request by Mon Sheong Foundation to permit a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard (Ward 2)
File No.: MZO 21 105377

PREPARED BY: Stephen Lue, M.C.I.P., R.P.P. ext., 2520
Manager, Central District

REVIEWED BY: Ron Blake, M.C.I.P., R.P.P. ext., 2600
Senior Manager, Development, Planning & Urban Design

RECOMMENDATION:

1. That the report entitled, "City of Markham Comments to the Province on a Minister's Zoning Order request by Mon Sheong Foundation to permit a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard (Ward 2), File No.: MZO 21 105377", be received;
2. That the City of Markham support the Minister's Zoning Order request by Mon Sheong Foundation for the lands at 36 Apple Creek Boulevard, subject to the recommended zoning standards in Appendix "D", attached to this staff report;
3. That this report be forwarded to the Minister of Municipal Affairs and Housing, York Region, and the Toronto and Region Conservation Authority as the City of Markham's comments on the MZO request by Mon Sheong Foundation for 36 Apple Creek Boulevard; and
4. And further that staff be authorized and directed to all things necessary to give effect to this resolution.

PURPOSE:

This report provides City of Markham comments on a request for a Minister's Zoning Order ("MZO") by Mon Sheong Foundation ("Mon Sheong") to permit the development of a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard.

BACKGROUND:

The Ministry of Municipal Affairs and Housing has asked the City of Markham for comments on a MZO request from Mon Sheong

The *Planning Act* authorizes the Minister of Municipal Affairs and Housing to issue a MZO to control the use of land anywhere in Ontario. MZOs prevail over local Official Plans and zoning by-laws, and they are intended to be used to protect matters of provincial interest. A minister's decision on a MZO application is required to be consistent with the Provincial Policy Statement, 2020, (the "PPS") in accordance with Section 3 of the *Planning Act*.

On February 2, 2021, the Ministry of Municipal Affairs and Housing (the “MMAH”) requested City comments (see Appendix “A”) on a January 13, 2021, request by Mon Sheong to permit two seven-storey buildings for senior’s housing, through a life lease model, with ancillary uses focused on a multi-purpose training centre, and a long-term care facility at 36 Apple Creek Boulevard. Mon Sheong’s draft MZO (see Appendix “B”) accompanied the request.

Site and Area Context

The 2.14 ha (5.29 ac) subject lands are located on the north side of Apple Creek Boulevard, east of Woodbine Avenue, to the west side of the Rouge River, and are municipally known as 36 Apple Creek Boulevard (the “Subject Lands”), as shown on Figure 1. Figure 2 shows the surrounding land uses. A two-storey office building and a large steel frame structure for industrial warehousing (formerly Magma International) currently occupies the Subject Lands.

Proposal

Mon Sheong proposes to demolish the existing structures on the Subject Lands and construct two seven-storey buildings (the “Proposed Development”), as conceptually shown on Figure 3 and in Appendix “C.” The Proposed Development consists of a Gross Floor Area (“GFA”) of 52,595 m² (566,127 ft²), a density of 2.5 times the area of the Subject Lands (Floor Space Index - “FSI”), 112 parking spaces, and the following:

Proposal	Building 1	Building 2
Land Use	Life-lease* mixed-use building	Long-Term Care Facility
Units	250 affordable units	Minimum 160 beds
GFA	30,779 m ² (331,302 ft ²)	16,382 m ² (176,334 ft ²)
Accessory Uses	vocational training centre for personal support workers, heritage learning centre and after school and weekend heritage and immersion youth programs**, flex space, and age-in-place opportunities	Medical exam rooms, classrooms, common, resident’s dining halls

* The life lease housing concept gives the senior the right to occupy their unit for an extended period of time than a rental unit, often for the duration of their lifetime, which provides a more affordable housing option framework compared to similar sized condominium units in the area and greater housing security for seniors (compared to rentals).

** The integration of youth programs with emphasis on Chinese heritage and language is intended to support a mixed-age development that would increase opportunities for multi-generational interaction.

The Proposed Development is subject to municipal Site Plan Approval to address local matters of interest as generally detailed in Appendix “E”, attached hereto, and discussed further below.

York Region Official Plan 2010 (the “YROP 2010”)

The Subject Lands are designated “Urban Area” and “Regional Greenlands System” by the YROP 2010. Section 4.3, Planning for Employment lands of the YROP 2010 requires local municipalities to designate and protect employment lands in local municipal official plans and only permits the conversion to non-employment uses through a Municipal Comprehensive Review.

Furthermore, section 2.1.5 of the YROP 2010 requires local official plans to identify opportunities to integrate the “Regional Greenlands System” into community design and encourage remedial works and enhancement opportunities. Should a MZO be issued for these lands, then a future municipal Site Plan Approval application and approval by the Toronto and Region Conservation Authority (the “TRCA”) would address remedial works and enhancement opportunities adjacent to the Regional Greenland System.

City of Markham’s Official Plan and Zoning

The Subject Lands are designated “Business Park Employment” and “Greenway System” in the 2014 Official Plan and are located at the easterly periphery of an established employment area. Within employment areas, the policies in the Official Plan provide for a range of employment uses at appropriate locations that contribute to the creation of complete communities and the protection of employment lands from land uses that may affect the continued viability of existing employment uses. Similar to the YROP 2010, the 2014 Markham Official Plan only permits the conversion of employment lands to non-employment uses through a Municipal Comprehensive Review.

The 2014 Official Plan, also permits discretionary land uses, subject to matters (built form, traffic impact, and compatibility with the adjacent lands) that would be addressed through a Site Plan Approval application as generally described in Appendix “E” of this report. The uses permitted in the “Business Park Employment” designation include uses similar to those identified as accessory uses in the draft MZO, attached hereto as Appendix “B” and revised in Appendix “D”, and include a commercial school, a business office, a restaurant, a financial institution, a retail store, a medical office, ancillary service uses, and sports and fitness recreation. The Official Plan does not permit the Proposed Development, specifically the long-term care facility and the life lease housing uses.

The Subject Lands are zoned M.C.(40%) - Select Industrial with Limited Commercial under By-law 165-80, as amended. The Proposed Development is not permitted in the Zoning By-law. Any redevelopment proposal would require appropriate zoning to accommodate it as well as rezoning of a portion of the easterly side of the Subject Lands to O1 Open Space.

DISCUSSION:**The Ontario Government commits to modernize the long-term care sector**

In 2020, the Ontario government committed to an aggressive modernization plan to create a long-term care sector that is resident-centered while providing high quality care. The commitment included a \$1.75 billion investment to create 30,000 modern long-term care spaces over ten years (the “Commitment”). The new spaces would increase access to long-term care to meet clinical, safety, and social needs of Ontarians.

Mon Sheong requested a MZO to overcome timing barriers to provide for a long-term care facility on the Subject Lands

In Q3-2020, Mon Sheong expressed interest to locate a long-term care facility and life lease housing on the Subject Lands to respond to the escalating demands for support to the City’s aging population. The Subject Lands are currently within an existing and established business park employment area. The introduction of a long-term care facility and life lease housing uses in this area is not permitted and is considered an employment land conversion, subject to Policy 8.5.1.4 of the 2014 Official Plan.

York Region is currently conducting a review of its Official Plan through a Municipal Comprehensive Review (“MCR”) process. The Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) requires municipalities to plan for employment to 2051 by ensuring employment lands are available in appropriate locations. The Growth Plan also requires the designation of employment areas in the Regional Official Plan and only allows for employment area conversions through a Regional MCR. The Region imposed the November 29, 2019, deadline for conversion requests submissions as part of their current MCR process.

In response to the timing challenges resulting from York Region not considering any further employment area conversions during the Regional MCR process, Mon Sheong requested the Minister of Municipal Affairs and Housing for a MZO as it would prevail over local official plans and zoning by-laws with the intention to protect matters of provincial interest.

City of Markham supports, in principle, the MZO request by Mon Sheong for the Subject Lands

The City supports, in principle, the MZO request by Mon Sheong for the following reasons:

- a) though situated in an established employment area, the Subject Lands are at the periphery of the employment area and is in close proximity to the existing low-rise residential area to its east, which would complement the uses proposed in the MZO request
- b) at its immediate adjacency to the north, south, and west, businesses exist at smaller scale office, industrial, and retail uses distinguishes the location of the Subject Lands from the overall employment area in the vicinity, as shown in Figure 2

-
- c) the Subject Lands are within a built up area that is well served with existing infrastructure, including water and sanitary
 - d) other supporting services within a 500 m radius of the Subject Lands would complement the uses proposed in the MZO request including, but not limited to, medical facilities, retail, places of worship, and educational institutions

Subject to the Minister's determination of its appropriateness, a MZO would deliver, with a level of certainty, on the Province's recent Commitment to transition seniors from waitlists to modern long-term care facilities. The introduction of the Proposed Development on the Subject Lands, which is situated at the easterly periphery of an established employment area, would provide the opportunity to introduce a complementary mix of uses that would assist the Province with their recent Commitment. Furthermore, the Proposed Development and the introduction of the mix of uses contemplated in the MZO request would contribute to a complete community and would be compatible with the surrounding scale of uses in an area currently characterized predominately by low-rise single dwellings and single-storey commercial and retail buildings, as shown on Figure 2.

Therefore, in principle, staff support the MZO request, as it is appropriate within the distinguishing context of the Subject Land's location; will have minimum impacts to the surrounding area, subject to a municipal Site Plan Approval application and the zoning parameters identified in Appendix "D"; and will not create future precedence that would destabilize the existing remaining employment area.

Should the Minister determine it appropriate to issue a MZO, it is recommended that the Minister consider the zone standards in Appendix "D" attached to this report

Although staff support, in principle, the MZO, the City's review of the draft MZO provided by the Mon Sheong (Appendix "B") culminated with recommended revisions, which predominately involved aligning minor zoning terminologies with the City's parent zoning by-law. Staff, however, identified two major revisions, as follows:

- a) that Section 3 of the draft MZO be removed respecting non-application of Section 41 of the *Planning Act* respecting site plan control
- b) that a portion of the Subject Lands be rezoned to O1 Open Space, as identified in the zoning section of this report

The removal of Section 3 of the draft MZO is supported by the [January 25, 2021, report](#) to the City of Markham DSC. The report provided City comments on the Province's Environmental Registry proposal (ERO #019-2811) that sought input regarding recent changes to the *Planning Act* that would give the Minister authority to address and implement site plan control and inclusionary zoning as part of a MZO. Site plan control is an optimal tool to thoroughly evaluate the Proposed Development on matters identified in Appendix "E." Mon Sheong is aware of this requirement to remove paragraph 3 of the draft MZO and has advised that they have no objection.

The introduction of the O1 Open Space Zone in the draft MZO would ensure protection and enhancement of the interface with the Rouge River natural heritage, which is consistent with the PPS, conforms to the YROP 2010, and reflects the Greenway designation in the City's 2014 Official Plan.

As result of the revisions, the City proposes that the Minister consider the revised MZO attached hereto as Appendix "D", should the Minister determine it appropriate to issue a MZO for the Subject Lands.

NEXT STEPS:

Staff recommend that this report be forwarded to the Ministry of Municipal Affairs and Housing, York Region, and the TRCA as the City's comments on the MZO request for 36 Apple Creek Boulevard.

CONCLUSION:

Staff support, in principle, the MZO request to allow the Proposed Development on the Subject Lands, subject to Appendix "D" and that the City's authority for Site Plan Approval is maintained, and the matters outlined in Appendix "E".

FINANCIAL CONSIDERATIONS AND TEMPLATE

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Should the Minister determine it appropriate to issue a MZO for the Subject Lands, the Proposed Development would be evaluated in the context of growth management, environmental, and strategic priorities of Council.

BUSINESS UNITS CONSULTED AND AFFECTED:

Policy Planning, Planning and Urban Design, and Engineering were consulted on this report.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P.
Director, Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Conceptual Site Plan

Appendix “A”: Letter from Ministry of Municipal Affairs and Housing, dated February 2, 2021

Appendix “B”: Draft Minister’s Zoning Order

Appendix “C”: Vision Document Mixed-Use Multi-purpose Learning Centre and Assisted Living Community and Long Term Care Facility, January 2021

Appendix “D”: Revised Draft Minister’s Zoning Order

Appendix “E”: Matters for Consideration as Part of a Future Site Plan Approval Application