



Report to: Development Services Committee

Report Date: February 28, 2023

SUBJECT: RECOMMENDATION REPORT
Mon Sheong Foundation
Application for Site Plan Approval to facilitate the development of an eight-storey life lease building (Phase 1) located along the north side of Apple Creek Boulevard, east of Woodbine Avenue, municipally known as 36 Apple Creek Boulevard (Ward 2)

File No. SPC 22 115049

PREPARED BY: Sabrina Bordone, MCIP, RPP, extension 8230
Development Manager, Central District

REVIEWED BY: Stephen Lue, MCIP, RPP, extension 2520
Senior Development Manager

RECOMMENDATION:

- 1) That the report titled, “RECOMMENDATION REPORT, Mon Sheong Foundation, Application for Site Plan Approval to facilitate the development of an eight-storey life lease building (Phase 1) located along the north side of Apple Creek Boulevard, east of Woodbine Avenue, municipally known as 36 Apple Creek Boulevard (Ward 2), File No. SPC 22 115049”, be received;
- 2) That the Site Plan application (SPC 22 115049) submitted by Mon Sheong Foundation be endorsed in principle, subject to the conditions in Appendix ‘A’, and that Site Plan Approval be delegated to the Director of Planning and Urban Design or designate;
- 3) That Site Plan Endorsement shall lapse and Site Plan Approval will not be issued after a period of three (3) years from the date of endorsement in the event that the Site Plan Agreement is not executed within that time period; and
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The approximately 2.14 ha (5.29 ac) subject lands are located along the north side of Apple Creek Boulevard, east of Woodbine Avenue. This report recommends the approval of a site plan application for an eight-storey life lease building (Phase 1) containing 326 independent seniors units, subject to the conditions in Appendix ‘A.’

PURPOSE:

This report provides an overview and evaluation, and recommends endorsement, in principle, of a Site Plan Application (the “Application”) submitted by Mon Sheong Foundation (the “Owner”).

Process to Date

The City formally circulated the Application for review on May 20 2022, which has undergone revisions in response to Staff and Agency comments. On June 23, 2021, the previous local ward Councillor hosted a virtual Community Information Meeting.

Next Steps

- Endorsement, in principle, by the Development Services Committee (“DSC”)
- Staff issuance of Site Plan Endorsement, subject to the conditions in Appendix ‘A’
- Execution of a Site Plan Agreement by Owner
- Issuance of Site Plan Approval by Staff
- Future Site Plan Control (“SPC”) applications for subsequent phases of development

BACKGROUND:

Location and Area Context

The approximately 2.14 ha (5.29 ac) subject lands are located along the north side of Apple Creek Boulevard, east of Woodbine Avenue, as shown on Figure 1 (the “Subject Lands”). An existing two-storey office building and warehouse fronting onto Apple Creek Boulevard was recently demolished. A large steel frame tent containing a temporary tennis court located at the rear of the property remains and will be demolished when the next phase proceeds. Figures 2 and 3 show the surrounding land uses.

The Proposed Development consists of 326 independent seniors living units

The Owner proposes to construct a 36,116 m² (388,762 ft²) life lease building, as shown on Figures 4 and 6 (the “Proposed Development”), with additional details in Table 1.

TABLE 1: Proposed Development - Additional Details (see Figures 4 and 6)	
Height	Eight-storeys or 26.42 m (86.68 ft)
Number of Units	326 ^{*see Note 1}
Density (“FSI”)	1.66 ^{*see Note 2}
Amenity Area	1,208.07 m ² (13,303.56 ft ²) consisting of the following: Indoor: 1,062.36 m ² (11,435.15 ft ²) ^{*see Note 3} Outdoor: 145.71 m ² (1,568.41 ft ²) ^{*see Note 4}
Parking Spaces	271 (78 surface and 193 in one level of underground)
Vehicular Access	Two full movement driveways along Apple Creek Boulevard ^{*see Note 5}

Note 1: Includes a mix of studio, one bedroom, two bedroom and three bedroom units with 277 units > 700 ft² and 49 units < 700 ft²

Note 2: Based on the entirety of 36 Apple Creek.

Note 3: Includes lounges, multi-purpose room, exercise room, karaoke, spa salon, massage, wellness office, examination office, card rooms, computer room, and library.

Note 4: Includes pergola, outdoor seating areas, and picnic tables.

Note 5: Transportation Planning Staff requires the westerly access be restricted to right-in/right-out only.

The Proposed Development is Phase 1 of an overall mixed-use multi-purpose seniors care campus (“Seniors Campus”)

The Owner seeks to establish a Seniors Campus with an emphasis on senior care and educational training, and recreational services, comprised of two life-lease buildings and one long-term care facility. The Seniors Campus includes the lands located at 8885 Woodbine Avenue for a total site area of 3.27 ha (8.09 ac) (the “Master Site Plan”), as shown conceptually on Figure 5. The buildings would be constructed sequentially in three distinct phases beginning with the Proposed Development (Building 1), at the south end of the Subject Lands, and progressing north towards Buildings 2 and 3 on the Woodbine Avenue site. Table 2 provides additional details of the Master Site Plan.

	Phase 1 (Proposed Development)	Phase 2 (Building 2)	Phase 3 (Building 3)
Tenure	Life Lease (independent seniors living)	Life Lease (independent seniors living)	Long Term Care (“LTC”)
Height	eight storeys	eight storeys	six storeys
Gross Floor Area (“GFA”)	36,116 m ² (388,762 ft ²)	25,024 m ² (269,365 ft ²)	19,488 m ² (209,774 ft ²)
Number of Units	326	250	320 (beds)

The Master Site Plan offers a secondary use as a multi-purpose learning centre with programming opportunities such as a vocational training centre for personal support workers (“PSW”) and a heritage learning centre that offers after school and weekend youth heritage and immersion programs. This education program would be achieved through a flexible building design, whereby classroom usage can change and grow with the community’s needs, and offers opportunities for additional program uses such as recreational classes and youth/adult training programs.

Though the 2014 Markham Official Plan (the “2014 Official Plan”) does not permit the use, the Subject Lands were rezoned through a Minister’s Zoning Order (“MZO”)

The 2014 Official Plan designates the Subject Lands “Business Park Employment” and are within a Provincially Signification Employment Zone. Lands designated “Business Park Employment” are planned to become high-profile employment areas that will focus on providing offices and a range of prestige industrial buildings that display high quality architectural design. The 2014 Official Plan does not permit the introduction of new sensitive land uses, such as a life lease community or LTC facility.

As detailed below, the Subject Lands were rezoned through an MZO, which overrides local official plans and zoning by-laws. MZO’s are intended to be used to protect or facilitate matters of provincial interest and the Minister’s decision is required to be consistent with the Provincial Policy Statement.

Four applications for zoning amendment under the MZO were made to permit the Proposed Development

By-law 165-80, as amended, zones the Subject Lands “Select Industrial with Limited Commercial [M.C.(40%)]”, as shown on Figure 2. Four applications for zoning amendment under MZO were made to address the matter of conformity and zoning. The MZOs were approved on March 5, 2021, July 29, 2021, March 7, 2022, and September 23, 2022, and allow for a range of permitted uses including, but not limited to, a LTC facility, retirement home and accessory uses, and permits site-specific development standards related to setbacks, height, density, and parking ratios.

OPTIONS/ DISCUSSION:

The site layout, density, and building elevations are appropriate

Staff considers the proposed scale and orientation of the Proposed Development appropriate and consistent with the MZO approvals for the Subject Lands. The Owner has worked closely with Staff on the building elevations, which are comprised of platinum brick, buff-beige brick, smooth limestone, light gray metal panel and dark gray window frames, as depicted in Figure 6.

Staff and the Owner will continue to resolve the tree preservation and landscape design

The Owner submitted an Arborist Report and Tree Inventory and Preservation Plan, which is under review. To compensate for the tree loss, the Owner proposes additional plantings and an outdoor amenity area with programming featuring landscaping, seating furniture (i.e. benches, outdoor sofas and picnic tables), a pergola and garden walls. Staff continue to work with the Owner on finalizing the landscape details.

Engagement with Indigenous communities is required prior to Site Plan Endorsement

In a letter to the City dated April 6, 2022, Minister Steve Clark (Ministry of Municipal Affairs and Housing) advised that as part of the consultations undertaken for the MZO process, the Williams Treaties First Nations and the Mississauga of the Credit First Nations expressed interest in the Proposed Development and requested to be engaged on next steps. The Owner confirmed engagement occurred with the interested communities. The Owner shall provide documentation on engagement to the City prior to Site Plan Endorsement, which is included as a condition in Appendix ‘A’.

The Owner proposes a life lease tenured building to be owned and operated by Mon Sheong Foundation, a registered charitable organization, which provides alternative senior housing options, as supported in the 2014 Official Plan

Though the tenure of the Proposed Development is not governed under Section 41 of the *Planning Act*, and for clarity purposes, the life lease tenure differs from ownership or rental in that the prospective resident purchases interest in the property that gives the resident the right to occupy their unit for a long period of time, often for the duration of their lifetime. This housing framework provides an affordable option, compared to similarly-sized condominium units in the area, and provides greater housing security for seniors compared to renting.

The Owner advised that the Proposed Development will have units with rates that align with the definition of affordable housing as contained in the 2014 Official Plan and the 2022 York Region Official Plan, and will seek to increase units that qualify through grants, fundraising, and other sources. Additionally, it provides an alternative housing option for seniors that meets the intent of the 2014 Official Plan, which supports and encourages a range of housing types and tenures at attainable housing rates.

The Owner, a registered charitable organization, will manage the Proposed Development that includes eligibility criteria, such as age and the ability to live independently. The Owner has established a reputation for delivering high quality seniors living with integrated access to social and recreational programs, with educational opportunities that support senior's services in the City. The Owner's recent continuum of care facility near Steeles Avenue East and Old Kennedy Road is a successful example of an independent, assisted living, and LTC facility that has operated under the life lease model.

Transportation Planning Staff reviewed the Transportation Mobility Plan, which includes the Transportation Demand Management ("TDM")

The findings of the report concluded that traffic associated with the Proposed Development maintains acceptable conditions for the road network and surrounding area. Though 271 parking spaces are provided only 163 spaces are required based on a 0.5 spaces/private room or living unit parking rate established in the MZO. The Owner advised that the spaces will be sold separately from the unit ("unbundled parking").

The Owner proposes two full movement driveways along Apple Creek Boulevard (Figure 4). Transportation Planning Staff requests that in response to operational and safety issues, the proposed westerly access be restricted to right-in/right-out given its proximity to the Apple Creek Boulevard and McIntosh Drive intersection and the 20 Apple Creek driveway access (immediately west of the Subject Lands). The Owner must revise the Site Plan prior to Site Plan Endorsement. The Owner proposes a dedicated ground level pick-up and drop-off area towards the rear building that would allow safe and efficient vehicular pick-up and drop-off circulation, including shared mobility services.

The Owner proposes a number of TDM measures including, but not limited to, bicycle parking and bicycle repair station, car share membership and unbundled parking. Appendix 'A' identifies the provisions for securing the proposed TDM measures.

The Rouge River Valleylands and Woodlands have been protected in accordance with City and Toronto and Region Conservation Authority ("TRCA") policies

The easterly portion of the Subject Lands contains the Rouge River and associated valleylands and woodland features that are protected in the City's Greenway System. Woodlands and valleylands are required to be protected with a minimum 10 m vegetation protection zone. The Owner designed the Proposed Development to respect and protect these natural heritage features. A minor 248 m² encroachment for the driveway access and a stormwater infiltration swale would be required to be located within the 10 m

vegetation protection zone. Staff are satisfied that the encroachment is necessary and cannot be accommodated elsewhere on the Subject Lands.

To address the negative impacts of the encroachment, the Owner proposes additional buffer lands in Phases 2 and 3 to achieve a net gain of Greenway System lands. The Owner also proposes to restore the vegetation protection zones with woodland plantings and implement an invasive species management program. Staff will work with the Owner to finalize the details on the buffer restoration plan and the conveyance of Greenway System lands into City ownership. TRCA Staff advised that their conditions have been met and that a TRCA permit will be required.

Appendix 'B' of this report lists the Owner's proposed sustainable design features

As an institutional use, the Proposed Development is exempt from the formal assignment of servicing allocation and the requirements of LEED Silver Certification. Appendix 'B' includes a list of proposed sustainable design features including the provision of Electric Vehicle charging stations, low-flow plumbing fixtures, and the incorporation of native and adaptive plant species. The site plan agreement will secure the proposed sustainability initiatives, which is included as a condition in Appendix 'A'.

CONCLUSION

Staff opine that the Proposed Development is appropriate subject to the Owner addressing the technical comments summarized in this report. Staff recommend endorsement of the Application, in principle, and delegate final approval to the Director of Planning and Urban Design. Staff will continue to work with the Owner to finalize the plans prior to the issuance Site Plan Approval.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application aligns with the strategic priorities for growth management and the environment, in the context of a safe, sustainable and complete community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Application was circulated to various departments and external agencies and their requirements and comments have been taken into consideration.

RECOMMENDED BY:

Giulio Cescato, MCIP, RPP
Director of Planning and Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS AND APPENDICES:

Figure 1: Location Map

Figure 2: Area Context/Zoning

Figure 3: Aerial Photo (2022)

Figure 4: Conceptual Site Plan (Proposed Development)

Figure 5: Conceptual Master Site Plan

Figure 6: Conceptual Renderings (Proposed Development)

Appendix 'A': Site Plan Conditions

Appendix 'B': Sustainable Design Measures Letter

OWNER: Mon Sheong Foundation
C/O Eldon Theodore, MHBC Planning Ltd.
7050 Weston Road, Suite 230, Woodbridge, Ontario L4L 8G7
T: 905.761.5588; etheodore@mhbcplan.com

Appendix 'A'
Site Plan Conditions
Mon Sheong Foundation
SPC 22 115049

1. That prior to Site Plan Endorsement:
 - a) The Owner shall address any outstanding comments from City Staff and applicable external agencies related to the technical review of the Site Plan Application, to the satisfaction of the Director of Planning and Urban Design or designate.
 - b) The Owner shall engage the Williams Treaties First Nations and the Mississauga of the Credit First Nation, and shall provide documentation on the same to the City, to the satisfaction of the Director of Planning and Urban Design or designate.

2. That the Owner shall enter into a Site Plan Agreement with the City containing all standards and special provisions and requirements of the City and external agencies, including, but not limited to, the following:
 - a) Provisions for the payment by the Owner of all applicable fees, recoveries, development charges, cash-in-lieu of parkland, and any other financial obligations and securities;
 - b) Provisions for satisfying all requirements of City Departments and authorized public agencies including, but not limited to, York Region and TRCA;
 - c) Provision for conveyance of the Greenway System lands into public ownership;
 - d) That the Owner agrees to implement bird-friendly measures and dark sky lighting, to the satisfaction of the Director of Planning and Urban Design;
 - e) That the Owner agrees to implement the TDM Plan and provide the respective Letter of Credit, to the satisfaction of the Director of Engineering; and
 - f) That the Owner agrees to implement the sustainable design features, attached as Appendix 'B', to the satisfaction of the Director of Planning and Urban Design.

3. That prior to the execution of the Site Plan Agreement and issuance of Site Plan Approval:
 - a) The Owner shall submit final site plans, building elevations, engineering drawings, lighting plans, landscape plans, along with any other drawings, plans, studies, and reports, which are required to comply with the requirements of the City and external agencies, to the satisfaction of the Director of Planning and Urban Design;
 - b) The Owner shall address all outstanding comments and comply with all requirements of the City, York Region, and TRCA.