



Report to: Development Services Committee

Meeting Date: June 27, 2023

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**SUBJECT:** INFORMATION REPORT  
Request by Mon Sheong Foundation to enter into an agreement under Section 47 (4.4) of the *Planning Act* to facilitate a long term care facility at 8885 Woodbine Avenue (Ward 2)  
File: SPC 23 119012

**PREPARED BY:** Carlson Tsang, Senior Planner, East District, ext. 2624  
Stephen Lue, MCIP, RPP, Senior Development Manager, ext. 2520

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**RECOMMENDATION:**

- 1) THAT the staff report, dated June 27, 2023, titled, “INFORMATION REPORT, Request by Mon Sheong Foundation to enter into an agreement under Section 47 (4.4) of the *Planning Act* to facilitate a long term care facility at 8885 Woodbine Avenue (Ward 2)”, be received;
- 2) THAT the City of Markham support the Request by Mon Sheong Foundation to enter into an agreement under Section 47 (4.4) of the *Planning Act* to facilitate a long term care facility at 8885 Woodbine Avenue, subject to the conditions in Appendix “B”, attached to this staff report;
- 3) THAT Staff be authorized to enter into a Development Agreement with Mon Sheong Foundation, pursuant to Section 47 (4.4) of the *Planning Act*;
- 4) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

This report recommends approval of the request by Mon Sheong Foundation (the “Owner”) to enter into an agreement under Section 47 (4.4) of the *Planning Act* to facilitate a long term care facility at 8885 Woodbine Avenue (the “Proposed Development”). The Enhanced Minister’s Zoning Order (“eMZO”) exempts the lands from site plan control approval under Section 41 of the *Planning Act* and therefore they are not subject to the City’s Site Plan Control By-law 262-94, as amended. However, the eMZO does require the Owner to enter into an agreement with the City dealing with the matters listed in s.47 (4.4) of the *Planning Act*, which are matters similar to those addressed in a site plan agreement.

**BACKGROUND:**

**Process to Date**

- March 10, 2023, City staff held a meeting with the Owner and their consulting team to review the Proposed Development and understand the next phase of development for the retirement centre. The Owner indicated of the opportunity to qualify for Long Term Care (“LTC”) funding that would allow the advancement of the Proposed Development to become the second phase. In order to qualify, the Owner needed to submit a complete package to the Province by March 29, 2023.
- March 10, 2023, meeting to assist in the immediate advancement of detailed staff comments on a fairly robust set of pre-submission documents to limit the level of revisions typical of formal applications.
- March 30, 2023, the Owner submitted the Site Plan Application to advance the formal review and issuance of a development agreement on the Proposed Development

Following the submission, and recognizing the Proposed Development is not subject to Section 41 of the *Planning Act* and for the specific need to expedite review and approval of a LTC by the Province, the City has continued to work with the Owner by providing commenting and hosting follow up meetings.

### ***Location and Area Context***

Figure 1 shows the 1.12 ha (2.79 ac) property at the east side of Woodbine Avenue, north of Apple Creek Boulevard, municipally known as 8885 Woodbine Avenue (the “Subject Lands”). The Subject Lands are currently occupied by a two-storey office building with a paved parking lot. Mature trees are located at the rear of the building and along Woodbine Avenue. The Subject Lands currently share two accesses with the adjacent property at 8855-8865 Woodbine Avenue, which includes a right-in/right-out driveway on Woodbine Avenue and a full movement driveway on Apple Creek Boulevard. Figure 3 shows the surrounding land uses.

### ***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 320 beds would increase access to long-term care in the City of Markham to meet clinical, safety, and social needs of Ontarians.

### ***The Minister of Municipal Affairs and Housing issued an eMZO on the Subject Lands, pursuant to the Planning Act as shown***

- a) March 5, 2021 (O. Reg. 169/21): established the initial permission of retirement and long term care at 36 Apple Creek Boulevard (Phase 1)
- b) July 30, 2021 (O. Reg. 550/21): clarified that independent living senior residence is a permitted use at 36 Apple Creek Boulevard (Phase 1)
- c) March 4, 2022 (O. Reg. 164/22): added 8885 Woodbine Avenue to the MZO, increased the density, reduced the setbacks, and established exemption from Section 41 of the *Planning Act*
- d) September 23, 2022 (O. Reg. 492/22): further increased height and density permissions as a result of adding 8885 Woodbine and increasing the amount of LTC beds on the Subject Lands
- e) February 24, 2023 (O. Reg. 28/23): further increased height and density as a result of circulation comments and land conveyance requirements

The eMZO provides zoning permissions for the use of the lands and development standards for the Subject Lands. Where there is a conflict between the MZO and a municipal zoning by-law, subsection 47(3) of the *Planning Act* states that the eMZO prevails. There is also no statutory requirement for an eMZO to conform with an official plan in effect with respect to the lands subject to the order.

A further technical amendment to the eMZO is being considered by the Province to rectify some errors that is necessary for zoning compliance and issuance of a building permit. Details of the amendment are provided in the discussion section of the report.

### ***The Proposed Development is part of an overall Seniors Care Campus***

The Proposed Development is part of a multi-purpose Seniors Care Campus, which also includes two life-lease buildings that will be built as separate phases on the abutting lands at 36 Apple Creek Boulevard (see Figure 4). The other phases at 36 Apple Creek Boulevard are being dealt with through a separate Site Plan application (File SPC 22 115049), which was endorsed in principle by Council on March 1, 2023.

### **PROPOSAL:**

The Owner’s request to enter into an agreement under Section 47 (4.4) of the *Planning Act* to facilitate the Proposed Development. It consists of a gross floor area of approximately 29,647.35m<sup>2</sup> (319,121 ft<sup>2</sup>) and

will accommodate 320 beds (Figure 5). Several accessory uses including a place of worship, pharmacy, and clinic will be provided on the ground floor. The Owner proposes a surface parking lot and an 11-storey parkade designed with a green roof, containing a total 437 parking spaces. The Owner also proposes a dedicated ground level pick-up and drop-off area at the principal entrance to allow safe and efficient vehicular pick-up and drop-off circulation away from the loading area at the rear of the building.

Vehicular access to this site will be via a right-in/right-out driveway on Woodbine Avenue, and two driveways on the abutting lands on Apple Creek Boulevard. The majority of the building is surrounded by a pedestrian walkway that connects to the sidewalk on Woodbine Avenue. A private outdoor amenity area is located near the south west corner of the building. Table 1 compares the key statistics between the Proposed Development and the eMZO requirements.

<b>Table 1: Proposed Development and eMZO Comparison</b>		
	<b>eMZO</b>	<b>Proposed Development</b>
<b>Height (Main Building)</b>	53 m (173.88 ft)	46.25 m (151.73 ft), including a 6m (19.68 ft) mechanical penthouse
<b>Height (Parkade)</b>	38 m (124.6 ft)	34.4 m (112.86 ft)
<b>Floor Area Ratio</b>	400 %	317 %
<b>Parking Spaces</b>	160 (0.5 per bed)	437 spaces

## **DISCUSSION:**

### ***The Proposed Site Plan is considered appropriate***

The Owner has worked closely with Staff on the site layout to achieve appropriate pedestrian and traffic circulation design for the Proposed Development. The Proposed Development is generally consistent with the eMZO for the Subject Lands. The elevations feature a variety of materials and colour palette that articulates the façade by breaking down the building's perceived massing (see Figures 6 and 7). Staff are generally satisfied with the overall design of the Proposed Development.

### ***An eMZO amendment is required because the Proposed Development does not comply with some provisions of Zoning By-law 165-80, as amended, and eMZO (O.Reg. 28/23)***

The Proposed Development is generally consistent with what staff have reviewed. However, staff note that the eMZO contains some drafting errors of a technical nature that result in non-compliance with several provisions in Zoning By-law 165-80, as amended, and the eMZO. The Owner has filed an application with the Ministry of Municipal Affairs and Housing ("MMAH") to amend the eMZO to rectify the non-compliance (see Table 2). The approval of the amendment by the MMAH will be included as a condition prior to the Development Agreement execution.

<b>Table 2: Zone Standards (By-law 165-80) and eMZO (O. Reg. 28/23) Comparison</b>			
	<b>Zone Standards</b>	<b>eMZO</b>	<b>Proposed Development</b>
<b>Minimum setback from the Woodbine Avenue centerline</b>	40 m (131.23 ft)	n/a	25 m (82 ft)
<b>Maximum floor area for each storey for any building with a setback of 106 m or more from Apple Creek Boulevard</b>	n/a	21,000 m <sup>2</sup> (226,042 ft <sup>2</sup> )	2714 m <sup>2</sup> (29,213 ft <sup>2</sup> )
<b>Minimum loading space dimension</b>	3.6 m x 12 m	n/a	3.5 m x 10 m

**Table 2: Zone Standards (By-law 165-80) and eMZO (O. Reg. 28/23) Comparison**

	<b>Zone Standards</b>	<b>eMZO</b>	<b>Proposed Development</b>
	(11.8 ft x 39.37 ft)		(11.48 ft x 32.8 ft)
<b>Minimum landscaped depth from Woodbine Avenue</b>	9 m (29.52 ft)	n/a	6 m (19.68 ft)

***Site Plan Control does not apply; however, the Owner and City must enter into a Development Agreement to secure site plan related matters***

The eMZO exempts the Subject Lands from Site Plan Control approval. It does, however, require the Owner to enter into an agreement with the City dealing with the matters listed in s.47 (4.4) of the *Planning Act*, which are matters similar to those addressed in a site plan agreement. Although Site Plan Control approval does not apply, the Owner submitted plans, reports, and other materials to facilitate the preparation of a Development Agreement. Given the supporting material reflects closely what would be reviewed through a typical site plan approval process, Staff are using the City's site plan review process to circulate, review, and comment on the Owner's request. Therefore, the Owner is required to satisfy the conditions identified in Appendix 'A', prior to execution of a Development Agreement.

***The Development Agreement will secure sustainability measures for the Proposed Development***

As an institutional use, the Proposed Development is exempt from the requirements of LEED Silver Certification. However, the Proposed Development will still include various sustainable design features including high performance double glazed window all system, green roof above the parkade, and the planting of native and adaptive plant species.

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

The majority of the existing trees will be removed. The Owner proposes to replant a number of new trees as compensation along the frontage on Woodbine Avenue, the rear of the main building and in various landscaped areas. Staff are working with the Owner to include additional planting along the southern property line to alleviate the impact of the parking lot on the adjacent property, and in other open areas to further soften the appearance of the Proposed Development. Staff will continue to work with the Owner on finalizing the landscape details prior to the execution of the Development Agreement.

***Transportation Planning Staff accepts the findings of the submitted Traffic Study***

The Owner's Traffic Study includes a sensitivity analysis of the Seniors Care campus full build-out and examines various details such as trip generation and intersection capacity. It concludes that the traffic associated with the Proposed Development maintains acceptable conditions for the road network in the surrounding area. It also finds that the functional design of the proposed loading space can adequately accommodate all design vehicles. The Proposed Development will provide 437 parking spaces, whereas only 160 parking spaces are required based on a 0.5 space per bed standard. Transportation Planning Staff have no concern with the Proposed Development, however, the Owner must revise the Site Plan to remove the lay-by parking spaces near the Woodbine access due to traffic safety concerns. Further, a reciprocal easement with 36 Apple Creek Boulevard will be required to facilitate the shared driveway and access between 8885 Woodbine Avenue and 36 Apple Creek Boulevard.

***The Protection Measures for the Rouge River Valleylands will be secured as part of a separate Site Plan Application for 36 Apple Creek Boulevard***

The Subject Lands are located within the City's Greenway System and TRCA's regulated area associated with the Rouge River valleylands. The environmental protection measures, such as provision of appropriate vegetation protection zone and conveyance of hazardous lands into the City's ownership, will be addressed as part of a separate Site Plan application (File SPC 22 115049) for 36 Apple Creek Boulevard.

***The Subject Lands will have to be reassigned a new “Apple Creek Boulevard” address to accommodate fire emergency services***

The Proposed Development will be serviced by the Fire Station located at 2930 Major Mackenzie Drive, which is approximately 3.3 km north of the Subject Lands. In the event of an emergency, fire trucks would be travelling southbound on Woodbine Avenue. However, York Region requires a new median island on Woodbine Avenue that would prevent emergency vehicles from entering the Subject Lands. Alternatively, fire trucks could access the Seniors Care Campus through the 36 Apple Creek Boulevard driveways. To enable this at 8885 Woodbine Avenue, the Subject Lands would need to be addressed from Apple Creek Boulevard as the Fire Service navigation system must be tied to the street of the address, which the Owner agrees to change. This requirement will be secured as a condition as identified in Appendix ‘B’.

***York Region requires a road widening and daylight triangle on Woodbine Avenue***

York Region requires a land conveyance across the frontage the Subject Lands with a setback of 21.5 m (70.53 ft) from the centerline of Woodbine Avenue to protect for the future road widening. York Region also requires a 5 m by 5 m (16.4 ft by 16.4 ft) daylight trapezoid at the access on Woodbine Avenue as a permanent easement for the purpose of maintaining clear sightlines. These requirements will be secured as part of conditions identified in Appendix ‘B’.

**CONCLUSION AND NEXT STEPS:**

The eMZO exempts the Subject Lands from Site Plan Control approval, but requires owners to enter into an agreement with the City dealing with the matters listed in s.47 (4.4) of the *Planning Act*, which are matters similar to those addressed in a site plan agreement. To this effect, the Owner provided a submission to the City would normally be submitted as part of a Site Plan Control application in order to facilitate the preparation of an agreement. Although the Proposed Development conforms to the eMZO, Staff will continue to expeditiously work with the Owner to resolve City and agency comments, prior to the execution of a Development Agreement.

**RECOMMENDED BY:**

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

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Arvin Prasad, MCIP, RPP  
Commissioner of Development Services

**ATTACHMENTS AND APPENDICES:**

Figure 1: Location Map  
Figure 2: Area Context/Zoning  
Figure 3: Aerial Photo  
Figure 4: Master Site Plan  
Figure 5: Site Plan (Proposed Development)  
Figure 6: Building Elevations (South & West)  
Figure 7: Building Elevations (North & East)  
Appendix A: eMZO (O.Reg. 169/21, 550/21, 164/22, 492/22, 28/23)  
Appendix B: Site Plan Conditions

**OWNER**

Mon Sheong Foundation c/o Stephanie Wong  
11211 Yonge Street  
Richmond Hill, ON L4S 0E9  
[stephaniewong@monsheong.org](mailto:stephaniewong@monsheong.org)

**APPLICANT**

MHBC Planning Ltd. c/o Eldon Theodore  
7050 Weston Road, Suite 230  
Woodbridge, ON L4L 8G7  
[etheodore@mhbcplan.com](mailto:etheodore@mhbcplan.com)