



Report to: Development Services Committee

Report Date: October 23, 2012

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**SUBJECT:**                                **RECOMMENDATION REPORT**  
Milliken Development Corporation and Mon Sheong  
Foundation  
Proposed Official Plan Amendment and Zoning By-law  
Amendment to permit a change in the height and density  
permissions and performance standards for four seniors'  
buildings at 31, 67 & 73 Old Kennedy Road and 4550 & 4576  
Steeles Avenue East

File Nos. OP/ZA 11 124399

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**REVIEWED BY:**                        Richard Kendall, M.C.I.P., R.P.P.  
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**RECOMMENDATION:**

- 1) That the staff report titled "RECOMMENDATION REPORT, Milliken Development Corporation and Mon Sheong Foundation, Proposed Official Plan Amendment and Zoning By-law Amendment to permit a change in the height and density permissions and performance standards for four seniors' buildings at 31, 67 & 73 old Kennedy Road and 4550 & 4576 Steeles Avenue", be received;
- 2) That the record of the Public Meeting held on May 22, 2012 with respect to the proposed amendments to the Official Plan and Zoning By-law be received;
- 3) That the application submitted by Milliken Development Corporation and Mon Sheong Foundation to amend the Official Plan, be approved, and the draft Official Plan amendment attached as Appendix 'A', be finalized and enacted without further notice;
- 4) That the application submitted by Milliken Development Corporation to amend the Zoning By-law 177-96, as amended, be approved, and the draft By-law attached as Appendix 'B', be finalized and enacted without further notice;
- 5) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

The subject lands comprise all or portions of 5 properties which are located in the Milliken Mills community, near the northeast corner of Old Kennedy Road and Steeles Avenue East. The properties are municipally known as 31, 67 and 73 Old Kennedy Road and 4550 and 4576 Steeles Avenue (Figure 1).

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In February and April 2011, Council approved amendments to Markham's Official Plan (OPA 191) and Zoning By-law (By-law 2011-87) respectively, to permit the subject lands to be developed with a retirement oriented development comprising independent living retirement homes, assisted living and long term care facilities. The proposed development also contemplated the future easterly extension of Sun Yat-Sen Avenue (formerly referred to as "Thelma Avenue"), effectively dividing the subject lands into northern and southern portions.

The proposal, as approved, comprises four seniors' buildings. The northern portion of the proposal includes 200 beds in a 6-storey long term care facility and 160 units in a 6-storey assisted living centre. The southern portion includes two independent living buildings, with a height of 8 and 12 storeys and a maximum of 360 units. The proposed Official Plan and Zoning By-law Amendments seek modifications to previous approvals, which include increases in building height (from 12 storeys to 24 storeys), density (from 4.8 FSI to 5.75 FSI ) and number of independent living units (from 360 to 460) on the southern portion, as well as other technical amendments, as discussed in this report. While not requiring amendments to the Official Plan, the applicant has refined their service delivery program by providing additional assisted living units (from 120 to 160) and reducing the number of beds (from approximately 300 to 200) within the long term care facilities located on the northern portion.

While the proposed modifications represent an increase in height, Floor Space Index (FSI) and number of units, the physical changes relate mainly to a proposed 24 storey independent living retirement facility (Building 'B') situated at the southwest corner of the site (Figure 5). Buildings 'C' and 'D' located on the northern portion of the site will continue to meet the maximum heights and densities as previously approved. In addition, the height of Building 'A', located at the southeast corner of the site, remains consistent with previous approvals.

While the proposal exceeds the height permission in the Secondary Plan, as amended, the development provides for variations in building heights, massing, setbacks and step-backs, ensuring appropriate transitions from existing lower density areas to the north and west. Building 'B', a proposed 12 storey slab building, has now been modified to a 24 storey point tower with a reduced podium height at 8 storeys. In addition, the 8 storey podium steps back at the 6<sup>th</sup> storey to provide the look and feel of a 6 storey building from the street.

The narrow 24 storey point tower is located in the most southwesterly corner of the subject property, adjacent to future redevelopment sites fronting onto Steeles Avenue, which are anticipated to be high density mixed-use projects. Shadow studies for the original proposal (8 and 12 storeys), the current proposal (8 and 24 storeys) and a possible alternative (17 storey slab building) are attached (Appendices D & E). It is noted that the shadow cast by point towers when the sun is low in the horizon extend a greater distance than that of slab buildings, but the point tower shadow is less broad in width, and moves more quickly across the landscape. The point tower form is generally accepted to be more aesthetic and preferred over equivalent density slab buildings.

Given the nature of the proposed use, it is anticipated that the seniors' development will have minimal impact on the capacity of the nearby road network and will contribute to a transit-supportive built form. On this basis, staff recommend approval of the proposed Official Plan and Zoning By-law Amendments.

**PURPOSE:**

The purpose of this report is to discuss issues and recommend approval of the proposed Official Plan and Zoning By-law amendment applications submitted by Milliken Development Corporation and Mon Sheong Foundation.

**BACKGROUND:****Subject Property and Area Context**

The subject lands are located northeast of the intersection of Old Kennedy Road and Steeles Avenue East (Figure 1). The site comprises all or portions of 5 properties municipally known as 31, 67 and 73 Old Kennedy Road and 4550 and 4576 Steeles Avenue. The subject lands have a combined area of approximately 1.70 ha (4.21 ac). Two of the properties comprising the subject lands are vacant. These are 31 Old Kennedy Road, located in the western and central portion of the subject lands and 4576 Steeles Avenue East, located at the eastern boundary of the subject lands (the City owns this property for the future Midland Avenue extension and a process is underway to sell the residual portion to the applicant at market value). The property immediately west of 4576 Steeles Avenue contains a former industrial building known as the Milliken Flea Market (4550 Steeles Avenue). The property municipally known as 67 Old Kennedy Road contains a single-storey dwelling that is vacant. Immediately north of this property is 73 Old Kennedy Road, which also contains a single storey detached heritage dwelling that is vacant. While this property forms a portion of the subject lands, it is not included within the limits of the proposed seniors' development (Figure 3).

Surrounding uses include:

- To the north, recently constructed townhouses fronting on Celadine Drive and backing onto the subject lands;
- To the east, across future Midland Avenue, are single-detached dwellings, townhouse dwellings and a 7-storey apartment building fronting onto Steeles Avenue;
- To the south, vacant lands owned by the applicant, and further south, across Steeles Avenue in the City of Toronto, are commercial/retail uses; and
- To the west are a number of older dwellings, a gas station and an auto repair facility fronting onto Old Kennedy Road. The west side of Old Kennedy Road contains used automobile sales establishments.

**Official Plan and Zoning**

The subject lands are designated "Institutional" in Markham's Official Plan and the Main Street Milliken Secondary Plan (PD 2-4) by way of OPA 191, which includes site specific provisions pertaining to permitted uses, height, maximum number of units and maximum FSI, for the original proposal as discussed below.

The lands are zoned “Community Amenity Four, Exception 438 - HOLD” [CA4\*438(H)] by By-law 177-96, as amended (amending Zoning By-law 2011-87). This site specific zone category provides development standards for the proposed development, which are consistent with OPA 191, as discussed above. Conditions for removal of the Hold provision on the subject lands include, but are not limited to, submission of a Traffic Study, Servicing Study (downstream capacity), execution of a site plan agreement and site plan approval (Figure 2).

### **Council approved the Mon Sheong seniors’ development in February and April 2011**

In February and April 2011, Council approved amendments to Markham’s Official Plan (OPA 191) and Zoning By-law (By-law 2011-87) respectively, to permit the subject lands to be developed with a retirement oriented development comprising independent living retirement homes, assisted living and long term care facilities. The proposed development also contemplated the future easterly extension of Sun Yat-Sen Avenue (formerly referred to as “Thelma Avenue”), effectively dividing the subject lands into northern and southern portions (Figure 4).

The proposal, as approved, comprises four seniors’ residences. The northern portion of the proposal includes 200 beds in a 6-storey long term care facility and 160 units in a 6-storey assisted living centre. The portion south of the future extension of Sun Yat-Sen Avenue includes two independent living buildings with a height of 8 and 12 storeys and a maximum of 360 units.

### **Applicant requesting modifications to previous approval**

The requested modifications include:

#### OPA 191:

- For the portion of the subject lands on the south side of the future extension of Sun Yat-Sen Avenue, an increase in the maximum number of Independent Living units from 360 to 460 and an increase in the maximum FSI from 4.8 to 5.75;
- Increase the maximum number of storeys from 12 storeys to 24 storeys for Building ‘B’, also located on the portion of the subject lands on the south side of the future extension of Sun Yat-Sen Avenue; and,
- No changes to the existing OPA provisions are proposed for the portion of the subject lands located on the north side of the future extension of Sun Yat-Sen Avenue.

#### Zoning By-law:

- Amend the definition of Gross Floor Area to exclude service and common areas throughout the buildings, including floor areas within the basement and rooftop areas devoted to recreational purposes;
- That enclosed accessory rooftop recreational uses not count towards the maximum number of storeys;
- Increase the maximum number of storeys for Building ‘B’ from 12 storeys to 24 storeys;

- Remove the minimum distance separation required between the two buildings on the northern portion and the two buildings on the southern portion;
- Adjustments to the building and underground parking setbacks including connections under Sun Yat-Sen Avenue; and,
- Establish that Sun Yat-Sen Avenue is considered to be the front lot line for the purposes of lot frontage.

It should be noted that while the proposed modifications to previously approved OPA 191 pertain solely to the southern portion of the site, the proposed amendments to the Zoning By-law apply to the site in its entirety.

#### **Site Plan Application submitted by Milliken Development Corporation and Mon Sheong Foundation**

At the time OPA 191 and Amending Zoning By-law 2011-87 were approved, only a conceptual site plan had been provided. The applicant has now filed a formal site plan application with the City, which is based on the proposed modifications as outlined above. The details of this site plan, as depicted in Figure 5, are provided in the following table:

<b>Building</b>	<b>Use</b>	<b># of Units</b>	<b># of Storeys</b>	<b>Total GFA</b>
A	Independent Living	5 (studio) 16 (1 bdrm) 96 (1 bdrm + den) <u>38 (3 bdrm)</u> 155 (sub-total)	8	186,798.8 ft <sup>2</sup> (17,353.6 m <sup>2</sup> )
B	Independent Living	5 (studio) 48 (1 bdrm) 152 (1 bdrm + den) 82 (2 bdrm) <u>18 (3 bdrm)</u> 305 (sub-total)	8 (podium) 24 (tower)	304,953 ft <sup>2</sup> (28,330.1 m <sup>2</sup> )
C	Long Term Care	200 (beds)	6	106,896 ft <sup>2</sup> (9,930.6 m <sup>2</sup> )
D	Assisted Living	160	6	113,276.2 ft <sup>2</sup> (10,523 m <sup>2</sup> )
<b>TOTAL</b>		<b>820</b>		<b>711, 924 ft<sup>2</sup></b> <b>(66,137 m<sup>2</sup>)</b>

The above noted table reflects refinements to Mon Sheong's service delivery program by increasing the number of independent living units (from 360 to 460) and by providing additional assisted living units (from 120 to 160) and reducing the number of beds (from approximately 300 to 200) within the long term care facilities.

Initially, access to the site will be from a temporary driveway via 67 Old Kennedy Road. Access to the site will also eventually come from the future extension of Midland Avenue, once the Class EA is completed and Sun Yat-Sen Avenue is connected to Midland Avenue. A mutual driveway is also proposed extending from Midland Avenue to Sun Yat-Sen Avenue. This driveway will provide mutual access to abutting landowners to the south. A portion of this access will cross under a section of Building 'A' at grade. Approximately 528 resident and visitor parking spaces are proposed (whereas 503 parking spaces are required) including 10 surface parking spaces on the southern portion of the site and the remainder in two levels of underground parking connected by a sub-grade tunnel under Sun Yat-Sen Avenue.

The section of Sun Yat-Sen Avenue within the site plan will be designed and constructed to municipal standards, and initially operates as a private driveway with a public access easement. The Owner will be required to own and maintain this roadway until it is dedicated to the City. Future dedication to the City will be secured through provisions in the Site Plan and/or Development Agreement once it has been extended to Old Kennedy Road and the Midland Avenue extension, to the satisfaction of the Director of Engineering.

#### **Statutory Public Meeting held on May 21, 2012**

On May 21, 2012, a statutory Public Meeting was held to consider the proposed Official Plan and Zoning By-law amendments. A number of concerns were raised by residents and Members of Committee with respect to the design and materiality of the buildings, the height of the proposed 24 storey building (Building 'B'), shadow impacts, the requested increase in FSI, the interface with the proposed townhouse development to the north, the amount of parking proposed, whether or not visitor's will have to pay for parking and the impact(s) this might have on surrounding properties, traffic congestion, pedestrian safety, the amount of outdoor amenity space proposed and emergency response and evacuation, particularly as it related to the proposed 24 storey building. These matters, along with others, are discussed further in this report.

#### **OPTIONS/ DISCUSSION:**

##### **Proposed height and densities relative to existing secondary plan permissions**

As previously mentioned, the subject lands are designated "Institutional" in both Markham's Official Plan and the Main Street Milliken Secondary Plan (PD 2-4) by way of OPA 191, which includes site specific provisions pertaining to permitted uses, height, maximum number of units and maximum FSI. Site specific exceptions to the Main Street Milliken Secondary Plan (PD 2-4), previously detailed, have been incorporated into the draft Official Plan Amendment (Appendix 'A').

While the proposed modifications to the Official Plan represent an increase in height, Floor Space Index (FSI) and number of units, the physical changes relate mainly to a proposed 24 storey independent living retirement facility (Building 'B') situated at the southwest corner of the site (Figure 5). Buildings 'C' and 'D' located on the northern portion of the site will continue to meet the maximum heights and densities as previously

approved. In addition, the height of Building 'A', located at the southeast corner of the site, remains consistent with previous approvals (Figure 5). This increase, in Building 'B', is intended to accommodate the demand for retirement accommodation in Markham (refer to Appendix 'C' – Letter from Tim Kwan, President, Mon Sheong Foundation).

While the proposal exceeds the height permissions in the Secondary Plan, as amended, the proposal provides for variations in building heights, massing, setbacks and step-backs, ensuring appropriate transitions from existing lower density areas to the north and west. Building 'B', which is currently approved as a 12 storey slab building, has now been modified to a 24 storey point tower with a reduced podium height at 8 storeys. The 8 storey podium steps back at the 6<sup>th</sup> storey to provide the look and feel of a 6 storey building from the street. The narrow 24 storey point tower reduces visual impacts, such as shadows, in comparison to a slab form building of equivalent density, and is located in the most southwesterly location of the subject property, adjacent to future redevelopment sites fronting onto Steeles Avenue. In addition, the 8 storey podium provides for a better streetscape interface with Sun Yat-Sen Avenue.

As indicated in the Traffic Impact Study Update, which has been reviewed by staff, it is anticipated that the seniors' development will have minimal impact on the capacity of the nearby road network and will contribute to a transit-supportive built form. As the site is located within walking distance of higher order transit stops, the proposal also supports the establishment of development densities for residential uses that support a desired level of public transit services (discussion on the Traffic Impact Study is below).

### **Milliken Mills Secondary Plan to be reviewed**

The Milliken Landowners Group has retained consultants to review the transportation network and undertake design concepts relative to density and intensification potential in support of anticipated future amendments to the Milliken Mills Secondary Plan. This work is ongoing. Staff will report out on potential options with a strategy upon completion of this initial work by the consultants for the Landowners Group, likely early 2013. This could result in comprehensive amendment to the secondary plan for the Milliken community. The 2011 Capital Budget provides funds to support additional detailed analysis of possible amendments to the secondary plan.

### **Slab building vs. Tower**

Staff have been advised by the applicant that the requested increase in height and density responds to the demand for seniors housing in the City of Markham. The proposal seeks to accommodate this density through a 24 storey point tower. This approach would be preferable to the alternative of accommodating a similar amount of density and GFA in a 17 storey slab building.

There are many benefits to the point tower over a slab building. The shadows cast by a point tower are narrower in comparison to a slab building. This is illustrated in the Shadow Study comparison provided by the applicant (Appendix 'D'). As the sun moves across the horizon, the shadow cast by a narrow tower is more compact and able to move quicker than a shadow cast by a slab building, reducing the length of time one

experiences shadows. The area that would be most impacted by shadows would be the pedestrian environment along the proposed Sun Yat-Sen Avenue, and the use of a slender tower ensures that the building form maximizes opportunities for natural light to enter the public realm along the proposed public boulevard. If the applicant chose to distribute the proposed increase in density across Buildings 'A' and 'B' evenly, this would result in a tall slab building (17 storeys) in close proximity to residents living on Manston Crescent. Focusing the height at the southwest quadrant of the site maximizes the separation distance from existing residential homes to the north along Celadine Drive and east along Manston Crescent. Lastly, applying point tower over a slab tower minimizes the impact the increased density would have on the skyline, as a slab tower could dominate the skyline and block sky views. The tower minimizes the loss of views and adverse impacts a slab tower would have to views.

In terms of the tower location, the tower is located in the most southwesterly location of the subject property. This allows for an approximately 70 metre (230 feet) separation from the existing townhouses to the north and approximately 135 metre (443 feet) separation from the single-detached and semi-detached homes to the east.

### **Shadowing Impacts**

Shadow studies are used to determine whether relevant outdoor spaces have solar access during the shoulder seasons of spring and fall, when access to sunlight enhances outdoor pedestrian activity. Solar access is generally considered from morning to afternoon. Solar access is not considered as important in the summer, when it is warm in the shade, or in the winter, when it is cold even in sunlight.

An original Shadow Study was undertaken by the owner for the proposal that included a 12 storey building at the southwest corner. This study was reviewed and accepted by the City as part of the original Official Plan Amendment and Zoning By-law Amendment approvals in 2011 (Appendix 'E'). With respect to shadow impact relative to the new proposal, an updated Shadow Study confirmed that the introduction of a tower does not increase shadow impact on adjacent private outdoor amenity space during the morning and afternoon times in the key months of March and September when private outdoor amenity space will be most actively used for general recreation and gardening. The Shadow Study also confirmed that the new proposal will have no shadow impact on public open space within the vicinity of the development and have no shadow impact on adjacent private outdoor amenity space during the month of June (Appendix 'D'). Staff have worked with the applicant to ensure the tower floor plate is restricted to maximum 800 m<sup>2</sup> to minimize the duration of potential shadow casts on a property throughout the day. The Shadow Study acknowledges a one-hour duration shadow impact to private amenity space on the northeast during the afternoon hours of December when private outdoor amenity spaces are less used and is not within the growing season for gardening.

### **Interface with Townhouse development to the north**

The proposed buildings north of the future extension of Sun Yat-Sen Avenue (Buildings 'C' & 'D') abut an existing townhouse development that is located on the south side of Celadine Drive. The site plan submitted by the applicant indicates a building height and



massing step back from 5 and 4 storeys adjacent to the townhouse block. As a response to concerns expressed at the Public Meeting, the applicant has revised the site plan to show an increase in setback from 9 metres to 11 metres to the north property line to provide additional separation distance between the proposed Building 'D' and the existing townhomes (this is reflected in the Draft Zoning By-law – Appendix 'B'). In addition, the applicant is also proposing a linear buffer of mature coniferous and deciduous trees along the north property line to further buffer the townhomes to the north.

To reduce concerns with respect to privacy along the northerly property line, all proposed balconies along the north façade of Buildings 'C' and 'D' have been removed and/or enclosed. This initiative, in combination with the proposed mature trees to be planted, will further enhance privacy for the rear yards of the townhouses to the north.

Staff will continue to work with the applicant through the site plan process to ensure that the interface between the proposed development and the existing townhomes is appropriate.

#### **Traffic Impact Study Update has been reviewed**

Staff have reviewed the Traffic Impact Study Update prepared by LEA Engineering dated December 2011 and are of the opinion that the proposed seniors development will generate a lower number of trips, especially vehicular trips, than a typical residential development of the same floor area. Trip generation characteristics were adopted from a similar seniors' development in Toronto. The close proximity of this site to good public transit service (TTC, GO rail and YRT) presents opportunities for convenient transit usage and reduction in vehicular trips. Within the existing street network and given available transit services, the overall transportation impact generated by this development to the surrounding area is expected to be manageable. The street network will allow vehicular trips to disperse in all directions. Furthermore, impacts may be further mitigated through intersection improvements on Steeles Avenue East, which is under the jurisdiction of the City of Toronto.

The east property limit of Mon Sheong fronts onto the future Midland Avenue extension. The Traffic Impact Study indicated that the extension of Midland Avenue north of Steeles Avenue East is not required to support this development, and one vehicular access to Old Kennedy Road will suffice. The construction of Midland Avenue extension is not determined at this stage and the extension is subject to a municipal Class Environmental Assessment. The responsibility of preparing the Class EA, the design and construction of the Midland Avenue extension is the responsibility of the Milliken Landowners' Group.

The City of Toronto has also provided comments on the Traffic Impact Study Update and advised that the applicant is responsible for any and all costs associated with traffic control signal modifications required at the intersection of Steeles Avenue and Midland Avenue. The City of Toronto has also commented on the traffic constraints at the Steeles Avenue/Kennedy Road intersection. The applicant is currently addressing this comment

but has noted that the traffic generated from this proposed development will have minimal impacts at this intersection. Holding provisions have been incorporated into the draft Zoning By-law (Appendix 'B') to ensure all transportation comments are addressed to the satisfaction of the approval agencies prior to issuance of a building permit.

**Surplus parking spaces**

The parking for the proposed senior's development meets the parking rate in the City's current By-law, as approved for the subject lands, which requires 503 parking spaces to accommodate the 820 units/beds. The applicant is proposing a total of 528 parking spaces (of which 155 are visitor parking spaces), representing a small surplus of 25 parking spaces. The applicant has advised that this total provided parking is intended to accommodate the typical life cycle of parking for seniors living whereby residents are reluctant to part with their car when they first move, as their car is linked to residents' sense of independence. The applicant has advised that, for the most part, the vehicles stay parked and stored underground and are used only occasionally, because many of Mon Sheong's programs and activities are supported by organized bus trips and shuttle bus services, and dining and personal services are available on site. It is the applicant's experience that residents eventually get rid of their vehicles with time, particularly when seniors move from independent living to assisted living and/or long term care. The remaining parking spaces are reserved for the next cycle of seniors or could be converted into storage space if the demand is not there. Overall, the surplus in parking spaces is necessary to ensure that a respect for seniors' independence is promoted as they transition into their residence.

**Rate to be charged for visitor parking**

The applicant has advised that they intend on implementing a controlled parking arrangement for visitors of the proposed seniors' development. This controlled parking will take the form of "pay and display" parking at a rate of \$2.00 - \$3.00 per hour, in addition to the short term at-grade parking in the south block. The pay and display system is necessary to ensure that visitors who park there are visiting the proposed development and not other destinations within the community. The rate proposed is principally designed to assist with preventing abuse by visitors and non-visitors. The applicant is proposing to clearly separate visitor parking from resident parking areas in the underground parking structure to prevent illegal parking. In addition, on-street parking on the north side Sun Yat-Sen Avenue is proposed, offering additional parking options beyond what is available on-site. This will be addressed in the final engineering design of Sun Yat-Sen Avenue.

**Municipal Servicing**

The proposed development may require improvements to the downstream sanitary system. The City's engineering consultant is undertaking the necessary investigation to see if adequate capacity is available and any downstream sanitary improvements will be included in the Spring 2013 Development Charges By-law. If the proposed development proceeds in advance of a new DC By-law in place, then the applicant will be required to contribute their proportionate share to the City of Markham or Milliken Developers

Group, as determined by the Director of Engineering. This has been secured through a condition of Hold removal in the proposed Zoning By-law (Appendix 'B').

### **Outdoor Amenity Space**

The scope and extent of outdoor amenity space is largely determined by the needs and ability of people who live in the development. The southern at-grade open space and roof top amenities proposed for Building 'A' will serve the needs of seniors with active lifestyles. The northern at-grade open and roof top terrace proposed for Buildings 'C' & 'D' will serve the needs of seniors that require assistance and care. These spaces have been designed to serve ongoing indoor and outdoor seniors programs. The northern at-grade open space will be made available for all seniors living in Buildings 'A', 'B', 'C' & 'D'.

The existing zoning for the site requires a minimum outdoor amenity space at grade of 90 m<sup>2</sup> for the north block and 370 m<sup>2</sup> for the south block. The applicant's proposed revisions results in outdoor amenity space of 1,740 m<sup>2</sup> for the north block and 1,975 m<sup>2</sup> for the south block, which exceeds the By-law's minimum requirements. In addition to enhancing the quality of landscaping in the north block, the applicant has also introduced a landscaped urban piazza in the south block to enhance the experience for residents and visitors in the rear. Given the above, staff are of the opinion that the amount and extent of outdoor amenity proposed is appropriate and will meet the needs of the seniors residing in the proposed development.

### **Applicant's Request to amend the definition of Gross Floor Area**

As identified previously, the applicant has requested to amend the definition of Gross Floor Area to exclude floor areas within the basement and enclosed rooftop recreational areas devoted to recreational purposes. Areas within the basement have been identified to be used solely as storage and are located below grade. Excluding enclosed roof top recreational areas could be considered given that these areas will occupy a nominal percentage of the roof area. On the south block, roof top recreational areas (including a green house and badminton court) will be located exclusively on the roof of Building 'A' and will occupy approximately 23% of the roof area. On the north block, roof top recreational areas (including a meditation room, exercise room, multi-purpose room, card room, etc.) are located on the roofs of both Buildings 'C' and 'D' and will occupy approximately 32% of the combined roof area. Furthermore, it should be noted that parking for the proposed development is calculated on a per unit/bed basis and, as such, these areas do not generate any additional parking per the by-law.

### **Emergency Evacuation**

At the Public Meeting, concerns were raised with respect to fire safety implications of the seniors exiting the proposed 24 storey building. To address these concerns, the applicant has submitted an opinion letter prepared by LardenCODE Consulting Architects specializing in fire engineering and building code consulting. Based on their analysis, LardenCODE is of the opinion that conformance with the design and construction requirements of the Ontario Building Code (OBC), and fire safety planning and maintenance requirements of the Fire Code, coupled with conscientious management will

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provide a level of safety from fire for the residents that will be superior to that which is provided in the majority of existing high-rise apartment buildings. Factors considered in forming this opinion include the following:

- The tower will be of non-combustible construction with 2 hr fire-rated reinforced concrete structure, as is typical in Ontario for large buildings such as high-rise apartments, nursing homes and hospitals;
- The building will be provided with a 2-stage fire alarm system that will automatically sound upon water flow in the sprinkler system or activation of one of the smoke detectors installed in public corridors and exit stairwells;
- The building will be equipped with a voice communication system enabling voice messages to be sent to any floor or zone in the building;
- All parts of the building will be fully protected with a sprinkler system utilizing fast response sprinklers;
- The occupants of the proposed tower will be independent living residents who will typically be capable of removing themselves from the vicinity of a fire;
- For more than 20 years, the OBC had contained requirements for safety on floor areas with a barrier-free path of travel, which is typically every floor served by a passenger elevator; these requirements are intended for protection of persons with disabilities who are unable to use exit stairs. If a building is fully sprinklered, the requirement for protection of these persons is fully satisfied.

Given the above, coupled with the fact that residents living in the proposed tower are seniors that do not typically have mobility issues, staff are of the opinion that concerns have been satisfactorily addressed in the event of an emergency.

**Potential conflicts with GO railway line**

GO railway line requires a minimum of 30 metres separation distance from the track property line to a residential building. Given that the existing rail line is located well over 30 metres from the proposed development, and that there is substantial development existing between the rail property line and the proposed development, no specific rail-related concerns have been identified.

**Overall Context of Surrounding Lands**

At the Public Meeting, it was noted that the proposed development should be evaluated within the context of its surroundings, especially as it relates to the potential for future redevelopments. The applicant is purchasing the subject lands from Milliken Development Corporation, who will retain ownership of a portion of the lands located west and south of the subject lands, which front onto Old Kennedy Road and Steeles Avenue East respectively. Milliken Development Corporation has advised that they do not have any development proposed for their remaining lands at this time. The status of other surrounding lands is also unknown at time and staff can confirm that no applications for development have been brought forward. The subject application contributes to the local road network and maintains options for future development of the surrounding lands. As previously mentioned, the Milliken Landowners Group has

retained consultants to review the transportation network and undertake design concepts in support of potential future amendments to the Milliken Mills Secondary Plan, which may seek development of the surrounding area at higher heights and densities, than currently provided for. These would be the subject of a future public meeting and report to Council.

**Opportunity for future increases in height and density by the applicant**

Any future applications for Official Plan and Zoning By-law amendments would be subject to a comprehensive review and public process. It should also be noted that the location and increase in height and density currently being sought by the applicant have been site specifically identified in the draft Official Plan Amendment draft Zoning By-law amendment (Appendix 'A' & 'B' respectively). As a result, there will be no opportunity to shift density or move height on the site without further public input, should the applications be approved.

**Other Site Plan Matters identified at the Public Meeting**

*Connection between Buildings 'C' & 'D'*

At the public meeting a concern was raised with respect to the applicant's proposal to strengthen the connection between Buildings 'C' and 'D' on the northerly portion. Formerly, these two buildings were connected only at the second and third storeys. There was no connection between the buildings at the first storey, as this space was used to accommodate a drive aisle that lead rear parking and loading areas, nor was there a connection between the 4 – 6 storeys. The applicant has advised staff that the current proposed connection has been introduced to facilitate shared services and care, such as dining rooms, between both wings of the Long Term Care (Building 'C') and Assisted Living (Building 'D') facilities. This arrangement also removes duplication of services between the two buildings. Although the strengthened connection between the two buildings results in a longer building mass, staff will continue to work with the applicant to ensure that the visual impact of the building is minimized through the use of a variety of building colors and materials, bump outs and articulation to break up the building façade.

*Noise from proposed loading bay and proximity to adjacent properties to the North*

At the time of the original approval, the applicant proposed two open-air loading spaces in an asphalted area along the northerly property line. As part of this proposal, the number of loading spaces on the northern portions has been reduced to one space, allowing for extensive landscaping adjacent to the northerly property line. The applicant has advised that this was made possible by connecting Buildings 'C' and 'D', enabling them to consolidate service areas (Figure 5). Furthermore, the loading space is no longer open-air and has been enclosed as part of the building, mitigating both its appearance and the potential noise from trucks. The applicant has advised that truck deliveries will only occur during the day, with only one delivery per day. Furthermore, the access driveway at the rear of these buildings has been removed. Staff are of the opinion that given the initiatives proposed to improve loading in this area, and the infrequencies of the deliveries, the loading activities in this revised configuration will improve the relationship with adjacent homes.

---

### Bird Friendly Design Measures

The applicant acknowledges the importance of bird-friendly design measures and has incorporated them into the building façades. Initiatives include patterned glass with visual marker dots in a grid pattern on the ground floor and builder installed venetian blinds on the 2<sup>nd</sup> to 4<sup>th</sup> floors. These initiatives are identified on the building elevations within the first 12 metres of the building height, which represents the area in which bird strikes generally occur. The applicant will be required to enter into a site plan agreement to ensure these measures are implemented.

### Wind Characteristics

The applicant's architect, and the City's Urban Design staff, note that the position, mass and height of buildings are key factors that affect local wind pattern and pedestrian comfort on site and surrounding the buildings. Slab buildings block natural wind flows, promote down drafts off buildings and allow for tunneling effects and gusty environments. The proposed design mitigates this by providing a narrow tower that reduces the tunneling effect and minimizes wind impacts within the proposed development. The applicant is also proposing building step-backs at the 6<sup>th</sup> storey for Buildings 'A' and 'B', which will further reduce tunneling effects and break up potential wind gusts at the ground level.

### Elevations

City staff are working with the applicant's architects to refine the elevations of the buildings. Conceptual elevations of the north elevations of Buildings 'A' & 'B' (south parcel) and south elevations of Buildings 'C' & 'D' (north parcel) are provided as Figures 5 & 6 of this report. The buildings are comprised of a mixture of brick, pre-cast concrete, stone and tinted glass. Final elevations will be presented to DSC through the site plan approval process at a later date. The applicant continues to work with staff to address the above noted site plan matters and Staff will report back to DSC at the time of site plan approval.

### Other Site Improvements

Through the recommendations of Urban Design Staff, the proposed private driveway on the south block connecting Midland Avenue to Sun Yat-Sen Avenue, has been upgraded through the use of a combination of decorative coloured concrete, bollards and landscaping to achieve a seamless urban piazza in the area south of Buildings 'A' and 'B'. Other site improvements previously detailed in this report include the removal of a driveway aisle between Buildings 'C' and 'D' on the north block, which led to the underground parking garage, loading areas and visitor parking. Now that this driveway aisle has been eliminated, the applicant has been able to fully landscape the north property boundary benefitting both residents of the proposed seniors development and residents of the townhouse development to the north. Furthermore, elimination of the entrance to the underground garage has resulted in one centralized entrance at the southwest corner of Building 'B'.

**OPA exempt from Regional Approval**

On May 9, 2012, Staff received correspondence from York Region advising that the proposed Official Plan Amendment appears to be a matter of local significance and does not adversely impact Regional interest. Accordingly, the application for Official Plan Amendment is exempt from Regional approval.

**Consent Application Approved by Committee of Adjustment**

On October 10, 2012, the Committee of Adjustment approved a consent application submitted by Milliken Development Corporation creating the development parcel to be conveyed to Mon Sheong Foundation. This parcel is identified in Figure 3 as “Area of proposed site plan”. The consent application also establishes a formal mutual right-of-way easement between the Mon Shoeng lands and the abutting lands to the south. Finalization of the consent will facilitate the lands formally being transferred to Mon Sheong Foundation, which will then allow the site plan approval to proceed.

**CONCLUSIONS****Proposed Official Plan and Zoning By-law Amendments recommended for approval**

The proposed Official Plan and Zoning By-law Amendments seek modifications to previous approvals that implemented a seniors’ development consistent with Provincial and municipal policies that seek to provide a range and mix of housing types to accommodate people at all stages of life.

While the proposed modifications represent an increase in height, Floor Space Index (FSI) and number of units, the physical changes relate mainly to a proposed 24 storey independent living retirement facility (Building ‘B’) situated at the southwest corner of the site (Figure 4). Notwithstanding the connection between Buildings ‘C’ and ‘D’ located on the northern portion of the site, they will continue to meet the maximum heights and densities as previously approved. In addition, the height of Building ‘A’, located at the southeast corner of the site, remains consistent with previous approvals.

The proposal also addresses compatibility with surrounding low-density residential uses through variations in building heights, massing, setbacks and step-backs, ensuring appropriate transitions from existing lower density areas to the north and west. The proposal provides for a narrow 24 storey point tower to minimize visual impacts and is located in the most southwesterly location of the subject property. Given the nature of the proposed use, it is anticipated that the proposed development will have minimal impact on the capacity of the nearby road network and will contribute to a transit-supportive built form. As the site is located within walking distance of higher order transit stops, the proposal also supports the establishment of development densities for residential uses that support a desired level of public transit services. On this basis, staff recommend approval of the proposed Official Plan and Zoning By-law amendments.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

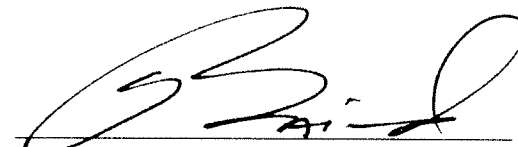
The proposal has been reviewed in the context of Growth Management and Municipal Services, as the proposal is consistent with policies supporting the efficient use of land and infrastructure by providing a more compact built form and serving the needs of seniors in the community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

All comments provided by internal departments and external agencies have been incorporated into this report.

**RECOMMENDED BY:**

  
Rino Mostacci, M.C.I.P., R.P.P.  
Director, Planning & Urban Design

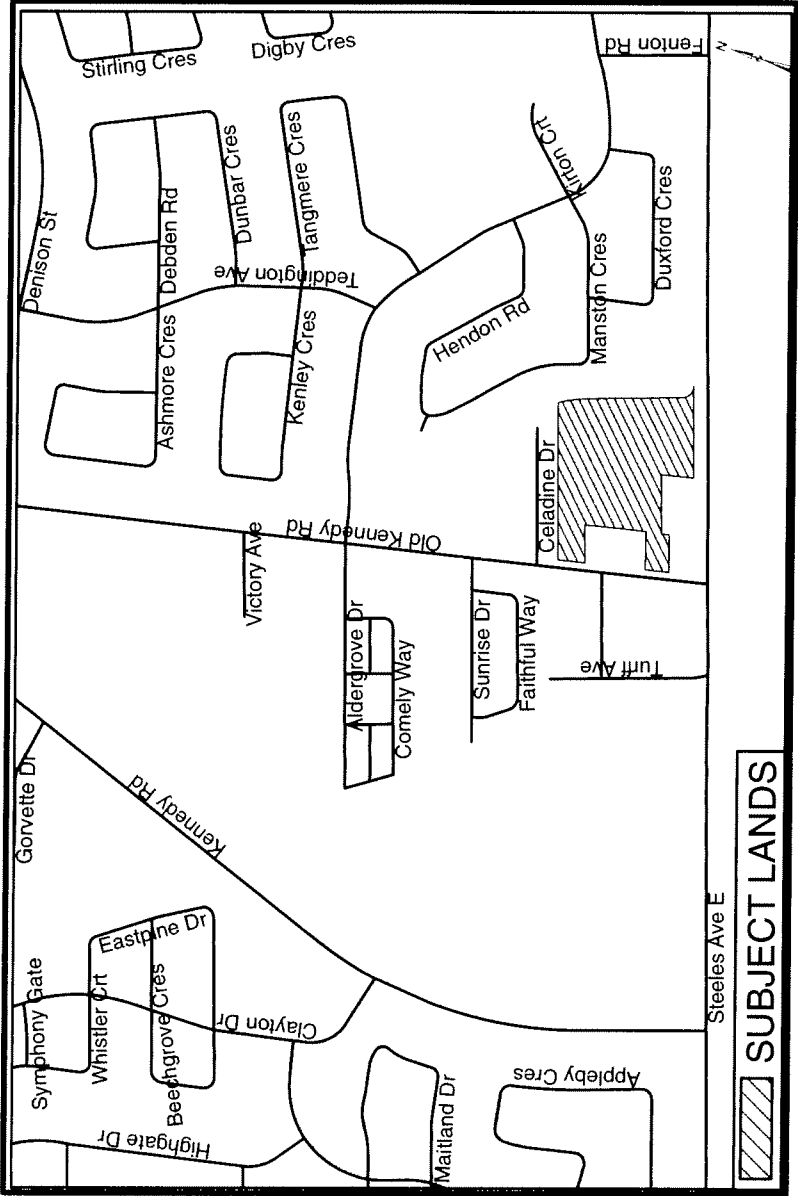
  
Jim Baird, M.C.I.P., R.P.P.  
Commissioner, Development Services

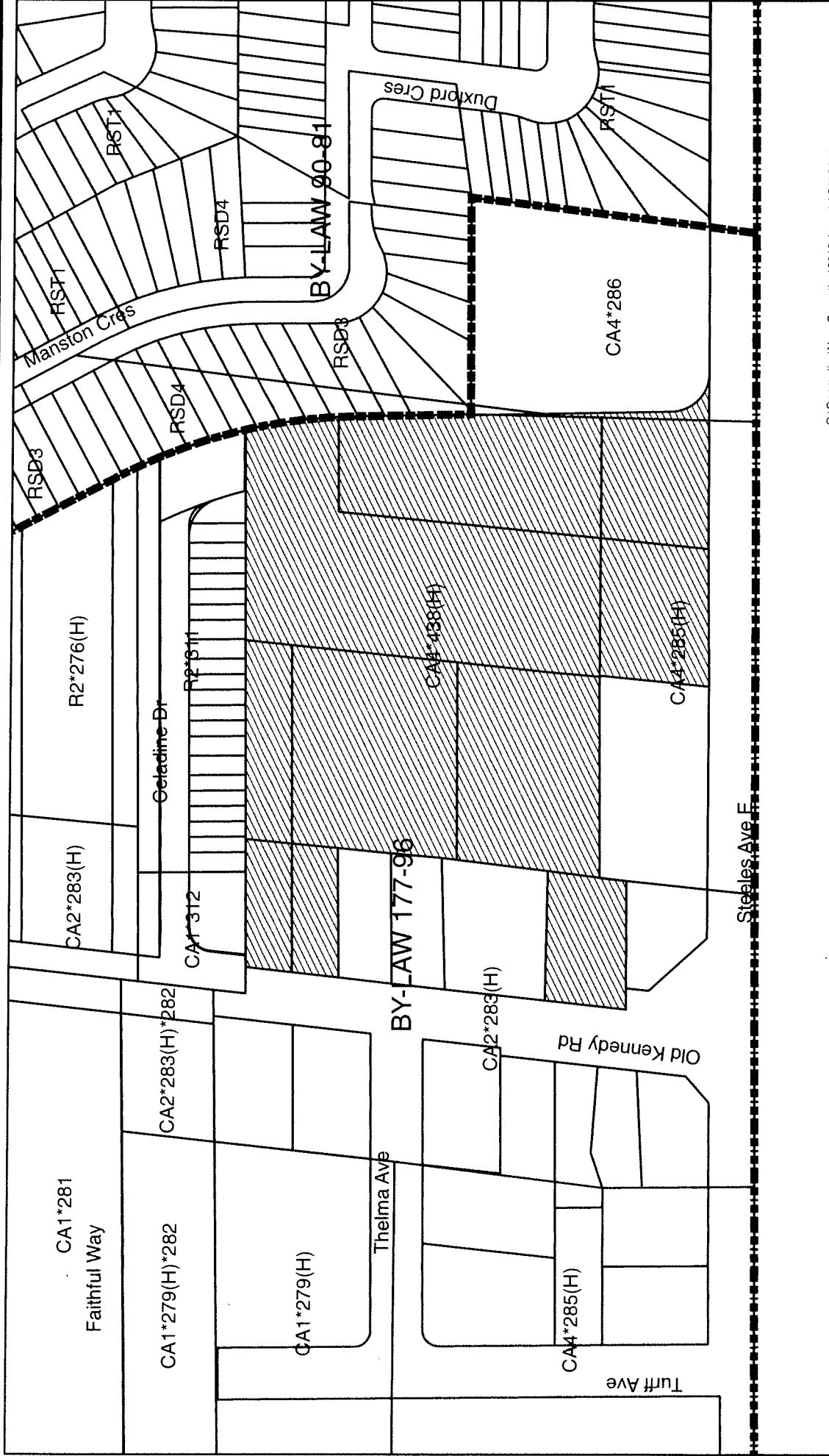
**ATTACHMENTS:**

- Figure 1 – Location Map
- Figure 2 – Area Context/Zoning
- Figure 3 – Air Photo
- Figure 4 – Site Plan (Original)
- Figure 5 – Site Plan (Proposed)
- Figure 6 – North Elevation – Buildings ‘A’ & ‘B’ (South Parcel)
- Figure 7 – South Elevation – Buildings ‘C’ & ‘D’ (North Parcel)

- Appendix ‘A’ – Draft Official Plan Amendment
- Appendix ‘B’ – Draft Zoning By-law Amendment
- Appendix ‘C’ – Letter from Tim Kwan, President of Mon Sheong Foundation
- Appendix ‘D’ – Shadow Study (24 storey point tower vs. 17 storey slab building) prepared by Burka Architects Inc.
- Appendix ‘E’ – Shadow Study (Approved Proposal) prepared by Turner Fleischer Architects Inc.







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# AREA CONTEXT/ZONING

APPLICANT: MILLIKEN DEVELOPMENT CORP. & MON SHEONG FOUNDATION

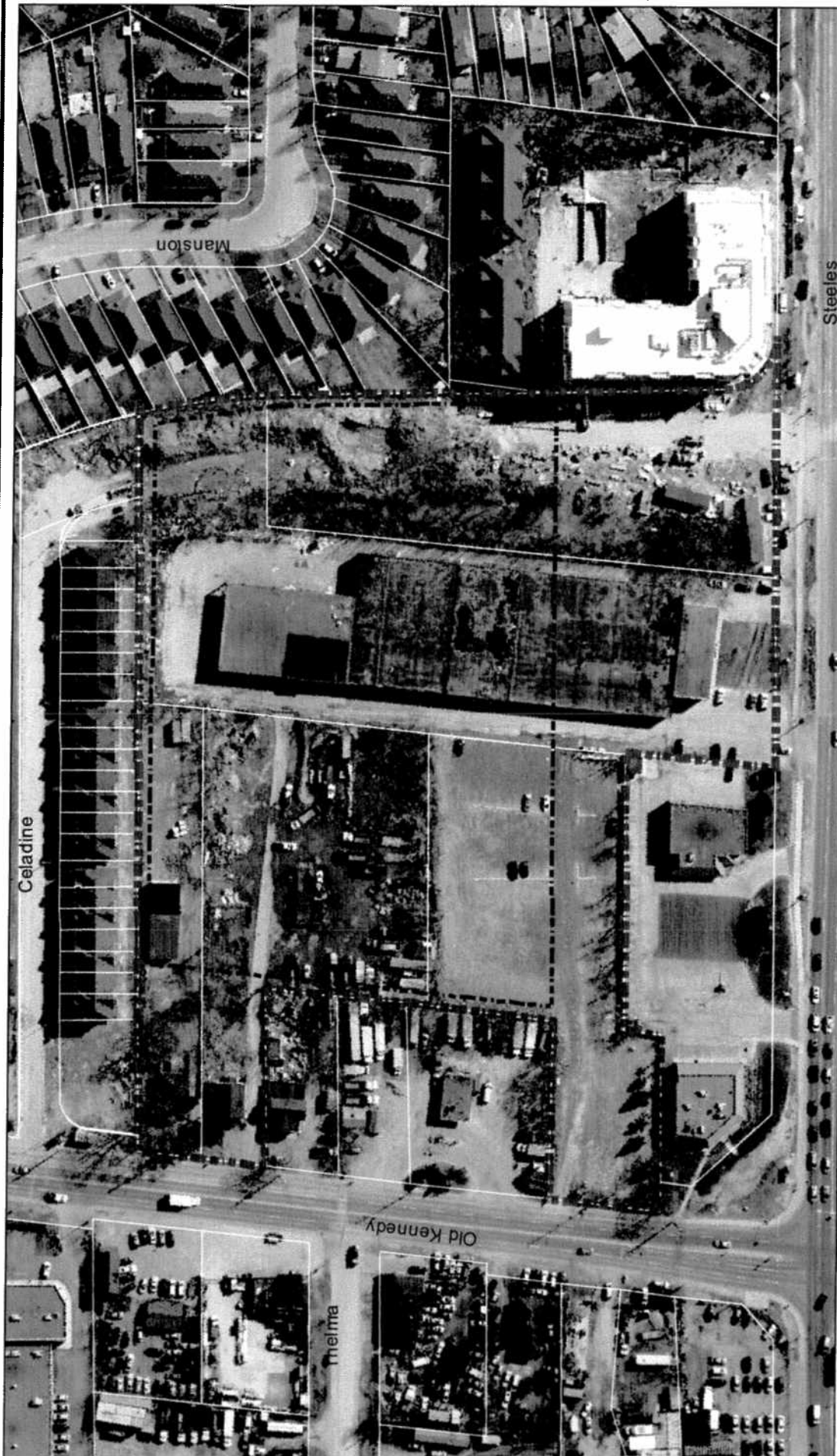
4576, 4550 STEELES AVE E. AND 31,67,73 OLD KENNEDY ROAD

FILE No. OP/ZA/SC 11124399(SB)

 SUBJECT LANDS

DATE:04/18/12

FIGURE No. 2



# AREA CONTEXT/ZONING

APPLICANT: MILLIKEN DEVELOPMENT CORP. & MON SHEONG FOUNDATION  
4576 ,4550 STEELES AVE E. AND 31,67,73 OLD KENNEDY ROAD



FILE No. OP/ZA/SC 11124399(SB)

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DEVELOPMENT SERVICES COMMISSION



-  SUBJECT LANDS
-  AREA OF PROPOSED SITE PLAN

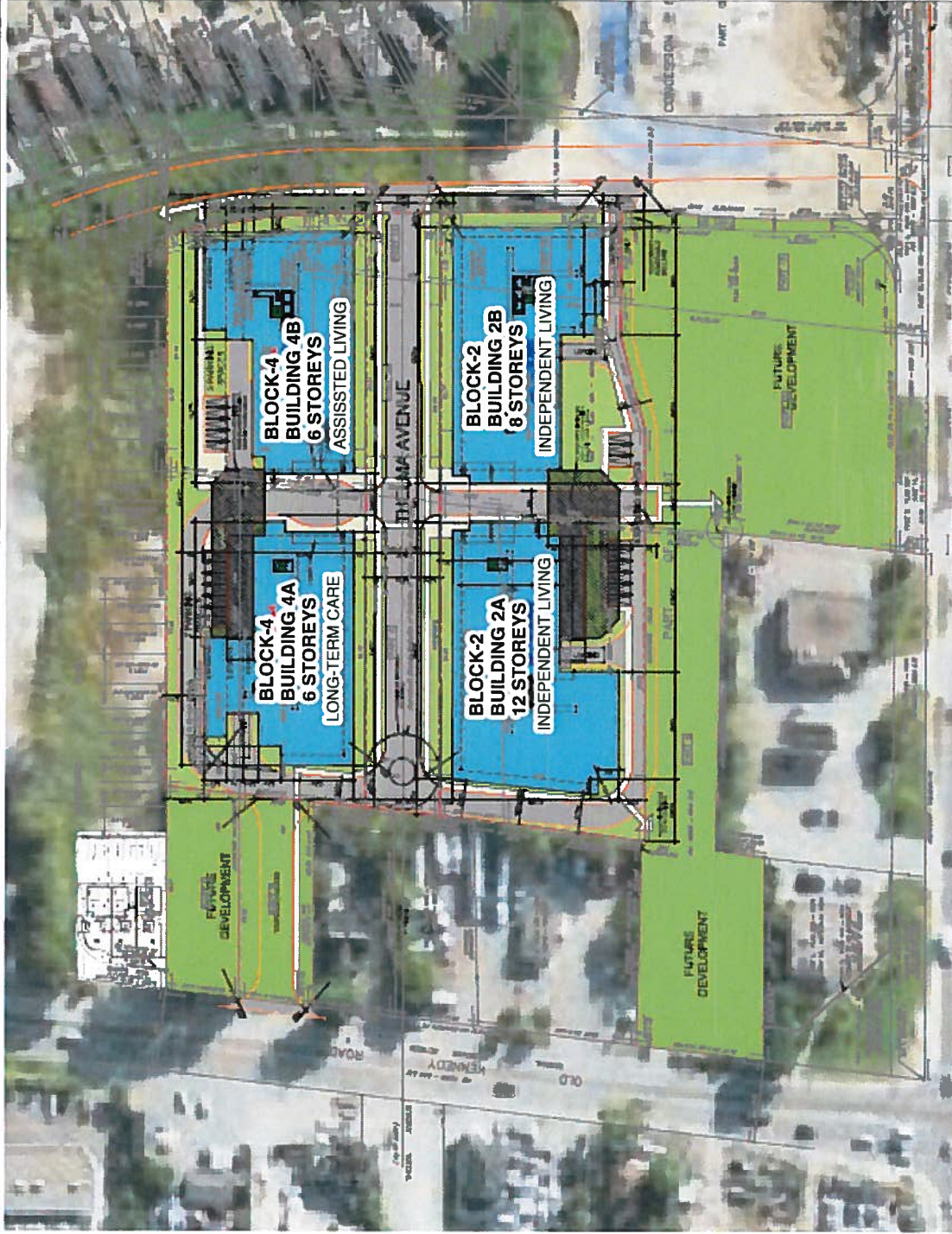
DATE:

Checked By: SB

Drawn By: DD

FIGURE No. 3





# SITE PLAN (ORIGINAL)

APPLICANT: MILLIKEN DEVELOPMENT CORP. & MON SHEONG FOUNDATION  
 4576 , 4550 STEELES AVE E. AND 31,67,73 OLD KENNEDY ROAD

FILE No. OP/ZA/SC 11124399(SB)

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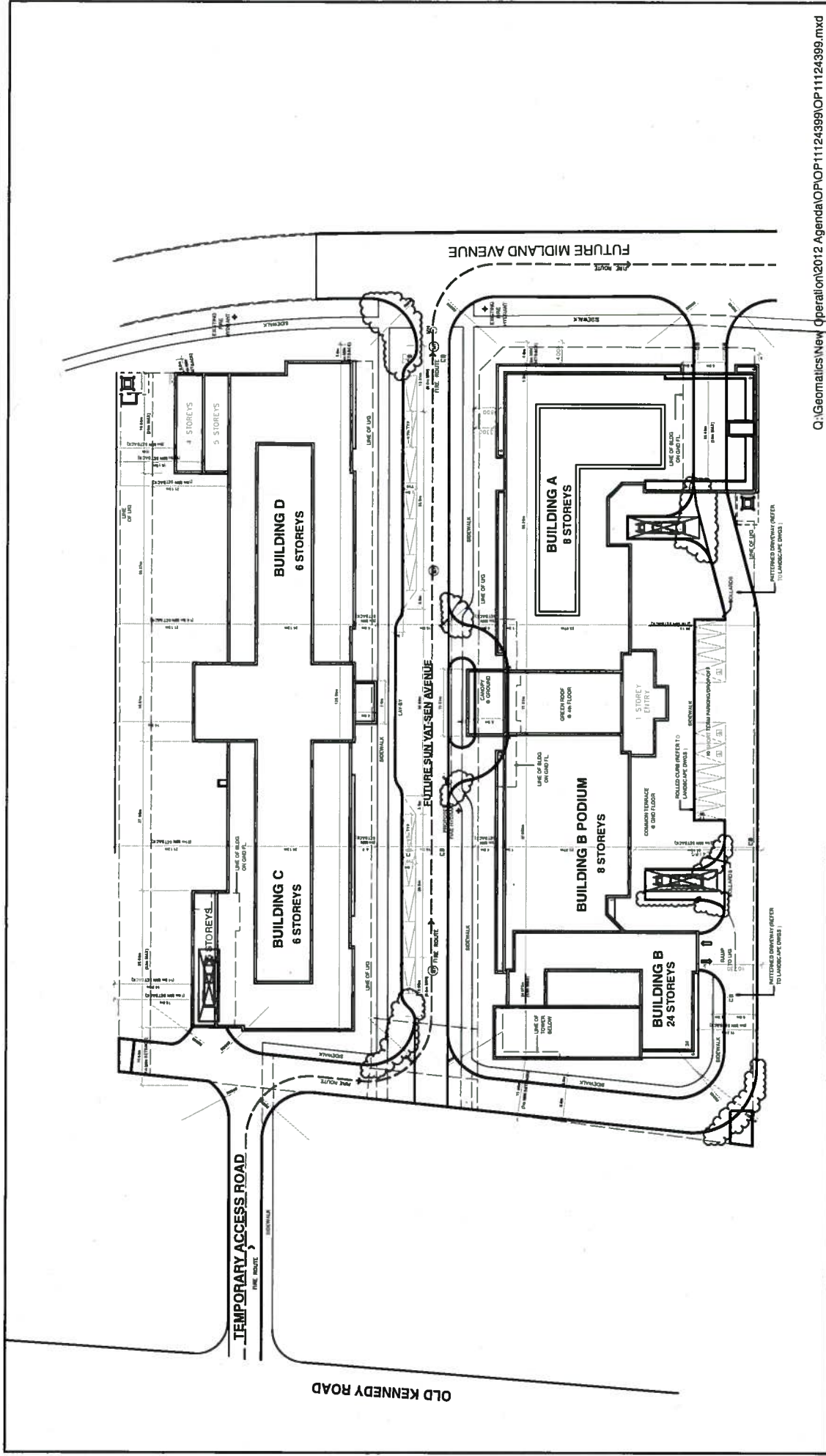
Drawn By:CPW

Checked By: SB

DATE: 10/18/2012

FIGURE No. 4





# SITE PLAN (PROPOSED)

APPLICANT: MILLIKEN DEVELOPMENT CORP. & MON SHEONG FOUNDATION  
4576 ,4550 STEELES AVE E. AND 31,67,73 OLD KENNEDY ROAD

FILE No. OP/ZA/SC 11124399(SB)

DATE: 09/27/2012

FIGURE No. 5





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# NORTH ELEVATION RENDERING (BUILDINGS 'A' & 'B')

APPLICANT: MILLIKEN DEVELOPMENT CORP. & MON SHEONG FOUNDATION

4576 ,4550 STEELES AVE E. AND 31,67,73 OLD KENNEDY ROAD

FILE No. OP/ZA/SC 11124399(SB)





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# SOUTH ELEVATION RENDERING (BUILDINGS 'C' & 'D')

APPLICANT: MILLIKEN DEVELOPMENT CORP. & MON SHEONG FOUNDATION

4576 , 4550 STEELES AVE E. AND 31, 67, 73 OLD KENNEDY ROAD

FILE No. OP/ZA/SC 11124399(SB)

**OFFICIAL PLAN**  
**of the**  
**MARKHAM PLANNING AREA**  
**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended,  
and to incorporate Amendment No. 2 to the Main Street Milliken Secondary Plan (PD 2-4)  
for part of the Risebrough Planning District (Planning District No. 2).

*(Mon Sheong Foundation)*

*(October 2012)*



**OFFICIAL PLAN**  
**of the**  
**MARKHAM PLANNING AREA**  
**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended and to incorporate Amendment No. 2 to the Main Street Milliken Secondary Plan (PD 2-4) for part of the Risebrough Planning District (Planning District No. 2).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. \_\_\_\_\_ - \_\_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the 30th day of October, 2012.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

**THE CORPORATION OF THE TOWN OF MARKHAM**

**BY-LAW NO. \_\_\_\_\_**

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan (Revised 1987), as amended.

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 30th DAY OF OCTOBER, 2012.

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**

## CONTENTS

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## **PART I - INTRODUCTION**

(This is not an operative part of Official Plan Amendment No. XXX)

## **PART I - INTRODUCTION**

### **1.0 GENERAL**

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended and is required to enact Amendment No. 2 to the Main Street Milliken Secondary Plan (PD 2-4) for part of the Risebrough Planning District (Planning District No. 2). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, attached thereto, constitutes Amendment No. 2 to the Main Street Milliken Secondary Plan (PD 2-4) for part of the Risebrough Planning District (Planning District No. 2). This Secondary Plan Amendment may be identified by the symbol PD 2-4-2. Part III is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

This Amendment to the Official Plan and to the Main Street Milliken Secondary Plan (PD 2-4) applies to a portion of 5 (five) properties known as 31, 67 and 73 Old Kennedy Road and 4550 and 4576 Steeles Avenue. The subject lands have a combined area of approximately 1.70 ha (4.21 ac).

### **3.0 PURPOSE**

In February and April 2011, Council approved amendments to the City's Official Plan (OPA 191) and Zoning By-law (By-law 2011-87) to permit the subject lands to be developed with a retirement oriented development comprising independent living retirement homes, assisted living and long term care facilities. The proposed development also contemplated the future easterly extension of Sun Yat-Sen Avenue (formerly referred to as "Thelma Avenue"), effectively dividing the subject lands into northern and southern portions. The subject lands are identified in Figure No. 2-4-1 of OPA 191 as Part 1 (northern portion) and Parts 2 & 3 (southern portion).

The proposal, as approved, comprises four seniors' residences. The northern portion (Part 1) of the proposal includes 200 beds in a 6-storey long term care facility and 160 units in a 6-storey assisted living centre. The southern portion (Parts 2 & 3) includes two independent living buildings with heights of 8 and 12 storeys and a maximum of 360 units.

The purpose of this Amendment is to modify OPA 191, as previously approved, to allow for the following amendments to the southern portion of the site (Parts 2 & 3):

- To permit an increase in the maximum number of units from 360 to 460 for the combined lands identified as Parts 2 & 3;
- To permit an increase in the maximum Floor Space Index (FSI) from 4.8 to 5.75 for the combined lands identified as Parts 2 & 3; and,
- To permit an increase in the maximum number of storeys from 12 storeys to 24 storeys on the lands identified as Part 2.

#### **4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

The proposed Secondary Plan amendment is required to facilitate modifications to a previously approved seniors' development. While the proposed modifications represent an increase in the number of units, FSI and height, the physical changes relate mainly to a proposed 24 storey independent living retirement facility situated on the lands identified as Part 2 located at the southwest corner of the site. The buildings proposed for the lands identified at Part 1 will continue to meet the maximum heights and densities as previously approved. In addition, the height of the building proposed for Part 3 also remains consistent with previous approvals. The proposed increases are intended to address the demand for retirement accommodation in Markham.

While the proposal exceeds the height permission in the Secondary Plan, as amended, the development provides for variations in building heights, massing, setbacks and step-backs, ensuring appropriate transitions from existing lower density areas to the north and west. The proposed 12 storey slab tower has now been modified to a 24 storey point tower with a reduced podium height at 8 storeys. In addition, the 8 storey podiums step back at the 6<sup>th</sup> storey to provide the look and feel of a 6 storey building from the street. The narrow 24 storey point tower minimizes impacts, such as shadows, and is located in the most southwesterly location of the subject property, adjacent to future redevelopment sites fronting onto Steeles Avenue, which are anticipated to be of higher densities.

Given the nature of the uses, it is anticipated that the seniors' development will have minimal impact on the capacity of the nearby road network and will contribute to a transit-supportive built form. As the site is located within walking distance of higher order transit stops, development densities proposed support a desired level of public transit services.



## **PART II - THE OFFICIAL PLAN AMENDMENT**

(This is an operative part of Official Plan Amendment No. XXX)

## **PART II – THE OFFICIAL PLAN AMENDMENT**

### **1.0 THE OFFICIAL PLAN AMENDMENT**

- 1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 1.1.3 (c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Main Street Milliken Secondary Plan PD 2-4, for part of the Risebrough Planning District, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3** Section 9.2.28 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to the text of the Main Street Milliken Secondary Plan (PD 2-4) for part of the Risebrough Planning District (Planning District No. 2). These changes are outlined in Part III which comprises Amendment No. 2 to the Main Street Milliken Secondary Plan (PD 2-4).

### **2.0 IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law, with Hold provision, and Site Plan Approval, in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.



Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised 1987), as amended, shall not apply.

**PART III - THE SECONDARY PLAN AMENDMENT (PD 2-4- 2)**

**(This is an operative part of Official Plan Amendment No. XXX)**

## **PART III - THE SECONDARY PLAN AMENDMENT (PD 2-4-2)**

### **1.0 THE SECONDARY PLAN AMENDMENT**

(Amendment No. 2 to the Main Street Milliken Secondary Plan PD 2-4)

The Main Street Milliken Secondary Plan (PD 2-4) for part of the Risebrough Planning District is hereby amended as follows:

#### **1.1** Sections 5.5.5 2), 3) and 4) are hereby replaced with the following:

“2) The maximum building height is as follows:

- 6 storeys on the lands identified as Part 1
- 24 storeys on the lands identified as Part 2
- 8 storeys on the lands identified as Part 3

3) The maximum number of units is as follows:

- 460 units for the combined lands identified as Parts 2 & 3

4) The maximum FSI is as follows:

- 3.0 for the lands identified as Part 1
- 5.75 for the combined lands identified as Parts 2 and 3”

#### **1.2** All references to “Thelma Avenue” are hereby replaced with “Sun Yet-Sen Avenue” in Section 5.5.5.

### **2.0 IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law, with Hold provision, and Site Plan Approval, in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised 1987), as amended, shall not apply.



## EXPLANATORY NOTE

### BY-LAW 2012-XX

**A By-law to amend By-law 177-96, as amended by By-law 2011-87**

**Milliken Development Corporation & Mon Sheong Foundation  
31, 67 & 73 Old Kennedy Road and 4550 & 4576 Steeles Avenue East**

#### **Lands Affected**

The proposed by-law amendment applies to all or portions of 5 properties which are located in the Milliken Mills community, near the northeast corner of Old Kennedy Road and Steeles Avenue East. The properties are municipally known as 31, 67 & 73 Old Kennedy Road and 4550 and 4576 Steeles Avenue.

#### **Existing Zoning**

The subject lands are zoned "Community Amenity Four, Exception 438 – HOLD" [CA4\*438(H)] by way of amending By-law 2011-87 which amended parent Zoning By-law 177-96, as amended. Amending By-law 2011-87 permits the lands to be developed with four seniors' residences in accordance with specific development standards.

#### **Purpose and Effect**

The purpose of this By-law is to amend portions of a previously approved site specific by-law to permit modifications which include, but are not limited to the following:

- Amending the definition of Gross Floor Area to exclude service and common areas throughout the buildings, including floor areas within the basement and enclosed rooftop recreational uses;
- That enclosed accessory rooftop recreational uses not count towards the maximum number of storeys;
- Increasing the maximum number of storeys for the Building located within the southwest corner of Parcel B from 12 storeys to 24 storeys;
- Removing the minimum distance separation required between buildings on Parcels A & B;
- Adjusting to the building and underground parking setbacks including connections under Sun Yat-Sen Avenue; and,
- Establishing Sun Yat-Sen Avenue as the front lot line for the purposes of lot frontage.



## BY-LAW 2012-XX

A By-law to amend By-law 177-96, as amended by By-law 2011-87

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

- 1.0 By-law 177-96, as amended by By-law 2011-87, be and the same is hereby further amended as follows:
  - 1.1 By deleting section 7.438.1 (i) (a) in its entirety.
  - 1.2 By renumbering the definition of LONG TERM CARE FACILITY from 7.438.(i)(b) to 7.438.(i)(a) and deleting it in its entirety and replacing it as follows:
    - “(a) LONG TERM CARE FACILITY:  
Means a premises regulated through the *Ministry of Health and Long Term Care* that provides accommodation for people requiring a broad range of 24 hour health care, personal care and support care within a supervised and secured setting and where common facilities for the preparation and consumption of food are provided and, common lounges, recreation rooms, medical care facilities and personal services, may also be provided.”
  - 1.3 By adding a new definition for GROSS FLOOR AREA in Section 7.438.1 (i) as follows:
    - “(b) FLOOR AREA, GROSS:  
Means the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building, vestibules, stairwells, elevator shafts, service/mechanical rooms and penthouses, washrooms, garbage/recycling rooms, staff locker and lunch rooms, resident lockers, communal laundry rooms, loading areas, rooftop recreational uses, and any space with a ceiling height of less than 1.8 metres and any part of a basement that is unfurnished, is used solely for storage purposes and is not accessible to the general public.”
  - 1.4 By adding a new definition for ROOFTOP RECREATION USES in Section 7.438.1 (i) as follows:
    - “(c) ROOF TOP RECREATIONAL USES:  
Means uses that serve a recreational function located on the roof of a six or eight storey building, accessory to a RETIREMENT HOME or LONG TERM CARE FACILITY and used solely by residents and their guests.”
  - 1.5 By deleting section 7.438.1 (ii) in its entirety and replacing it as follows:
    - “(ii) Parcels A and B are shown on Schedule B attached hereto.”

1.6 By deleting Section 7.438.3 (a) in its entirety and replacing it as follows:

(a) A RETIREMENT HOME regulated by the *Minister Responsible for Seniors*

1.7 By deleting Section 7.438.4 in its entirety and replacing it as follows:

1.8 **"7.438.4 Zone Standards**

(a) For the purpose of this By-law Sun Yet-Sen Avenue is considered the FRONT LOT LINE.

(b) For the purpose of this By-law Sun Yet-Sen Avenue is considered a PUBLIC STREET.

(c) Minimum LOT FRONTAGE – 130 metres

(d) Minimum LOT AREA:

(i) Parcel A – 0.65 ha

(ii) Parcel B – 0.75 ha

(e) Maximum Number of STOREYS:

(i) Parcel A – 6 STOREYS

(ii) Parcel B – 8 STOREYS

(iii) Parcel B within 45 m of the westerly property line – 24 STOREYS

(f) The following additional provisions apply to Parcel A:

(i) Maximum number of STOREYS between 11 and 14.5 metres of the north LOT LINE – 4

(i) Maximum number of STOREYS between 14.5 and 19 metres of the north lot line – 5

(ii) Maximum number of STOREYS between 14.5 and 19 metres of the north LOT LINE but located between 60 metres and 83 metres from the west property boundary – 6

(g) Maximum FLOOR SPACE INDEX:

(i) Parcel A – 0.65 ha

(ii) Parcel B – 0.75 ha

(h) Minimum width of LANDSCAPING:

(i) Adjacent to an existing or future public street – 3 metres

(ii) Adjacent to north LOT LINE of Parcel A and within 65 metres of the eastern property line – 11 metres

(ii) Adjacent to the east LOT LINE for Parcel A – 2 metres

(i) MINIMUM REQUIRED YARDS:

(i) For lands within Parcel A on Schedule B:

(a) REAR YARD

i. for portions that are 4 storeys or less – 11 metres

ii. for portions that are 5 storeys – 14.5 metres

- iii. for portions that are 6 storeys between 60 metres and 83 metres of the west LOT LINE – 14.5 metres
  - iv. for portions that are 6 or more storeys – 19 metres
  - (b) EAST YARD – 2 metres
  - (c) FRONT YARD – 3 metres
  - (d) WEST YARD – 7 metres
- (ii) For lands within Parcel B of Schedule B:
- (a) FRONT YARD – 3 metres
  - (b) EAST YARD – 3 metres
  - (c) REAR YARD – 0 metres within 31 metres of the easterly LOT LINE, otherwise:
    - i. for portions that are 24 storeys - 10 metres
    - ii. for portions that are 8 storeys - 21 metres
    - iii. for portions that are 4 storeys – 22 metres
    - iv. for portions that are 1 storey - 16 metres
  - (d) WEST YARD – 10 metres
- (iii) Underground parking garages are not subject to the MINIMUM REQUIRED YARDS restrictions, and any passageways/connections between underground parking garages contained within Parcel A and B may be connected below a PUBLIC STREET which bisects Parcel A and B as shown on Schedule B.”
- 1.9 By deleting section 7.438.5 (a) in its entirety and replacing it as follows:
- “(a) Individual units within the RETIREMENT HOME(S) may contain kitchenettes with cooktops provided that the RETIREMENT HOME(S) contain common facilities for the preparation and consumption of food and that such common facilities are separately located within each of the BUILDINGS.”
- 1.10 By deleting section 7.438.5 (b) in its entirety.
- 1.11 By renumbering section 7.438.5 (c) to 7.438.5 (b) and replacing it as follows:
- “(b) ACCESSORY USES are permitted provided they are:
- (e) Located within the first three STOREYS of the BUILDING;
  - (ii) Do not occupy more than 5% of the total BUILDING GROSS FLOOR AREA
  - (iii) Intended for use by the BUILDING occupants and their guests only”
- 1.12 By renumbering section 7.438.5 (d) to 7.438.5 (c) and deleting it in its entirety and replacing it as follows:

“(c) LOADING AREAS and parking ramps for the lands within Parcel A shall not be located within 14 metres of the north LOT LINE.”

1.13 By adding a new section 7.438.5 (d) as follows:

“(d) LOADING SPACES and parking ramps for lands within Parcel B may encroach within the MINIMUM REQUIRED YARD.”

1.14 By deleting section 7.438.5 (e) in its entirety and replacing it as follows:

“(e) Canopies may encroach within the MINIMUM REQUIRED YARD facing Sun Yat-Sen Avenue to the LOT LINE.”

1.15 By deleting sections 7.438.5 (f) and 7.438.5 (g) in their entirety.

1.16 By renumbering section 7.438.5 (h) to 7.438.5 (f) and deleting it in its entirety and replacing it as follows:

“(f) Minimum OUTDOOR AMENITY SPACE at grade:

(i) Parcel A – 1,200 m<sup>2</sup>

(ii) Parcel B – 1,000 m<sup>2</sup>”

1.17 By deleting section 7.438.5 (i) in its entirety.

1.18 By deleting Section 3 “Mapping Associated with Section 7.438” in its entirety.

1.19 By renumbering Section 4 to Section 2 and deleting its entirety and replacing it as follows:

“2. **Removal of Holding Provisions**

The Holding One (H) provision may be lifted upon completion/satisfaction of the following conditions:

- (a) Submission of a Traffic Study, for review and approval, by the City of Markham, City of Toronto and Region of York.
- (b) Submission of a Servicing Study (downstream sanitary capacity) for review and approval, to the satisfaction of the City of Markham.
- (c) Site Plan Approval and execution of a site plan agreement addressing issues including, but not limited to:
  - York Region's Transit Oriented Design Guidelines
  - Development and implementation of comprehensive Travel Demand Management (TDM) measures as required by the City of Markham and Region of York
  - Incorporation of sustainable design features which, amongst other things, reduce energy consumption, minimize stormwater runoff, minimize heat island effect, harvest rainwater for irrigation and maximize the use of sustainable materials and resources, to the satisfaction of the City of Markham and the Region of York

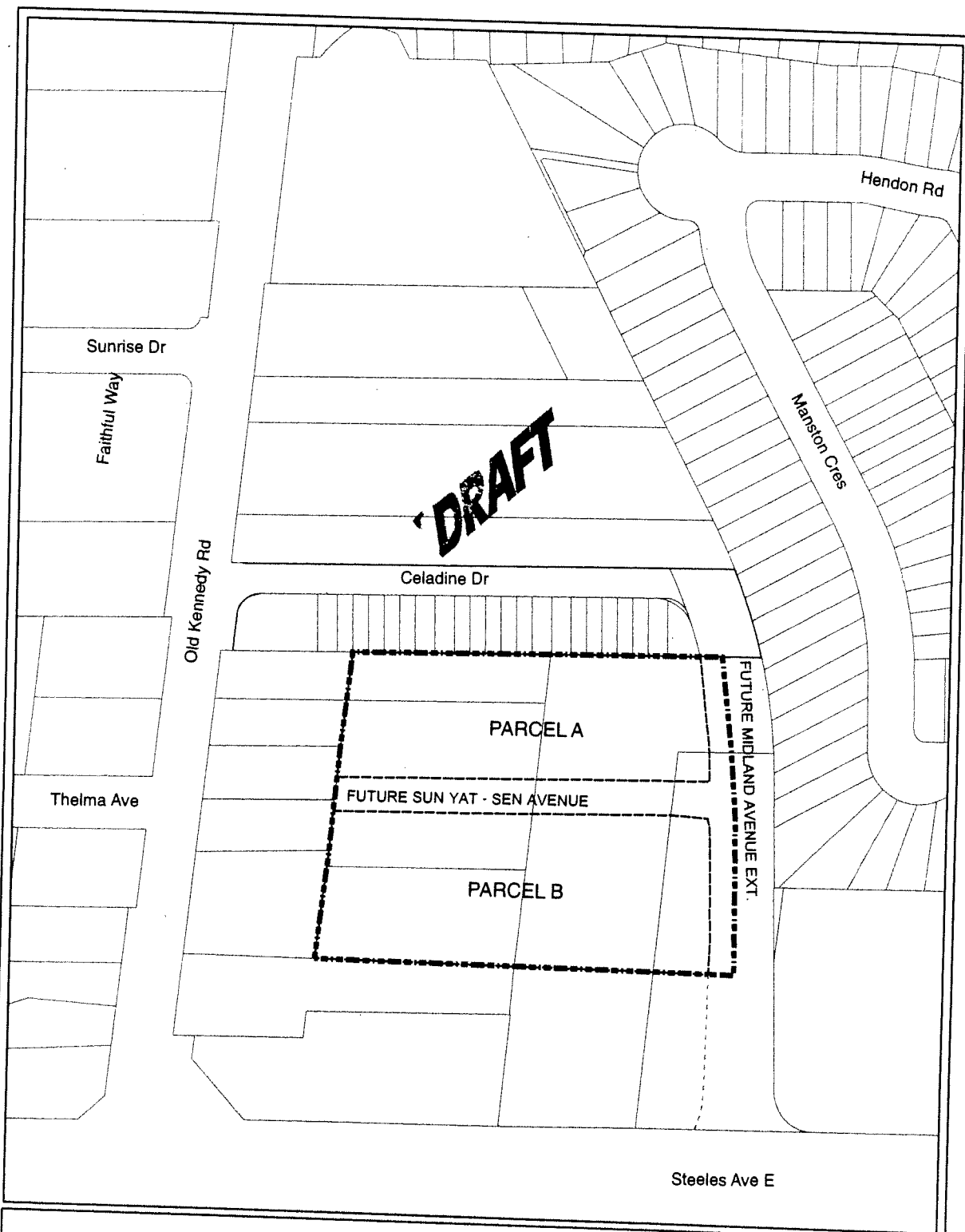


- Direct vehicular access (shared with abutting lands to the south of Sun Yat-Sen Avenue
- Conservation of heritage attributes of protected heritage dwelling and property at 73 Old Kennedy Road
- Financially contribute its proportionate share to the satisfaction of the Director of Engineering and the Landowner's Group:
  - a. The full extension of Midland Avenue to Old Kennedy Road
  - b. Construction of Sun Yat-Sen Avenue extension east of Old Kennedy Road to future Midland Avenue
  - c. Construction of temporary site driveway off Old Kennedy Road until vehicular access via future Midland Avenue extension and Sun Yat-Sen Avenue is completed
  - d. Upgrades to downstream sewer capacity
- Satisfaction of all Region of York and City of Toronto's requirements
- Proportional payment for downstream sanitary sewer capacity analysis by the City of Markham's Consultant
- (d) Consent application to establish property boundaries, including any necessary easements, and lands required for the future extension of Sun Yat-Sen Avenue and Midland Avenue
- (e) Execution of a development agreement for the construction and dedication of Sun Yat-Sen Avenue and/or Midland Avenue
- (f) The purchase of residual lands owned by the City of Markham (4576 Steeles Avenue) for the Midland Avenue extension, to be developed as part of the proposed seniors' development."

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
30<sup>TH</sup> DAY OF OCTOBER, 2012.

\_\_\_\_\_  
KIMBERLEY KITTINGHAM  
CITY CLERK

\_\_\_\_\_  
FRANK SCARPITTI  
MAYOR



# BY-LAW SCHEDULE 'B' TO AMEND BY-LAW 177-96

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



C:\Geomatics\New Operation\By-Laws\OP\11124399\OP11124399.mxd

BY-LAW AMENDMENT No. .... PASSED .....



DEVELOPMENT SERVICES COMMISSION

..... (MAYOR) ..... (CLERK)

Drawn By: CPW

Checked By: SB

DATE: 09/16/2012

NOTE: This Schedule should be read in conjunction with the closed address map.



Mon Sheong Foundation  
11199 Yonge Street  
Richmond Hill, Ontario  
L4S 1L2  
tel: 905-883-9288 x2008  
fax: 905-883-9855  
email: msf@monsheong.org  
http://www.monsheong.org

Mon Sheong  
Home for the Aged  
36 D'Arcy Street  
Toronto, Ontario  
M5T 1J7  
tel: 416-977-3762  
fax: 416-977-3231

Mon Sheong Richmond Hill  
Long-Term Care Centre  
11199 Yonge Street  
Richmond Hill, Ontario  
L4S 1L2  
tel: 905-883-9288  
fax: 905-508-0829

Mon Sheong Scarborough  
Long-Term Care Centre  
2030 McNicoll Avenue  
Scarborough, Ontario  
M1V 5P4  
tel: 416-291-3898  
fax: 416-297-8322

October 16, 2012

Sabrina Bordone  
Planning & Urban Design Department  
City of Markham, Anthony Roman Centre  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

Dear Ms. Bordone;

**RE: PROPOSED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT  
MON SHEONG FOUNDATION/MADY DEVELOPMENT CORP.  
31, 67 & 73 OLD KENNEDY ROAD AND 4550 & 4576 STEELES AVENUE EAST  
FILE NOS. OP/ZA 11 124399**

As you are aware, Mon Sheong Foundation has made application to amend the existing site-specific Official Plan Amendment and Zoning By-law Amendment to allow a minor modification in the permitted height and density of the southern portion of the site. Specifically, Mon Sheong seeks to increase the maximum number of independent living units in the south block from 360 to 460, increase the maximum FSI of the south block from 4.8 to 5.75 and to increase the maximum height at the westerly portion of the south block from 12 storeys to 24 storeys. While significantly reducing the floor plate.

Mon Sheong Foundation is a Canadian registered charitable organization formed 49 years ago. The foundation is dedicated to caring for the elderly and providing programs and services in response to the needs of the community. We are currently running 4 state of the art facilities in the GTA, providing the best care for seniors at all stages of life. Mon Sheong's Mission is:

- To create a comfortable and independent living lifestyle for the seniors and soon to be. Booster their self esteem and mental health.
- To meet the ever fast approaching demands of suitable living for the aging baby boomers in our community.
- To relieve children of the seniors of necessary worries and be able to freely look after the family of the next generation.

There are a number of reasons why this amendment to increase height and density is necessary. First, the increase will accommodate the growing need for available retirement living space as well as long term care and assisted living facilities in the City



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fax: 416-297-8322

of Markham. In particular, there is a long registered waiting list from seniors in Markham today (2000+ people).

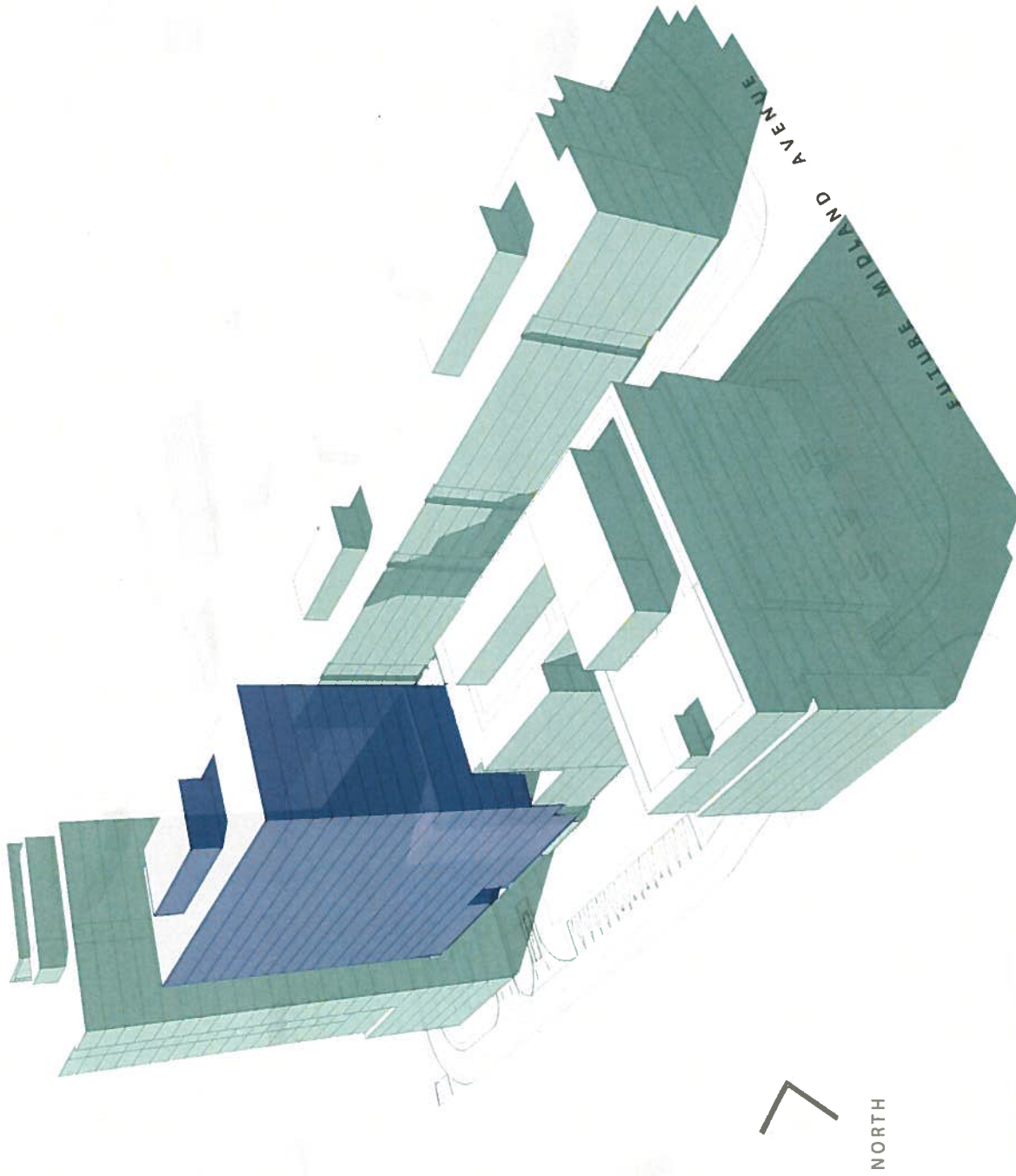
Second, Mon Sheong prides itself in providing quality of service to its residents. Experience has shown that increasing the concentration of seniors has a direct benefit in the level of care that a facility can provide to its residents. Increasing the density allows the retirement facility to share a larger pool of support staff and services between independent living, long term care and assisted living facilities.

Finally, as noted above, Mon Sheong Foundation is a charitable organization with the objective of making quality of care affordable to seniors. Given rising land values and the cost to construct, the cost of developing the facility in the City is high. Providing the additional density assists Mon Sheong Foundation in keeping prices affordable to seniors.

Mon Sheong Foundation is looking to start construction immediately in an effort to meet its commitment to reduce the pressure on available spaces for seniors in the City. It is our hope that the City will provide its support for the amendment applications to allow for the construction of this much needed facility.

Yours truly;

Tim Kwan  
President and Chairman  
Mon Sheong Foundation



**MON SHEONG COURT**

MARKHAM, ONT.

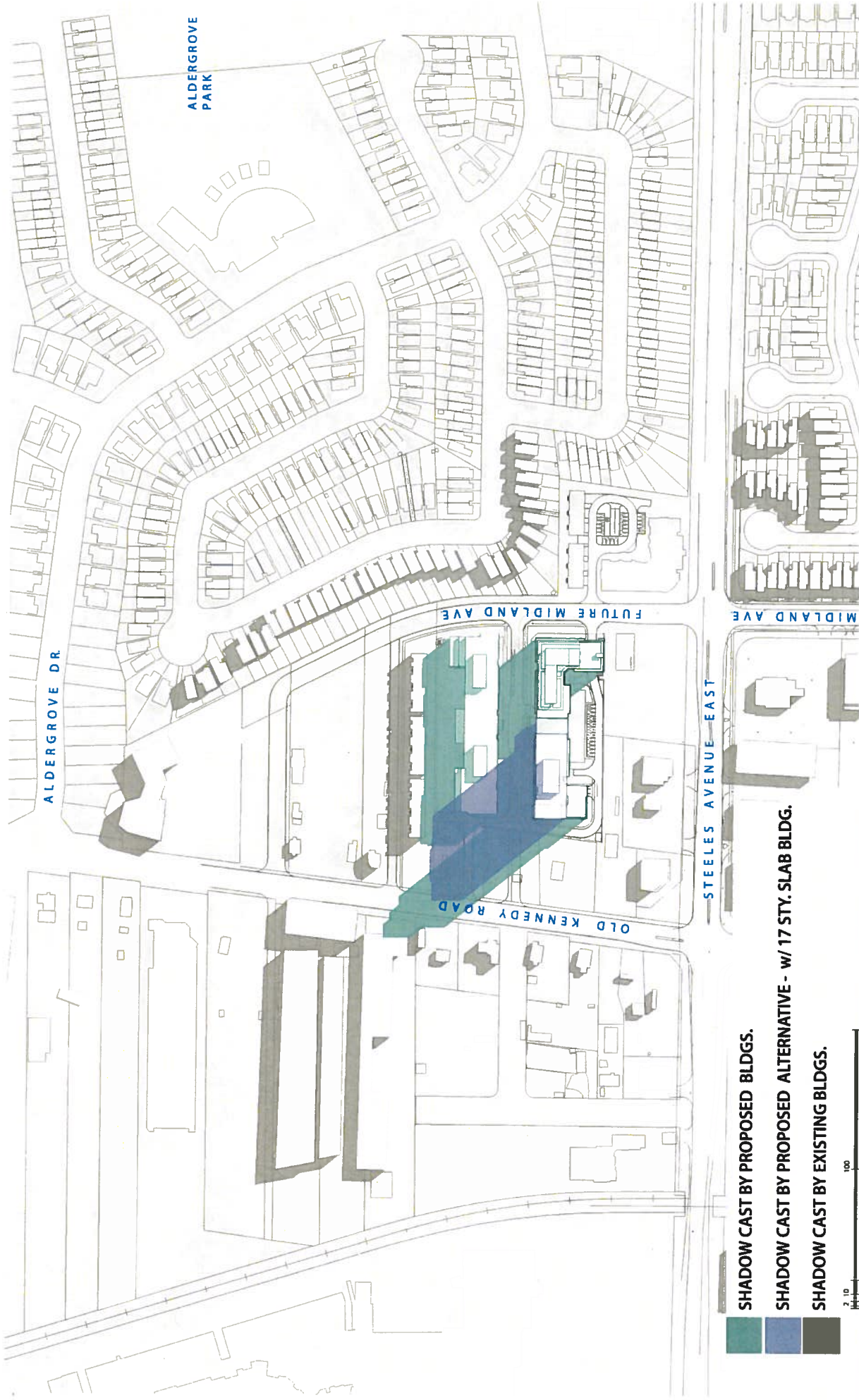
**SHADOW STUDY - (ALTERNATIVE PROPOSAL w/ 17 STY. SLAB BLDG.)**

PROJECT NO. 11-05R

DATE: 17 JULY, 2012

**(OVERLAID SHADOW CASTS)**

**BURKA ARCHITECTS IN**



MON SHEONG COURT

MARKHAM, ONT.

SHADOW STUDY DIAGRAM (MAR 21 - 9:18 AM)

PROJECT NO. 11-05R  
DATE: 17 JULY, 2012

(OVERLAID SHADOW CASTS)

BURKA ARCHITECTS INC.



ALDERGROVE DR

ALDERGROVE  
PARK

OLD KENNEDY ROAD

FUTURE MIDLAND AVE

STEELES AVENUE - EAST

- SHADOW CAST BY PROPOSED BLDGS.
- SHADOW CAST BY PROPOSED ALTERNATIVE - w/ 17 STY. SLAB BLDG.
- SHADOW CAST BY EXISTING BLDGS.



MON SHEONG COURT

MARKHAM, ONT.

SHADOW STUDY DIAGRAM (MAR 21 - 12:18 PM)

PROJECT NO. 11-05R  
DATE: 17 JULY, 2012

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BURKA ARCHITECTS INC.



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MON SHEONG COURT  
MARKHAM, ONT.

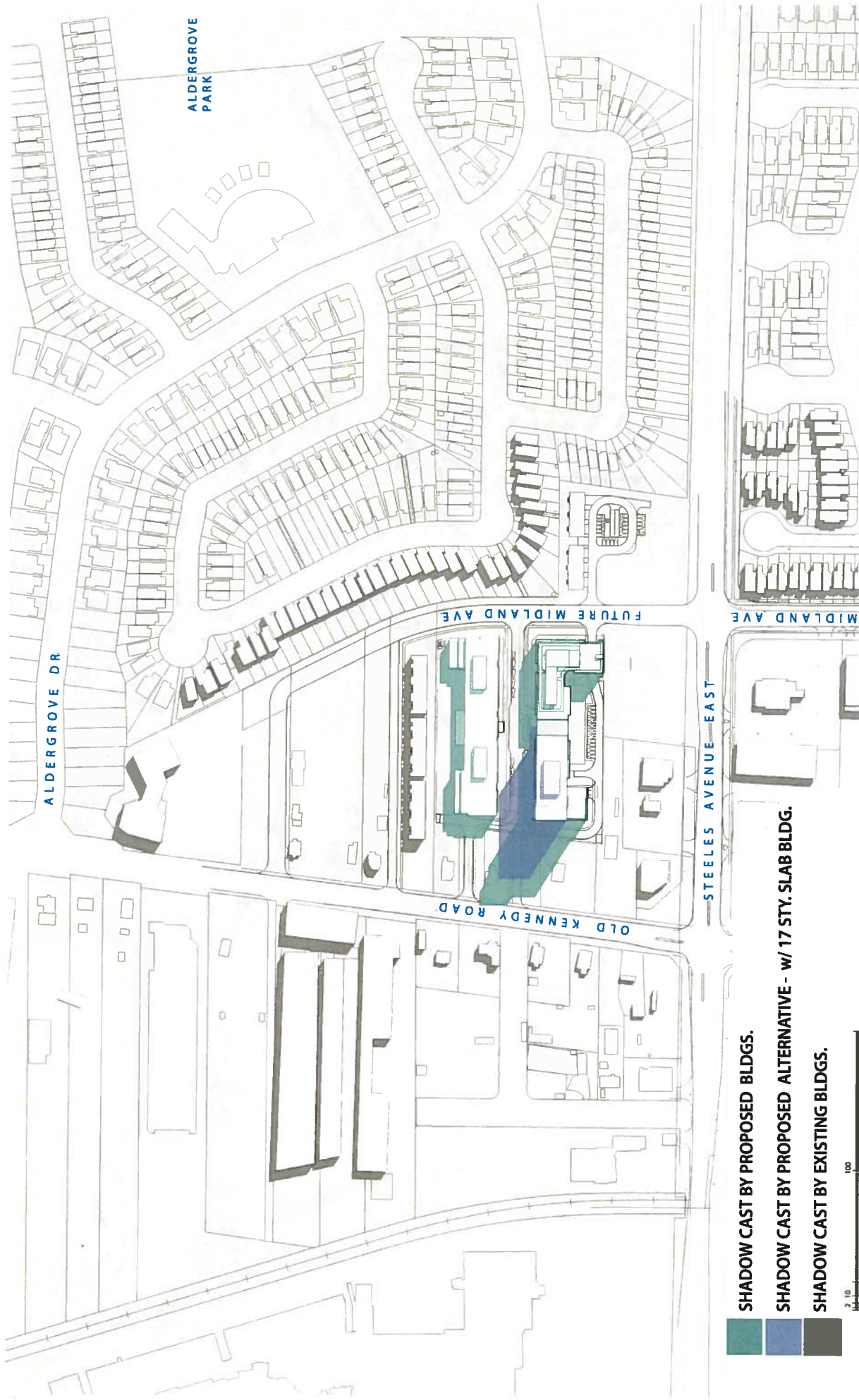
PROJECT NO. 11-05R  
DATE: 17 JULY, 2012

SHADOW STUDY DIAGRAM (MAR 21 - 3:18 PM)  
(OVERLAID SHADOW CASTS)

BURKA ARCHITECTS INC.







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MON SHEONG COURT

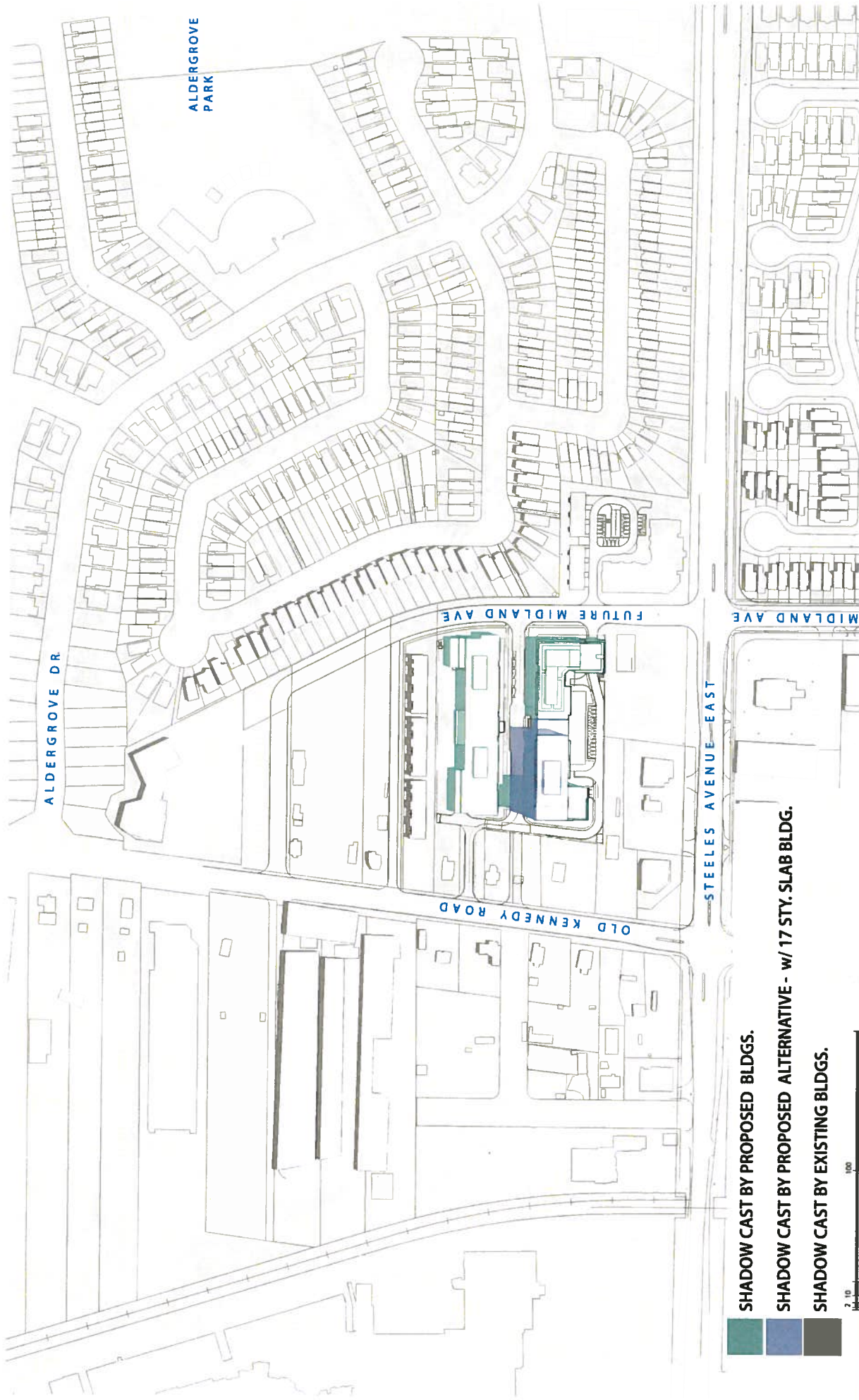
MARKHAM, ONT.

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**MON SHEONG COURT**

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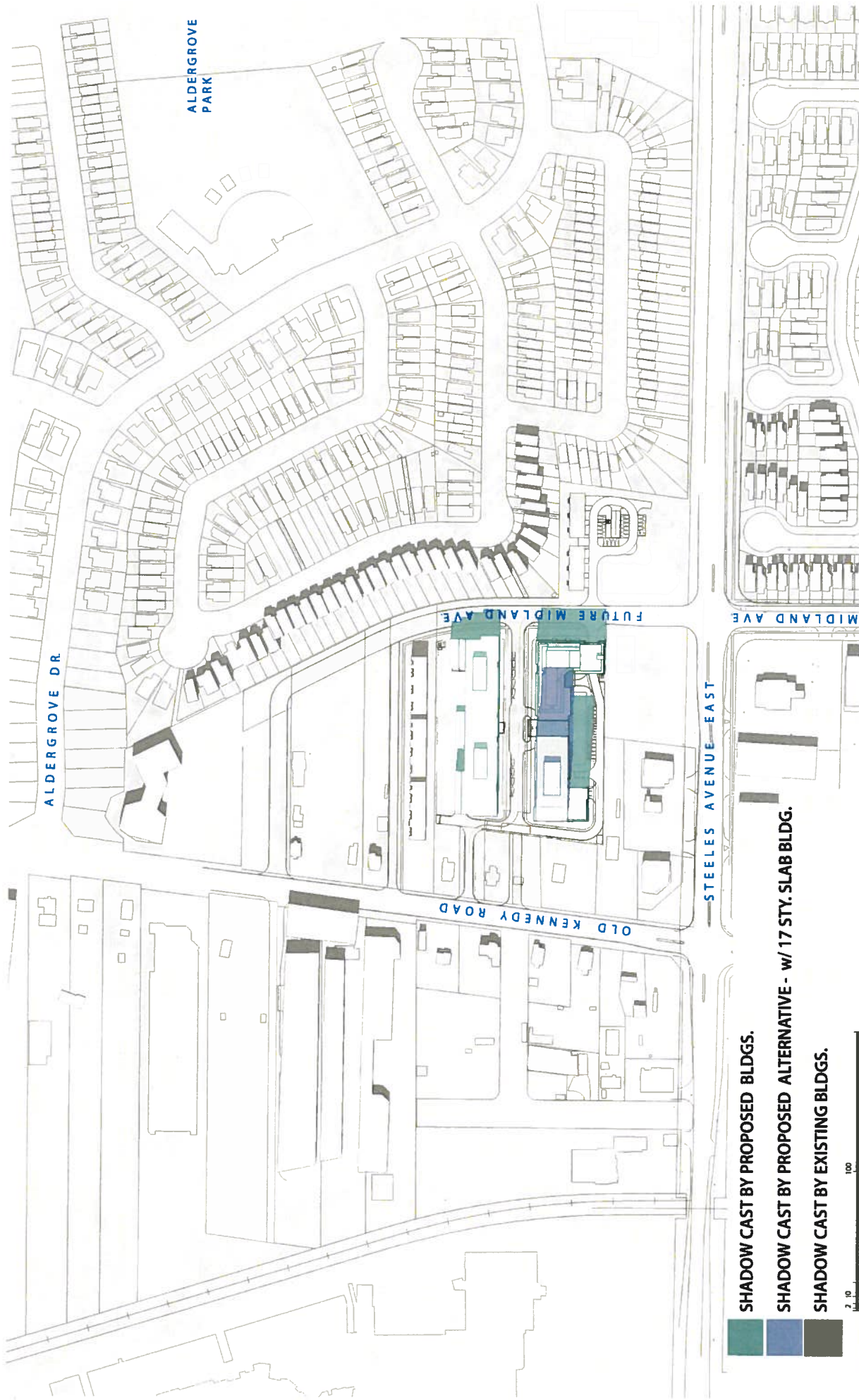
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**(OVERLAID SHADOW CASTS)**

**BURKA ARCHITECTS INC.**







MON SHEONG COURT

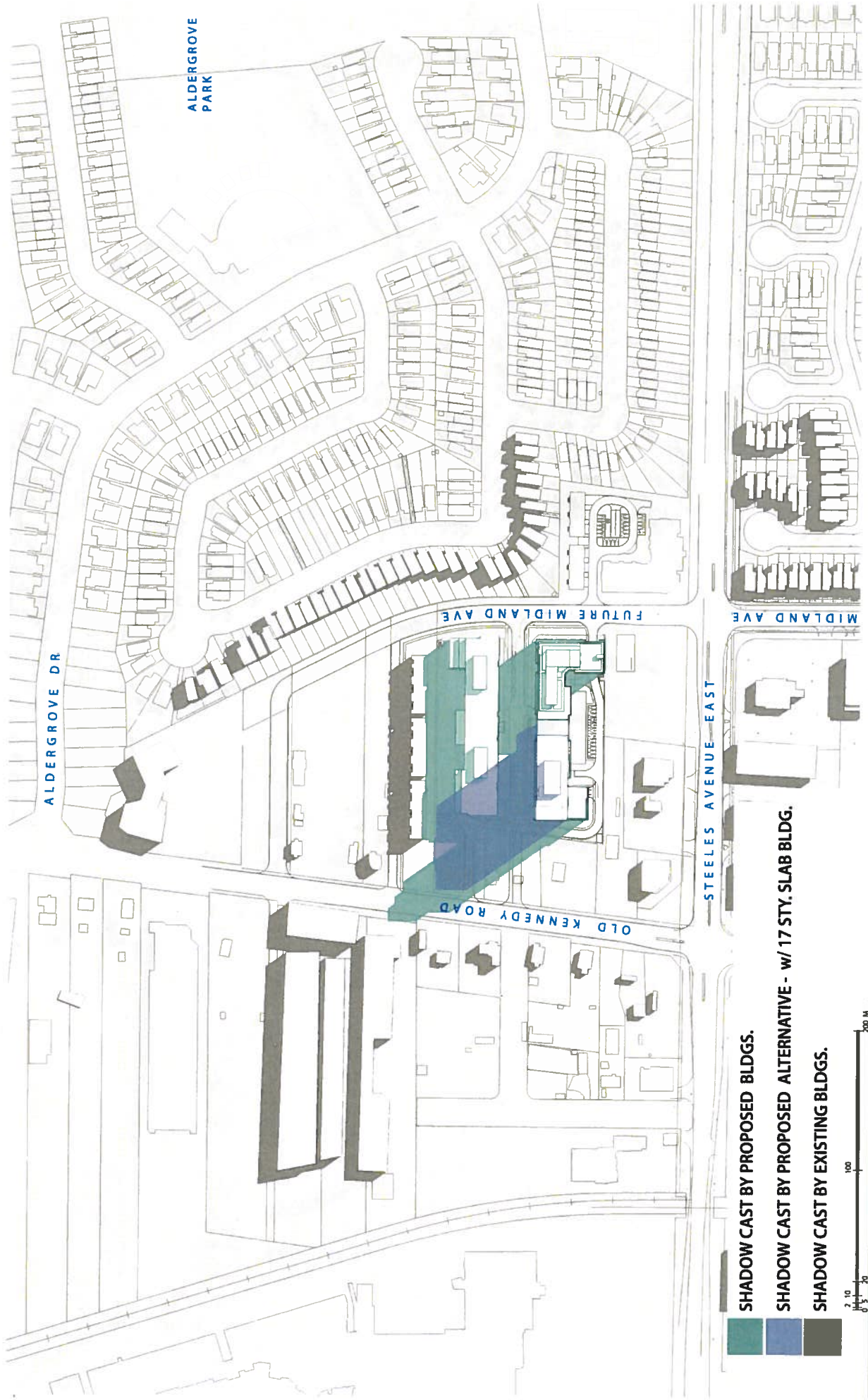
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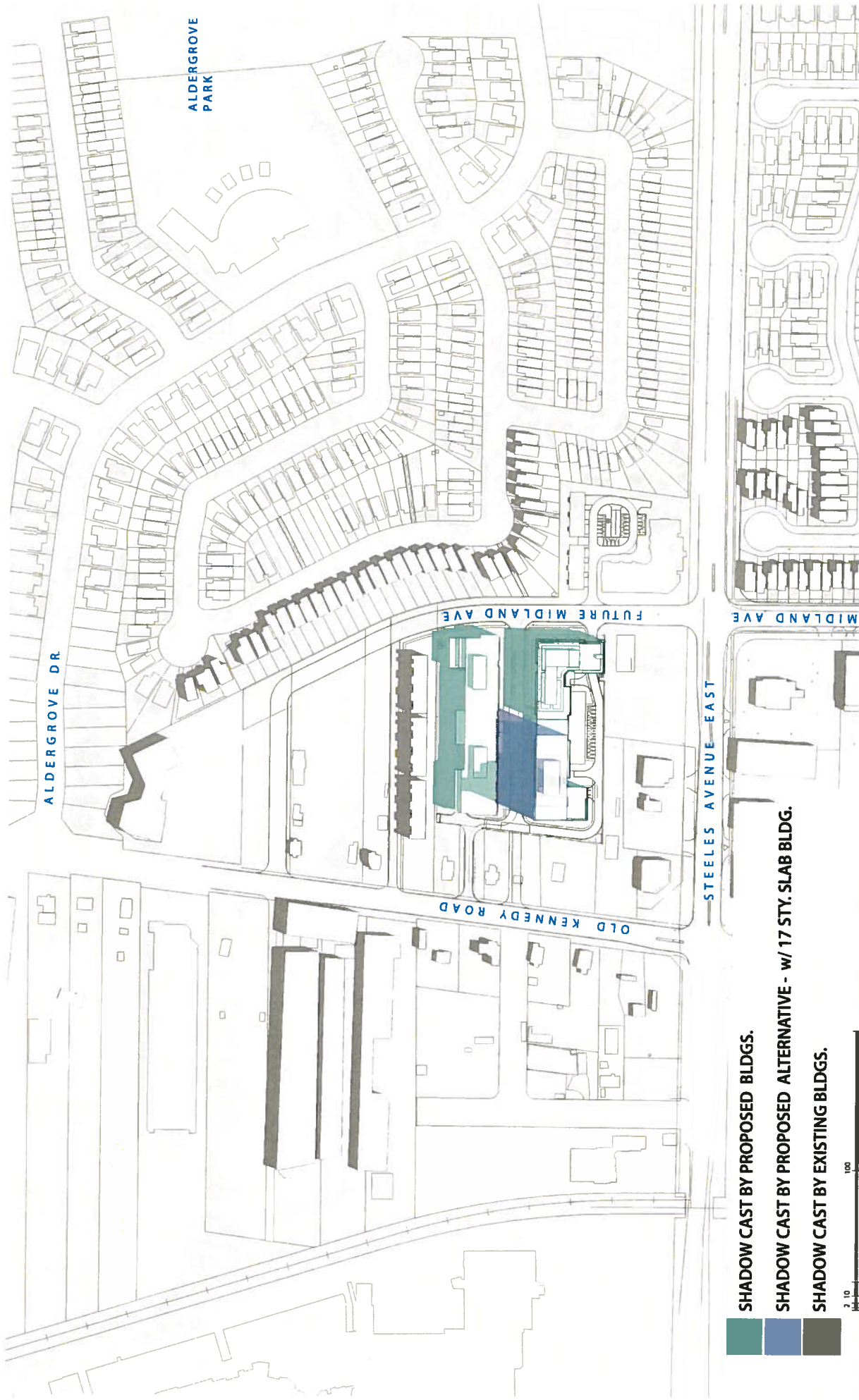
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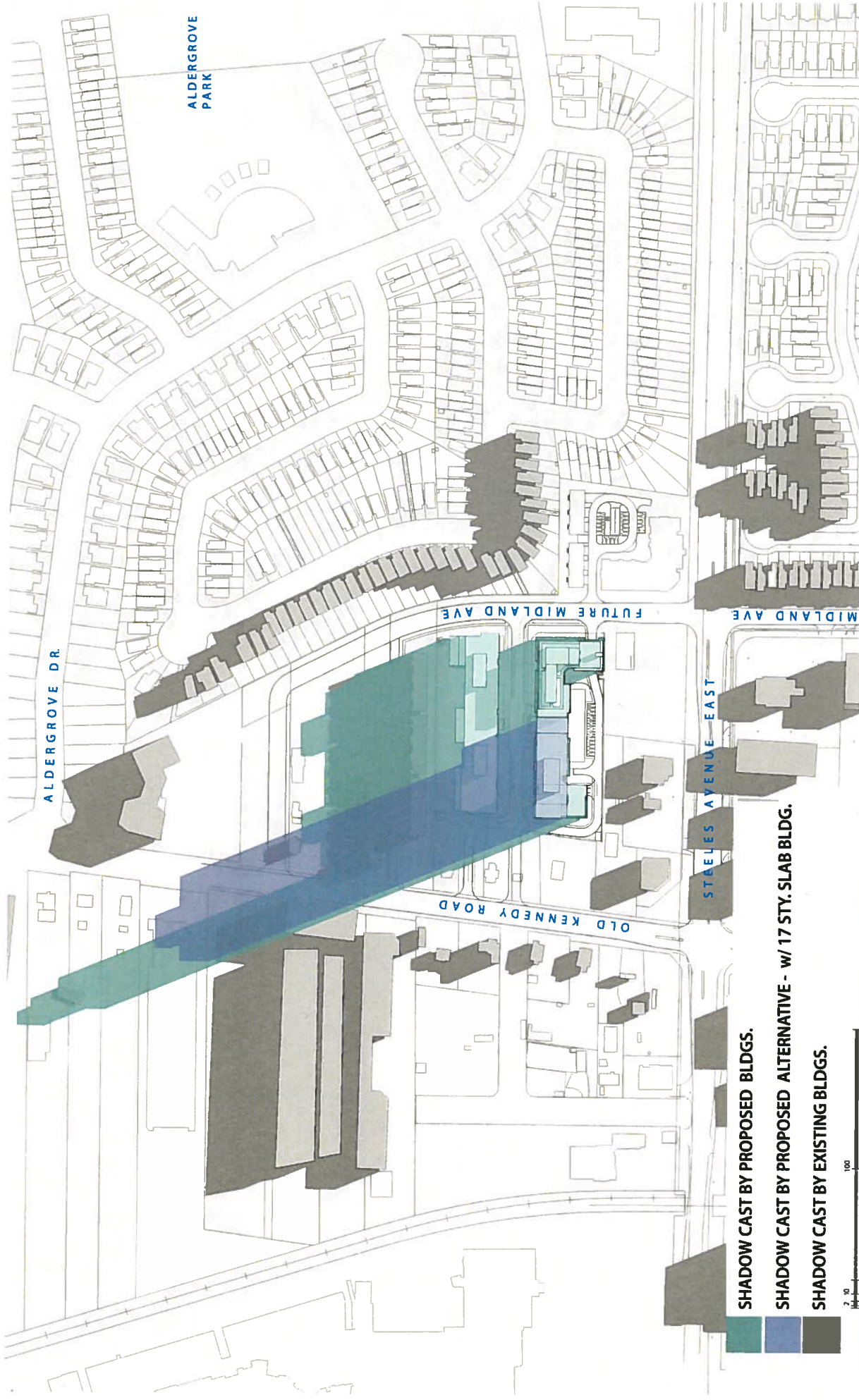
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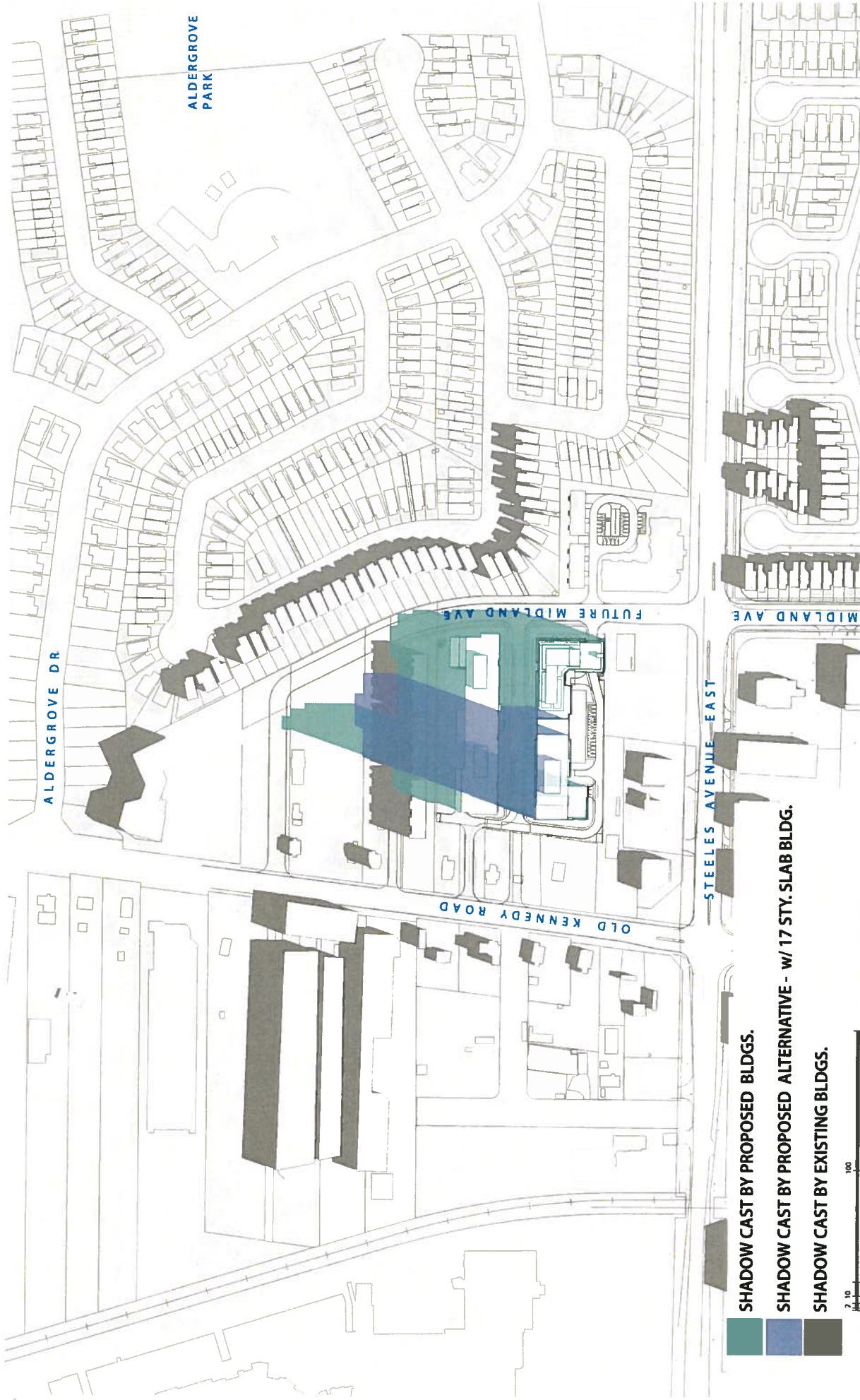
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MON SHEONG COURT

MARKHAM, ONT.

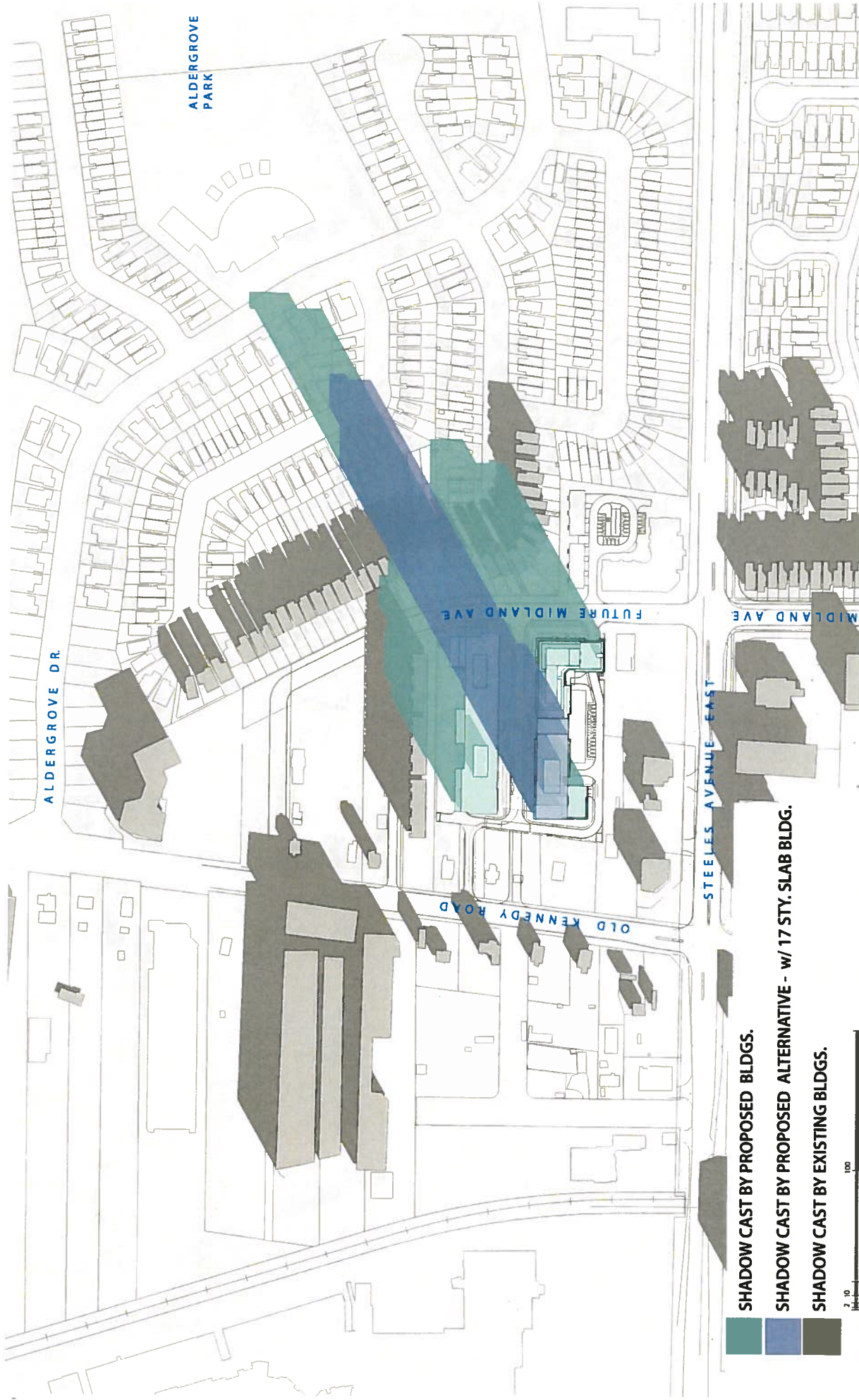
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**BURKA ARCHITECTS INC.**



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TURNER FLEISCHER ARCHITECT

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**SHADOW STUDY** – Midland/Steeles - Phase 2 Markham, Ontario

March 21 09:18 a.m. D.S.T.



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**SHADOW STUDY - Midland/Steeles - Phase 2 Markham, Ontario**

**TURNER FLEISCHER ARCHITECTS INC.**

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**SHADOW STUDY – Midland/Steeles - Phase 2** Markham, Ontario

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**SHADOW STUDY – Midland/Steeles - Phase 2** Markham, Ontario

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**SHADOW STUDY** – Midland/Steeles - Phase 2 Markham, Ontario

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**SHADOW STUDY** – Midland/Steeles - Phase 2 Markham, Ontario

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September 21 09:18 a.m. D.S.T.

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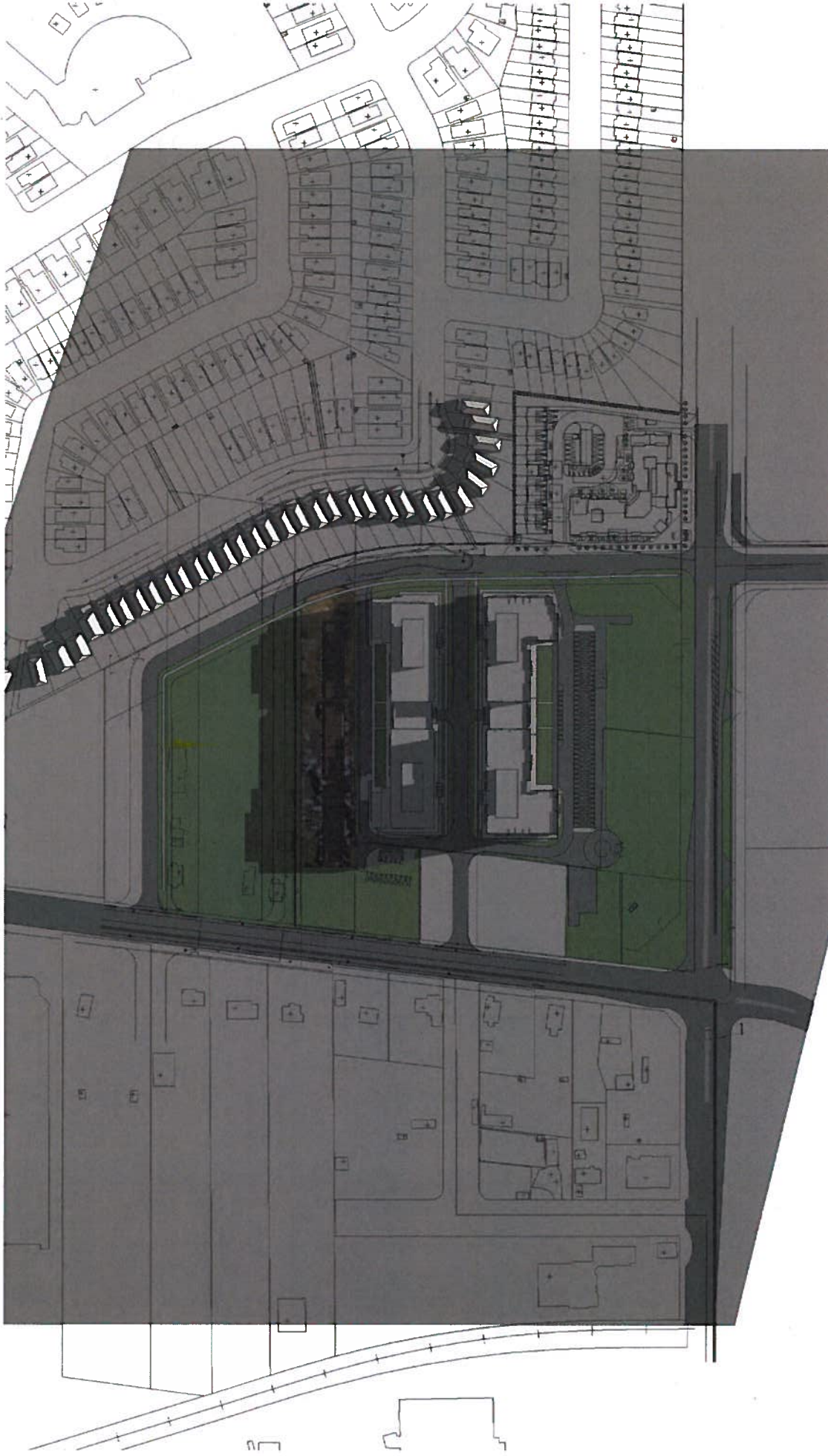
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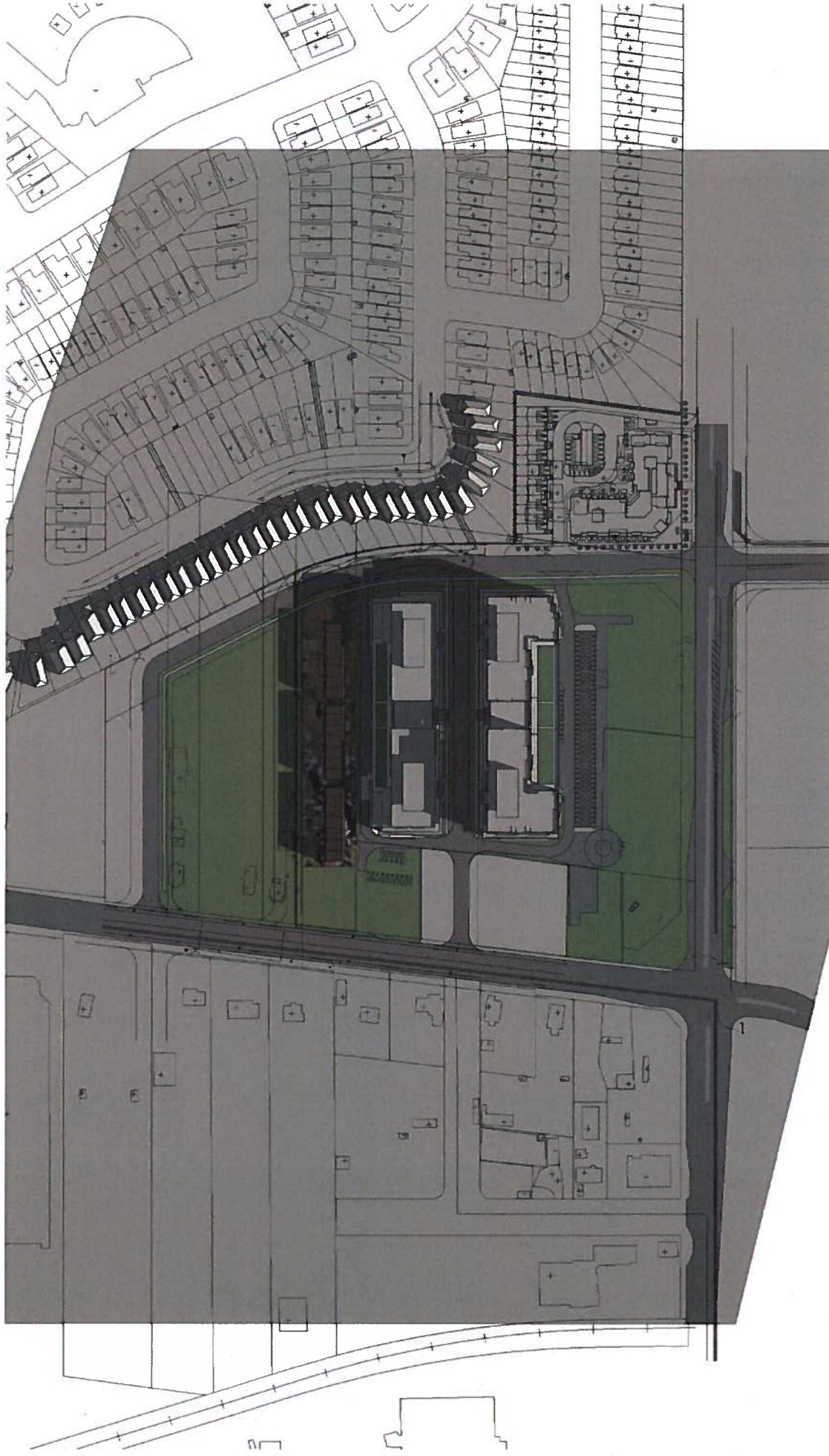
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December 21 10:18 a.m.

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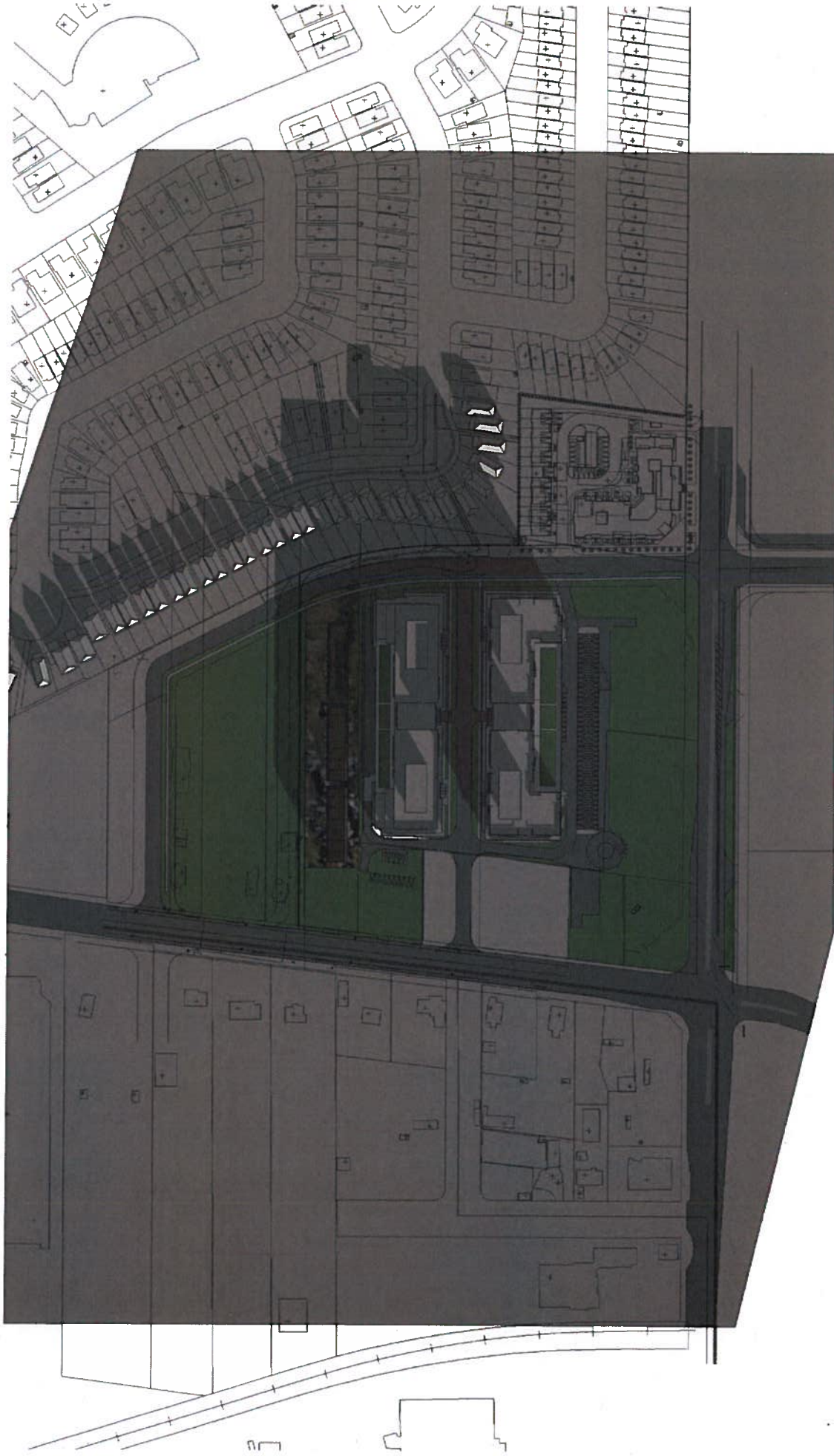
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