



## REPORT

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Jeff Markowiak, Director of Development Review

**DATE:** October 16, 2020

**REPORT NO.:** PD-2020-0053

**RE:** Public Meeting for a proposed Zoning By-law Amendment seeking to amend the previous approvals granted for 69-79 Main Street South and 94-98 Mill Street in order to advance the McGibbon development project (Georgetown)

### RECOMMENDATION:

THAT Report No. PD-2020-0053, dated October 16, 2020, regarding a Public Meeting for a proposed Zoning By-law Amendment seeking to amend the previous approvals granted for 69-79 Main Street South and 94-98 Mill Street in order to advance the McGibbon development project (Georgetown), be received;

AND FURTHER THAT all agency and public comments be referred to staff for a further report regarding the disposition of this matter.

### BACKGROUND:

The purpose of this report is to advise Council and the public about the Zoning By-law Amendment application submitted by Amico Properties (the Applicant) for 69-79 Main Street South and 94-98 Mill Street in Georgetown. The application seeks to amend the site-specific approvals granted by the OMB in 2017 for the McGibbon Hotel condominium project. The project been previously cancelled in December 2018.

### Location and Site Characteristics:

The subject lands, municipally known as 69-79 Main Street South and 94-98 Mill Street, are located in downtown Georgetown at the north-east corner of Main Street South and Mill Street; see **SCHEDULE 1 – LOCATION MAP**. The irregularly shaped site is approximately 0.28 hectares (0.68 acres) in size and has 42.0 metres (138.0 feet) of frontage on Main Street and 63.0 metres (207.0 feet) flanking Mill Street.

The consolidated site is occupied by the three-storey former McGibbon Hotel building, two-storey buildings with retail on the ground floor and residential above as well as a surface parking lot at the rear. All of the buildings are currently vacant and proposed to

be demolished; however, the façade of the McGibbon hotel is intended to be reconstructed and incorporated into the proposed condominium project.

**Site Development History:**

In November 2015 the Town deemed complete Official Plan and Zoning By-law Amendment applications (File No(s). D09OPA15.003 & D14ZBA15.010) submitted by Silvercreek Commercial Builders (previous applicant), on behalf of the Owner (246776 Ontario Inc.), proposing the development of an 11-storey, 125-unit condominium at 69-79 Main Street South and 94-98 Mill Street. In August 2016 Silvercreek appealed those applications to the Ontario Municipal Board (OMB) on the basis that Council had not made a decision within the statutory timeframes.

On March 17, 2017, the Ontario Municipal Board (OMB) issued a decision to approve, in principle, the development of a 10-storey, 125-unit condominium on the site. Following finalization of the instruments needed to implement the OMB’s decision, a Final Board Order was issued on November 1, 2017. The Final Board Order resulted in the adoption of Zoning By-law 2017-0064, which established the following site-specific permissions:

Zoning Standard	By-law 2017-0064 Approvals
Height	10 storeys (units on the tenth level to have a second storey loft space)
Units	125
Parking (Total)	1.65 spaces/unit + 20 Retail spaces
Resident Ratio	1.5 spaces/unit
Visitor Ratio	0.15 spaces/unit (2017 Minor Variance approval)
Retail Spaces	20 spaces

The by-law also contained a detailed massing schedule that established the setbacks, step-backs and heights for each of the terraced levels for the upper floors of the building.

As part of the OMB decision, community contributions were secured through a Height and Density Bonus (Section 37) Schedule within the by-law. The inclusion of the Section 37 schedule meant that an Official Plan Amendment (OPA) was no longer required and committed the Owner to provide the following, in lieu of obtaining an OPA:

- preserve and construct the upper two floors of the Main Street façade of the McGibbon Hotel using original brick and reconstruct the Mill Street façade using replica brick; and
- the Owner provides a \$500,000 cash contribution to the Town for use towards heritage preservation and/or Downtown Georgetown initiatives.

Additionally, the OMB decision recognized that a number of elements critical to the viability of constructing a condominium on the site had not been resolved prior to issuance of the Final Board Order. These deferred elements were outlined in By-law 2017-0064, through a list of conditions applied to the site through a Holding (H23) Provision. The deferred elements/conditions, which must be satisfied prior to issuance of any Building Permit, are as follows:

- i. Execution of a Section 37 Agreement;
- ii. Silvercreek make payment to the Town of the \$500,000 cash contribution required as part of the OMB decision;
- iii. Obtain Site Plan approval from the Town for the 10-storey, 125-unit condo;
- iv. Preparation of a Heritage Reconstruction & Restoration Plan and drawings that will properly facilitate the preservation/reconstruction of the McGibbon facades;
- v. Provide the necessary information to the Region of Halton to confirm that any potential on-site contamination will be properly assessed and handled prior to construction of the condominium;
- vi. Obtain appropriate servicing allocation from the Town to accommodate the development;
- vii. Obtain easements from the Town over the Town owned Back Street parking lot lands to accommodate access to the garbage and loading area located at the back of the condominium;
- viii. Arrange with the appropriate utility companies (Halton Hills Hydro, Bell, Cogeco) for the relocation of existing utilities; and
- ix. Finalize a Construction Management Plan for the development.

While waiting for the Final Board Order to be issued, the Town had also been reviewing the Site Plan application (File No. D11SPA16.015) submitted by Silvercreek. The Site Plan application was required to finalize and secure the design of the building and servicing components of the site, amongst other things. Silvercreek was also using the Site Plan application process to resolve some of the elements deferred by the OMB outlined above.

However, in December 2018 the Town learned that the condominium development was being cancelled by the Owner due to being unable to achieve suitable financing for the project. At the time of cancellation the Town was waiting for a third submission for the Site Plan application and only 2 of the 9 deferred elements outlined in the Holding (H23) Provision conditions had been addressed – i) execution of the Section 37 Agreement; and iv) conditional approval of the Heritage Reconstruction and Restoration Plan/Drawings.

## **Amico Application:**

On September 16, 2020, Amico Properties (new Applicant) submitted a Zoning By-law Amendment application for 69-79 Main Street South and 94-98 Mill Street seeking to amend site-specific By-law 2017-0064 approved by the OMB in 2017. The key provisions of the by-law Amico is seeking to amend in order to advance the development are:

### **a) increase the number of units from 125 to 169**

The increase in unit count (44 in total) is proposed to be achieved by reducing the average size of the condominium units within the building, resulting in a greater number of smaller units. The gross floor area of the building will remain similar to the previous proposal.

### **b) modify the terraced design of the upper floors of the building**

Amico is proposing to modify the terraced step-backs of the building's upper floors adjacent to Main Street to facilitate the different unit sizes and result in a more traditional building design than the previous concept, which was providing larger terraced units. The massing of the street level podium and incorporation of the McGibbon façade will remain the same. A comparison of the massing and building design for Amico's proposal against the previous project is attached as **SCHEDULE 2** to this report.

### **c) reduce the resident parking ratio to 1.2 spaces/unit and eliminate the 20 retail parking spaces**

Amico is seeking to reduce the number of resident spaces within the building from 1.5 spaces per unit to 1.2 spaces per unit. As part of the proposal Amico intends to provide two auto-share spaces to address the reduction in resident spaces. Each of the auto-share spaces would contain vehicles that are available 24-hours to residents of the building to rent when needed.

Amico is also proposing to eliminate the 20 parking spaces that the previous proposal was including for patrons of the retail units within the building. They are proposing that the 26 visitor spaces (0.15 spaces/unit) being provided to serve the needs of visitors to residents within the building can serve a dual function of being made available to retail patrons as well.

While a reduction to the resident parking ratio is proposed, the total number of spaces within the building would rise from 227 spaces to 231 as a result of the increase in condominium units. To accommodate the additional spaces Amico is proposing to extend the parking garage to the first floor above ground. The above-grade portion of the garage would be situated at the rear of the building, behind the retail space and condo lobby situated at street level on Main Street and Mill Street. Amico is also proposing to reconfigure access to the underground by having inbound vehicles enter off Mill Street and vehicles exit the garage at the rear, into the municipal parking lot, through to Back Street.

As part of the proposal Amico is also seeking to reduce the retail space provided in the building at street level from approximately 1,200 m<sup>2</sup> to roughly 370 m<sup>2</sup>.

Elements of the previous approvals that Amico is proposing to maintain are as follows:

- the ten storey maximum height (units on the tenth level will continue to have a second storey loft space);
- reconstructing the upper two floors of the Main Street façade of the McGibbon Hotel using original brick and reconstruct the Mill Street façade using replica brick; and
- providing the \$500,000 cash contribution to the Town for use towards heritage preservation and/or Downtown Georgetown initiatives.

A comparison of some of the key elements of the previous Silvercreek approvals against Amico’s new proposal are provided below in *Figure 1*.

Zoning Standard	Silvercreek Approval	Amico Proposal
Height	10 storeys (34.4 metres)	10 storeys (36.0 metres)
Units	125	169
Gross Floor Area	18,190 m <sup>2</sup> (195,800 sq.ft.)	17,430 m <sup>2</sup> (187,600 sq.ft.)
Retail GFA	1,200 m <sup>2</sup> (13,000 sq.ft.)	370 m <sup>2</sup> (4,000 sq.ft.)
Parking (Total)	1.65 spaces/unit + 20 Retail spaces	1.35 spaces/unit + 2 auto-share spaces
Resident Ratio	1.5 spaces/unit	1.2 spaces/unit
Visitor Ratio	0.15 spaces/unit	0.15 space/unit
Retail Spaces	20 spaces	N/A

*Figure 1 – Comparison of Silvercreek Approvals against Amico’s Proposal*

As part of the proposal Amico is also proposing to provide a new community contribution in the form of an on-site pedestrian pathway that would connect the municipal parking lot behind the site to Mill Street. This path would be made available for use to the general public to maintain the current level of pedestrian circulation in downtown Georgetown. The provision of the pathway is intended to be secured through a Section 37 Agreement, which would eliminate the need for Amico to obtain an Official Plan Amendment (OPA) to address the proposed increase in units (ie. density) of the project. A conceptual rendering of the proposed path is attached to the report as **SCHEDULE 3**.

A list of reports and drawings submitted in support of the application is attached as **SCHEDULE 4** to this report.

Should Amico obtain approval for the proposed amendments to By-law 2017-0064 they will resume the Site Plan approval process for the project and satisfy the conditions of the Holding (H23) Provision applied to the property under the OMB approval in order to advance the development and begin construction.

## **COMMENTS:**

### **Planning Context:**

In Ontario, when reviewing applications seeking to amend Zoning By-laws, development proposals are expected to conform with and meet the intent of all applicable Provincial, Regional and Municipal policy documents. This section discusses the relevant policy framework that applies to the subject site and proposal.

#### Provincial Policy Statement:

The 2020 Provincial Policy Statement (PPS) provides broad based policies that promote an appropriate range of housing types that makes efficient use of infrastructure and public services facilities, thus supporting the development of healthy communities. The proposal is required to be consistent with the relevant policies of the PPS in accordance with Section 3 of the Planning Act.

#### Growth Plan for the Greater Golden Horseshoe:

The subject lands are part of a larger designated urban area in Georgetown. The Growth Plan contains policies that speak to the provision of a diverse range and mix of housing options to accommodate people at all stages of life and creating an urban form that will optimize infrastructure to support the achievement of complete communities through a more compact built form. As per Section 3 of the Planning Act, the proposal shall conform and not conflict with the Growth Plan.

#### Region of Halton Official Plan:

The 2009 Regional Official Plan (ROP) designates the subject lands as Urban Area (Georgetown). Section 76 of the OP states that the range of permitted uses and the creation of new lots in the Urban Areas will be in accordance with Local Official Plans and Zoning By-laws.

#### Town of Halton Hills Official Plan:

In 2019 Town Council adopted a new Secondary Plan for downtown Georgetown (Destination Downtown). However, final approval of the Plan has not yet been granted by Halton Region. Once approved, the land use designations of Destination Downtown would replace those applicable under the Town's current Official Plan. Until that occurs, Amico's proposed amendments to the previous site-specific approvals for 69-79 Main Street South and 94-98 Mill Street will be evaluated against the policies of the Town's current Plan.

#### *Current Official Plan:*

The subject lands are located within the Georgetown Downtown Area under the Town's current Official Plan and are designated Downtown Core Sub-Area. The Downtown Core Sub-Area is intended to function as a focal point for commerce and hospitality for the Town, accommodating a mix of commercial, residential, cultural and social uses. Uses allowed under this designation include retail/service commercial and residential apartment buildings.

Section D2.5.1.4.3 is intended to guide development in the Downtown Area. Any residential uses along Main Street within the Downtown Core Sub-Area are to be generally directed to the upper floor of buildings as the street level is to be protected for commercial uses. The maximum permitted density for any residential use in the Downtown Core Sub-Area shall not exceed 100 units per net residential hectare and the maximum height shall not exceed 8 storeys.

The proposed 169 units within the revised building would represent a density that exceeds the maximum permitted under the current Plan. In lieu of obtaining an Official Plan Amendment to address the density increase, Amico is proposing to provide a community contribution in the form of an on-site pedestrian path connecting the municipal parking lot behind the site to Mill Street. Section G4.3 (Height and Density Bonus) of the Official Plan allows for the increase in maximum density without an amendment to the Plan if it achieves a public benefit that would otherwise not be realized.

*Destination Downtown Secondary Plan (OPA 37):*

For reference purposes, the subject lands are to fall within the Historic Main Street land use area under the Destination Downtown Plan; under the Built Form map, the site is included within the Mid Rise 1 Building area. These designations would allow for a maximum building height of 6 storeys. The Secondary Plan intends to remove any limits to density within downtown Georgetown, instead relying on built form policies and criteria to establish appropriate building massing.

However, 69-79 Main Street South and 94-98 Mill Street is also identified as Special Policy Area 1 under the Secondary Plan, which recognizes the permissions granted to the site by the OMB in 2017 under By-law 2017-0064. This means that, notwithstanding the land use designations above, a 10-storey building is allowed on the site, subject to the other zoning standards set out in the site-specific by-law.

Town of Halton Hills Zoning By-law:

As per site-specific Zoning By-law 2017-0064 the property is zoned Downtown Commercial 1 Exception 99 (DC1)(99), which permits an apartment building with a maximum height of 10-storeys and 125 units. The massing and design of the building is strictly controlled by a height and massing schedule contained within the by-law. Parking for the site is currently permitted at a rate of 1.5 spaces/unit for residents; 0.15 spaces/unit for visitors (Minor Variance approval) and 20 spaces for commercial/retail purposes.

Through the subject Zoning By-law Amendment application, Amico is proposing to amend site specific By-law 2017-0064 to:

- increase the maximum permitted units from 125 to 169;
- reduce the resident parking ratio from 1.5 spaces/unit to 1.2 spaces/unit;
- eliminate the 20 parking spaces available for commercial/retail purposes; and
- modify the massing schedule.

Amico also intends to amend the Height and Density Bonusing (Section 37) Schedule of the by-law to introduce the on-site pedestrian pathway that would connect the municipal parking lot behind the site to Mill Street as another community benefit.

### **Department and Agency Circulation Comments:**

The Zoning By-law Amendment application was circulated for review and comment to Town Departments and External Agencies on September 24, 2020. The Town has also retained BrookMcIlroy to complete an urban design peer review of the changes Amico is proposing to make to the building massing. BrookMcIlroy was the peer review consultant the Town used to complete the review of the original Silvercreek proposal.

To date, comments have been received from most of the departments and agencies and the Town's urban design peer review consultant. Currently, none of them has objected to the proposed amendments; however, additional information has been requested by some in order to be able to further evaluate the proposal, including:

- revisions to the submitted Parking Study in order to determine the appropriateness of the proposed parking reductions;
- additional detail pertaining to the proposed changes to the step-backs of the upper floors of the building to determine whether the revised massing will result in any negative impacts.

### **Public Comments:**

To date, Planning staff has received one (1) e-mail and two (2) phone calls from residents regarding the application. None of the residents objected to Amico's proposal to restart the McGibbon project; however, one of them did question whether the proposed parking reduction would create parking issues for the downtown.

The purpose of the Public Meeting is to obtain additional comments and feedback from the community. Any further comments received from the public will be reviewed, addressed and included in the final Recommendation Report.

### **RELATIONSHIP TO STRATEGIC PLAN:**

The final Recommendation Report will address the relationship between the proposed development and the Town's Strategic Plan.

### **FINANCIAL IMPACT:**

There is no financial impact associated with this particular report.

### **CONSULTATION:**

Amico met with Town staff to discuss their proposed amendments prior to filing the subject application.



## **PUBLIC ENGAGEMENT:**

Planning Staff will continue to ensure that Transparency, Notification and Participation, as defined in the Town's Public Engagement Charter, continue to be at the core of the Public Consultation Strategy throughout the review process for the subject proposal.

## **SUSTAINABILITY IMPLICATIONS:**

The final Recommendation Report will address the relationship between the proposed development and any sustainability implications.

## **COMMUNICATIONS:**

Public Notification Key Dates:

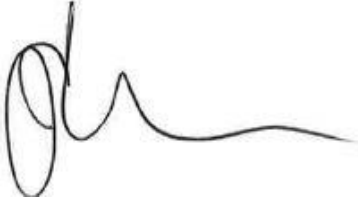
- Oct. 2, 2020: Notice of Received Applications and the Public Meeting Notice mailed out to all property owners and tenants assessed within 120 m of the subject property and e-mailed to those individuals who participated in the previous application process.
- Oct. 2, 2020: Signs posted on the Main St. and Mill St. façades of the McGibbon Hotel building explaining the purpose of the application and advising of the Public Meeting date.
- Oct. 8, 2020: Notice of Public Meeting published in the Independent & Free Press.
- Oct. 22, 2020: Courtesy Notice published in the Independent & Free Press.

## **CONCLUSION:**

The proposed Zoning By-law Amendment seeks to amend the site-specific approvals granted by the OMB in 2017 for 69-79 Main Street South and 94-98 Mill Street in order to advance the McGibbon Hotel condominium project, which had been previously cancelled in 2018.

Once all relevant information, reports and comments have been reviewed and assessed, a final Recommendation Report, which summarizes all agency and public comments and assesses the merits of the application, will be prepared.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to be 'J. Linhardt', with a long horizontal flourish extending to the right.

John Linhardt, Commissioner of Planning and Development

A handwritten signature in black ink, appearing to be 'C. Mills', with a long horizontal flourish extending to the right.

Chris Mills, Acting Chief Administrative Officer