



## REPORT

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

**REPORT FROM:** Jeff Markowiak, Acting Manager – Development Review

**DATE:** March 12, 2018

**REPORT NO.:** PLS-2018-0023

**RE:** **INFORMATION REPORT**  
McGibbon Condominium – Project Status Update  
File No.: D11SPA16.015  
Applicant: 246776 Ontario Inc. (Silvercreek Commercial Builders)  
Location: Part Lots 1, 2 & 3, Registered Plan 37, Part Lot 18,  
Concession 9, Town of Halton Hills, Regional Municipality of Halton  
69-79 Main Street South; 94-98 Mill Street (Georgetown)

### RECOMMENDATION:

**THAT** Report No. PLS-2018-0023, dated March 12, 2018, with respect to the Information Report for the “McGibbon Condominium – Project Status Update, File No. D11SPA16.015, submitted by 246776 Ontario Inc. (Silvercreek Commercial Builders), for the lands legally described as Part Lots 1, 2 & 3, Registered Plan 37, Part Lot 18, Concession 9, Town of Halton Hills, Regional Municipality of Halton, municipally known as 69-79 Main Street South; 94-98 Mill Street (Georgetown)”, be received for information.

### PURPOSE OF THE REPORT:

The purpose of this report is to provide Council with a status update on the review of the McGibbon condominium project. The update pertains to Site Plan application D11SPA16.015 as well as matters required to be resolved prior to the issuance of a building permit, as per the Section 37 Agreement and Holding Provision secured through the OMB approval.

### BACKGROUND:

On March 17, 2017, the Ontario Municipal Board (OMB) issued a decision to approve, in principle, site specific permissions to allow for the development of a 125-unit, 10-storey condominium on the subject property, referred to as the McGibbon site.

Before the OMB would issue a Final Board Order the Owner (Silvercreek Commercial Builders) was required to first enter into a Section 37 Agreement with the Town to commit them to, amongst other things:

- preserve and reconstruct the upper two floors of the Main Street façade of the McGibbon Hotel using original brick and reconstruction of the Mill Street façade of the McGibbon Hotel using replica brick;
- provide a \$500,000 cash contribution to the Town for use towards heritage preservation and/or Downtown Georgetown initiatives; and
- agree to the methods and mechanisms required to resolve some of the outstanding matters pertaining to the development that were deferred as part of the OMB decision. These deferred matters were identified by the Town and Silvercreek prior to, and through, the OMB process but additional work was required to complete these matters before construction of the condo could begin.

Following registration of the Section 37 Agreement on-title the OMB issued their Final Board Order on November 1, 2017, which resulted in the formal adoption of By-law 2017-0064. By-law 2017-0064 officially grants site specific zoning permission for the 10-storey, 125-unit condominium and also outlines the complete list of deferred elements through the conditions of a Holding (H23) Provision (see **SCHEDULE 1 - HOLDING PROVISION OF BY-LAW 2017-0064**).

As per the OMB decision, the deferred elements outlined through the Holding (H23) Provision (and Section 37 Agreement) must be resolved before a Building Permit can be issued. These deferred elements 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.

## **COMMENTS:**

For the past year Town staff has been working with Silvercreek to resolve the outstanding matters deferred as part of the OMB decision. A status update is provided below for each of the deferred elements outlined in the Holding (H23) Provision for the site and listed earlier in this report.

### **i) Execution of a Section 37 Agreement:**

This was completed prior to the issuance of the Final Board Order on November 1, 2017.

### **ii) Payment of \$500,000 community contribution:**

The OMB decision required that Silvercreek provide the Town with a \$500,000 cash contribution for use towards heritage preservation in the Town and/or other Downtown Georgetown initiatives.

The Town has not yet received the \$500,000. However, the Town is not expecting to receive payment until all other outstanding matters have been resolved.

### **iii) Site Plan Approval:**

The 10-storey, 125-unit condominium building is required to obtain Site Plan approval from the Town prior to issuance of a Building Permit. The purpose of the Site Plan process is to evaluate the final design of the building and site, the lay-out of the underground garage, servicing and structural components of the condominium and to address any Regional matters associated with the project, amongst other things.

Silvercreek submitted a complete Site Plan application towards the beginning of 2017 (File No. D11SPA16.015). The initial Site Plan submission was circulated to Town departments and agencies for review in March 2017 and staff provided their comments and deficiencies in May 2017. The second Site Plan submission was filed by Silvercreek in October 2017 and Town and Regional staff completed their review at the beginning of November 2017.

The Town and Halton Region are now waiting for a resubmission from Silvercreek to address the November 2017 comments provided by staff, which are technical in nature but critical to the function and operation of the condominium. Once all of the outstanding matters have been resolved Town staff will be in a position to issue Conditional Site Plan Approval.

Conditional Site Plan approval outlines conditions that Silvercreek must satisfy before the issuance of Final Approval. Typical conditions include entering into a Site Plan agreement, providing any financial securities associated with the project, making payment of any cash-in-lieu of parkland fee and submitting full sets of the approved drawings. Once Final Site Plan approval has been granted by the Town this matter will be resolved.

Town staff does not have a timeframe for the issuance of Conditional Site Plan Approval as the Town is still waiting on a site plan resubmission from Silvercreek to address the November 2017 comments.

It should be noted that the Site Plan application review process is also being used to resolve a number of the other outstanding elements deferred by the OMB decision, including the Halton Region Protocol for Contaminated sites, the easement over the Back Street parking lot and the Construction Management Plan.

**iv) Heritage Reconstruction and Restoration Plan and Drawings:**

The preservation of the McGibbon Hotel facades and incorporating those facades successfully into the new condominium project was a significant component of the approval issued by the OMB. The preparation of a Heritage Reconstruction and Restoration Plan and associated drawings was required to properly facilitate the preservation/reconstruction of the facades.

The Town and Silvercreek agreed to conditional approval of the Heritage Reconstruction and Restoration Plan and associated drawings on February 12, 2018. Upon receipt of the appropriate financial security from Silvercreek, to ensure the proper delivery of the Reconstruction and Restoration Plan, the Town will consider heritage matters associated with the project to be resolved.

**v) Halton Region Protocol for Review of Contaminated Sites:**

A Phase II Environmental Site Assessment (ESA) submitted by Silvercreek suggested that the subject site is located adjacent to a former waste disposal site (currently the Back Street parking lot). As such, the Region of Halton Protocol for Contaminated Sites requires that a detailed Risk Assessment be completed by Silvercreek and submitted to the Ministry of Environment and Climate Change (MOECC) for confirmation that a condominium is appropriate for the site.

Silvercreek has advised that the MOECC has accepted their Risk Assessment and has no concerns. Silvercreek is now waiting to receive the formal clearance from the MOECC to forward to the Region to satisfy their Protocol and resolve this matter.

**vi) Servicing Allocation:**

The Region has advised the Town that a total of 65 Single Detached Equivalents (SDE's) of water allocation is required to support the 125-unit condominium. The Town is required to allocate the SDE's prior to issuance of a Building Permit.

The Town has the necessary 65 SDE's available to allocate to the project and will do so once all other outstanding matters have been resolved.

### **vii) Back Street Parking Lot Easement:**

The garbage and loading area for the McGibbon condominium project is proposed to be located at the rear of the building. Garbage and moving trucks will be required to traverse a portion of the Town owned portion of the Back Street public parking lot to gain access to the rear of the building. To accommodate this access the current parking configuration for the Back Street lot will need to be re-designed.

Prior to the OMB hearing Silvercreek had not provided the Town with a plan illustrating the viable reconfiguration of the Back Street parking lot. The preliminary design solution produced by Silvercreek suggests the loss of 2 to 3 parking spaces. The Section 37 Agreement requires that any re-configuration of the parking lot will not result in the loss of any public parking spaces intended to serve the Downtown area.

The resolution of this matter remains outstanding. Silvercreek has yet to identify a design solution for the Back Street parking lot that will provide access to the garbage/loading area without resulting in a loss of public parking spaces. Town staff is working with the Town Solicitor and Silvercreek to explore all options to try and resolve this matter and secure the appropriate access to the garbage and loading area for the condominium.

### **viii) Utility Relocation:**

Many of the buildings in Downtown Georgetown are currently serviced by Halton Hills Hydro, Bell Canada and Cogeco through over-head connections that use shared utility poles running through the Back Street parking lot. One of these utility poles is located on the McGibbon development site. To accommodate the condominium project the pole needs to be removed which will require the relocation of the utilities that share the pole.

Prior to construction commencing on the McGibbon site Silvercreek must make arrangements directly with Halton Hills Hydro, Bell and Cogeco to relocate the utilities to ensure that there is no service disruption to any building in Downtown Georgetown.

As per the OMB decision, Silvercreek is responsible for working with the utility companies directly to resolve this outstanding matter and has not provided the Town with an anticipated timeframe for the work to be completed. However, Silvercreek has advised that they are entering the final design stage with the utility companies for the relocation of the services.

Once Silvercreek has made the necessary arrangements with all of the parties they will be required to enter into a Servicing agreement with the Town as their contractors will be doing most of the work to relocate the utilities within the Town's right-of-way or the Back Street parking lot. Completion of a Servicing agreement is not a lengthy process and will represent the resolution of this matter.

### **ix) Construction Management Plan:**

Silvercreek is required to prepare and submit to the Town a satisfactory Construction Management Plan that outlines how any potential impacts associated with construction activity for the condominium will be minimized for neighbourhood residents/businesses and users of the surrounding streets, sidewalks and parking lots.

Town staff provided comments on the most recent Construction Management Plan submission as part of the November 2017 Site Plan comments. Additionally, Town staff and representatives from the Georgetown BIA met with Silvercreek in February to establish and outline additional expectations for the Construction Management Plan. This matter will be resolved once Silvercreek provides the Town with a Construction Management Plan that adequately responds to the comments provided to date.

### **Moving Forward:**

Since the issuance of the March 2017 OMB decision significant progress has been made towards the resolution of many of the outstanding elements deferred by the OMB decision. While the status of most of the deferred elements currently reside with Silvercreek, Town staff remains committed to working with Silvercreek to resolve the outstanding matters expeditiously. Town staff is optimistic that the outstanding matters can be resolved within the next few months.

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

This is an Information Report and has no relation to the Strategic Plan.

### **FINANCIAL IMPACT:**

There is no financial impact associated with this particular report.

### **COMMUNICATIONS IMPACT:**

There are no communications impacts associated with this report.

### **SUSTAINABILITY IMPLICATIONS:**

There are no direct sustainability implications associated with this report.

### **CONSULTATION:**

Public consultation was not required for the preparation of this Information Report.

**CONCLUSION:**

It is recommended that Council receive this report for information.

Respectfully submitted by,

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Jeff Markowiak, MCIP, RPP  
Manager (Acting) of Development Review

Reviewed and Approved by,

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John Linhardt, MCIP, RPP  
Commissioner of Planning & Sustainability

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Brent Marshall  
Chief Administrative Officer

## SCHEDULE 1 – HOLDING PROVISION OF BY-LAW 2017-0064

### 14.1 HOLDING ZONES

	Zone Designation	Property/Legal Description	Conditions for Removal	Date Enacted
H23	DC1(99)	69-79 Main Street South and 94-98 Mill Street (Georgetown), (Part Lots 1, 2 & 3, Registered Plan 37, Part of Lot 18, Concession 9)	<p>The Holding (H23) provision may be lifted upon:</p> <ul style="list-style-type: none"> <li>i) Execution of agreement under Section 37 of the <i>Planning Act</i> providing for the public benefits referenced in SCHEDULE 4 of this Bylaw;</li> <li>ii) Payment of the \$500,000 contribution as set out in SCHEDULE 4 of this Bylaw and in the agreement under Section 37 of the <i>Planning Act</i>;</li> <li>iii) Approval of a Site Plan application and execution of a Site Plan Agreement in accordance with Section 41 of the <i>Planning Act</i>, for any future development;</li> <li>iv) Approval by Town Administration of a Heritage Reconstruction and Restoration Plan, prior to the issuance of any Demolition Permit(s);</li> <li>v) The Owner satisfies the Region of Halton's Protocol for Review Contaminated and Potential Contaminated sites, by submitting a Ministry of the Environment and Climate Change acknowledged Record of Site Condition in accordance with Ontario Regulation 153/04, or the Owner provides documentation prepared by a Qualified Professional that demonstrates that the lands are or will be suitable for the intended use, both of which shall be to the Region of Halton's satisfaction;</li> <li>vi) The Town of Halton Hills and the Region of Halton being satisfied that the subject site has received the necessary servicing allocation (SDE). A Water Usage and Sanitary Discharge Report shall be submitted to the Region of Halton for review;</li> <li>vii) Arrangements for the securing of an easement over the Back Street parking lot, to the satisfaction of Town Administration;</li> <li>viii) Arrangements for the relocation of existing utilities located on the subject lands, to the satisfaction of Town Administration; and</li> <li>ix) Approval by Town Administration of a Construction Management Plan.</li> </ul>	November 1, 2017