

TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

PREPARED BY: J. LAMBIE, SENIOR URBAN DESIGN PLANNER

FROM: A. BOURRIE, RPP, DIRECTOR OF PLANNING & BUILDING SERVICES

NOTED: D. FRIARY, ACTING GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: PROPOSED ZONING BY-LAW AMENDMENT (FILE NO. D14-1645)
53, 55, 59, 61, 67 OWEN ST; 70-74, 76, 78 WORSLEY ST; 55, 57 MCDONALD STREET (WARD # 2)
BARRIE OWEN SERVICE INC.

DATE: JUNE 11, 2018

Purpose:

The purpose of this Memorandum is to advise Members of Council of the status of an application for a Zoning By-law Amendment submitted by 'MHBC Planning' on behalf of Barrie Owen Service Inc. for lands known municipally as 53, 55, 59, 61, 67 Owen St; 70-74, 76, 78 Worsley St; 55, 57 McDonald Street.

Given recent changes to the *Planning Act* as a result of new Planning legislation known as Bill 139, Planning staff feel it is necessary to bring this memorandum forward to identify the current status of the subject application and to ensure that the memorandum forms part of the official record. Bill 139 has resulted in changes to the review and processing of *Planning Act* applications, as well as the appeal process associated with said applications. According to Section 34 of the *Planning Act*, municipalities are required to make a decision on a Zoning By-law amendment application within 150 days of deeming an application complete. If a decision is not made within the 150 day timeframe, an applicant may appeal the application to the Local Planning Appeals Tribunal (LPAT) for a non-decision. In this case, the review period associated with the subject application expires on June 24, 2018. Given the revisions that need to be made to the application, and the Council recess during the months of July and August, a decision will not be made on the subject application until the Fall of 2018. The applicant has submitted a letter to the City (please refer to Appendix C) acknowledging that the application will not be considered by General Committee until September of 2018 and confirming that an appeal for a non-decision will not be filed with the LPAT.

At the present moment, the Planning Justification Report (PJR) submitted by the applicant's consultant is the only information that forms part of the official record associated with the subject application. If the applicant were to file an appeal on the subject application, the applicant's PJR and associated information are the only documents that would be heard as evidence by the LPAT. Planning staff are working closely with the applicant and their consultants to resolve issues with the subject application and are not expecting to receive an appeal, however, Planning staff feel it is important to bring a memorandum forward to General Committee to ensure that the information contained herein forms part of the official record associated with the subject application.

Background:

The subject lands are located on the west side of Owen Street West, north of Worsley Street and south of McDonald Street, and have an area of approximately 0.39 hectares (0.96 acres) – please see Appendix A: Site Location Map. The subject lands are designated 'City Centre Commercial' in the City's Official Plan and are zoned 'Transition Centre Commercial' (C2) and 'Transition Centre Commercial' with special provision (C2-1) in accordance with Zoning By-law 2009-141, as amended. The subject lands are located within the Urban Growth Centre as identified on Schedule I of the Official Plan.

The intent of the proposed Zoning By-law Amendment is to allow the development of a 9 storey podium building and 20 storey tower. The subject application was received and deemed to be complete by the City on January 25, 2018. The application was circulated to all applicable City departments and external agencies for review and comment. Planning staff have been working collaboratively with the applicant, their consultants and our technical review team through the technical review process. In doing so, City staff have found success in identifying issues early-on in the Planning process.

Public Consultation:

A Neighbourhood Meeting was held on February 8, 2018, regarding the proposed Zoning By-law Amendment. A total of fifty (50) local residents attended the meeting. Residents raised issues such as:

- Servicing capacity;
- Garbage and Operations;
- Traffic congestion and concerns with only one vehicular access point;
- Construction impacts to adjacent properties;
- Increased height, density and shadow impacts;
- Loss of privacy on adjacent lots.

A Public Meeting was held on April 16, 2018, regarding the proposed Zoning By-law Amendment. Mr. Eldon Theodore of MHBC Planning, on behalf of Barrie Owen Service Inc., provided an overview of community consultation efforts and subsequent concept plans for the development and overview of the application. Two verbal comments from local residents generally in favour of the development were received at the Public Meeting.

Key Issues:

The applicant is proposing to amend the zoning of the subject lands to 'Transition Centre Commercial' (C2-1) (SP) to permit the development of a 9 storey building with approximately 289 residential units and active ground floor uses (Appendix B: Proposed Site Plan, Building Elevations and Architectural Perspectives). The applicant is requesting the following site specific zoning provisions to facilitate the development of the proposed building:

| Zoning Standard | Required | Proposed C2-1 (SP) Zone |
|-----------------------------------------------------------|------------------------------------------------------------|--------------------------------|
| Lot Area (min.) | -- | 0.39ha (3,968 sm) |
| Lot Frontage (min.) | -- | 40.3m |
| Front Yard (min.) | -- | 1.0m |
| Side Yard Adjoining Residential Zone (min.) (east) | 6m | 3m |
| Side Yard Adjoining Street (min.) (west) | 3m along southern exposure 6.1m along northern exposure | 1m |
| Rear Yard Adjoining – Residential Zone (min.) | 7m | n/a |
| Rear Yard Adjoining – Street (min.) | -- | 1m |

| | | |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Lot Coverage (max.) | -- | 75% |
| Gross Floor Area (max.) | 400% | 706% |
| Building Height (max.) (C2 Zone – north) | 15m | 29m |
| Building Height (max.) (C2-1 Zone – south) | 10m within 5m of front lot line and flankage, 30m beyond 5m of front lot line | 10m within 5m of front lot line and flankage, 67m beyond 5m of front lot line |
| Coverage for Commercial Uses (% of lot area) | 50% | 413 sm 10% |
| Landscape Buffer Area | 3m along side lot lines | 1m (east side yard, southern exposure) |
| Parking Standards for residential units in Urban Growth Centre | 1 space per dwelling unit (289 min.) | 471 total 359 standard 112 tandem |
| Multiple Uses in Commercial Zones – Retail Store | 1 space per 24sq.m of GFA 2 min. | 25 |
| Underground Parking | Nothing in this by-law shall prevent the location of a parking structure underground in any part of any required front yard, side yard, or rear yard on a lot provided such structure underground is not within 3m of a street line | 1m encroachment into Owen Street Public Right Of Way |

Through the technical review process associated with the subject application, a number of issues were identified such as soil and geotechnical conditions, parking, density and height, establishing limits of development, and traffic impacts. These issues are delaying staff in bringing the application forward for Council's consideration at this time. Once the applicant has revised their proposed concept plans and provided updated supplementing information, Planning staff will bring forward a Staff Report with a recommendation for Council's consideration in September 2018.

A summary of the key issues associated with the subject application have been summarized below.

Soil Conditions and Impacts to Underground Parking and Building Height and Density

Through the applicants due diligence and technical review it was recognized that soil conditions on site will preclude the 4 levels of underground parking that were originally proposed in the application. The applicant identified to Staff that 2 levels of underground parking could be provided and that 2 levels of parking will be required in above grade in a podium structure. This change resulted in further exploration and changes to the proposed concept design, site circulation, and scale and massing of the built form in April and May of this year. This change will also require more attention to the quality of urban and architectural design of the podium in any future site plan application.

Height and Density

The most current concept plan accommodating changed parking layout indicates a total of 289 units. This represents an overall density of 728 units per hectare on the subject property. The proposed development is considered to be high density in accordance with Policy 4.2.2.2 (e) of the Official Plan as it exceeds 54 units per hectare. Policy 4.2.2.3(c) of the Official Plan restricts high density developments in excess of 150 units per hectare to locations within the City Centre unless an Official Plan Amendment has been approved.

The applicant is proposing maximum building heights of 29 metres (9-storeys) and 67m (20-storeys) for the subject lands. The C2 and C2-1 zone standards of By-law 2015-097 permit a maximum building height of 15 and 30 metres (approximately 4 and 9-storeys) respectively.

While attempting to incorporate the parking structure into the architectural concept, the applicant made proposals for additional height (9 and 24 storey buildings on a 6 storey podium) in an effort to not lose any units. Understanding the context of the subject property and its location within a transition commercial zone at the edge of the Urban Growth Centre - adjacent to a stable low-rise neighbourhood - Planning staff have advised the applicant that building heights consistent with the originally proposed 20 and 8 storeys would provide adequate transition to the surrounding built form. In doing so, the overall unit count for the proposed development, would be reduced from 307 to 289.

Bonusing policies of the City's Official Plan will apply to the proposed development. Based on a final concept's height and density, the applicant will be required to complete a land appraisal identifying the value before and after the proposed rezoning. Staff will then ask the bonusing committee to negotiate community benefits. The developer has expressed possible interest in affordable housing, and the Barrie Public Library has requested that the City consider the redevelopment of the public space in front of the library as the community benefit.

Sanitary Servicing

The technical review identified a potential bottleneck in sanitary pipe downstream from the proposed development; a 250mm diameter pipe fed by, and connecting to 300mm sanitary pipes. Engineering, Development Services, has determined that although the smaller sized downstream sanitary sewer section will still technically be undersized according to the City's new sewer design guidelines, the application of the particular specified flow volume limit under this situation may not be fully justified. The new guidelines were formulated to provide guidance for new infrastructure installations to provide a conservative level of confidence (factor of safety) that maintenance issues would not develop in new systems. The guidelines were not meant to evaluate existing systems in order to initiate upgrades. The re-evaluation of the sewer section in question looked at the specific flow evaluation criteria "depth of flow/pipe diameter" not to exceed 70% (not simply a rough calculation of "design flow/pipe capacity"). When evaluated this way, as per the guideline, the ratio ends up to be 76% for projected/calculated future flows. Which even though we are not required to hold existing infrastructure to meet, it is pretty close to the conservative criteria of 70%. Engineering, Development Services will therefore not be requiring the downstream 250 dia. section of sanitary sewer to be upgraded to a 300 dia. pipe for this development to proceed.

Storm Water Servicing

Through the applicant's due diligence and technical review, it was identified that a storm sewer crosses the corner of the proposed development site at Owen Street and McDonald Street intersection. The current upstream drainage must be accounted for and appropriately conveyed. Unfortunately, because City storm infrastructure records are incomplete for areas upstream of the storm sewer (McDonald and Codrington east to Mulcaster, and some of Peel St. and Sophia E), an independent evaluation of the drainage sources to that sewer will need to be performed if alternative routing/sizing is proposed.

The site is also located on the edge of a flood spill area regulated by the Lake Simcoe Region Conservation Authority, as identified in the recently completed Sophia Creek MDP Update (Nov 2017). The applicant will ultimately have to address the identified floodplain through appropriate design to satisfy requirements of the City of Barrie and the Lake Simcoe Region Conservation Authority. Engineering, Development Services and the LSRCA are currently working to identify these requirements.

Parking

The applicant is proposing a total of 471 parking spaces for the entire development including 290 spaces for residential units, 44 visitor parking spaces, 112 tandem spaces, and 25 spaces for commercial ground floor uses. This represents a total of 1.6 parking spaces per unit for the 289 residential units being proposed and 1 space for 16 square meters of ground-floor commercial uses.

According to the Residential zone standards in Zoning By-law 2009-141, a total of 1 parking space per unit is required for residential developments inside of the Urban Growth Centre (UGC). This represents a total of 289 residential parking spaces for the proposed development. Zoning By-law 2009-141 also requires a minimum of 1 parking space per 24 square metres of GFA for multiple commercial uses. As such, a total of 17 commercial parking spaces are required for the proposed development (413sm of commercial space). In accordance with Zoning By-law 2009-141, an overall total of 308 parking spaces, excluding barrier-free spaces, would be required for the proposed development. Currently, the proposed development provides an additional 80 parking spaces beyond the zoning requirements. Given that the application meets or exceeds the by-law requirements, Planning staff would generally support tandem parking spaces for multiple bedroom units.

It is important to note that the applicant has requested that the City consider a 1.5m encroachment into the Public Right of Way, underneath Owen Street, for the underground parking structure. Legal Services indicated that the City could grant an easement, lease, or convey stratified title to the Forrest Group. The applicant has provided examples of stratified easement agreements for City Review. Technical Review staff are currently reviewing the feasibility of the encroachment.

Traffic Impacts

To respond to poor soil conditions, the applicant has reduced the number of levels of underground parking and added 2 levels of structured podium parking. This change required a second access into the site. The applicant is currently proposing a right-in-right-out access off of McDonald Street, on the north east corner of the site, to access the parking podium. In discussion with Traffic Services and Operations staff, it is understood that the geometry of the intersection at Owen, McDonald and Codrington would require improvements to accommodate this access. The applicant has accepted the principle of these improvements as a condition of approval. As such, the City's Traffic Services staff have requested that the applicant submit an updated Traffic Impact Study (TIS) to reflect these changes. The TIS is an important component of the subject application as it will determine whether the proposed development will generate negative impacts on the flow and function of traffic. The TIS will also identify potential design measures that may be considered to mitigate traffic impacts that the proposed development may generate.

Next Steps:

The applicant and their consulting team are currently in the process of addressing all comments and updating required studies and reports to address comments that have been provided by Planning staff, the City's technical review team and the Lake Simcoe Region Conservation Authority (LSRCA). In doing so, the applicant is making revisions to the proposed concept plan for rezoning and preparing additional information and/or studies in support of the subject application. This may result in changes to the development proposal, and address many of the issues explored above.

After discussions with the applicant and their Planning consultant, it was agreed that an extension to the review period for the Zoning By-law Amendment application would be required in order to leave enough time to finalize an updated concept, execute land appraisals, form the bonusing committee and negotiate community benefits. Planning staff feel that it is appropriate to resolve these issues, and those noted above, before the application is brought forward to Council in a Staff Report. In doing so, Council can feel more confident in making a decision on the application and residents will be able to see that the applicant has made an effort to address concerns. Given the Council recess during the months of July and August, a Staff Report is scheduled for September 10, 2018.

If you have any questions, please contact the Planning file manager, Jordan Lambie at 705-739-4220 extension 4324 or via email at jordan.lambie@barrie.ca.

Appendix 'A'

Site Location Map

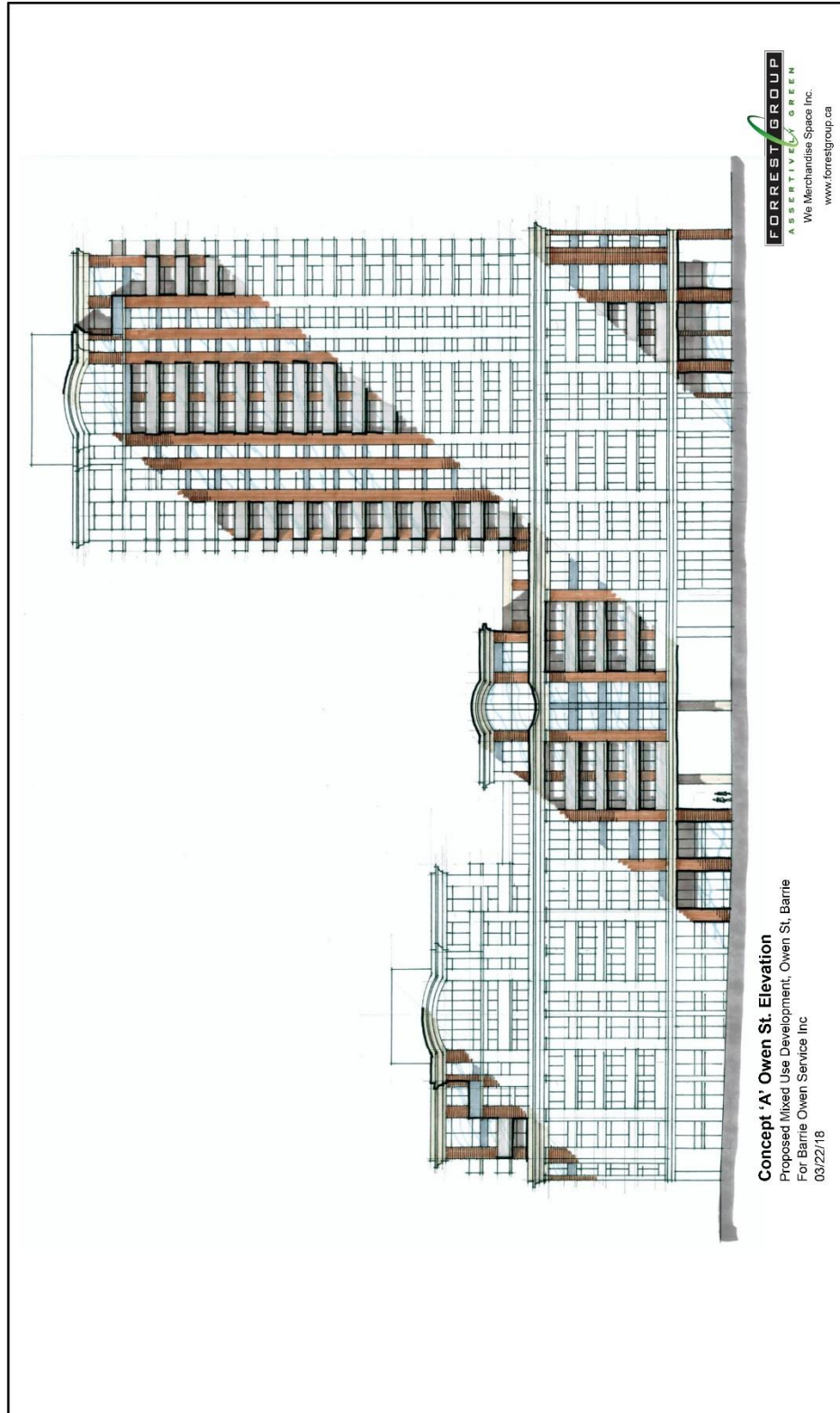


Proposed Site Plan and Elevation Plans

Original Application Site Plan



Original Application Elevation



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Hand-drawn site plan of the ground floor of the Barefoot Women's Center. The plan shows a large rectangular building with a central corridor. On the left side, there is a 'RAMP UP' and a 'RAMP DOWN'. A 'LOBBY' area is located near the ramp down. The main building is divided into several rooms: TH 1, TH 2, TH 3, TH 4, TH 5, TH 6, and TH 7. There are also 'CONDO LOBBY' areas and a 'BATH' room. A 'CHURCH PARKING' area is shown outside the building. The plan is oriented with 'OWNEN ST.' at the top and 'FOREST GROUP' at the bottom. A scale bar indicates 30m. A legend on the right side provides data for the building, including the number of units, total area, and parking spaces.

30m

RAMP UP

RAMP DOWN

LOBBY

CHURCH PARKING

TH 1

TH 2

BATH

TH 3

TH 4

TH 5

TH 6

TH 7

CONDO LOBBY

CONDO LOBBY

OWNEN ST.

FOREST GROUP

#2400

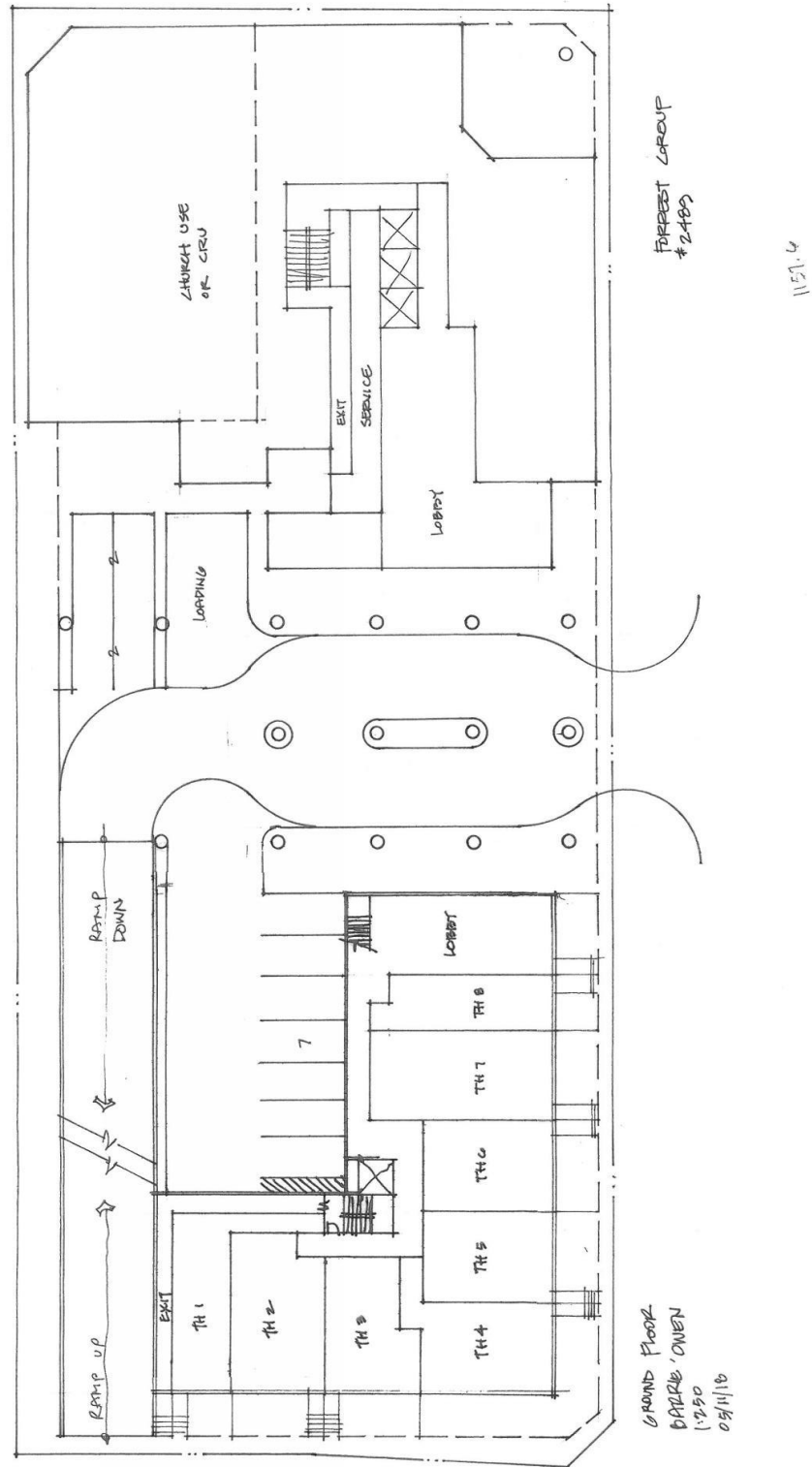
DATA

SUITS - 231

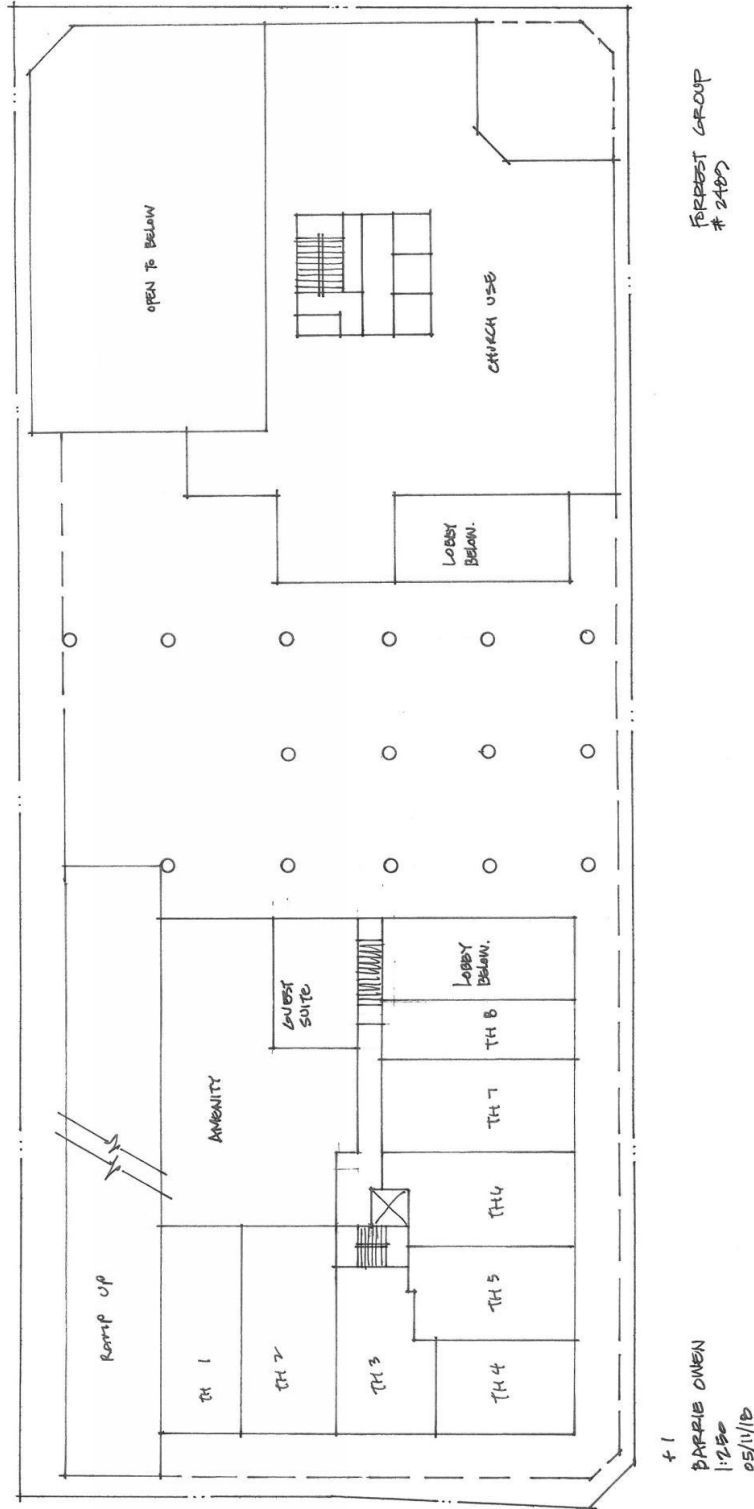
GFA - 23571ca m² (podium parking excluded)

PARKING - 308 stalls + (tandem excluded)

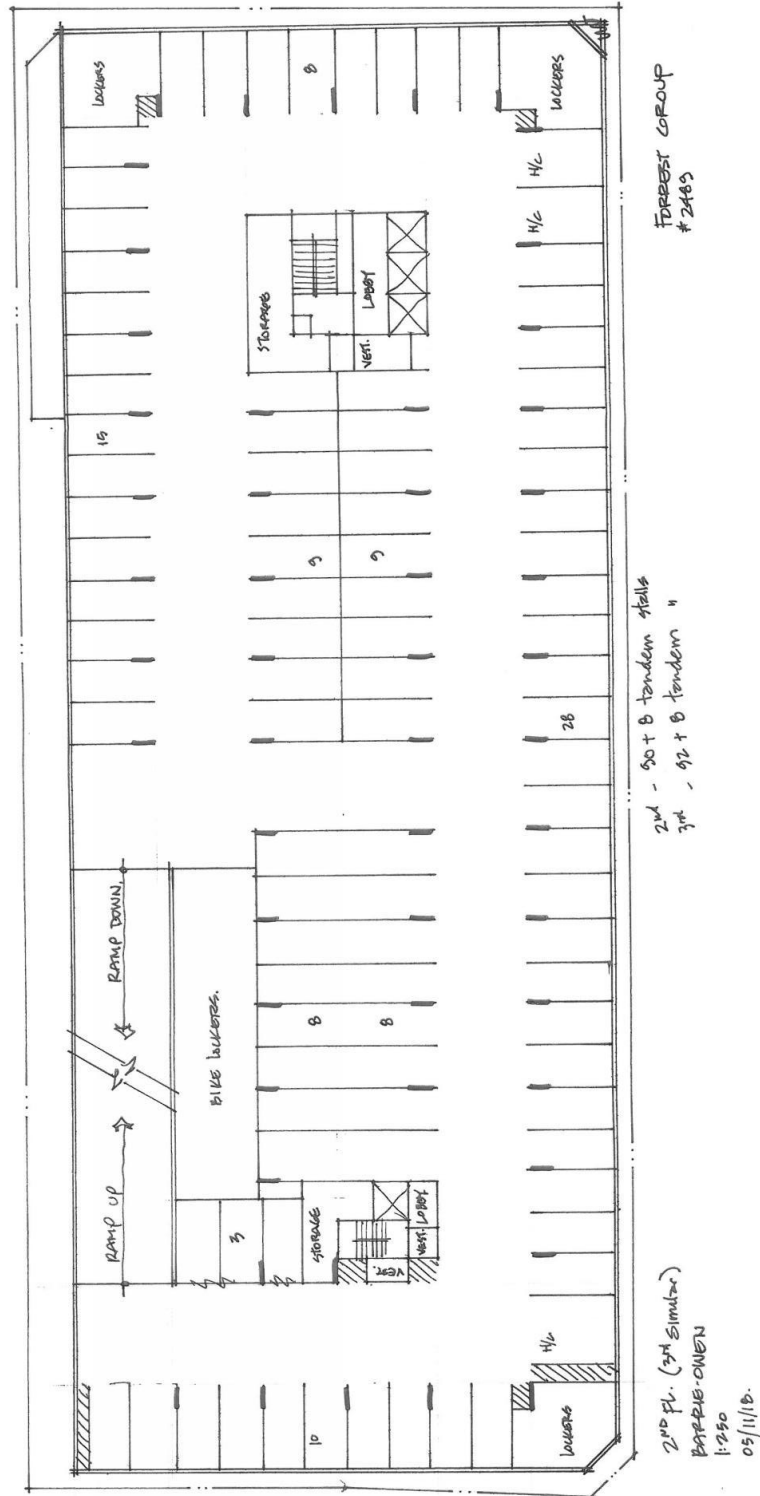
Current Proposal Ground Floor Plan



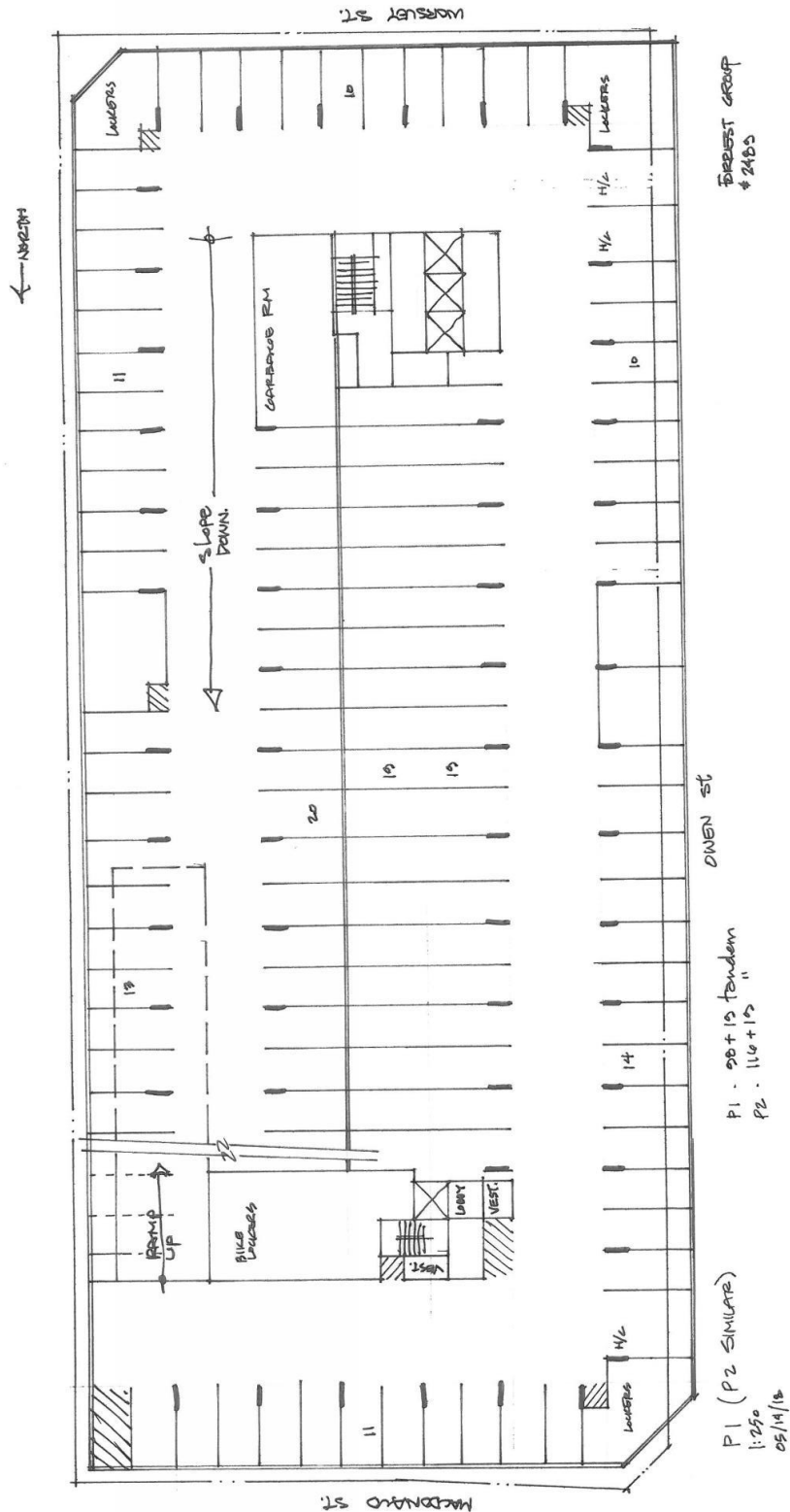
Current Proposal Level 2



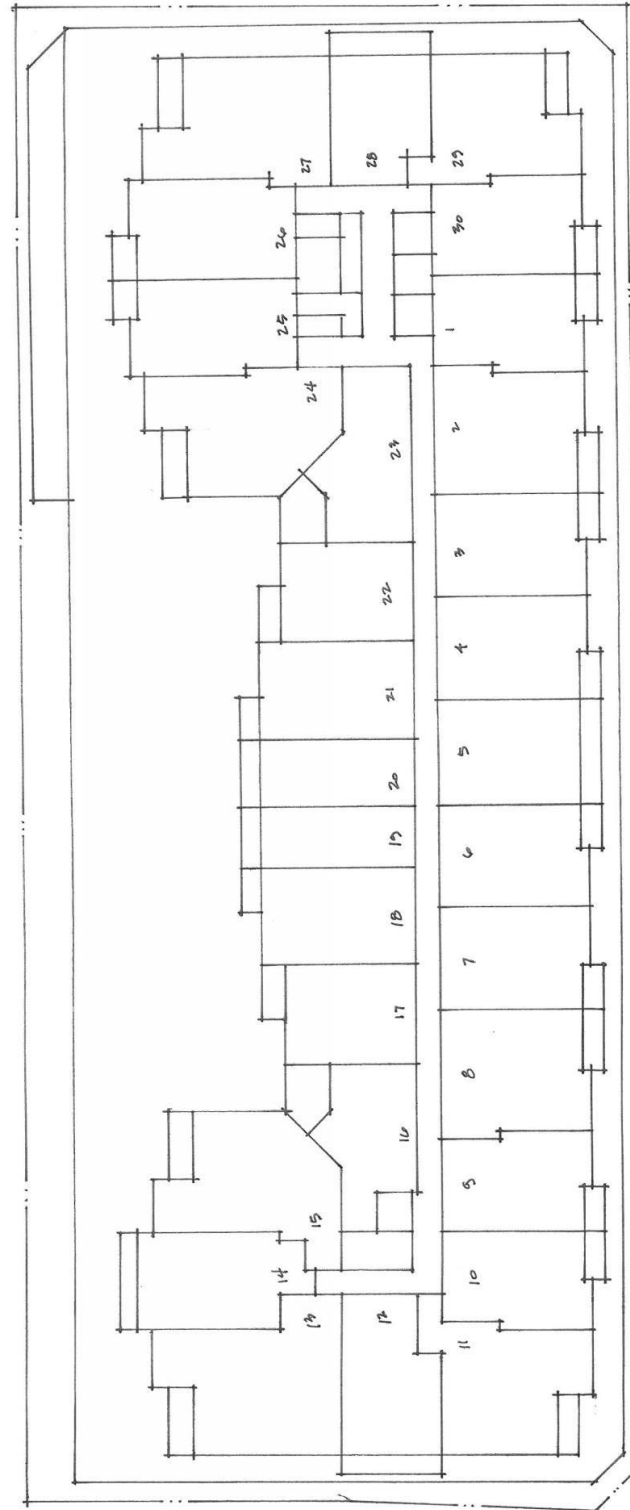
Current Proposal Ground Podium Parking Plan



Current Proposal Underground Parking Plan



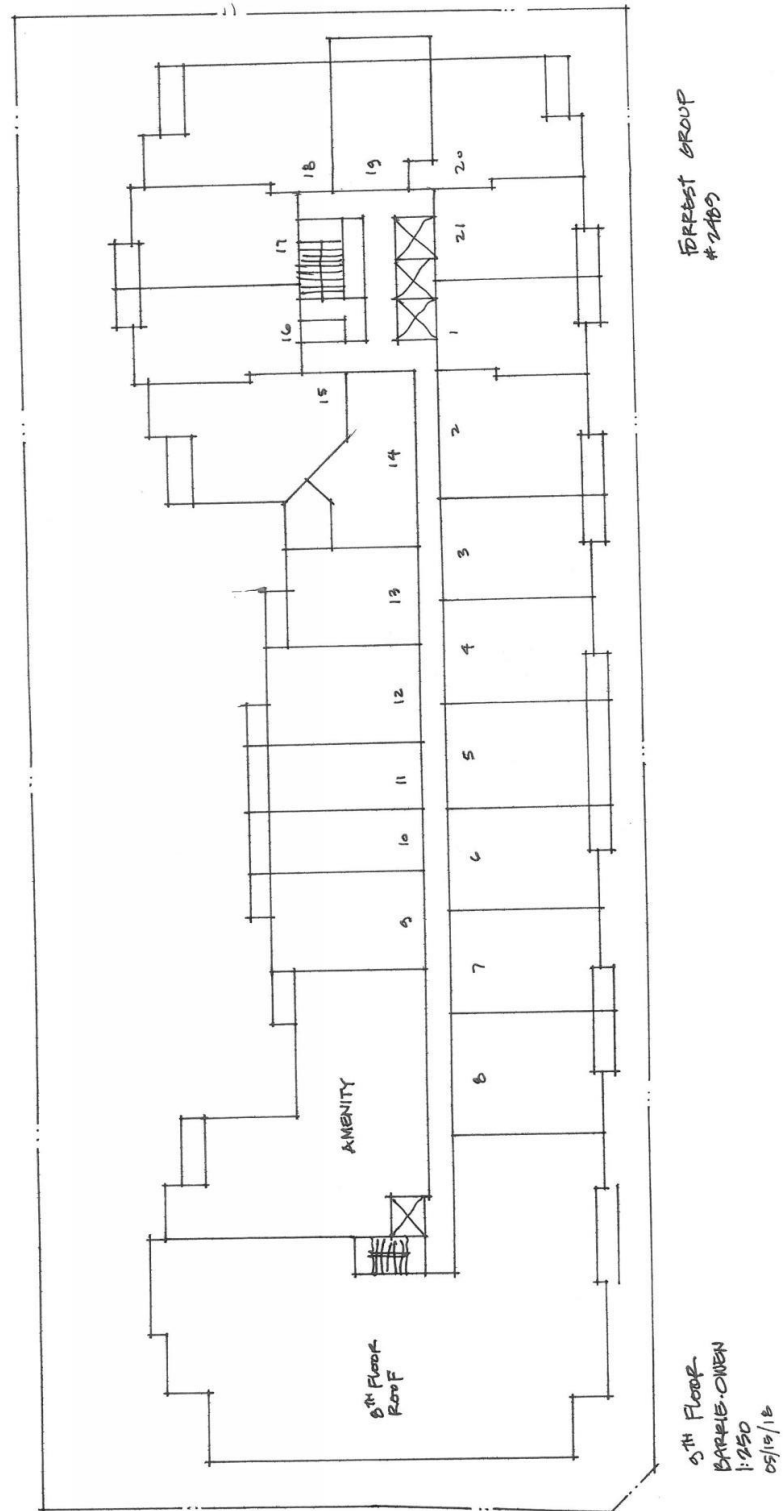
Current Proposal Floor Plans



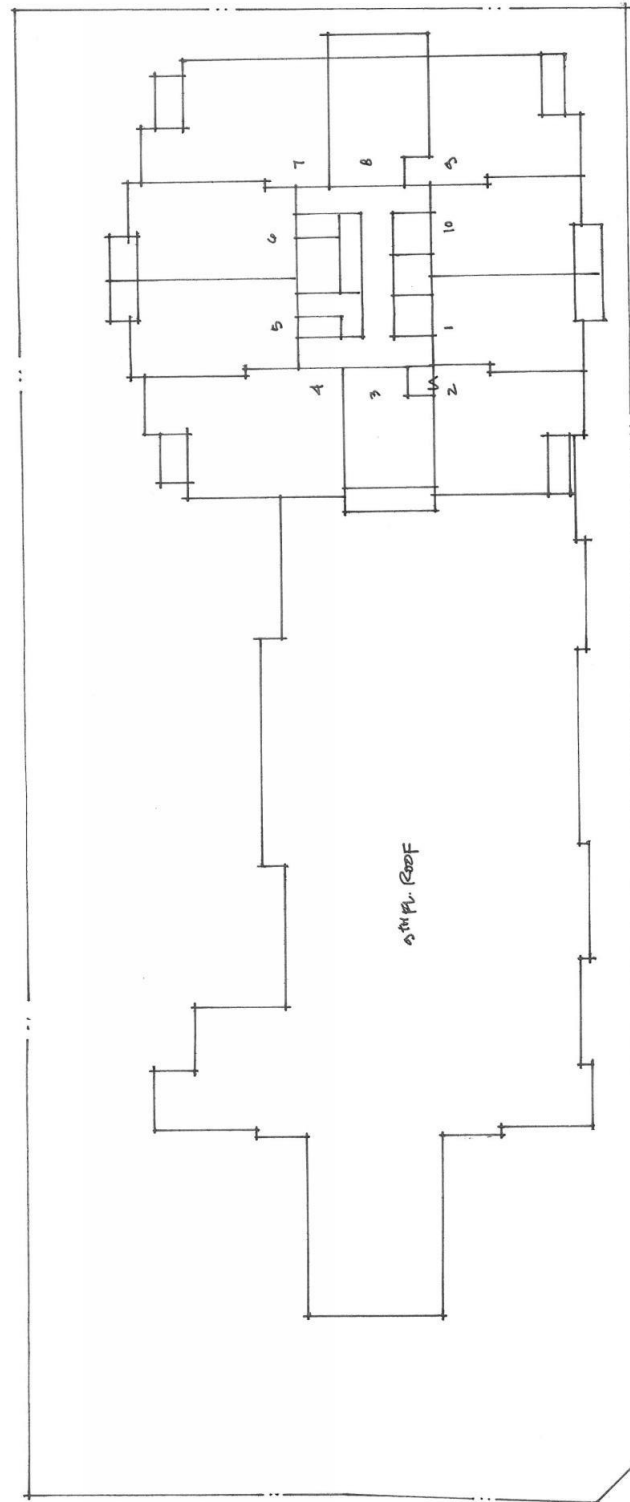
FOREST GROUP
2489

4TH, 8TH FLOOR
BARRIE-OWEN
1:250
05/10/18

Current Proposal Floor Plans



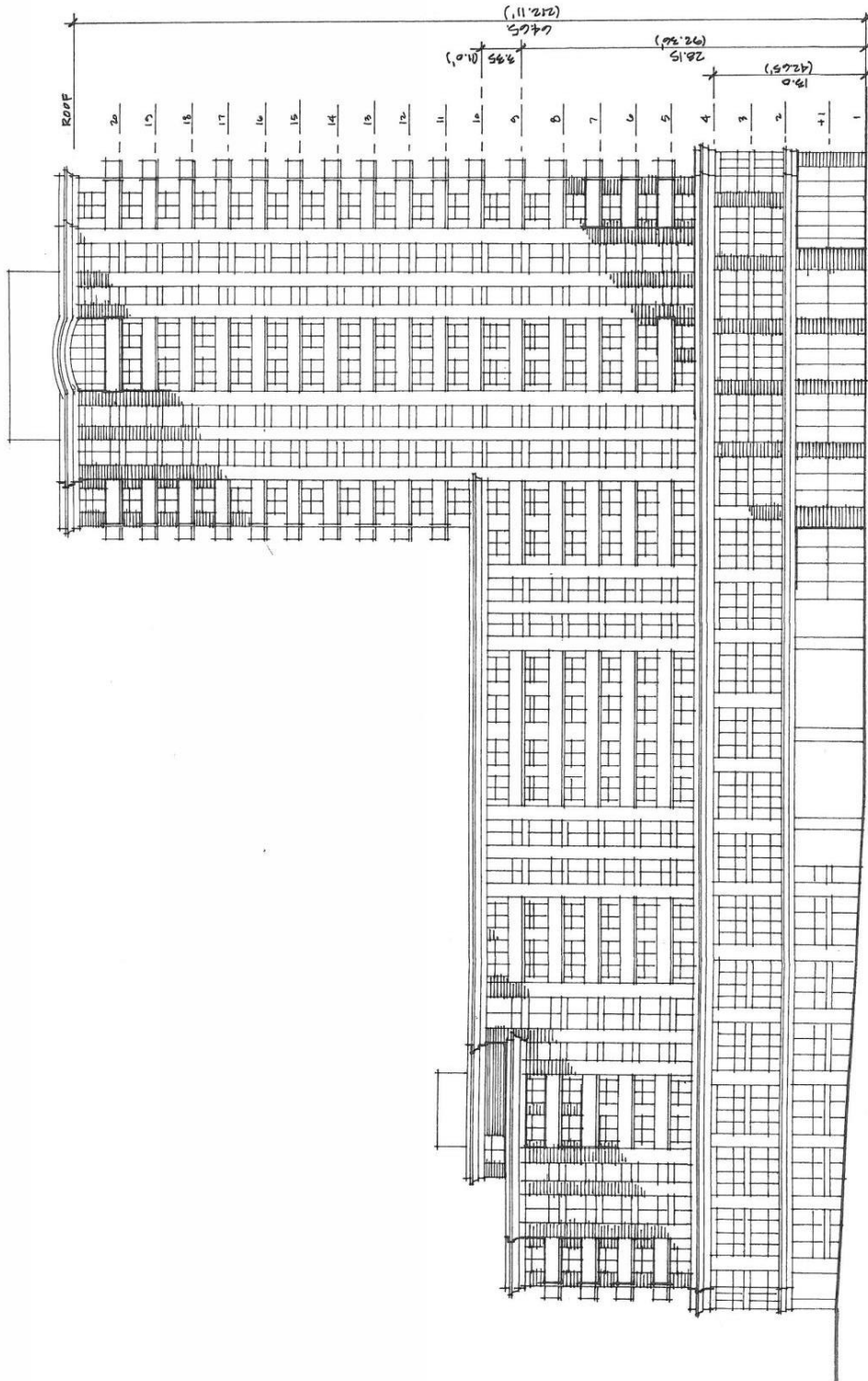
Current Proposal Floor Plans



FORREST GROUP
#2465

10th - 20th Floor
BARRE DINEN
1:250
05/07/15

Current Proposal Elevation Plan



FOREST GROUP
2465

OWEN ST. CONCEPT ELEVATION (5/20 FL'2)
BARRE OWEN SERVICE INC.
NTS
05/07/18

Appendix 'C'

Letter from the Applicant

From: Bob Forrest <BobFor@bobfor.com>
Sent: Tuesday, May 29, 2018 5:26 PM
To: Jordan Lambie
Cc: Colleen Forrest; Peter Rich; etheodore@mhbcplan.com; Taylor Gascoigne (tgascoigne@mhbcplan.com)
Subject: Owen Street Application

Hi Jordan

This confirms, on behalf of Barrie Owen Service Inc., our agreement to accept defer approvals time frames as described below.

I trust this is what you require.

Best Bob

- *June 11, 2018 – General Committee Meeting*
Memo to Council updating them on progress/status of the application and notice of deferr until September.
- *May-June 2018 – Finalize Concept and Complete Appraisal for Bonus Committee Discussions*
Once height and density of proposal is established/finalized – Forrest Group will need to fii appraisal.
- *Mid-June 2018 – Bonusing Committee Negotiations*
Form the Bonusing Committee and negotiate Community Benefits for additional height an
- *July 2018 – Begin Finalizing Staff Report (2 weeks)*
All Materials must be to Jordan by July 23 for inclusion in Staff Report.
- *August 2018 – Staff Report Review Period*
- Draft Staff Report completed by August 8 and circulated for Review
- *September 10 – General Committee Meeting*
- *September 17 –City Council Meeting*

"As one goes through life, one learns that if you don't paddle your own canoe, you don'
..... Katharine Hepburn

Bob Forrest

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