
TO: GENERAL COMMITTEE

SUBJECT: SITE PLAN “BUMP UP” – COLLIER CENTRE SITE PLAN AMENDMENT, 90 COLLIER/55 MULCASTER STREETS (FORTRESS)

WARD: WARD 2

PREPARED BY AND KEY CONTACT: J. FOSTER, RPP
SENIOR PLANNER, EXT. 4517

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

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the Site Plan Amendment application submitted by Fortress Collier Centre Ltd. for lands municipally located at 90 Collier and 55 Mulcaster Streets be approved in accordance with the site plan conditions as provided in attached Appendix “A” to Staff Report PLN030-17.
2. That the Parking Obligation Development Agreement for lands located at 90 Collier and 55 Mulcaster Streets be amended in accordance with site plan conditions as provided for in Appendix “A” to Staff Report PLN030-17.

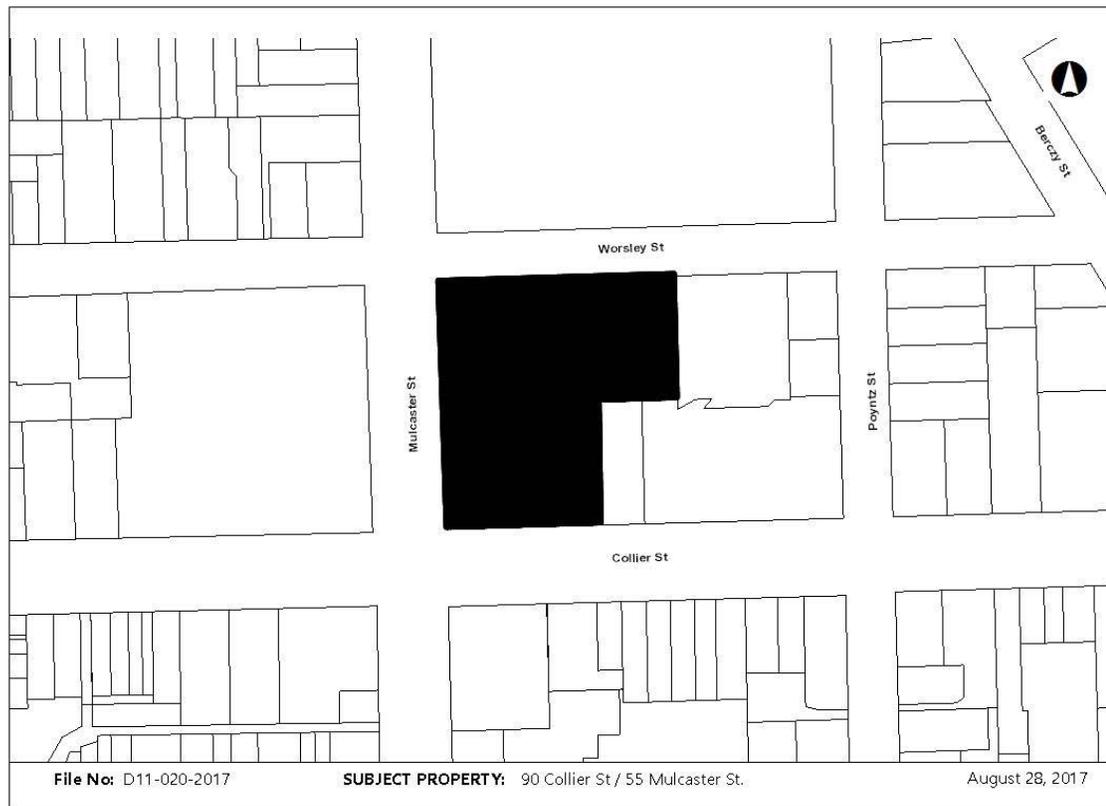
PURPOSE & BACKGROUND

Purpose

3. In response to a Site Plan application “Bump Up” request from members of Council regarding the application submitted by Fortress Collier Centre Ltd. (Fortress) for the conversion of the office tower and a portion of the 2nd floor retail space from commercial to residential uses, the purpose of this Staff Report is to inform Council of key elements of the technical site plan review and make recommendations on the approval of the proposed site plan amendment application, as well as proposed amendment to the Parking Obligation Development Agreement.

Location

4. The subject lands are municipally known as 90 Collier and 55 Mulcaster Streets, located north of Collier Street, east of Mulcaster Street and south of Worsley Street.



Background

5. In July 2012, the City of Barrie sold the subject land to Mady Development Corporation. The sale price included cash, which was paid at the time of purchase, the inclusion of 90 structured public parking spaces within the development to be operated and maintained by the owner, and a 15 year discounted lease of approximately 14,000SF of office space to the City of Barrie.
6. On October 30, 2012 a site plan agreement was registered on title for the development of a mixed use complex called Collier Centre, that included 2-3 floors of retail space (including the Bank of Montreal), grocery store space to be located on the 3rd floor level which was to be occupied by Sobeys, with associated roof top parking spaces, a 7 storey residential tower consisting of 82 condominium units, a 6 storey office tower and 3 levels of indoor structured parking.
7. Also on October 30, 2012 a Parking Obligations Development Agreement was registered on title which provided for 90 dedicated indoor structured parking spaces to be available for public use for a term of 99 years to commence from the date of registration of the agreement. The parking spaces were to be distributed and located on the 3 levels of structured parking, where all associated costs, including operating, maintenance, security and life cycle replacement were to be the responsibility of the owner. The parking was to be provided 24 hours a day, 7 days a week, at rates no lower than comparable municipal rates, with appropriate signage and metered pay and display machines. Parking fees would be collected by the owner with enforcement provided by the City.
8. The residential tower was built with 82 units which have all been sold as condominium units and are all occupied; however, the condominium has not yet been registered and a condominium corporation not yet formed. Occupancy was granted in February 2017, but currently the occupants

are renting their units until such time as the condominium is registered. Fortress, the now new owner of the Collier Centre hopes to have registration of the 1st residential tower condominium completed by end of October 2017.

9. The City, as per the purchase and sale agreement, had the right to occupy the first floor of the office tower for 15 years at a discounted lease rate. The City and the owner have not, to date, entered into a lease arrangement for the 14,000SF of office space. As well, the remainder of the office tower space has not been leased or occupied. The 3rd floor of the development, below the office tower, of approximately 35,000SF was purpose built for a grocery store that was to be occupied by Sobeys who has since not committed to lease the space. Fortress has also identified that they continue to seek a grocery/food store use.
10. Fortress has identified a continued desire to provide office space to the City. City Facility's staff continue discussions regarding the lease of office space. However, with the proposed conversion of the office tower to residential uses, Fortress's discussions regarding City lease of space has shifted to the lease of the grocery area space, or portion of, rather than the office tower. This option is not preferred however Facility's staff are addressing the proposal by completing an appropriately scoped review. A staff report for consideration of the matter is targeted for October 16, 2017, when reporting back on the future of City Hall space. The office space lease provisions are not subject to site plan control.

Site Plan Amendment

11. On July 28, 2017, Fortress made application to the City for an amendment to the registered site plan to convert the office tower component and the majority of the 2nd floor of the retail space to 112 residential condominium units which would have lobby access from Mulcaster Street, just south of Worsley Street. Although the proposal is to condominiumize the residential units, Fortress has identified their intent to maintain ownership and provide the units as rentals. See Appendix "B" for elevation drawing and plans for the internal layout and location of the residential units.
12. The proposal does not include a change to the exterior of the office tower or the 2nd floor retail space, but only to convert the internal space to accommodate residential units and internal amenity space. Other than providing for a main residential lobby entrance off Mulcaster Street, there are no material façade changes to the exterior of the tower building or retail space. Proposed loading and internal garbage pickup are proposed via the 1st residential tower where such service is currently provided and can be made available to the proposed residential uses. Fortress has identified that the existing terrace area between the two towers will continue to be devoted to the exclusive use of the existing residential units in Tower 1. There are balconies that were built for the office tower. These balconies on the 1st and 6th floors of the tower will be allocated to the respective new residential units on those floors.
13. The application by Fortress also proposed amendment to the Parking Obligation Development Agreement to readjust parking spaces within the parking structure in order to accommodate convenient residential parking, separated from the general public parking spaces.
14. On August 17, 2017, a technical site plan meeting was held with Fortress representatives and City staff where comments and conditions of site plan approval were discussed. Given that the proposed amendment to the site plan involved internal renovations with little exterior modifications, comments from City departments were minimal.
15. The Parking Obligation Agreement registered on title, specifically identified where public parking spaces were to be located within the parking structure. Given the proposed change in use of the office tower to residential uses, staff felt it appropriate to continue to locate the public parking spaces interior to the development within the parking structure with the majority of the public

parking to be located on the first 2 levels closest to Collier and Mulcaster Street access. Fortress was agreeable to work with City staff to facilitate the location of the parking spaces to best facilitate public parking needs. Currently the proposal is to have 26 spaces on the 1st level (P2) from Collier street (previous Agreement had 23 spaces); the 2nd level (P1) proposes 59 spaces (previously there were 38 spaces) and the 3rd level (1st floor) proposes 5 spaces (previously 29 spaces). Given the grade of the site, the 5 parking spaces on the 3rd level would have direct access to Worsley Street. See Appendix "C" for the parking layout.

16. Fortress was also agreeable to immediate operation of the public parking, related signage, meters and obligations associated with the 99 year lease upon registration of the amended agreement.

ANALYSIS

17. The Provincial Policy Statement recognizes the management and direction of land use to achieve efficient development to accommodate an appropriate range and mix of land uses. Land use is to efficiently use infrastructure and public service facilities, while encouraging a compact, mixed use development form that incorporates compatible employment uses. The provision of an appropriate range and mix of housing types and densities is promoted where such lands are designated and available for residential development. New housing and higher residential densities shall be directed to locations that efficiently use land, infrastructure and public services and support active transportation and transit.
18. The subject lands are designated City Centre by the Official Plan and zoned Central Area Commercial C1-2. The City Centre designation allows for mixed commercial, residential and institutional uses. In accordance with the Official Plan, lands designated City Centre are intended to provide a broad range of commercial and residential uses. The City Centre includes the Downtown Barrie Urban Growth Centre which is planned to achieve a minimum gross density target of 150 residents and jobs per hectare. The intended vision of development in the City Centre is for mixed use development where commercial uses are located on the ground floor with upper storeys for residential uses.
19. Fortress is proposing a change in use from office and retail to residential, primarily because the commercial office and retail space has remained vacant and not leased; however, the change in use does not necessitate a rezoning as the lands are designated and zoned for mixed use development. The development already exists and satisfies zoning bylaw requirements for building height, yard setbacks, density, parking etc. The proposed change in use continues to satisfy zoning bylaw requirements and continues to exceed the minimum commercial requirement of 50% ground floor commercial use.
20. There are 381 parking spaces that exist within the development, 90 of which are to remain for public use for 99 years. In accordance with zoning requirements, parking spaces are not required for commercial uses in the City Centre and residential uses require 1 parking space per unit. Therefore a total of 194 residential units (existing and proposed) require 194 parking spaces. With the requirement for 90 public parking spaces, the total required parking spaces for the complex is 284.
21. The Collier Centre, when built, was envisioned as the ideal mixed use development incorporating office, retail, grocery, residential uses and public parking all on one site. However, with the change of ownership, changing market trends for grocery uses moving to on-line orders and downscaling in size, and the underutilization of the office space, much of the square footage has remained vacant. The proposal by Fortress to convert commercial space to residential units satisfies Provincial and City policy for mixed use, higher density development that utilizes existing infrastructure, transit and municipal services. The conversion also continues to satisfy zoning bylaw requirements for use, density and parking. The conversion will provide additional housing units into the City Centre, thereby bringing more residents to the downtown assisting in attracting

businesses to occupy the remaining vacant commercial space within the development and aiding in attracting business elsewhere in the downtown.

22. Staff are recommending the amendment to the existing site plan to allow for the conversion to residential uses. Conditions of site plan approval are attached in Appendix "A".
23. Staff are also recommending the approval of amendments to the Parking Obligation Development Agreement with regard to allocation of public parking spaces within the structured parking facility thereby facilitating clearly demarcated public parking with easy access to street level. Owner obligations for operation, maintenance, security, life cycle replacement will continue to form part of the agreement. Conditions of site plan approval include revisions to the Parking Obligation Agreement. In brief these include:
 - i) Allocation of the public parking spaces to the satisfaction of City staff with ease of access to street level;
 - ii) That a minimum of 2 pay and display parking meters be located on levels 1 and 2 closest to Collier Street where public parking is available;
 - iii) That clear signage be available within the parking structure to clearly demarcate the public parking spaces;
 - iv) That external "P" public parking signage be installed at the Collier Street entrance to the parking structure to identify the public parking internal to the development;
 - v) That a map be available on each level to identify where public parking is provided;
 - vi) That the 99 year lease commence upon registration of the revised Parking Obligation Agreement.
24. Staff are recommending that Council approve the conditions of site plan approval which include revisions to the Parking Obligation Development Agreement as attached in Appendix "A". Once all conditions have been satisfied, both the site plan agreement and the Parking Obligation Agreement will be registered on title to the lands.

ENVIRONMENTAL MATTERS

25. Prior to the redevelopment of the site by Mady, an Environmental Record of Site Condition, Number 204569, dated September 26, 2012 was undertaken and accepted by the Ministry of the Environment.

ALTERNATIVES

26. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could choose not to approve the site plan amendment and not allow for the conversion of the office tower to residential uses.

This alternative is not recommended as the development will maintain a mixed use complex comprised of residential and commercial uses that satisfy Provincial and City Official Plan policies for higher density, intensified development of a mixed use nature, within the Urban Growth Centre. The conversion also satisfies zoning bylaw requirements where a rezoning application for the intended use is not required. Should Council

choose not to approve the site plan amendment or conversion, Section 41 (12) of the *Planning Act* allows the owner to appeal the decision of Council to the Ontario Municipal Board (OMB). Given that the proposed conversion continues to satisfy policies and zoning bylaw requirements, City staff would not be in a position to offer support at the OMB. Unnecessary City staff time and money may be spent defending the Council position.

Alternative #2

General Committee could choose not to approve the amendments to the Parking Obligation Development Agreement.

This alternative is not recommended as the proposed amendments are a result of a change in use of the office tower which necessitates internal parking reallocation. The proposed increase in signage, demarcation of public spaces and provision of maps is proposed for public benefit. No changes to the operation, maintenance, security and lifecycle replacement will occur as a result of the amendment. The 99 year lease will commence upon registration of the amended agreement.

FINANCIAL

Parkland

27. Parkland cash in lieu was previously paid for the subject development at the time of building permit issuance. The new cash in lieu of parking policies came into effect on July 1, 2017. For medium and high density residential development, the unit rate is \$5000 per unit. The proposed change in use will generate 112 new high density residential units. This will result in \$560,000. However, previous payment for commercial space was calculated on the basis of 2% of the value of the commercial space which amounted to \$31,280 based on 93,460SF. This previous payment would be deducted from that owed for the residential units for a total of \$528,720.

Development Charges

28. The new residential development proposes 65 1-bedroom and 47 2-bedroom units. Development charges are calculated at \$19,168 for 1 bedroom units and \$26,808 for 2 bedroom units, resulting in a development charge total of \$2,505,896. Development charges were previously paid at a per square foot charge for commercial space. This previous payment would be deducted from that owed.

Education Development Charges

29. The Education Development Charges previously paid for the commercial space now proposed to be converted was \$43,926.20. Education Development Charges for residential uses is calculated at a rate of \$1,759 per unit. For 112 units, \$197,008 would be owing. With the credit applied, the total owing would be \$153,081.80.

Property Tax

30. The subject application would permit the development of 112 residential units. Fortress has identified an estimated average sale price per residential unit of \$245,000 based on an average 700SF unit built at \$350 per square foot. From the 2016 BMA Study (2017 figures not yet released), for 112 residential units, the property taxes would total \$315,565.76. The total property tax for equivalent square footage, at 2016 rates would be \$192,527.60 (93,460SF X \$2.06SF). The

conversion of the commercial space to residential space would therefore result in a property tax increase of \$123,038.16.

LINKAGE TO 2014-2018 STRATEGIC PLAN

31. The recommendation(s) included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:

- Inclusive Community
- Well Planned Transportation

32. The approval of the site plan amendment application and the revisions to the Parking Obligation Agreement will allow for additional residential units to locate in the City Centre thereby bringing more people to the downtown promoting more eyes on the street and assisting in providing for a safer neighbourhood. Also by making revisions and re-registering the Parking Obligation Development Agreement, 90 public parking spaces will be operational for the general public facilitating those people coming to the City Centre for business, shopping, dining and enjoyment.

Attachments: Appendix "A" – Conditions of Site Plan Approval
Appendix "B" – Site Plan Drawings
Appendix "C" – Parking Layout

APPENDIX "A"

Conditions of Site Plan Approval

SITE PLAN CONTROL REQUIREMENTS FOR PROCESSING

Section 41(13) b of *The Planning Act* allows Council to delegate by By-law Council's authority to approve site plans to an appointed officer of the Municipality.

Council By-law 99-312, as amended, has delegated Site Plan Approval authority to the Director of Planning Services, Manager of Development Control and Manager of Policy Planning. This authority permits the appointed officer(s) to recommend that the City Clerk prepare site plan agreements for execution and registration on title.

The appointed officer hereby grants Preliminary Approval to Site Plan Application File **D11-020-2017** located at 90 Collier and 55 Mulcaster Streets on lands owned by Fortress Real Development upon registration of the development agreement for the above noted property to be prepared and completed in accordance with the following requirements:

A conditional building permit under Subsection 8(3) of the *Building Code Act* may be considered on its individual merits prior to the registration of a development agreement provided that in addition to the requirements under the Ontario Building Code the owner shall:

- agree in writing to satisfactorily address all conditions listed below;
- provide all required securities;
- provide all required administration fees, payment of costs associated with the preparation of a development agreement;
- provide a clearance letter or permit from the applicable conservation authority if required;
- comply with zoning by-law requirements;
- pay all applicable fees (i.e. building permit, cash in lieu of parkland, City of Barrie Act, development charges).

Prior to the appointed officer recommending that the City Clerk execute the Site Plan Agreement, the following requirements shall be satisfied and/or addressed:

Engineering

- A. The owner will be required to provide a revision to the water demand/supply analysis report, and also provide an update on the sanitary flow increase due to the proposed change in use of the units.
- B. The owner will be required to provide, an updated Traffic Impact Study (TIS). The TIS is to also include a construction staging plan as it relates to parking of trades people, delivery of construction material, impacts to existing on-street parking and City infrastructure, etc.
- C. The owner will be responsible for obtaining the necessary approvals from any other applicable agencies with respect to their concerns.
- D. As per City of Barrie standards, there will be one service connection per lot.
- E. The owner will be fully responsible for locating all existing services.
- F. The owner shall discharge any and all applicable City of Barrie Act or local improvement charges associated with the subject property.

- G. A property line maintenance hole and/or sampling port is required on the property for the purpose of collecting discreet sanitary sewer samples from the facility in compliance with Sewer Use By-law 2012-172.
- H. Appropriate erosion and sediment control devices are to be implemented and inspected on a regular basis, as well as after every rain event, and must be repaired as necessary to prevent any off-site environmental impacts (City of Barrie Site Alteration By-law 2014-100).
- I. All spills shall be reported to the Ministry of Environment and Climate Change Spills Action Centre at 1-800-268-6060.
- J. It appears that the development is designed with a tri-sorter system for separating garbage, recycling, and organic material. The City of Barrie utilizes a two-stream recycling program where plastics and paper fibre material must be kept separate. Residents of the building would require access to the garbage room (or somewhere similar) to dispose of paper/fibre materials using 95 gallon collection carts (one (1) cart per seven (7) residential units) as this cannot be combined with the containers stream using the tri-sorter.
- K. Developments that do not meet the above requirements will not be eligible for any municipal waste collection services, including recycling and organics programs, and will require the property owner/property management company to pay for waste collection services at their own expense.
- L. The owner/applicant will be required to retain a civil consulting engineer to provide the design, inspection, and certification of the installation of water and sanitary servicing for the proposed development, all to an appropriate connection/outlet. Detailed water servicing requirements are available through the Engineering Department.
- M. The water distribution system within the limits of this site plan is privately owned and shall be maintained by the owner/applicant, and any hydrant installed on-site shall be deemed privately owned. All hydrants have to be maintained as per fire code/insurance requirements.
- N. The owner/applicant will be responsible for obtaining a Right-of-Way Activity Permit prior to the commencement of work on the municipal right-of-way.
- O. That the drawings be revised as necessary to reflect the Digital Data Control Requirements. That the drawings be processed in digital format using UTM (Zone 17) NAD83 datum (76 adjustments).

Alectra Utilities Corporation

- P. That the owner complies with all requirements of Alectra Utilities Corporation as related to electrical servicing for the development, as stated in their "Conditions of Service" document.

Financial

- Q. That the owner pay the required cash deposits, securities and administration fees associated with site plan development for the following:
 - i) Letters of credit in the approved format and in accordance with Council Policy 07-G-016 for appropriate works (such as drainage, servicing, grading and landscaping) within the boundaries of the site plan, equal to 50% of the value of those works (to a maximum of \$500,000 and a minimum of \$10,000) to the satisfaction of the Engineering Department;

- ii) Letters of credit in the approved format and in accordance with Council Policy 07-G-016 for municipal works (such as roads and servicing) outside of the site plan boundary, equal to 100% of the value of works to the satisfaction of the Engineering Department;
- iii) Proof of the owner's general comprehensive liability insurance policy in the amount of \$5,000,000 naming the City of Barrie as an additional insured;
- iv) Administration fees for the review and inspection of site servicing equal to 5% of the estimated cost of site servicing (minimum \$1,000) plus applicable taxes;
- v) Any water service charges arising out of, or attributable to the development of the site plan including tapping fee and water meter payment;
- vi) Cash deposit for road cleanup associated with the site construction (\$2,000 refundable deposit made payable to the City of Barrie);
- vii) A retainer in the amount of \$4,000 payable to Legal Services Department, City of Barrie, for legal and administration fees associated with the preparation and registration of the site plan agreement (additional fees may be required);
- viii) Administration fees of \$1,875 associated with the City of Barrie Planning and Building Services Department.

Planning and Building

- R. That the site plans be finalized to the satisfaction of City staff.
- S. That the residential entry lobby from Worsley Street be better defined from an urban design perspective to establish a residential character and entry feature.
- T. That the Parking Obligation Development Agreement be amended to the satisfaction of the Planning and Building Services Department in accordance with the following:
 - i) That the owner be responsible for the preparation and posting of Public "P" Parking Signage at the Collier Street access to the parking garage in accordance with City standards.
 - ii) That the final allocation of the public parking spaces be located internal to the parking garage for ease of access to street level and not located on the upper exterior deck;
 - iii) That a minimum of 2 pay and display parking meters be located on levels P1 and P2 and a minimum of 1 on the 1st level, where public parking is available
 - iv) That clear and visible signage be available within the parking structure to demarcate the public parking spaces;
 - v) That a map be available on each level to identify where public parking is provided;
 - vi) That the 99 year lease commence upon registration of the revised Parking Obligation Development Agreement.
- U. That one site plan agreement be registered on title that incorporates all amended agreements, but that a separate Parking Obligation Development Agreement also be registered.

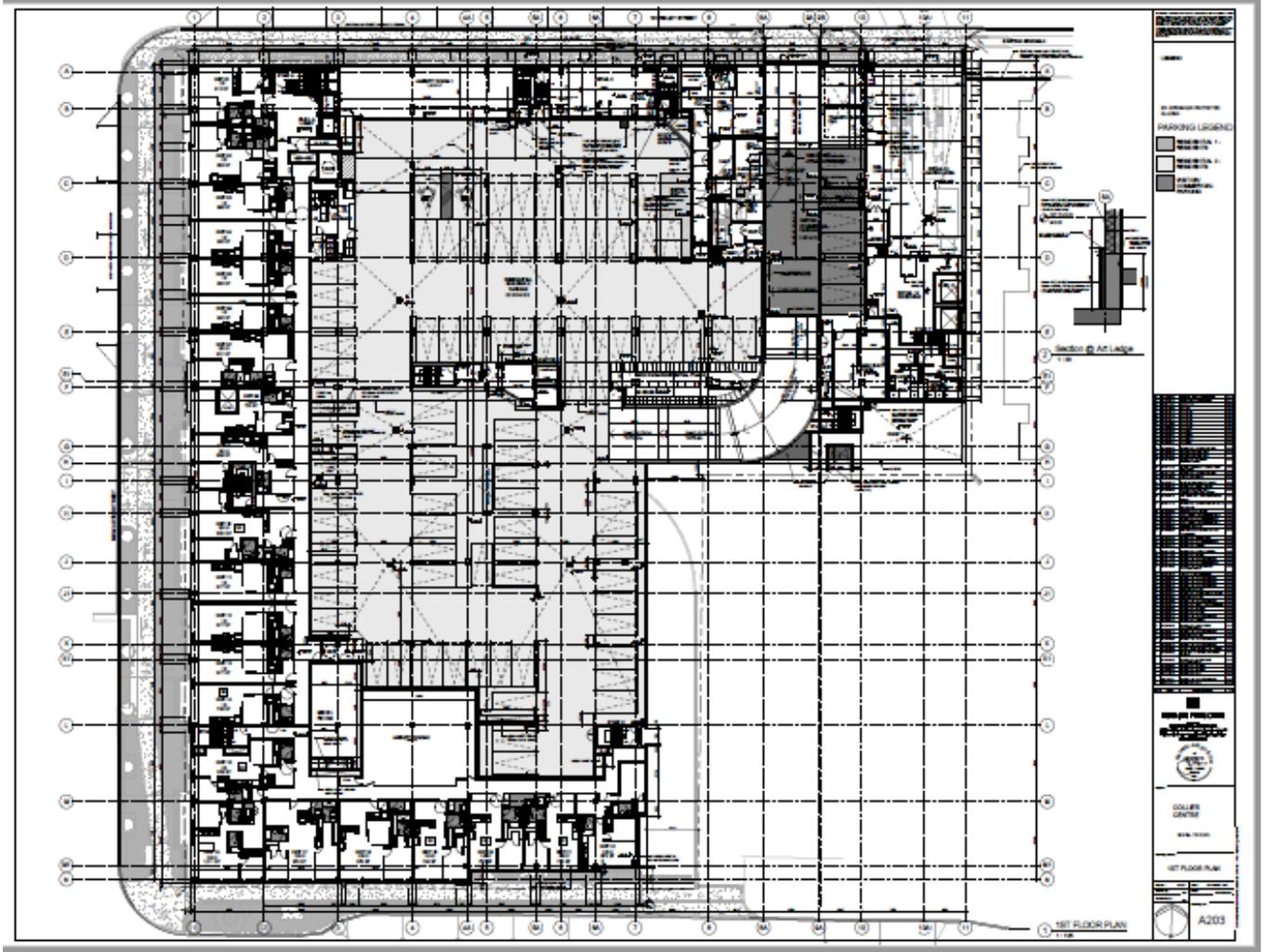
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- V. That all sign locations and details be identified on the plans and be in compliance with the City of Barrie Sign By-law 2005-093.
- W. That the owner/agent ensures that all plans are consistent throughout.
- X. That the plans conform to all provisions of the City's Comprehensive Zoning By-law or approval by the Committee of Adjustment for any variances be granted.
- Y. That the owner agree to a cash-in-lieu payment of parkland in accordance with the City's Cash-in-Lieu of Parkland policies, effective July 1, 2017.
- Z. That the owner/applicant be responsible for obtaining the necessary approvals from any other applicable agency, if and as may be required.
- AA. That the owner be exempt from subsection 9(2) of the Condominium Act and the provisions of Section 51, 51.1 and 51.2 of the Planning Act and that the conditions of Site Plan Approval shall serve as conditions for the proposed condominium development subject to:
- i) All associated costs for processing the condominium review and agreement preparation and registration shall be borne by the owner/applicant;
 - ii) That the Director of Legal Services be satisfied with the Condominium Disclosure Package (declaration and description) prior to condominium registration with all legal and associated fees to be borne by the owner/applicant.
 - iii) That the owner shall ensure that all agreements of purchase and sale dealing with the sale of the lands or any portion thereof including all proposed or existing condominium units, contain a clause to be registered on title advising future owners that the proposed condominium development is to be constructed adjacent to a naturalized passive recreational area immediately to the north of the lands, such passive recreational area to retain natural wetland features as part of its Environmental Protection Area designated land use. All such purchasers shall acknowledge that the naturalized passive recreational area may have increased noise levels due to wildlife habitat as well as natural growth areas including insect habitat and will include low maintenance or non-maintenance wetland areas that are consistent with those present in a naturalized occurring state.
- BB. That the final plans (4 complete plan sets and 3 engineering plan sets) be approved by the appointed officer and attached as schedules to the Site Plan Agreement. All final plans are to be stamped and signed by the associated professional consultant and a digital copy (high quality PDF without security settings) is to be provided prior to registration of the Site Plan Agreement.
- CC. The Site Plan Control Requirements shall remain in effect for a period of two (2) years from the date referenced below following which a subsequent application may be required.
- DD. That if a building permit is not issued within three (3) years of this approval, this Certificate of Preliminary Approval shall become null and void.
- EE. That the owner agree to the Site Plan Control Requirements prior to any building permits, conditional or otherwise, being considered.

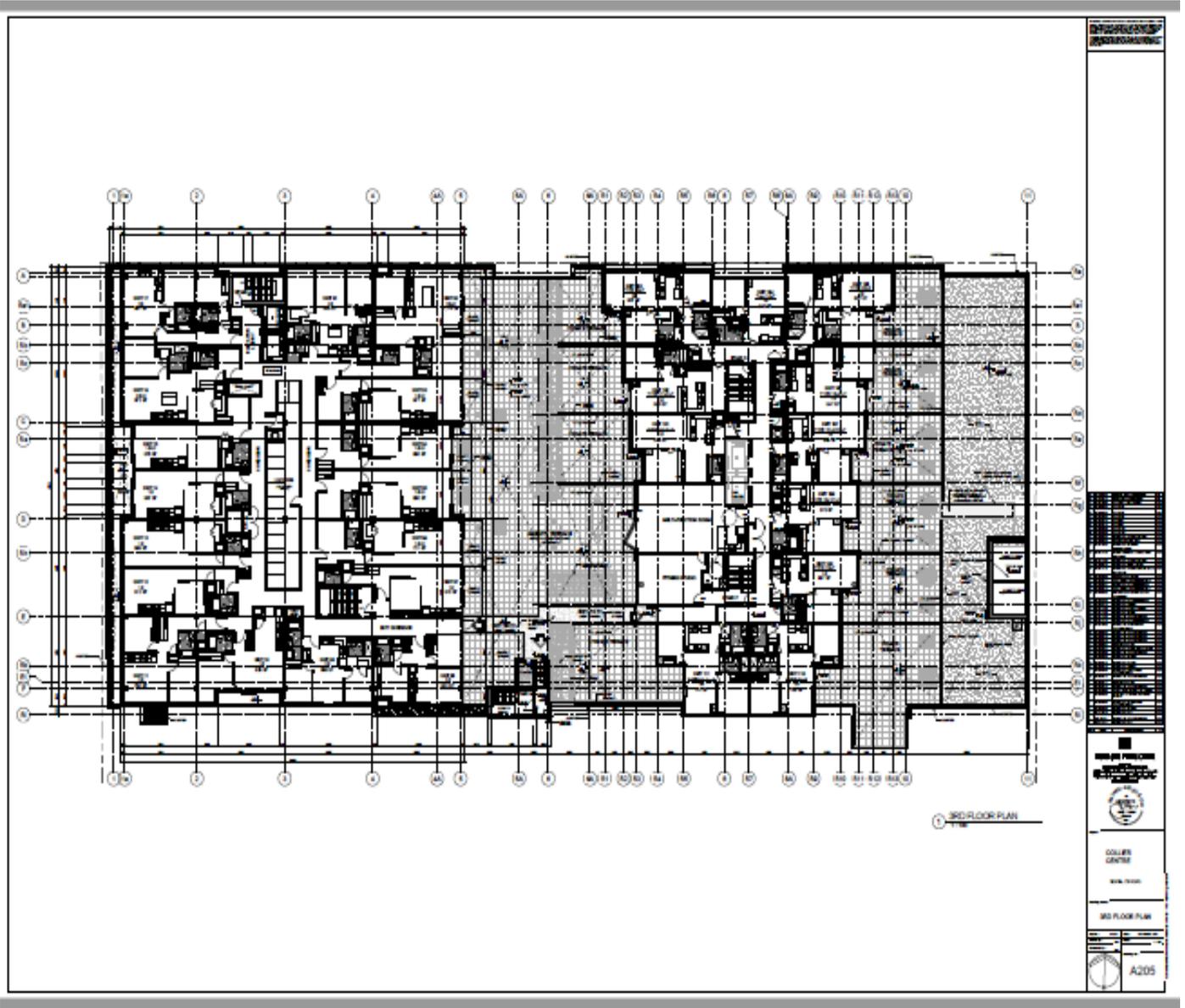
APPENDIX "B"

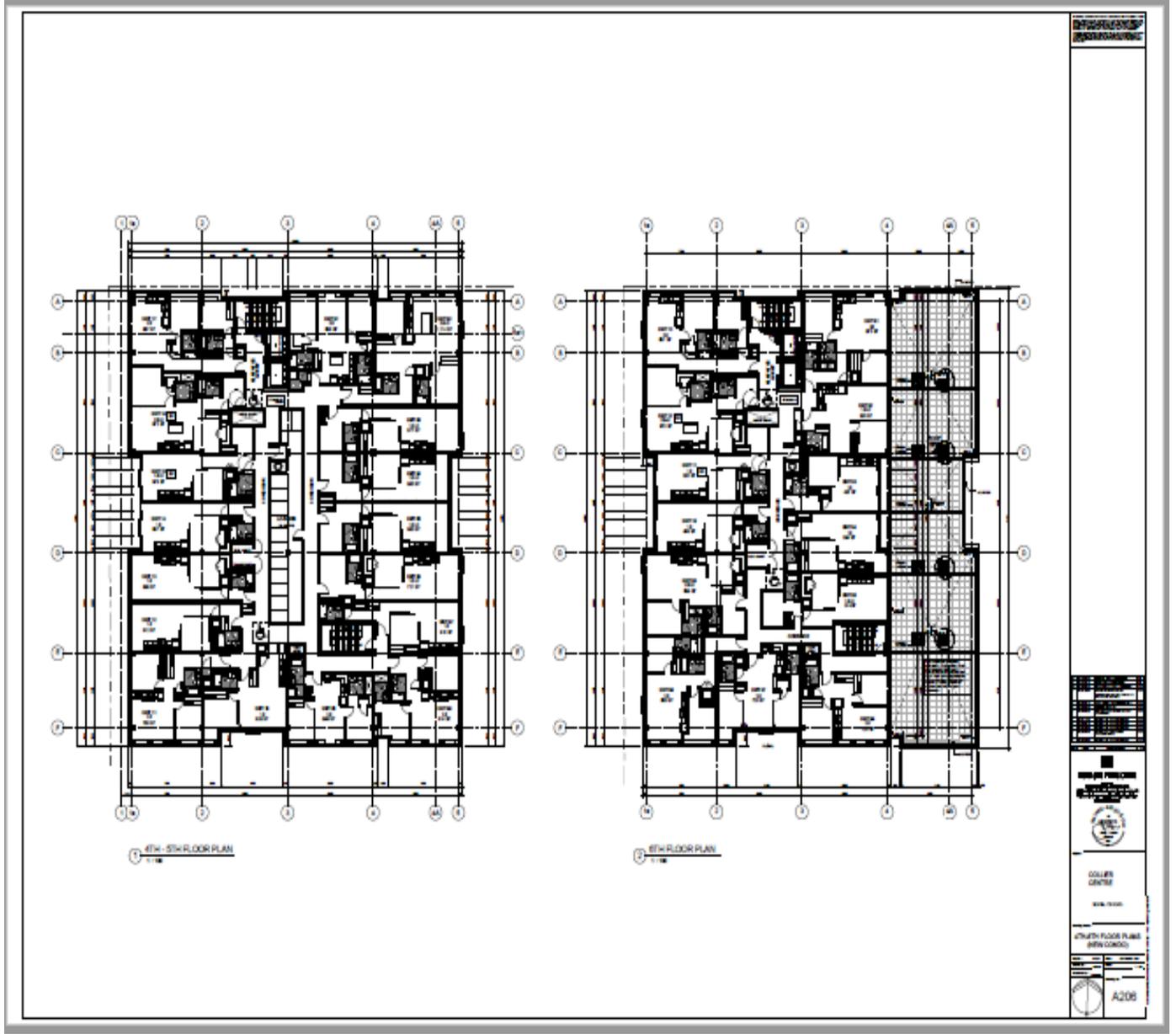
Site Plan Drawings



COLLIER CENTRE







APPENDIX "C"

Parking Layout

