



TO: GENERAL COMMITTEE


SUBJECT: SALE OF 36 MULCASTER STREET – DEVELOPMENT CONCEPT

WARD: WARD 2

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

SUBMITTED BY: S. NAYLOR, MES, M.C.I.P., R.P.P., DIRECTOR OF PLANNING 

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

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That the proposed concept plans with respect to the development of 36 Mulcaster Street provided by the purchaser, PACC Mulcaster Corporation ("PACC"), be received.
2. That the parking lot lands known as 36 Mulcaster Street, up to the exterior wall of, but excluding the Armouries Building, be declared surplus and sold to PACC.
3. That the lands, approximately 35m² or 3.66m in diameter, associated with the Fire Fighters' Memorial and identified as Part 4 on the draft Reference Plan attached as Appendix "A", be declared surplus and sold to PACC.
4. That the cost of the removal, reinstatement of, and landscaping around the Fire Firefighter's Memorial be paid for by PACC.
5. That PACC transfer an easement for access and maintenance over a 3m buffer around the Armouries Building (the "access easement") to the City, satisfactory to the Director of Legal Services.
6. That PACC transfer an easement over the lands that occupy the Fire Fighters' Memorial, approximately 3.66m in diameter around the Memorial, for landscaping purposes, access and maintenance (the "memorial easement") to the City, satisfactory to the Director of Legal Services.
7. That the following be included as conditions of site plan approval:
 - a. a detailed maintenance agreement with PACC for the ongoing maintenance of the access easement to the satisfaction of the City;
 - b. the transfer of an additional access easement by PACC to the rear of the Armouries Building for loading/unloading purposes, where such access will be provided from the proposed building parking structure at grade and in the area of the Armouries rear doors.
8. That the value of the additional lands to be sold to PACC associated with the memorial easement and access easement be added to the purchase price and paid accordingly.
9. That the Option to Purchase Agreement between the City and PACC for the purchase of 36 Mulcaster Street be amended to reflect the changes as identified above.

10. That the City Clerk be authorized to execute any documents requisite to: (a) amending the Option to Purchase Agreement in a form approved by the Director of Legal Services; and (b) completing the sale of 36 Mulcaster Street in accordance with the Option to Purchase Agreement, as amended.
11. That the City's conditions on the sale of 36 Mulcaster Street contained in the Option to Purchase Agreement, as amended, be waived and staff be authorized to complete the sale process.

PURPOSE & BACKGROUND

Report Overview

12. The purpose of this staff report is to consider the redevelopment and building concept for the parking lot area, known as 36 Mulcaster Street, southwest corner of Mulcaster and Collier Streets. The parcel is owned by the City, where an Option to Purchase Agreement has been entered into between PACC Mulcaster Corporation and the City of Barrie. In order to declare the lands surplus and sell, Council must be satisfied that the redevelopment retains the historic and architectural significance of the Armouries building and site.

Background

13. On June 3, 2013, City Council adopted motion 13-G-140 regarding **PLAN FOR THE SALE OF CITY OWNED PARKING LOTS IN THE CITY CENTRE** as follows:
 - "2. That the 36 Mulcaster Street parking lot and adjacent greenspace, excluding the Armouries Building and Fire Fighters' Memorial be declared surplus, subject to an appropriate redevelopment that retains the historic and architectural significance of the building and site, in consultation with Heritage Barrie and Council approval."
14. On April 20, 2015, Council adopted motion 15-G-076 regarding **SALE OF 36 MULCASTER STREET - AMENDMENTS TO THE TERMS OF AGREEMENT AND CONSULTATION PERIOD** as follows:
 - "3. That consultation with Heritage Barrie regarding a development concept that retains the historic and architectural significance of the Armouries building and site occur through site plan approval, after closing of the sale of the property."
15. An Option to Purchase Agreement has been entered into between the City and PACC. An external appraisal has been conducted to establish fair market value. The Option to Purchase will recognize that the City shall continue to operate the existing municipal parking lot after the sale, until such time as a building permit is issued for the proposed development. All parking related infrastructure is excluded from the sale and will be reused by the City elsewhere. The Option to Purchase also includes that the purchaser agrees to develop the site in accordance with the approved concept plans.

ANALYSIS

The Proposal

16. The proposed concept is for a 14 storey residential condominium building with 3 levels of underground parking and commercial floor space on the main level to include a retail store and restaurant. The main pedestrian access to the residential component is from Collier Street with access to the below grade parking lot from the right of way off Collier Street, which also provides access to the rear of the neighbouring buildings to the west. An outdoor patio, extending from the restaurant, fronts Mulcaster Street. See Appendix "B", Building and Site Concept Plans. The

concept proposes the parking structure to be built to the property boundary where it meets the Collier and Mulcaster Streets' right of way.

17. The structure would be below grade at Collier Street, and built with an exposed side wall along Mulcaster Street given the sloped grade. The parking structure will therefore be built beneath the Fire Fighters' Memorial.
18. The built form of the tower is stepped or tapered in form, widest at Collier Street, to offer the majority of the residential units views to Kempenfelt Bay to the south and to open up and frame the views of the Armouries Building from the main intersection at Collier and Mulcaster Streets. The development proposes 92 residential units. Typical floor plans identify that levels 2-12 include 2-1 bedroom units and 6-2 bedroom units. The 13 and 14 floors are stepped back to provide generous terraces to the larger penthouse suites and for communal resident rooftop gardens.
19. The proposed urban design of the building is achieved with a combination of traditional and contemporary architecture and use of compatible building material finishes. Limestone and polished stainless steel, hardwood and brick masonry are proposed to match the Armouries Building with landscape and lighting features proposed around the ground floor levels, with glass window walls. The building balconies propose a curvilinear appearance on Mulcaster Street.
20. The Option to Purchase agreement included Condition 14.0 which states:

"Optionor's Conditions: The Optionor's obligation to complete this transaction shall be conditional upon the Optionor being satisfied, in its sole and unfettered discretion, on or before the Completion Date (the Optionor Condition Date)" that:

- i. The Optionee's concept plan for the Optionee's proposed development of the Property and timeline are satisfactory to the Optionor; and
 - ii. The Optionee agreeing to develop the Property in accordance with approved concept plans and timelines."
21. The Optionee (PACC) has advised the City that upon completion of the sale transaction, it is proceeding with marketing of the new development concept. The concept plans are generally in accordance with what will be submitted for site plan approval, subject to Heritage Barrie review. PACC is proposing to submit a site plan application within 6 months of closing, with proposed construction to start in 2017.
22. Given this information, it is recommended that the City waive Condition 14.0 of the Option to Purchase agreement.

Heritage Impact Assessment

23. Council Motion 13-G-140 declared the land surplus subject to "an appropriate redevelopment that retains the historic and architectural significance of the building and site, in consultation with Heritage Barrie and Council approval". Council Motion 15-G-076 deferred consultation with Heritage Barrie to the Site Plan stage.
24. The Armouries Building is an important heritage building and deserves significant recognition. The applicant has advised that a full assessment will be prepared during the Site Plan Control stage following the sale of the land, by a registered Heritage Consultant, working in consultation with Heritage Barrie.
25. A new public garden, to be paid for and maintained by the project, but publicly accessible, is proposed to be located north of the Armouries Building. The ground floor cladding of the new structure below the outdoor restaurant patio is proposed to be brick masonry to match the

existing building. Other low level facades, south and west of the Armouries will also be brick clad, making an ensemble of similar scale and character.

26. More challenging from the architectural viewpoint, is the recognition of the site as Barrie's principal fire station, before being moved to more modern facilities elsewhere. After a building has been demolished, the architect has identified that it is not recommended to try and recreate an imitation of the original, but to create an entirely new and honest architectural aesthetic that respects the existing building but does not copy its design.
27. The Fire Fighters' Memorial, marking the location of Barrie's original fire hall, located at the northeast corner of the site, is proposed to be stored temporarily to prevent damage during construction. It is suggested that, in conjunction with the Memorial artist and Heritage Barrie, that an informative, sculptural display, that draws on the original fire hall's appearance, will be designed in a publicly accessible area and garden space in the same location.
28. The proposed development is subject to Site Plan Control at which time Heritage Barrie will be consulted. Should there be unresolved matters or dispute with the final building and site design, the site plan will be bumped up for Council approval.

Parking and Servicing

29. The existing westerly right of way off Collier Street, is proposed as the main access to the three level parking structure. A truck bay, primarily for furniture delivery vehicles, is located adjacent to the right of way, off Collier Street. This space is also to be used as a pedestrian access, except for the infrequent residential moving activity, and is proposed to be paved with landscape style, pedestrian scale unit pavers. A similar truck bay space is located off Mulcaster Street, adjacent to the Armouries building, which gives access to the Armouries service requirements and the project garbage removal. An internal loading space via access from proposed development, with exterior doors opening adjacent to the Armouries rear loading doors is proposed for Armouries loading/unloading.
30. The proponent has identified a desire to lease additional parking spaces from the City. Parking spaces can be leased on a long term basis from the City. The Condominium Corporation can either purchase monthly passes and park in City parking lots or enter into a long term lease agreement with the City. A long term lease may require a premium to be paid in order to reserve spaces.

Zoning and Urban Design

31. The plans and elevations are conceptual at this stage, and therefore details have not been finalized. A few items have been discussed with the proponent in order to address zoning requirements and enhance urban design.
32. From a zoning perspective, the lands are zoned Central Area Commercial C1-2 which allows for mixed commercial/residential uses. Building height is permitted to 45m or 15 storeys, with a maximum gross floor area (% of lot area) of 600% and a minimum of 50% coverage for commercial uses on the main floor. Parking is required at 1 parking space per 1 unit, with no parking requirement for the commercial component. The proposal identifies 92 units, with 105 parking spaces being provided; a building height of 45m and a gross floor area of 540%. From the preliminary zoning information supplied, it appears that most standards are being complied with; however, building height and maximum density will need to be verified at the site plan stage. There is a zoning requirement for a 3m landscape strip to be provided along the side and rear lot lines. This is not proposed on the concept plans. The final plans will need to incorporate the 3m landscape buffer or make application to the City to alter this requirement.

33. From an urban design perspective, staff have discussed with the proponent design items that could enhance the building elevations and increase the presence and significance of the Armouries Building and Fire Fighters' Memorial. These include:
- a) Recommended façade enhancements to the front (Collier Street) that would provide for a more elaborate or stronger presence for the residential entry area/feature.
 - b) The westerly face of the building will hold a significant presence for travellers going eastbound on Collier and Dunlop Streets given the visible height of the building. Façade enhancements in the form of wall detailing, colour, increased balcony size have been suggested.
 - c) The loading bays will need to be screened from public view. A suggestion would be to utilize ornamental, higher grade movable doors.
 - d) The proposal includes a large blank wall on Mulcaster Street which will support the patio deck. Given the sloped grade of Mulcaster, pedestrians will be walking along the sidewalk adjacent to such wall. Upgrading, detailing, landscaping, stepping provisions have been suggested in order to better animate the pedestrian realm and minimize the appearance of the wall.

Easement Requirements

34. The proposed development includes a parking structure, below grade, which is proposed up to property line along Collier and Mulcaster Streets. The Option to Purchase Agreement contemplated the land sale to exclude the Fire Fighters' Memorial and the exclusion of a 3m buffer around the Armouries Building to allow for City access and maintenance. Staff are recommending that the land to be sold, include the 3m buffer and the land that occupies the Fire Fighters' Memorial. See Appendix "A", Draft Reference Plan. The R-Plan identifies Part 2 as the right of way, Part 1 as the Armouries Building plus 3m buffer (to be modified to separate out the 3m buffer and identified as a separate Part 6), the Fire Fighters' Memorial area as Part 4. Therefore Parts 2, 3, 4, 5 and 6 are proposed to be sold.
35. Staff have communicated with the designer of the Fire Fighters' Memorial, Marlene Hilton Moore. The Memorial consists of a limestone column, where the maltese bronze cross and the brass poles are from the original fire hall. Ms. Hilton Moore advised that the Memorial can be removed as one large piece including the underground portion. The metal components are strong but should not be dented. She is in favour of removing the Memorial during construction and reinstating it. She has suggested the retention of a minimum 12 feet (3.66m) diameter area around the Memorial to be enhanced with landscaping. The cost of removal, reinstatement and landscaping is recommended to be borne by the applicant. This item can be made a condition of site plan approval.
36. Given that the Memorial will be removed and reinstated and given that the proponent of the land sale is proposing a parking structure under the Memorial, it is recommended that the lands be sold and that the City retain an easement for access and maintenance purposes. The landscaping component can be designed by the City and constructed by the proponent. The City would then assume maintenance, post construction.
37. In order to ensure that Facilities staff have access to the Armouries Building for regular maintenance and that the users of the Building maintain access to the loading/unloading doors at the rear, staff have recommended a 3m buffer around the periphery of the building. The proposed structure is in close proximity to the Building, where balconies are proposed to overhang the 3m buffer area. It is recommended that the City sell the lands up to the Building wall, but enter into an access and maintenance agreement with PACC for the 3m buffer. Access to the rear of the Armouries Building is proposed through the development via internal dedicated

loading stall with exterior access to the rear of the Armouries Building. In addition, a condition of site plan approval will include a detailed maintenance agreement, satisfactory to the City, with regard to obligations for private maintenance of the 3m buffer, i.e. snow removal and to remain free and clear.

38. The Memorial lands and the 3m buffer will increase the purchase price. Staff have discussed the revised purchase price with the applicant, and is acceptable. The addition of the lands, will afford the development an increased density and make the overall development function better.

ENVIRONMENTAL MATTERS

39. There are no environmental matters related to the recommendation.

ALTERNATIVES

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

Alternative #1

General Committee could choose not to accept the concept plans and not finalize the sale of the lands until such time as site plan approval and consultation with Heritage Barrie.

This recommendation is not recommended as Motion 15-G-076 deferred final building and design details, from a heritage perspective, to site plan stage. The zoning by-law and approval through site plan control will ensure that the final development satisfies zoning requirements and enhanced urban design. Until registration of a site plan, the building design remains conceptual.

Alternative #2

General Committee could choose not to sell the lands beneath the Memorial or the 3m buffer.

This alternative is available, however, the functional and aesthetic benefits will be maintained via the access and maintenance easements. The sale of the lands would increase the price, allow for the overall density to increase, as well as increase property taxes and encroachment agreement would be required for the balcony overhangs, if the 3m buffer remained in public ownership.

FINANCIAL

41. The financial implication to the Corporation resulting from the proposed recommendation is the increased revenue from the sale of the additional lands. Development charges will be paid at the time of building permit issuance. Because the development is in the City Centre, the new commercial component is discounted 100%. The residential component is discounted 25% as long as the building permit is issued prior to January 1, 2017. Therefore, at the discounted rate, development charges would total \$1,640,690.50. Parkland contribution and the education levy will be required at the time of building permit. Property taxes will be generated from the proposed development, as currently under City ownership there are no property taxes collected.

LINKAGE TO 2014-2018 STRATEGIC PLAN

42. The recommendations included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan.

Inclusive Community

43. The sale and redevelopment of an underutilized property in the downtown will assist in promoting the downtown community, bring additional residents to the downtown, create construction jobs and increase City revenue from its sale.

Attachments: Appendix "A" – Draft Reference Plan
Appendix "B" – Building and Site Concept Plans

APPENDIX "B"

Building and Site Concept Plans



paradigm

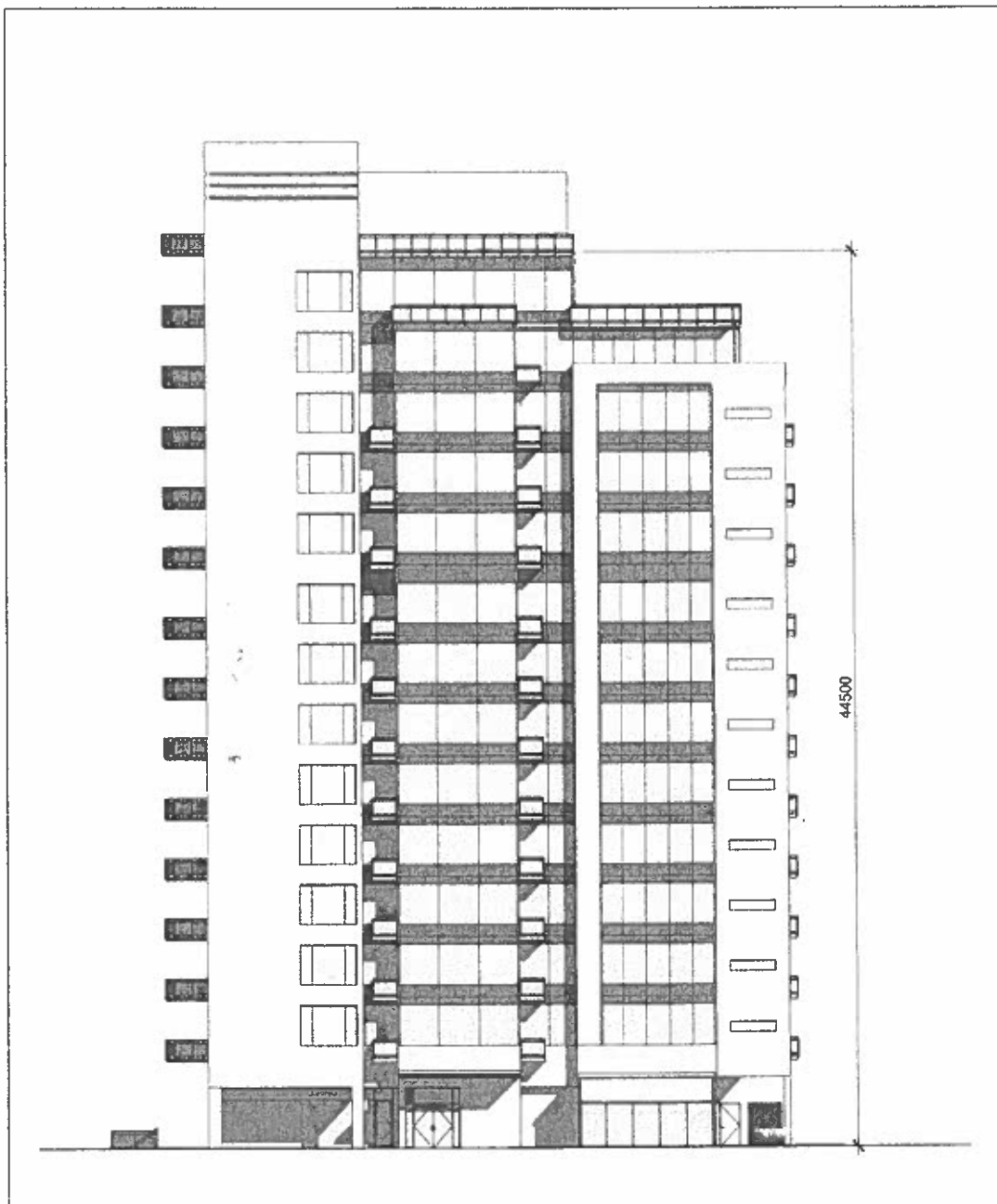
ROBIN
CLARKE
ARCHITECT

THE 36
36 Mulcaster Street, Barrie

PERSPECTIVE
SCALE:

A0

04/20/15

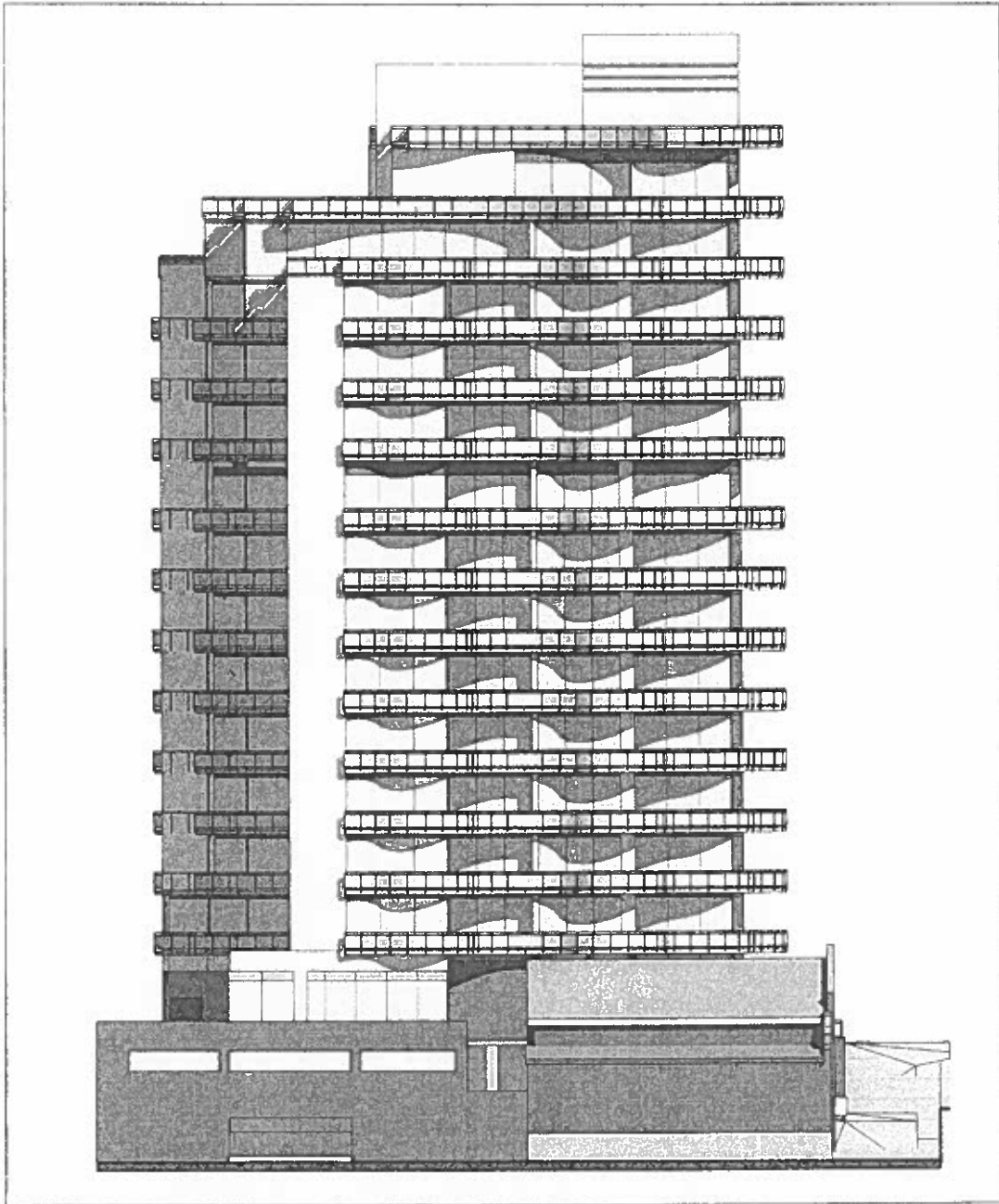


North Elevation – Collier Street

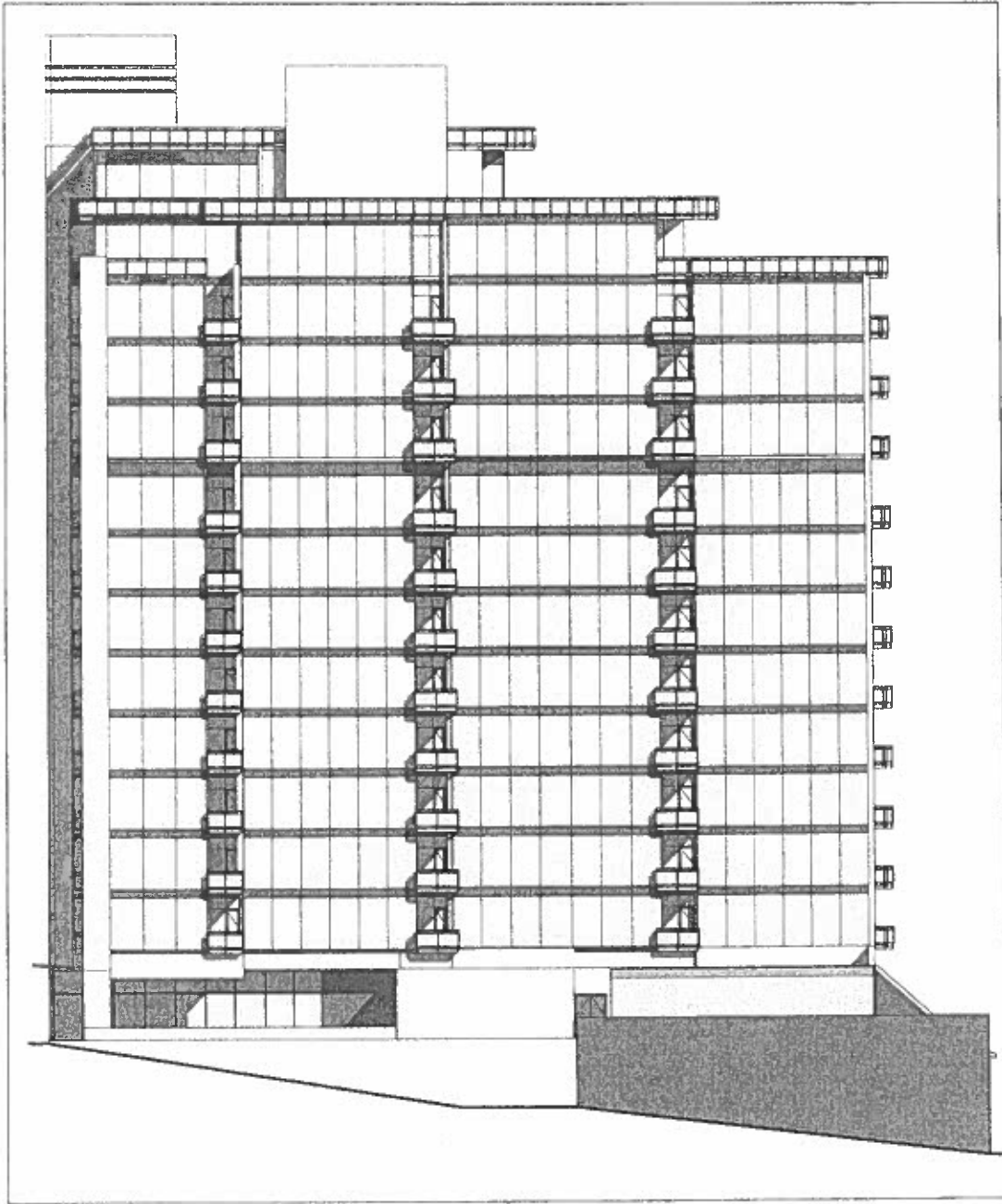
36 MULCASTER DEVELOPMENT *EDEV REALTY ADVISORS INC*
ROBIN CLARKE ARCHITECT

31.03.2015

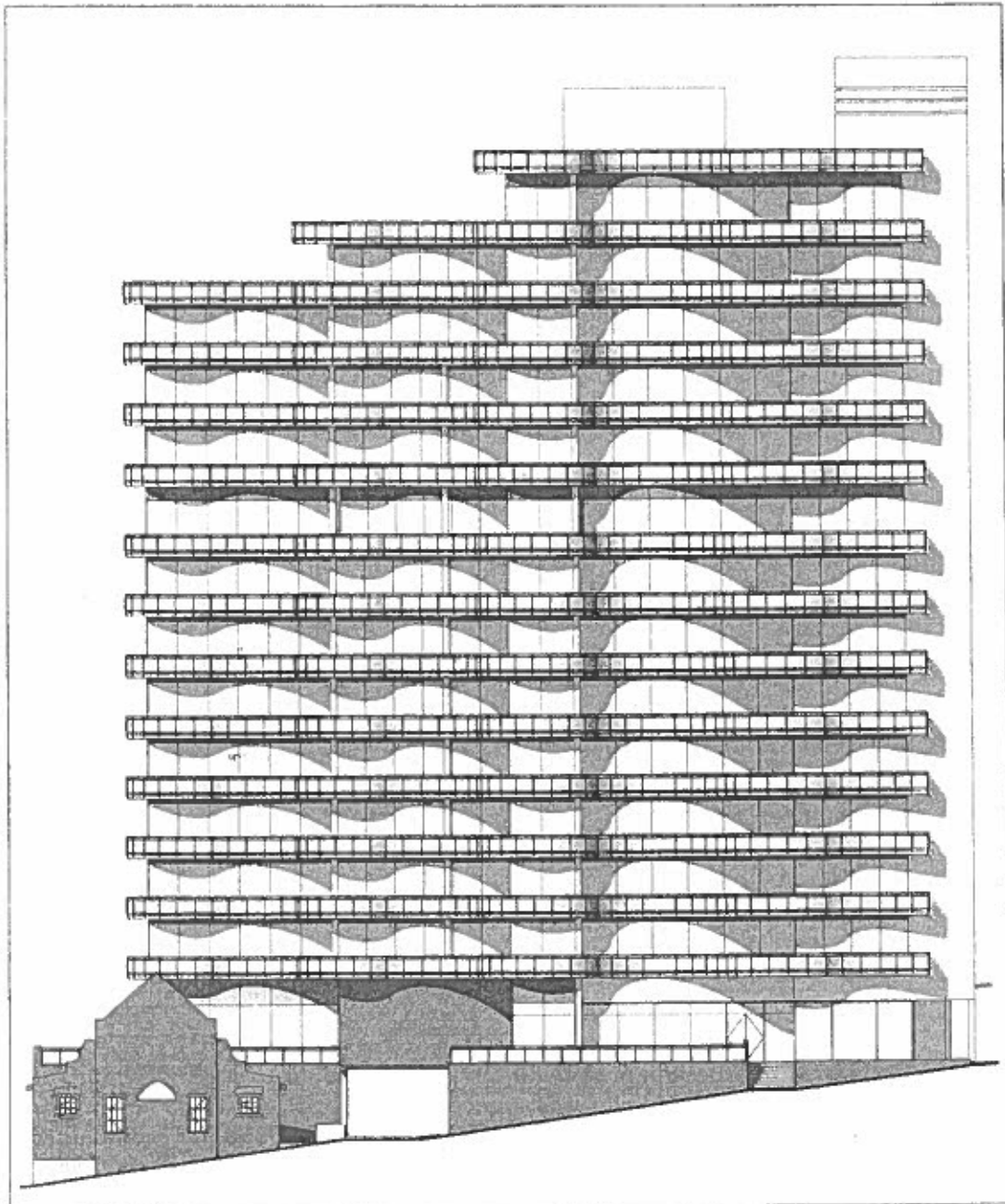
DRWG No A07



South Elevation



West Elevation



East Elevation – Mulcaster Street

36 MULCASTER DEVELOPMENT *EDEV REALTY ADVISORS INC*
ROBIN CLARKE ARCHITECT

31.03.2015

DRWG No A08

