

APPENDIX E – PUBLIC COMMENTS



May 11, 2017

**RE: 421 – 431 Brant Street
505-01/17 & 520-02/17
Applications to Amend the Official Plan & Zoning By-Law by 421 Brant Street Inc.**

Overall Recommendation:

We support the general concept of this building design if the New Official Plan determines this is where Tall Buildings should be built in the future.

The SDC reviews development applications in order to provide comments to encourage sustainable development. This mandate was approved by council in 1990 and the Terms of Reference and review protocol require input at the earliest possible stage of development. In order to implement the change to truly sustainable development, the planning process of the City needs to engage developers at a much earlier stage than occurs at present. In addition, the committee is empowered to review applications based on Part II Section 2.3 policy b) of the 2013 Official Plan which states:

"The City will maintain a citizen's advisory committee to advise and assist Council and staff on the implementation of Principles and Objectives of Sustainable Development (see Appendix E), through the review of development applications and other matters of interest in accordance with the terms of reference adopted and periodically reviewed by Council."

In general, the committee also relies on the following sections of the official plan in its review of applications:

Part II Section 2.2 objective d) *To use Sustainable Development criteria for review of applications for development, and to ensure that new development is compatible with existing end uses,*

Part II Section 2.7.1 Principles a) *To the greatest extent possible, proposed development shall be consistent with the goals and objectives of Sustainable Development, and other policies in Part II Section 2.7 of the Official Plan.*

Preamble:

421 Brant Street Inc. is requesting amendments to the City's Official Plan and Zoning By-Law 2020 for the subject properties to permit a proposed 27-storey mixed use building (includes 1-storey of roof top amenity space). The proposed development would consist of 183 residential units, 1,327 square metres of office space and 966 square metres of ground floor retail/commercial uses fronting onto Brant and James Streets. The proposed floor area ratio (FAR) is 11.24:1. The proposal includes 4 levels of underground parking, with 183 parking spaces, accessed from John Street.

To the north are retail/commercial uses facing onto Brant and James Streets; to the east are retail / commercial uses and residential land uses; to the south are retail/commercial uses and office uses (southeast); and to the west is Burlington City Hall.

Currently, the Official Plan allows a maximum height of four stories. The maximum height can be up eight stories and 29 metres where they provide compatibility with surrounding land uses, a sense of pedestrian scale by use of terracing above the second floor, and subject to community benefits provisions of the Official Plan.

For 421, 425, and 427 Brant Street there is a special provision which sets out a maximum building height of seven stories and 22 metres. The maximum height can be up to twelve stories and 37 metres where they provide compatibility with surrounding land uses, a sense of pedestrian scale by use of terracing above the second floor, and subject to community benefits provisions of the Official Plan.

There are several aspects of this building that stand out including:

- ☑ Mixed use building accommodating retail/commercial space on the ground floor, office space on the second floor, and residential space on the third floor and above. The services provided are compatible with the surrounding area.
- ☑ Public transit terminal is readily available.
- ☑ Shopping, restaurants, recreation etc. are within walking distance of this development.
- ☑ Provides 1-3 bedroom apartments that opens up the development to families.
- ☑ The overall building design matches fairly closely to the Tall Building design criteria. The podium does a good job of framing the street and the podium height ties in fairly well with the surrounding area.
- ☑ The proposed design of the sidewalk will provide a 6 metre walkway that runs around the building along Brant, James and John streets with trees for shade and benches for sitting. This will provide a very pedestrian friendly area, enable the area to achieve the proper streetscaping, and improve connectivity. It will provide a good street perspective.
- ☑ 65 bike storage spaces are provided.

Although we like the proposed building design, SDC's concern is the proposed development will provide 1920 people and jobs/ha. This is more than 9X the goal of 200 people and jobs for Downtown Urban Growth Centre outlined by the Growth Plan. The City has indicated that they are well positioned to achieve this goal by 2031 taking into consideration the existing Official Plan and zoning regulations.

The proposed height of 27 stories greatly exceeds what is currently allowed in existing Official Plan. The building would be incompatible with the existing neighbourhood character in terms of scale, massing and height.

Currently tall buildings are spread all over Downtown. This makes it difficult to provide a gradual and appropriate transition in height to the adjacent use.

We find the general concept of the overall building design quite acceptable. If in the new Official Plan, we intend to have our high intensification along this part of Brant Street and surrounding area. SDC supports sustainable intensification and support the concept proposed by the developer, the concept will be compatible with future building. As tall buildings continue to arise in downtown Burlington there needs to be a plan to have appropriate and gradual transition in height for adjacent future use. As the height currently exceeds the current official plan. The exact height for best use of intensification still needs to be determined.

Summary of Principles and Objectives Discussion Below and Recommendations/Action Items:

As the developer has pointed out this is a prestigious building for Burlington. The developer has an opportunity to create a truly prestige building that sets the standard for new development within the downtown core by incorporating sustainable practices such as:

- ☑ Make a reasonable effort to design and build a building with increased energy efficiency that will enable Burlington to our goal of net carbon-neutral. **
- ☑ Conserve water and reduce silt and contaminants in waste water. Recirculate gray water. **
- ☑ Provide affordable housing within this development.
- ☑ Use recycled and rapidly renewable building materials.
- ☑ Implement LEED level best practice at least to a Gold standard.
- ☑ With the upcoming Energy Consumption and Water Use Reporting, the developer should turn over the building with ongoing effective operating and maintenance systems to the condo board that can be maintained on an ongoing basis.
- ☑ Consider an additional storey of office space.
- ☑ Minimize discharge and use of toxic chemicals.
- ☑ Provide more investment in green spaces.

☑ Provide on-site car charging stations, and car and bike sharing.

**Key Priority

Details of these recommendations are provided in more detail in the Principles and Objectives section.

Our comments are based on the following Principles and Objectives of Sustainable Development, as developed by the committee, endorsed by Council and found in Appendix E of the City's Official Plan:

PRINCIPLES

Support responsible development that promotes efficiency and enhances the quality of life.

Promote responsible resource use and conservation practices.

COMMENTS

This development enhances the Quality of Life by providing most services within walking distance, and transit nearby for residents. Makes good use of land and parking.

Providing 1-3 bedroom apartments opens up the development to families.

The target market for this development is luxury condos for empty nesters. This will increase the price of single family homes in the surrounding area decreasing the affordability of family housing in the area. It is important to provide affordable housing in this development to overcome the problems in manner outlined by the Region of Halton. The developer is encouraged to ensure that the project is supportive of Halton Region's Comprehensive Housing Strategy and is in alignment with the housing objective 86(26) of the Halton Region Official Plan: "Seek development opportunities for Assisted and Affordable Housing in Intensification Areas where public transit, retail and other facilities are readily accessible.

Developer should consider ways to reduce resource usage such as recycled building materials. From a conservation perspective, the use of rapidly renewable building materials should be used on this project and the new building should have waste management facilities that will handle multi-stream waste separated into reuse and recycled material.

Promote responsible stewardship to ensure equitable use of natural and environmental resources in order to meet essential needs of both present and future generations.

SDC supports the use of LEED V4 for Neighbourhood Design and LEED Canada for New Construction. It encourages the design and construction of energy efficient buildings particularly the shell that reduce air, water, and land pollution and environmental damage from energy production and consumption.

No evidence of stewardship initiatives in the developer's plans although verbally they indicated willingness to use LEED at a certified level. We are hoping they will enhance this later in the process by implementing LEED level best practice to at least to a Gold Standard.

In February 2017 Ontario Regulation 20/17, Reporting of Energy Consumption and Water Use was filed and published. The regulation outlines what building owners must do to comply with Ontario's Large Building Energy and Water Reporting and Benchmarking (EWRB). The regulation will come into force on July 1, 2017. Both energy and water, consumption and performance data is to be provided as well as GHG emissions and intensity. The developer should take into consideration when developing a building commissioning plan and ongoing operations plan. It is important to turn over the building with ongoing effective operating and maintenance systems to the condo board that can be maintained on an ongoing basis. Incentives are available to improve energy and water performance.

OBJECTIVES

Reforestation of the City: Promote the replanting and management of vegetation on private and public property within the city.

Full Public Participation in Development Decisions: Allow the public to be part of all planning

COMMENTS

Site does not allow significant amount of trees, we would like to see the developer plant trees elsewhere in the city to offset the lack of trees on site and provide support for urban parks.

The developer and City should respond to the concerns raised by residents at the

decisions. Economic, environmental and social impacts of proposed developments should be considered.

Make the Best Use of Land: Land-use decisions based upon an ecosystem approach to ensure environmental integrity and diversity. To include, but not be limited to, promoting environmentally sensitive lands and using fertile soil for agriculture throughout the municipality.

Natural Storm Water Management: Protect water courses in their natural state and for those water courses that have been significantly altered, restoration to a more natural state will be encouraged as opportunities arise.

Balanced Development: Provide a community plan and an economic strategy aimed at creating sustainable and appropriate forms of development that reflect human scale and a sense of community as well as representing a balance between urban development and natural surroundings.

Neighbourhood and Statutory meetings. These responses should include mitigation plans.

The design has been well thought out providing a mixed used building accommodating retail/commercial space on the ground floor, office space on the second floor, and residential space on the third floor and above. This is compatible with the usage in the surrounding neighbourhood.

This is prime employment land looking for additional office space. An additional storey of office space should be considered. This would provide approximately 47 additional jobs. It is important that the retail/commercial space continues to provide the type of services and design that promote community gathering.

There is a significant public transit available and a number of amenities within walking distance

We recommend reviewing the opportunity to use LID approaches and other SWM best practices.

The footprint of the proposed building could produce high levels of contaminated storm water. To decrease runoff where, retention & filtration techniques should be included in the site design.

During construction it is important to clean-up the water contaminants before pumping off site.

The developer proposes a mixed use facility of commercial/retail, office space and residential that links well with the current neighbourhood activities. The building was designed to tie fairly closely to Tall Building Guidelines from a civil perspective. The podium will do a good job of framing the street and ties closely to the height of the surrounding buildings. The tower has a slightly greater footprint than recommended. The proposed retail lay-out does not meet the

Efficient Urban Design: Increase the efficiency of land use in the urban community in terms of energy and time; promote intensification and diversification policies rather than policies that generate urban sprawl.

guidelines in terms of size of each store suggested.

.The proposed design will provide for 311 people (183 housing units*1.7), 47 office jobs (1327.0 m² / 28 m²/office), and 26 retail jobs (966.8 m² / 37 m²/retail) for a total of 384 people and jobs. This leads to 1920 (384/0.2) people and jobs/ha. This is more than nine times the planned density of 200 people and jobs/ha needed by the Growth Plan for the Urban Growth Centre. A recent City study indicates that Burlington is well positioned to achieve a total of 200 units and jobs per hectare taking into consideration the existing Official Plan permissions and zoning regulations.

Currently the maximum height of buildings is 4 stories up to 8 stories with certain provisions. In case of 421, 425 and 427 Brant St. 7 stories and up to 12 stories. The provisions relate to compatibility with surrounding land uses, terracing to provide sense of pedestrian scale and community benefits.

Currently tall buildings are spread all over Downtown. This makes it difficult to provide a gradual and appropriate transition in height to adjacent uses.

A tall building to-day would be incompatible with the existing neighbourhood character in terms of scale, massing and height. However a tall building built to-day may not be incompatible with neighbourhood character in the future.

We find the general concept of the overall building design quite acceptable for a Tall Building design. If in the new Official Plan, we intend to have our high intensification along this part of Brant Street with Tall Buildings we see no reason for this general concept not to be built. The exact height still needs to be determined.

We are concerned with the amount of glazing

Minimal Discharge of Toxic Pesticides and Other Toxic Chemicals: Promote the elimination of private and public use of toxic pesticides and other chemicals that have negative effects on the environment, particularly those known to be persistent.

Accessible Community Development: Form a new type of community development which includes readily available local community components such as commerce, shopping, employment, education and recreation within walking distance of all residences.

Responsible Use of Natural Resources: Encourage conservation of natural resources; the city should work towards ensuring that users are charged for the full local costs of their individual use of water, electricity and sanitary sewers. There should also be educational programs to encourage conservation of natural resources.

Integration of Natural Features and Green Space: Integrate natural features and green space in all new developments and intensification projects.

Energy Conservation: Promote energy conservation through efficient land use planning and building design.

being used. It has a low R-value that reduces over time with seals failing and provides a large solar heat gain.

During Construction ensure any toxic chemicals that are used are cleaned up, removed from site, and disposed in the proper hazard waste site.

During the ongoing operations and maintenance of the development ensure green practices are used with minimal toxic materials.

The walkability of the site is positive; it is close to shopping, restaurants, recreation, etc. The proposed design of the sidewalk will provide a 6 meter walkway that runs around the building along Brant, James and John streets with trees for shade, & benches for sitting. Given the height of the podium this should provide a good street perspective.

There is access to retail/commercial available along Brant and James Streets. This will provide the City with a very pedestrian friendly area enabling us to achieve the proper streetscaping and improve connectivity.

Water use technologies such as water-efficient appliances, dual-flush toilets etc. and waste water technologies collection and filtering of rainwater and recirculation of grey water should be incorporated.

There is a limited green space provided based on the proposed design. SDC would like to see a more significant investment in greenspace.

The developer has not provided information on design elements to encourage the conservation of energy.

If this is meant to be a prestige building, A

reasonable effort should be made to design and build a building with increase efficiency that will enable Burlington to achieve our goal of net neutral-carbon.

SDC recommends the use of:

- ☑ On-site renewable energy
- ☑ Construction of a very efficient building shell
- ☑ Incorporation of passive solar design elements to maximize the use of solar energy
- ☑ Reduction in the use of energy through efficient fixtures and appliances, and
- ☑ Individual energy metering of each unit.

Balanced Transportation System: Develop a balanced transportation system including transit, pedestrian, and cycling amenities and best use of the road system for movement of goods and people, with the existing facilities used to their fullest capacity.

This location does have easy access to location bus terminal and a bus ride away from high speed transit. Residents are easily able to walk to transit, shopping and walking, located closely City Hall, Art Centre, etc.

Bicycle storage has been provided on site and bike trails are located closely.

The developer is proposing to have car charging stations on site. Bike Sharing and Car Sharing stations should be considered.

Traffic does not appear to be an issue except back-ups on James could impact access to building. Left hand turns from James to Brant at times will hold up traffic. A drop-off area for the building should be considered.

Future Site Plan & Building Permit Considerations: Our comments below outline some sustainable features the proponent should consider in the development of their project, for implementation through the Site Plan process. Further details related to these concepts can be found in:

- ☑ LEED Canada for New Construction and Major Renovations
- ☑ LEED v4 for Neighbourhood Development

☐ Burlington's Community Energy Plan

Sustainable Sites

Development Density - Channel development to urban areas with existing infrastructure, protecting greenfields and preserving habitat and natural resources. (OPA/ZBL – Although already determined by the time a development application is made)

Site Selection - Avoid development of inappropriate sites and reduce the environmental impact from the location of a building on a site. (OPA/ZBL – Although already determined by the time a development application is made)

Alternative Transportation, Bicycle Storage & Changing Rooms - For commercial or institutional buildings, provide secure bicycle storage, with convenient changing/shower facilities (within 184 meters of the building) for 5% or more of regular building occupants. In residential buildings, provide covered storage facilities for securing bicycles for 15% or more of building occupants in lieu of changing/shower facilities. **(Site Plan)**

Reduced Site Disturbance, Protect or Restore Open Space - On greenfield sites, limit site disturbance including earthwork and clearing of vegetation to 12 metres beyond the building perimeter, 1.5 m beyond primary roadway curbs, walkways, and main utility branch trenches, and 7.5 m beyond constructed areas with permeable surfaces (such as pervious paving areas) that require additional staging areas in order to limit compaction in the constructed area. Or on previously developed sites, restore a minimum of 50% of the site area (excluding the building footprint) by replacing impervious surfaces with native or adapted vegetation. **(OPA/ZBL/Site Plan)**

Reduced Site Disturbance, Develop Footprint - Reduce the development footprint (defined as entire building footprint, access roads and parking) to exceed the local zoning's open space requirement for the site by 25%. **(OPA/ZBL/Site Plan)**

Heat Island Effect, Non-Roof - Provide shade (within 5 years) and/or use light-coloured high-albedo materials (reflectance of at least 0.3) or open grid pavement for at least 30% of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.; Or place a minimum of 50% of parking spaces underground or covered by structured parking; Or use an open-grid pavement system (less than 50% impervious) for a minimum of 50% of the parking lot area. **(Site Plan)**

Heat Island Effect, Roof - Use ENERGY STAR compliant, high-reflectance and high emissivity roofing for a minimum of 75% of the roof surface; Or install an extensive or intensive "green" (vegetated) roof for at least 50% of the roof area. Combinations of high albedo and vegetated roof can be used providing they collectively cover 75% of the roof area. **(Site Plan/Building Permit)**

Water Efficiency

Water Efficient Landscaping, No Potable or No Irrigation - Use only captured rain or recycled site water to eliminate all potable water use for site irrigation (except for initial watering to establish plants), OR, Do not install permanent landscape irrigation systems. **(Site Plan)**

Water Efficient Landscaping, Reduce by 50% - Use high-efficiency irrigation technology. Use captured rain or recycled site water to reduce potable water consumption for irrigation by 50% over conventional means. **(Site Plan)**

Water Use Reduction, 30% Reduction - Employ strategies that in aggregate use 30% less potable water than use baseline calculated for the building after meeting the fixture performance requirements listed in Baseline Water Fixture Requirements Table. **(Building Permit)**

Energy & Atmosphere

Fundamental Building Systems Commissioning - Verify and ensure that the fundamental building elements and systems are designed, installed, calibrated, and commissioned to operate as intended by an independent party. **(Building Permit)**

Net-Zero Energy Performance - Demonstration via energy modelling of net-zero energy footprint as demonstrated by third party certification. Provision of visible continuous metering of energy usage for each unit. Enrollment in Burlington Hydro's PeakSaver Plus Program. **(Building Permit)**

Renewable Energy, 20% - 20% of building's energy from on-site renewable energy **(Building Permit)**

Greenhouse Gas Emission Reduction - Incorporate technologies for space heating and cooling and water heating that produce less carbon emissions than fossil fueled devices.

Ozone Protection - No HCFC's in base building level HVAC and refrigeration **(Building Permit)**

Materials & Resources

Storage & Collection of Recyclables - Provide an easily accessible area serving the entire building and dedicated to separation, collection and storage of materials for recycling, including (at minimum) – paper, corrugated cardboard, glass, plastics, and metal **(Site Plan)**

Construction Waste Management: Divert 75% from Landfill - Develop and implement a waste management plan to recycle and/or salvage at least 75% of construction, demolition, and land clearing waste. Calculations can be done by either weight or volume but must be consistent.

Rapidly Renewable Materials - Ensure that at least 15% of a project's construction materials (based on value) comprise recycled content. Use building materials or products made from plants that are typically harvested within a 10 year period or less, and totaling at least 5% of the total value of all building materials and products used in the project. Where wood based materials are used, utilize a minimum of 25% that are

certified in accordance with the Forest Stewardship Council's principles and criteria for wood building components. **(Building Permit)**

Maintenance, Monitoring and Communication - Provision of a building maintenance plan that provides instructions, training requirements and schedules for maintaining sustainability features of the site/building. Provision of instructions for occupants that explain the intent, benefits, use, and maintenance of green building features as part of the purchase. Provision of a building maintenance plan that provides instructions and schedules for maintaining green features of buildings. Provision of instructions for occupants that explain the intent, benefits, use and maintenance of green building features.

Indoor Environmental Quality

Minimum IAQ Performance - Establish minimum indoor air quality (IAQ) performance to enhance indoor air quality in buildings, thus contributing to the comfort and well being of the occupants – required to meet the minimum requirement of ASHRAE 62-2001 **(Building Permit)**

Low-Emitting Materials: Paints and Coating - Reduce quantity of indoor air contaminants that are odorous, potentially irritating and/or harmful to occupants and installers. The VOC content of paints and coatings must be then limits of the Green Seal Standard GS-03, GS-11, or the State of California South Coast Air Quality Management District. **(Building Permit)**

Controllability of Systems: Perimeter Spaces - Provide a high level of thermal ventilation and lighting system controlled by occupants to promote productivity, comfort & well-being of building occupants. Provide at least an average of one operable window and one lighting control zone per 18.5 m² of regularly occupied floor area within 5 metres of perimeter wall. **(Building Permit)**

Thermal Comfort: Compliance - Provide thermally comfortable environment – comply with ASHRAE Standard 55-2004 **(Building Permit)**

The Sustainable Development Committee requests a response from the applicant related to the above recommendations. The committee would be pleased to meet with the applicant to discuss these comments in further detail, and appreciates the opportunity to provide further review and comments on subsequent submissions.

Respectfully Submitted,

Guy Sheppard

Chair, Planning and Development Subcommittee

Sustainable Development Committee