



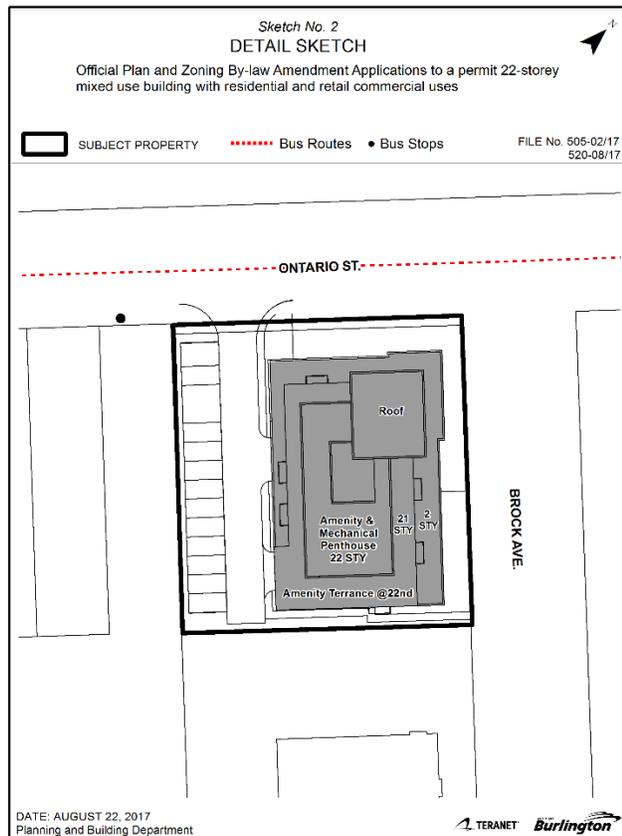
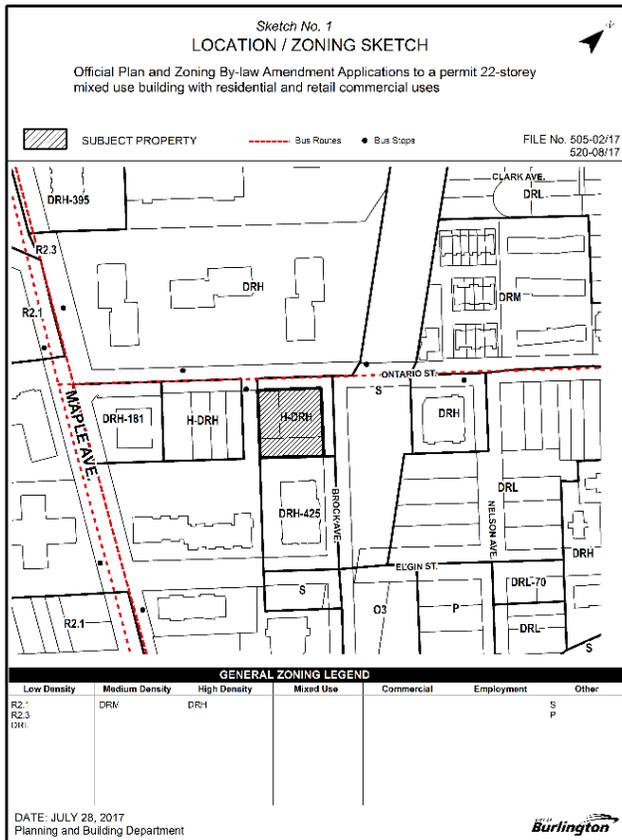
November 15, 2017

RE: 490 to 492 Brock Avenue & 1298 Ontario Street

File Numbers: 505-02/17 & 520-08/17

Applications to Amend the Official Plan & Zoning By-law – by 421 Brant Street Inc.

**Overall Recommendation:** We do not support this application. It exceeds the intent of intensification in the downtown core and does not comply with sustainable building principles although an attempt has been made to move in this direction.





## **SDC Mandate**

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 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:**

Our team has reviewed the available documents including the preconsultation meeting notes and spoken with the Planner for the file. Our understanding is that no sustainable development features were discussed specifically prior to the applicant's submission and any measures related to sustainable design were offered solely on the part of the applicant. This concerns us greatly in view of the fact that our principles and objectives approved by Council have been in existence since 1990 and the new draft Official Plan takes sustainable development seriously in a manner that is comprehensive and in line with the City's Strategic Plan. With the overwhelming response to the draft plan oriented towards open space, described by staff as "more urban greenspace, including trees, landscaping, natural areas and parks", we feel this application is sorely lacking in foresight for what Burlington is trying to achieve.

### Planning Matters

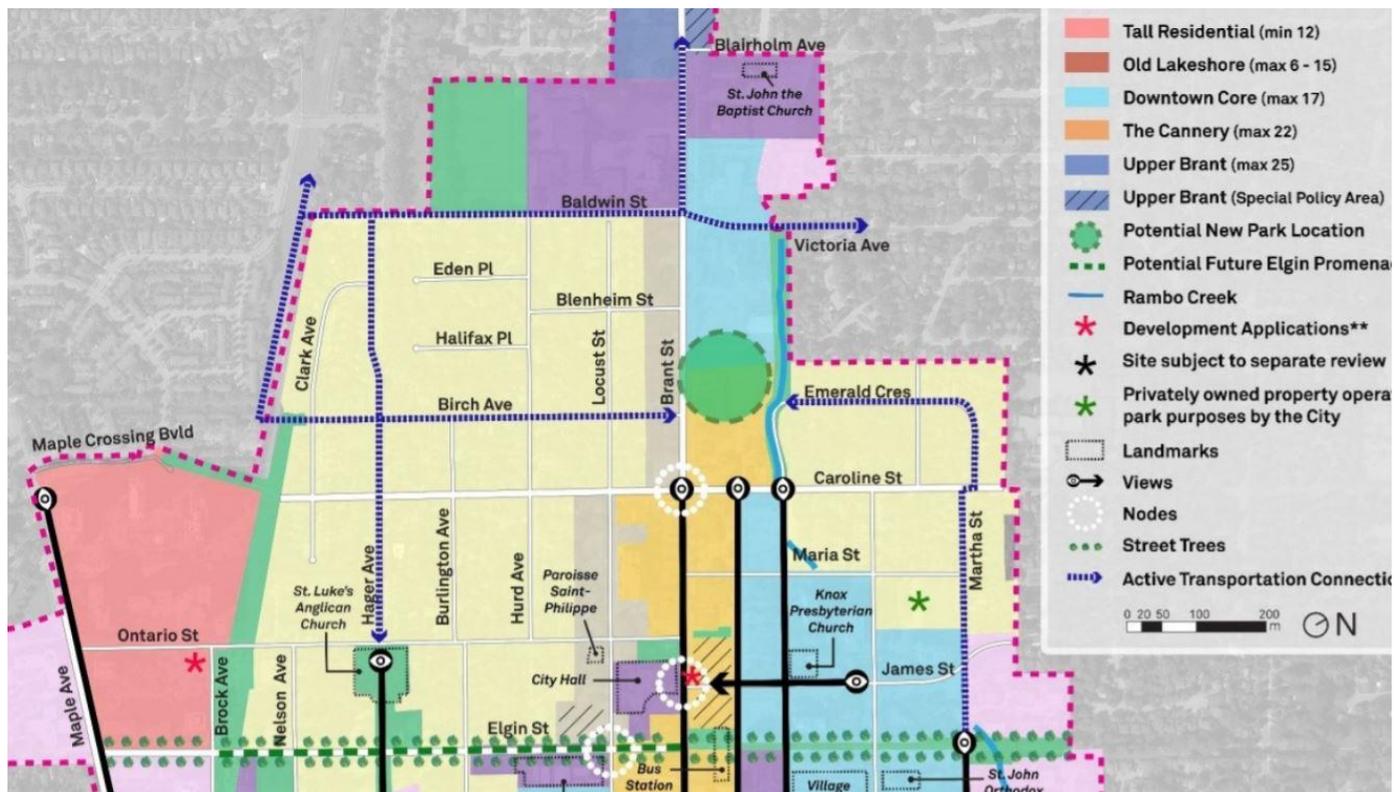
The applicant is requesting amendments to the City's Official Plan and Zoning By-law 2020 for the subject properties in order to permit a proposed 22-storey mixed use building (includes 1-storey of rooftop amenity space). The proposed development would consist of 170 residential units (one and two bedroom suites) and 186 square metres of ground floor retail/commercial space uses fronting onto Ontario Street. The proposed floor area ratio (FAR) is 7.15:1. The proposal also includes 4 levels of underground parking, with 185 parking spaces, accessed from Ontario Street. Sketch No. 2 shows the proposed development.

These applications apply to 3 properties, known municipally as 490 – 492 Brock Avenue and 1298 Ontario Street, which the applicants have assembled. These lands comprise the north-east portion of a City block bound by Ontario Street to the north, Brock Avenue to the east, Elgin Street to the south, and Maple Avenue to the west. 490 & 492 Brock Avenue previously contained single detached residential dwellings; however, these dwellings have been removed and the properties are currently vacant. 1298 Ontario Street currently contains a single detached residential dwelling. The subject lands comprise a total area of approximately 0.22 hectares (0.55 acres).

The site is surrounded by low and high rise buildings, mostly residential. Maplevue Mall is across Maple Avenue to the west of the site. To the north of the subject properties are high-density residential uses (i.e. apartment buildings); to the east is a surface parking lot and a hydro corridor; to the south is a high-density residential use (i.e. apartment building); and to the west is a surface parking lot and a number of single detached residential dwellings.

Currently, the Official Plan allows a maximum height of up to 22 metres (about 10 storeys) and a maximum density of 185 units per hectare. However, progress is being made on the new Official Plan and the Mobility Hubs which should be considered in this application.

Although not final, the suggested height of tall buildings for this area referred to as the Tall Residential Precinct is a minimum of 12 storeys.



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

- 186 square metres of ground floor retail / commercial space uses fronting onto Ontario Street. We would like to see more on the second floor that would be compatible with the surrounding area.
- Public transit readily available.
- Shopping, restaurants, recreation etc. are within walking distance of this development.
- No 3 bedroom units are provided that could open up the development to families.
- The overall building design does not match well with the Tall Building design criteria. The podium is not sufficient as it does not frame the street and the height does not tie in well with the surrounding area. We question the all glass appearance as it is not in keeping with sustainable design.
- The minimal sidewalk and poor landscaping does not encourage a pedestrian friendly area and improve connectivity.
- Although 176 bike storage spaces are provided in the first two parking levels and it is proposed to include one bicycle space per resident above grade, no mention is made of charging electric vehicles.

SDC's concern is the proposed development will provide 795 units per hectare and we estimate about 15 jobs for a total of 810 people and jobs/ha. This is more than 4 times 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.

## Sustainable Building Matters

The new Official Plan draft now encourages sustainable building and development guidelines, some of which are mandatory. Repeated here is the discussion on why it makes sense to build sustainably.

### **“The Benefits and Costs of Sustainable Buildings**

Sustainable building practices are well known for their environmental benefits, however less attention is given to the social and economic benefits of “building green”. The common misconception that sustainable building practices are cost prohibitive is often an obstacle to implementation.

Recent Canadian research has demonstrated that sustainable building activity is being driven by the market, and by the benefits that accrue from good sustainable building practices. These benefits are not only environmental and include reduced operating costs, demonstration of a public commitment to corporate sustainability, effective asset management, improved rental and occupancy rates and creating higher quality buildings that provide enhanced occupant comfort, productivity, health and wellbeing. Doing the right thing and client demand are the top two triggers for increased green building activity in the Canadian market. Research has identified the following performance of green buildings in the Canadian market:

- a median reduction in operating costs of 17% over 5 years;
- a median payback of eight years; and
- a median increased building value of 4%.

Further studies have demonstrated that additional costs in green buildings are generally attributed to the design and modeling time necessary to incorporate sustainability features midway through a project. Incorporating sustainable design features from the outset or early stage of a project can help avoid higher costs. The investment of an additional 3% of project costs in the design phase can reduce construction costs by 10%, and the inclusion of a multi-disciplinary design team and involving contractors in the design process can also contribute to reduced costs.

### **Other Standards and Guidelines**

There are numerous third party certification programs and standards which applicants may also choose to pursue, such as:

- LEED (Leadership in Energy and Environmental Design), [www.cagbc.org](http://www.cagbc.org)
- Energy Star and R-2000 Home Certification, [www.nrncan.gc.ca/energy/efficiency/housing/new-homes/5057](http://www.nrncan.gc.ca/energy/efficiency/housing/new-homes/5057)
- BOMA BEST, [www.bomabest.com](http://www.bomabest.com)
- Quality Assured Passive House Certification (also available for non-residential buildings), [www.passivehouse.ca](http://www.passivehouse.ca)
- Sustainable Sites Initiative, [www.sustainablesites.org](http://www.sustainablesites.org)

The City’s Sustainable Building and Development Guidelines incorporate many similar standards to those found in the programs above. The city supports and encourages the use of recognized and accredited third-party green building certification programs for all new development.”

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

This can be a prestigious building for Burlington that sets the standard for new development within the downtown core by incorporating sustainable practices.

We like the proposed sustainable items, although not complete, which include:

- Low water consumption devices
- Drought tolerant landscaping
- Energy efficient windows, lighting and appliances
- Waste separation and recycling during construction
- Low VOC building materials
- Pressurized hallways to control smoking fumes
- Minimum 20% barrier free suites

In addition to these we would like to see the development:

- Improve the building energy efficiency that will enable Burlington to meet our goal of net carbon-neutral. \*\*
- 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.
- Provide more investment in green spaces.
- Provide on-site electric car charging stations in compliance with the Ontario Building Code changes in effect January 1, 2018, and car and bike sharing.

\*\*Key Priority

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

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	COMMENTS
Support responsible development that promotes efficiency and enhances the quality of life.	<p>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.</p> <p>Not providing 3 bedroom apartments denies the development to families.</p> <p>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,</p>

	retail and other facilities are readily accessible.
Promote responsible resource use and conservation practices.	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. 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.
Promote responsible stewardship to ensure equitable use of natural and environmental resources in order to meet essential needs of both present and future generations.	No evidence of stewardship initiatives in the developer's plans although we encourage willingness to use LEED at better than certified level. 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 came 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 maintained an ongoing basis. Incentives are available to improve energy and water performance.

OBJECTIVES	COMMENTS
<b>Reforestation of the City:</b> Promote the replanting and management of vegetation on private and public property within the city.	Site does not allow significant number 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.
<b>Full Public Participation in Development Decisions:</b> Allow the public to be part of all planning decisions. Economic, environmental and social impacts of proposed developments should be considered.	The developer and City should respond to the concerns raised by residents at the Neighbourhood and Statutory meetings. These responses should include mitigation plans.
<b>Make the Best Use of Land:</b> 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	The design could be improved by 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

<p>throughout the municipality.</p>	<p>neighbourhood. This is prime employment land looking for additional office space. An additional storey of office space should be considered. This would provide 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</p>
<p><b>Natural Storm Water Management:</b> 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.</p>	<p>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 &amp; filtration techniques should be included in the site design. During construction it is important to clean-up the water contaminants before pumping off site.</p>
<p><b>Balanced Development:</b> 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.</p>	<p>The developer proposes a mixed use facility of commercial/retail and residential that links well with the current neighbourhood activities. The building design can be improved to tie more closely to Tall Building Guidelines from a civil perspective. The podium can do a better job of framing the street and tie closely to the height of the surrounding buildings. The tower has a slightly greater footprint than recommended. The proposed retail lay-out may not meet the guidelines in terms of size of each store suggested.</p>
<p><b>Efficient Urban Design:</b> 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.</p>	<p>The proposed design will provide for more than four 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. 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 being used. It has a low R-value that reduces over time with seals failing and provides a large solar heat gain.</p>
<p><b>Minimal Discharge of Toxic Pesticides and Other Toxic Chemicals:</b> 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.</p>	<p>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.</p>

<p><b>Accessible Community Development:</b> 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.</p>	<p>The walkability of the site is positive; it is close to shopping, restaurants, recreation, etc. The proposed design of the sidewalk is too narrow. A wider sidewalk with the height of the podium could provide a good street perspective.</p> <p>There is access to retail/commercial available nearby.</p>
<p><b>Responsible Use of Natural Resources:</b> 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.</p>	<p>Water use technologies such as water-efficient appliances, dual-flush toilets etc. and waste water technologies collection can be improved with filtering of rainwater and recirculation of grey water.</p>
<p><b>Integration of Natural Features and Green Space:</b> Integrate natural features and green space in all new developments and intensification projects.</p>	<p>There is a limited green space provided based on the proposed design. SDC would like to see a more significant investment in greenspace.</p>
<p><b>Energy Conservation:</b> Promote energy conservation through efficient land use planning and building design.</p>	<p>The developer has provided limited 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 increased efficiency that will enable Burlington to achieve our goal of net neutral-carbon.</p> <p>SDC recommends the use of:</p> <ul style="list-style-type: none"> <li>• On-site renewable energy</li> <li>• Ground source or air source heat pump heating and cooling and water heating</li> <li>• Construction of a very efficient building envelope</li> <li>• Incorporation of passive solar design elements to maximize the use of solar energy, and</li> <li>• Individual energy metering of each unit.</li> </ul>
<p><b>Balanced Transportation System:</b> 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.</p>	<p>This location does have easy access to local bus service 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.</p> <p>Bicycle storage has been provided on site and bike trails are located close by.</p> <p>The development should have car charging stations on site. Bike Sharing and Car Sharing stations should be considered.</p> <p>Traffic does not appear to be an issue. A drop-off area for the building should be considered.</p>

**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

<b><u>Sustainable Sites</u></b>
<b>Development Density</b> - Channel development to urban areas with existing infrastructure, protecting greenfields and preserving habitat and natural resources. <b>(OPA/ZBL – Although already determined by the time a development application is made)</b>
<b>Site Selection</b> - Avoid development of inappropriate sites and reduce the environmental impact from the location of a building on a site. <b>(OPA/ZBL – Although already determined by the time a development application is made)</b>
<b>Alternative Transportation, Bicycle Storage &amp; Changing Rooms</b> - 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. <b>(Site Plan)</b>
<b>Reduced Site Disturbance, Protect or Restore Open Space</b> - 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. <b>(OPA/ZBL/Site Plan)</b>
<b>Reduced Site Disturbance, Develop Footprint</b> - 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%. <b>(OPA/ZBL/Site Plan)</b>
<b>Heat Island Effect, Non-Roof</b> - 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. <b>(Site Plan)</b>
<b>Heat Island Effect, Roof</b> - 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. <b>(Site Plan/Building Permit)</b>
<b><u>Water Efficiency</u></b>

<p><b>Water Efficient Landscaping, No Potable or No Irrigation</b> - 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. <b>(Site Plan)</b></p>
<p><b>Water Efficient Landscaping, Reduce by 50%</b> - Use high-efficiency irrigation technology. Use captured rain or recycled site water to reduce potable water consumption for irrigation by 50% over conventional means. <b>(Site Plan)</b></p>
<p><b>Water Use Reduction, 30% Reduction</b> - 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. <b>(Building Permit)</b></p>
<p><b><u>Energy &amp; Atmosphere</u></b></p>
<p><b>Fundamental Building Systems Commissioning</b> - Verify and ensure that the fundamental building elements and systems are designed, installed, calibrated, and commissioned to operate as intended by an independent party. <b>(Building Permit)</b></p>
<p><b>Minimum Energy Performance</b> - Reduce design energy consumption by: <u>New</u> – 25% of Model National Energy Code for Buildings 1997 (MNECB) or 18% of ASHRAE/IESNA 90.1-1999; <u>Old</u> – 10% of MNECB or meets the ASHRA/IESNA standard. <b>(Building Permit)</b></p>
<p><b>Optimize Energy Performance</b> - Achieve increasing levels of energy performance above the prerequisite standard. For example, achieve 24% reduction from MNECB, 1 point and 64% reduction, 10 points <b>(Building Permit)</b></p>
<p><b>Renewable Energy, 20%</b> - 20% of building's energy from on-site renewable energy <b>(Building Permit)</b></p>
<p><b>Ozone Protection</b> - No HCFC's in base building level HVAC and refrigeration <b>(Building Permit)</b></p>
<p><b><u>Materials &amp; Resources</u></b></p>
<p><b>Storage &amp; Collection of Recyclables</b> - 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 <b>(Site Plan)</b></p>
<p><b>Construction Waste Management: Divert 75% from Landfill</b> - 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.</p>
<p><b>Rapidly Renewable Materials</b> - Use of 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. <b>(Building Permit)</b></p>
<p><b><u>Indoor Environmental Quality</u></b></p>
<p><b>Minimum IAQ Performance</b> - 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 <b>(Building Permit)</b></p>
<p><b>Low-Emitting Materials: Paints and Coating</b> - Reduce quantity of indoor air contaminants that are odorous, potentially irritating and/or harmful to occupants and installers. The VOC content of paints</p>

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 m<sup>2</sup> 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