

FPD

FOTHERGILL PLANNING & DEVELOPMENT INC.

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January 8, 2018

Lola Emberson, MCIP, RPP
Senior Planner, Development Review
Planning & Building Department
City of Burlington
426 Brant Street, P.O. Box 5013,
Burlington ON L7R 3Z6

Dear Lola:

Re: Application for OPA & Rezoning - Brock Phase 2

We have reviewed comments provided by Burlington Sustainable Development Committee with respect to this project. We note that the position of the Committee to not support the application is based on two reasons, including concerns with the project exceeding the intent of intensification of the downtown area, and secondly, compliance with sustainable building principles.

With respect to planning related matters, we would suggest that it is not appropriate for the Committee to provide an opinion with respect to these matters as it is beyond their mandate and we would question the qualifications of the Committee to present planning opinions to Council.

It has been my experience that this has happened in the past and was to be corrected so that Committee does not extend beyond their mandate and potentially create internal conflicts with opinions from the Planning Department. The question also arose on another project as to what would happen should the matter be appealed to the Ontario Municipal Board and the position of the Sustainable Development Committee be different than that of Planning Staff. Would the Committee introduce their own evidence and/or face the possibility of being subpoenaed by other parties to introduce this planning evidence to the Board which could be contrary to that provided by the Planning Department.

Our review of the comments by the Committee on planning related matters illustrate the nature of our concern:

1. It is not appropriate to have retail commercial space on the 2nd floor.
 2. With respect to lack of 3-bedroom units, there are no policies in the Official Plan that specify unit mix.
 3. Contrary to their position that the overall building design does not match well to Tall Building Design criteria, my Planning Justification Report confirmed that it complies to all relevant criteria in the Tall Buildings Guidelines. This position is supported by the project architect.
 4. It is unclear as to the manner in which the podium height is insufficient relative to other sites in the area. If these comments are to be considered, it would be helpful to understand the rationale and the extent of the design exercise undertaken by the Committee to arrive at such a significantly different position than that of our architectural team with respect to this design element.
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5. The Committee appears to take exception to the fact that the density is four times the goal of 400 people and jobs in the Downtown Growth Centre. This comment appears to misunderstand the context of the growth targets that are to be applied to the overall downtown area and not on a site specific basis. Further, these goals are minimums and have not been put in place to be used to assess individual development projects.
6. We disagree that not providing 3 bedroom apartment units denies the development to families. This and other similar projects appeal to and have been occupied by families.
7. Notwithstanding comments on page 6, it is not necessary to provide affordable housing in this development. This is not an affordable housing project. Matters of affordability can be considered at the time of the preparation of the Section 37 agreement.
8. We disagree with the statement on page 9 that the tower feature has a slightly greater footprint than recommended. The Guideline recommends a tower footprint of 750 sq.m. The tower floor plate in this proposal is 750 sq.m.
9. It is unclear what element of the guidelines the Committee feels the layout of the retail floor does not meet.

In summary, we disagree with many of the comments of the Committee with respect to planning related matters. Given these issues are more properly addressed by planning staff, I would suggest that any comments made by the Committee with respect to providing a planning opinion be disregarded. If this is to be made part of the public record, it should be accompanied by a note either by, or on behalf of, the Sustainable Development Committee that any comments related to planning matters are beyond their mandate and that they have no professional expertise to speak to either planning or urban design matters.

With respect to the comments on sustainable design elements for which we concur that the Committee has a proper mandate, the enclosed checklist provides an outline of sustainable design elements that are to be incorporated within the building in response to comments from the Sustainable Development Committee.

Additional items such as car charging, bike sharing and car sharing are still being considered and need to be explored further before commitments can be made with respect to these items.

Thank you very much.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

cc. Vince Molinaro, Sam DiSanto, Rob Molinaro, Kristen Baugaard, Barry Graziani, Pushpa Shantharaju, Rosalind Minaji, Tami Kitay

Sustainable Building Development Project Checklist

Block II Condo, Burlington

November 28, 2017

Yes	?	No	
			Site Design
✓			1.1 Required Augment Topsoil: Maintain a minimum 15 cm/6" quality topsoil.
✓			1.2 Required Snow Management: For sites with surface parking, identify a designated snow storage area in an area that will reduce salt and contaminant impacts to vegetation, groundwater and surface water. Appropriate on site snow storage is preferable to off-site snow removal.
	✓		1.3 Voluntary Augment Topsoil, Enhanced: Maintain a minimum 30 cm/12" quality topsoil, protect areas from disturbance and/or decompact subsoil in landscaped areas/non hardscape areas.
		✓	1.4 Voluntary Snow Management, Enhanced: Achieve the Smart About Salt Site Certification.
	✓		1.5 Voluntary Reuse Topsoil: Retain and reuse uncontaminated on-site topsoil in areas not covered by the building and parking/hard surface areas. Proper storage of topsoil to retain soil health and quality.
		✓	1.6 Voluntary Site Disturbance: 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.
		✓	1.7 Voluntary Adaptive Reuse: Development includes adaptive reuse or rehabilitation of any non designated heritage buildings with cultural heritage value or potential.
✓			1.8 Voluntary Accessible Units: In ground oriented residential developments such as townhomes, 15% of units are constructed as visitable housing. Features include: one zero-step entrance, wider doorways and clear passage on the main floor, a main floor bathroom or powder room. NOTE: Currently required for multi-unit apartment and condo buildings under the OBC.

Yes	?	No	
			Transportation
✓			2.1 Required Site Connections: Provide pedestrian and cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites in accordance with Official Plan policies.
✓			2.2 Required Accessibility: Design on-site sidewalks, crosswalks and walkways to be continuous, universally accessible, barrier-free and clearly delineated in accordance with Official Plan Policies, Accessibility for Ontarians with Disabilities Act & City of Burlington Accessibility Design Standards.
✓			2.3 Required Bicycle Storage: Provide bicycle parking spaces in accordance with the Zoning By-law and Official Plan Policies.
		✓	2.4 Voluntary Transportation Demand Management: Provision and implementation of a Transportation Demand Management Plan. Required for parking reductions and required in Primary, Secondary and Employment Growth areas as per Official Plan policy.
✓			2.5 Voluntary Bicycle Storage (Occupants): Locate occupant/employee bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures.
✓			2.6 Voluntary Bicycle Storage (Visitor): Provision of bicycle parking spaces in a weather protected area at grade near the main entrance or easy to identify area.
		✓	2.7 Voluntary End of Trip Facilities: In workplaces provide a minimum of 1 shower and change facility with lockers. Provide an additional shower and change facility for every 30 bicycle parking spaces.
✓			2.8 Voluntary Electric Vehicles: A minimum of 3% of parking spaces provide charging stations to accommodate electric vehicles and design additional areas to be EV conversion ready. NOTE: Effective January 2019, the Building Code requires EV charging in 20 per cent of parking spaces and "rough-ins" in the remaining spaces in new multi-unit residential buildings where parking is provided within the building.
		✓	2.9 Voluntary Transit Pass: For residential developments, each unit receives a one-year Burlington Transit pass at no cost to resident.
	✓		2.10 Voluntary Bike Share: Provision of an on-site bike share available for owners/tenants to use.
	✓		2.11 Voluntary Car Share: Provision of an on-site car share service available to owners/tenants and the public.

Yes ? No

Natural Environment

✓			3.1 Required	Light Pollution: Minimization of light pollution in accordance with the city's Guidelines for Outdoor Lighting and Official Plan Policies.
✓			3.2 Required	Native Species (NHS): As per Official Plan policy, use native, non-invasive species within the Natural Heritage System and related buffers, and use non-invasive species in all other areas.
✓			3.3 Voluntary	Native Species (Enhanced, outside NHS and buffers): Use native, non-invasive species that are suitable to site conditions for a minimum of 75% of all landscaped areas.
✓			3.4 Voluntary	Bird Friendly Design: Incorporate bird friendly design measures. Required for glass buildings and buildings adjacent to the Natural Heritage System and the Lake Ontario shoreline, as per Official Plan Policy.
✓			3.5 Voluntary	Low Maintenance Landscaping: All landscaping is low maintenance and drought resistant (i.e. Xeriscaping) that does not require a permanent potable water based irrigation system (except for initial watering to establish plants).
		✓	3.6 Voluntary	Tree Planting (quantity): Submit a Canopy Cover Plan that demonstrates 20% canopy cover of non-building hard surfaces at two thirds mature size.
	✓		3.7 Voluntary	Tree Planting (soil): Provide a soil volume of 30 m ³ per tree and a minimum depth of 1 metre of high quality soil OR in hard surface situations install a soil cell product with high quality soil and provide the required soil volume.
		✓	3.8 Voluntary	Enhanced Tree Preservation: Maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) OR Maintain 75% of healthy mature trees greater than 20 cm DBH. Note: Tree preservation requirements will be determined by Official Plan urban forestry policies.
	✓		3.9 Voluntary	Restoration and Enhancement: Complete and implement a restoration and/or enhancement plan that demonstrates net gain for Natural Heritage System areas, including a management and monitoring plan. May be required as a result of Environmental Impact Assessment recommendations.
✓			3.10 Voluntary	Community Gardens: For development containing residential units, provide community garden plots for residents in a common amenity area.

Yes ? No

Water Conservation and Quality

✓			4.1 Required	Stormwater Quality: Achievement of a level one/enhanced stormwater treatment for all stormwater runoff.
✓			4.2 Voluntary	Water Conservation Systems: implementation of systems to retain and reuse water, such as grey water recycling, rainwater harvesting systems, cisterns and rain barrels.
✓			4.3 Voluntary	Pervious Surfaces: minimization of impervious surfaces and stormwater runoff through the use of Low Impact Development (LID) measures, such as: • permeable pavement; • bioswales; • infiltration trenches/bioretention areas; • rain gardens; • draining roofs to pervious areas, and; • other innovative stormwater management strategies
✓			4.4 Voluntary	Efficient Fixtures: All newly installed toilets, urinals, private lavatory faucets, and showerheads that are eligible for labeling must be WaterSense labeled.

Yes ? No

Energy and Emissions

✓			5.1 Required	Urban Heat Island: Provide vegetated landscape areas in hard surface areas as per the Zoning By-law.
		✓	5.2 Voluntary	Urban Heat Island (non-roof): efforts to reduce urban heat island effect using light coloured materials/white paving and/or enhanced landscaped parking for at least 50% of non-roof hardscape.
✓			5.3 Voluntary	Urban Heat Island (roof): Use Cool roofing materials for 75% of the roof area OR Install a Green Roof with 50% minimum coverage OR use a combination of green roof and cool roof material for a minimum of 75% of the roof.
✓			5.4 Voluntary	Energy Efficiency: Achieve 10% or better energy efficiency improvements over ASHRAE 90.1-2010 as demonstrated by third party certification/energy modelling.

		✓
		✓
		✓
	✓	
✓		

Yes ? No

- 5.5 Voluntary **On-site Renewable Energy:** Generate a portion building energy needs using an onsite renewable energy supply (e.g. solar, wind, geothermal).
- 5.6 Voluntary **Net-Zero:** Demonstration via energy modelling of net-zero energy footprint.
- 5.7 Voluntary **District Energy:** Incorporate a district heating and/or cooling system, or ensure the building is retrofit ready for a future DE connection.
- 5.8 Voluntary **Continuous Metering:** Provision of continuous metering of energy usage for each unit.
- 5.9 Voluntary **Commissioning:** Third-party commissioning of building systems to ensure they function properly. Commissioning team should be part of an integrated design and construction team at project start.

Waste and Building Materials

✓		
✓		
✓		
✓		
		✓
✓		
✓		

Yes ? No

- 6.1 Required **Waste Management Plan:** Provide and implement a waste management plan in accordance with Regional requirements.
- 6.2 Voluntary **Waste Management Facilities:** Provision of recycling, garbage and composting facilities (beyond those required by Halton Region) which are easily accessible for all occupants (in an attached building);
- 6.3 Voluntary **Recycled Materials:** Ensure that at least 15% of a project's construction materials (based on value) are comprised of refurbished/reused or recycled content;
- 6.4 Voluntary **Locally Manufactured:** Ensure that at least 15% of a project's construction materials (based on value) are comprised of materials with locally manufactured content;
- 6.5 Voluntary **Sustainable Wood:** 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.
- 6.6 Voluntary **Air Pollutants in Materials:** Minimization of air pollutants in interior materials by using low or no VOC paints, carpets, adhesives and other finishes.
- 6.7 Voluntary **Construction Waste Management:** Develop and implement a waste management plan to recycle and/or salvage construction, demolition and land clearing waste.

Maintenance, Monitoring and Communication

		✓
✓		
		✓

- 7.1 Voluntary **Maintenance Plan:** provision of a building maintenance plan that provides instructions, training requirements and schedules for maintaining sustainability features of the site/building/landscaping. Includes requirements for recommissioning plan of the facility every 5 years.
- 7.2 Voluntary **Education:** provision of instructions for homeowners and occupants that explain the intent, benefits, use, and maintenance of green building features as part of the lease/sale agreement or condo declaration. Signage and other education materials are posted to educate building visitors of sustainability features.
- 7.3 Voluntary **Monitoring:** collection and monitoring of project performance data on energy, water and healthy living environments.
Note: Ontario's Energy and Water Reporting and Benchmarking (EWRB) program has reporting requirements for commercial, multi unit residential and some industrial buildings over 50,000 square feet.