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**DATE: September 1, 2021**

**TO: Gordon Dixon, Department of City Building**

**CC: Ruth Victor & Associates**

<b>RE:</b>	720, 735, 740 Oval Ct. & 5135 and 5155 Fairview St.
<b>File Number(s):</b>	505-03/21 & 520-04/21
<b>Description:</b>	<b>Branthaven Development Corporation Proposed Development</b>

**Overall Recommendation: Support with Conditions**

The SDC reviews development applications in order to provide comments to encourage sustainable development. Council approved this mandate in 1990. In order to implement sustainable building and design measures effectively, they should be considered at the earliest possible stage in the development process to ensure integrated design occurs and to reduce project costs. In addition, the Committee is empowered to review applications based on Part II Section 2.3 policy b) of the 2008 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.*

**Figure 1. Plan for the buildings**

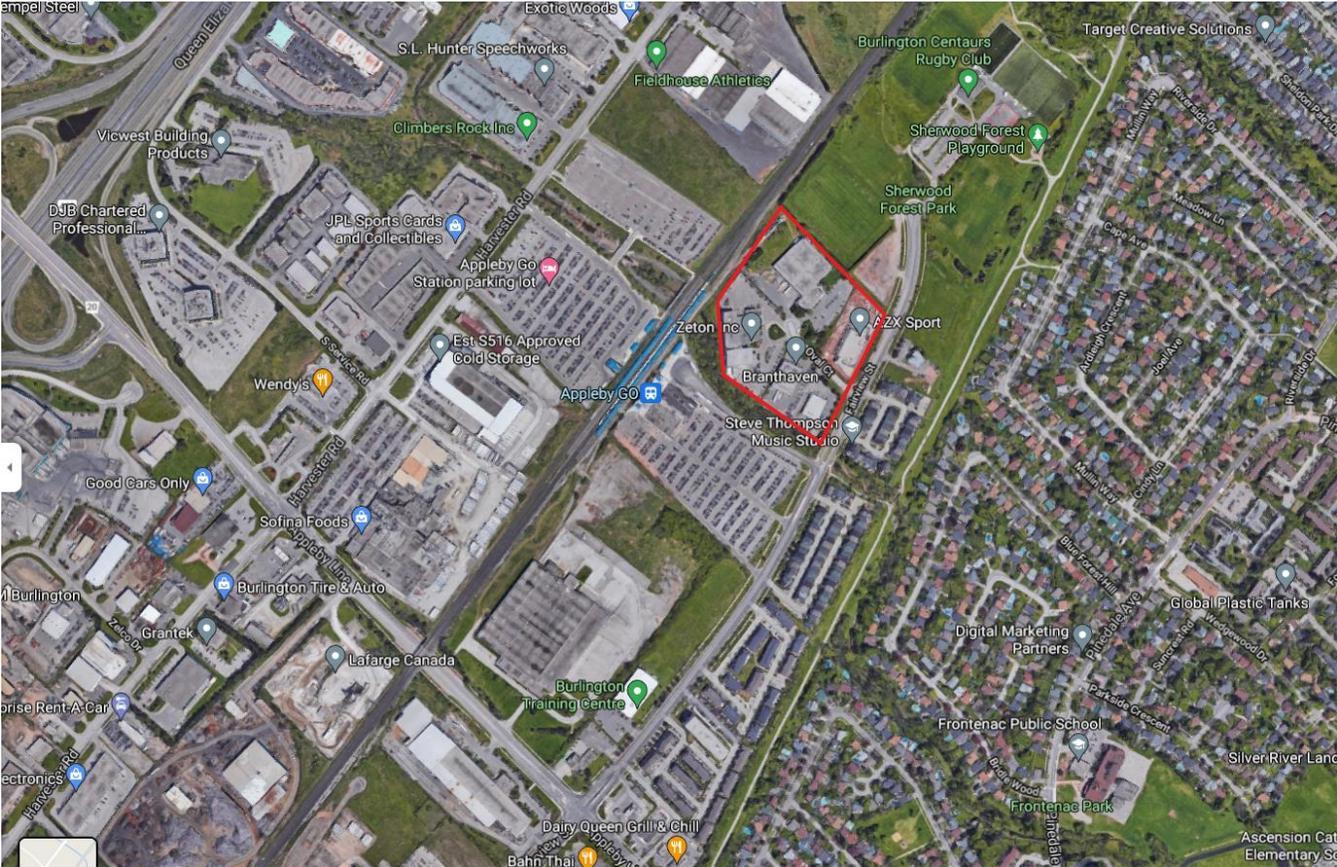


DRAWING LIST	
DWG NO	
A-001	COVER PAGE
A-002	PROJECT INFORMATION
A-003	REFERENCE PHASING PLAN
A-101	SITE PLAN
A-201	GROUND LEVEL PLAN
A-202	AMENITY SITE PLAN
A-301	NORTH & SOUTH ELEVATIONS
A-302	EAST & WEST ELEVATIONS
A-401	MASSING MODEL AXO VIEWS
A-502	MATERIAL DESIGN REFERENCES

## OVAL COURT

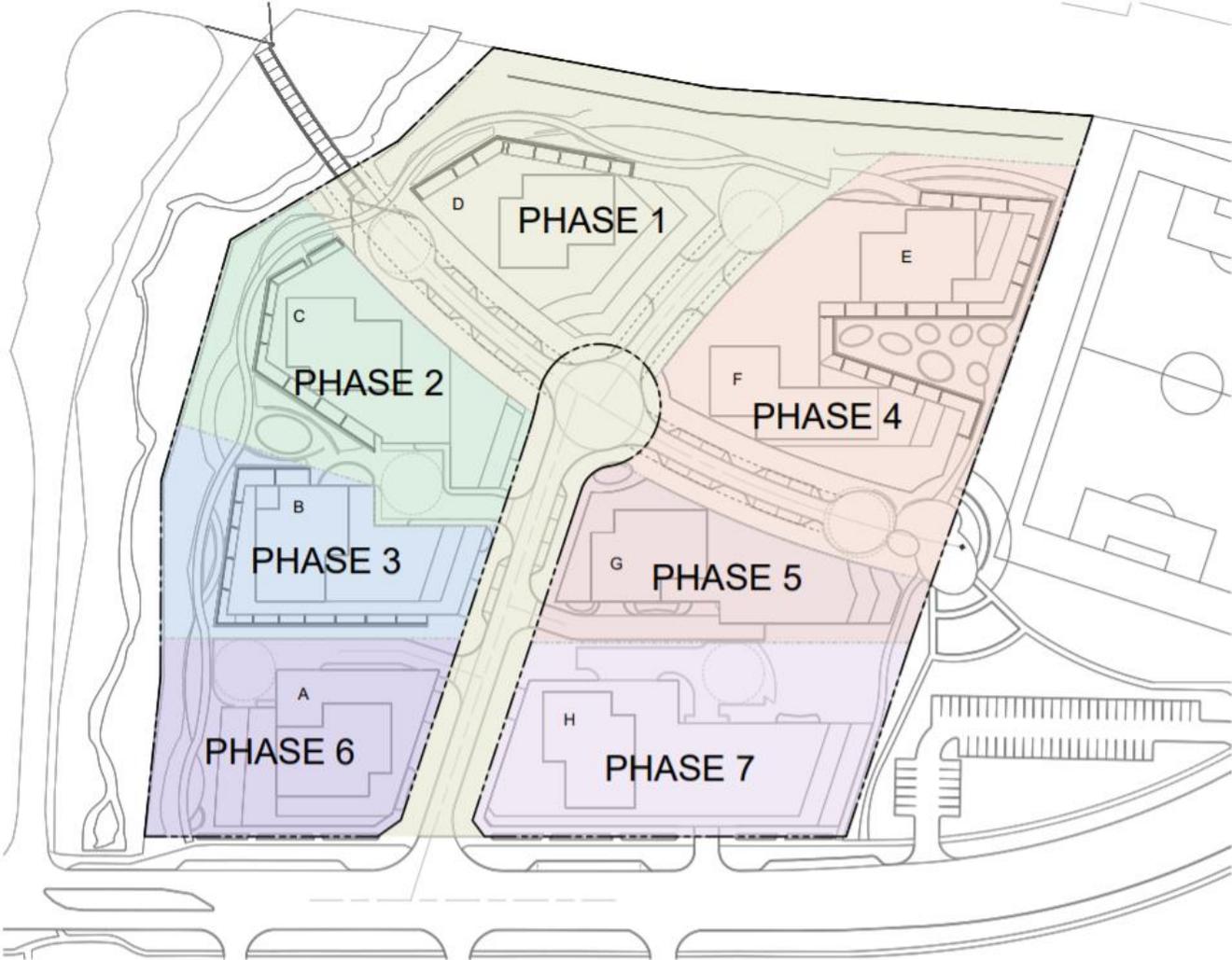
ISSUED FOR  
 ZONING BYLAW AMENDMENT  
 & OFFICIAL PLAN AMENDMENT  
 MAY 14, 2021

**Figure 2: Location of the building site**



720, 735, 740 Oval Ct. & 5135 and 5155 Fairview St.

Figure 3: Site plan



## **Preamble:**

### **Application Details**

#### **General**

The SDC supports higher density development close to transit, retail and community services that will likely attract transit-oriented, environmentally focused residents and businesses.

The proposed development contains several design elements which reduce the use of energy and minimize GHG emissions. As this development/building will be in place for many years, it should help the City move towards its goal of being zero-carbon by 2050.

The location features excellent access to transit, and park space. Other amenities including shopping, restaurants and medical facilities are proposed for the site in successive phases. The development as envisioned will meet the goal of encouraging residents to use forms of transportation other than the car.

The SDC would welcome discussions with the developer to consider how the sustainability of the building could be enhanced, including at the Site Plan stage. The SDC also has significant concerns about the staging of development activity on the site, as the large scale of this development will be a challenge for even the best-capitalized developer, and there is potential for successive phases to result in downgrades the provision of amenities that are key to the project meeting the overall goal of building a complete community within the Appleby GO Major Transit Station area. A phased development starting solely with condominium apartments and lacking in commercial and institutional amenities will entrench automobile-dependent patterns which will require mitigation. The SDC encourages the developer to review the Sustainable Building and Development Guidelines and seek to implement these as best practices.

## **Recommendations:**

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:

SUSTAINABLE DEVELOPMENT <i>PRINCIPLES</i>	COMMENTS
1. Recognize the interdependence of humans and the rest of nature in a common ecosystem; seek to prevent and reverse degradation of the earth, air, water, plants and animals by human activity.	
2. Recognize the urgency of climate change and take measures to reduce greenhouse gas emissions and to adapt.	<p>The building should be designed and built to help Burlington to achieve its target of zero net carbon emissions by 2050. The applicant has an opportunity to create buildings that set the standard for new development within Burlington by following the Net Zero Energy and Carbon approach promoted by the Federation of Canadian Municipalities (<a href="https://s2etech.com/wp-content/uploads/2019/03/rpt_GMF15143_NZ_2019-03-21_FINAL_FCM_summary.pdf">https://s2etech.com/wp-content/uploads/2019/03/rpt_GMF15143_NZ_2019-03-21_FINAL_FCM_summary.pdf</a>). SDC recommends:</p> <ul style="list-style-type: none"> <li>• On-site renewable energy generation (solar/geothermal)</li> <li>• Construction of a very efficient building shell. Reducing the glass surface and /or use of highly thermally efficient windows would improve efficiency (R-value reduces over times with seals failing and provides a large solar heat gain)</li> <li>• Incorporation of passive solar design elements</li> <li>• Use of heat pump technology for heating/cooling</li> <li>• Reduction in the use of energy through efficient fixtures, appliances, sensors</li> <li>• Individual energy metering of each unit</li> <li>• Sustainable procurement and maximized regional construction material.</li> <li>• Use of FSC-certified/sustainable wood and construction materials.</li> </ul> <p>A major goal of this development should be to encourage residents to use forms of transportation other than their automobiles, especially given the proximity to the Appleby GO Station and the Burlington Transit station at that station. SDC supports:</p> <ul style="list-style-type: none"> <li>• Reduced parking spaces. Proposed parking supply total 2,422 spaces (required is 3,712). SDC believes there is further opportunity to reduce parking with the provision of retail, access to transit and active transportation on the site, and that a car ownership rate at the level of this proposal will lead to undesirable outcomes for this development and the broader community. A</li> </ul>

SUSTAINABLE DEVELOPMENT <i>PRINCIPLES</i>	COMMENTS
	<p>car ownership rate at the required level would create considerably more adverse consequences.</p> <ul style="list-style-type: none"> <li>• Providing ample bike storage. Bicycle storage proposed is 10-20% of regular building occupants. Given high priority for active transportation usage and reduced car ownership, expected demand from occupants will be considerably higher.</li> <li>• Providing ample electric vehicle charging capacity. 10-15% of vehicular parking to accommodate future EV charging stations. This should be closer to 100% given the expected elimination of the sale of fossil-fuel burning vehicles in Canada by 2035.</li> <li>• Providing an on-site vehicle sharing program</li> <li>• Providing transit information on site and transit passes to new residents</li> </ul>
<p>3. Promote conservation, stewardship and responsible use of resources. Discourage processes and practices that result in natural resources being consumed at a rate faster than they can be replenished.</p>	<p>Would like to see reference to:</p> <ul style="list-style-type: none"> <li>• Commitment to installation of energy efficient appliances (if provided)</li> <li>• Efficient use of water</li> </ul>
<p>4. Discourage the production and use of persistent and harmful substances. Reinforce proper disposal practices for such substances.</p>	
<p>5. Affirm and promote practices that provide a safe and healthy environment and build resilience, and engage our community in not only meeting the economic and social needs of all citizens but enhancing quality of life.</p>	
<p>a. <b>Leadership:</b> Take a leadership position on sustainability issue both within and outside the City of Burlington. Recognize that our local actions can have global implications.</p>	<p>The applicant has an opportunity to create a building that can set a standard for new development within Burlington by following the Net Zero Energy and Carbon approach promoted by the Federation of Canadian Municipalities.</p>
<p>b. <b>Protection and Enhancement of Natural Features:</b> Protect and enhance Burlington’s natural features to ensure that shorelines, natural water courses, wetlands, flood plains, woodlands and forestry tracts, as well as notable landmarks such as the Niagara Escarpment, are preserved for future generations. Improve the</p>	<p>Development has a minor impact on nearby watercourse (Appleby Creek). No loss of natural habitat expected beyond impacts from adjacent construction and construction of pedestrian bridge connecting to Appleby GO station.</p>

<p>connectivity of natural features to enhance the natural heritage system. Preserve habitat to maintain and increase biodiversity and protect species at risk.</p>	
<p><b>c. Protection of Natural Resources:</b> Sustainably manage and protect natural resources such as water, minerals and fertile lands. Reverse degradation of natural resources when feasible.</p>	
<p><b>d. Responsible Use of Natural Resources:</b> Reduce the consumption of natural resources and ensure users are responsible for the full local costs of services such as water, electricity and sanitary sewers. Provide educational programs to encourage conservation of natural resources and increase awareness of the full costs of services.</p>	<p>Provide fixtures and appliances that conserve water.</p> <p>The Developer proposes to capture rainwater on site but there is no indication that it would be used on site. Collected rainwater can be used to fill water features, irrigate gardens and maintain landscapes. Innovations in onsite water management technologies include using a rain garden or green roof in place of simply piping water off the property. These act as a natural way of filtering runoff.</p>
<p><b>e. Waste Reduction:</b> Reduce waste generation and increase resource recovery. Minimize waste in designing, building, operating, renovating, demolishing and re-purposing buildings.</p>	<p>The Developer should ensure that proper recycling methods and facilities are available for commercial and residential tenants. This should include organic waste through the green bin program.</p> <p>Developer should consider ways to reduce resource usage, such as recycled building materials. The use of rapidly renewable building materials that total at least 5% of the total value of products used in this project.</p>
<p><b>f. Greening of the City:</b> Promote the preservation, management and planting of trees and other vegetation on private and public property within the City. Encourage the use of native, non-invasive and diverse species.</p>	<p>Existing site is largely paved/concrete surface. Removal of 332 trees, with 203 trees to be preserved. Many trees are in poor condition and/or &lt;20cm in diameter, however replacement plan to be detailed by developer. Introduction of buildings with green roofs, urban gardens and courtyards and use of native flora in buffer zones will enhance this aspect further.</p>
<p><b>g. Natural Features and Green Space:</b> Ensure natural features and greenspace are fundamental components of the City including new developments and redevelopments.</p>	<p>Development as planned integrates fully with existing green space in Sherwood Forest Park and adds amenity space in the form of green roofs and courtyards.</p>
<p><b>h. Superior Neighbourhood Design:</b> Make land-use decisions considering the natural features, site characteristics and location relative to employment, transportation and amenities. Apply an ecosystem approach to assess the</p>	<p>Site is proximate to transportation and park uses, while being relatively closed off from the city in terms of automobile access with a single entrance/exit point on Oval Court. Introduction of auto-dependent uses will have a detrimental impact on the community and should</p>

<p>impacts of development and ensure environmental integrity, diversity and resiliency. Create vibrant, equitable communities that are healthy, walkable and transit supportive.</p>	<p>be avoided. High levels of automobile usage in this community will also negatively impact the reliability and effectiveness of Burlington Transit operations to and from the adjacent GO station.</p>
<p>i. <b>Sense of community:</b> Create sustainable and appropriate forms of development that reflect the human scale, promote a sense of community, and connect and integrate urban development natural surroundings.</p>	<p>Proposed development form provides adequate human-scaled elements in the form of terraces and podiums supporting the residential tower structure. Services such as daycare and library, retail stores and pedestrian connection to the GO station / Sherwood Forest Park reinforce the sense of community in this development. Outdoor amenity spaces provide opportunities for community building and relaxation for residents. Proximity to existing animal products processing facility at Appleby/Harvester will detract from ability for residents to enjoy outdoor activities.</p>
<p>j. <b>Neighbourhood Connectivity:</b> Promote community development where residents can easily access necessities and amenities, such as housing, employment, locally produced food, retail, green spaces, education, recreation, and arts and culture through active transportation or transit.</p>	<p>Proposal includes some commercial space on the ground level, however there is potential that the location will lack a grocery store function, the nearest of which is provided 1.7 km away. Very good access to transit, active transportation, park and on-site amenities. Modest reductions from loss of existing employment uses in the underutilized site should be offset by the construction jobs and the gains in population-related and service employment in the long-term.</p>
<p>k. <b>Sustainable Transportation System:</b> Prioritize walking, cycling and transit and make the best use of the existing road system for the safe movement of goods and people. Support multi-modal connectivity within the City and with neighbouring municipalities.</p>	<p>Site is located adjacent to Appleby GO station which enables access to several Burlington Transit routes and the Lakeshore West line. Site also features excellent connectivity to pedestrian and walking facilities including the Centennial Pathway. Access to the site by car is limited to Oval Court and west on Fairview Street. Therefore this development has excellent potential to promote and facilitate transit and active transportation uptake.</p> <p>The availability of key amenities onsite (library, daycare, retail shops and services) will further enable active transportation use and result in improvements in the mode split. Retail has an added potential to attract convenience trips from existing GO train passengers, further reducing the number of automobile trips necessary.</p> <p>As the development is proposed to be phased, with much of the retail and amenity components being proposed for phases 4 through 7, there is a high risk of creating an</p>

	<p>underserved high-density island as purchasers in the initial phases develop a dependence on car trips to fulfil their daily needs for shopping and recreation. The SDC recommends that the developer endeavor to embed active transport <b>priority</b> in the development, from the construction of Phase 1 until the completion of all phases of the development. Measures that would support this priority would be as follows:</p> <ul style="list-style-type: none"> <li>- Increase width of pedestrian / active transport paths from 2.1-2.4m to at least 3.5m to enable safe multi-modal use</li> <li>- Ensure active transport paths are well-lit, well-maintained and users can safely access GO station, Sherwood Forest Park and Centennial Path continuously throughout each phase of construction</li> <li>- Provision of on-site bicycle repair station and cycling map in lobby or bike parking area</li> <li>- Marketing highlighting the active transportation availability in the development</li> <li>- Provision of screens displaying Appleby GO transit schedule information in the lobby and/or path to station</li> <li>- Wayfinding signage.</li> </ul> <p>The developer’s provision of bike storage promotes cycling and multi-modal transportation. Recommended bicycle parking at least 0.5 spaces/unit (989 spaces) and 100 short term spaces.</p> <p>No reference in the Planning Justification Report to provision of potential spaces dedicated to car-sharing services. The SDC would be supportive of dedicating an amount of visitor / shared parking to car-sharing to enable residents who have modest automobile needs to utilize shared vehicles when needed.</p> <p>Developer should provide 2x one-year transit passes per unit purchased to promote transit use. The SDC supports the Developer providing an information package to residents on sustainable travel.</p>
<p><b>I. Efficient Urban Design:</b> Increase the efficiency of land use in the urban community with the goal of reducing greenhouse gas and other air emissions and provide efficient, well- connected</p>	<p>The SDC agrees that the use of land for mixed use will support reductions in emissions and we believe this proposal is generally supportive of the City’s goal to</p>

<p>route for active transportation and transit. Promote urban intensification and development policies, rather than suburban policies that generate sprawl.</p>	<p>reduce sprawl with effective connections to active transportation and transit facilities.</p>
<p>m. <b>Natural Storm Water Management:</b> Protect water courses in their natural state and encourage the restoration of water courses that have been degraded. Encourage low impact development design and use of best practices to improve storm water quality and reduce the quantity storm water sent to traditional storm water infrastructure.</p>	<p>SDC supports Low-Impact Development (LID) measures, including cistern storage to allow reuse of storm water for irrigation. The developer has indicated that there will be an underground storage vault for stormwater and a treatment system to remove oil and sediment but has indicated that the water will go to sewer.</p>
<p>n. <b>Energy Conservation, Efficiency and Generation:</b> Promote net zero carbon energy generation and usage. Increase energy conservation through efficient land use planning and building design. Encourage sustainable local thermal and electrical energy generation and the supporting distribution network. Adopt low emission forms of transportation. Take all opportunities to switch from fossil fuel to renewable and electricity-based technologies.</p>	<p>Developer has stated targets to Improve energy efficiency of a minimum of 5% improvement over ASHRAE 90.1-2016 baseline energy, providing In-suite ERV's to reduce energy consumption and Improved energy efficiency with common area lighting controls. There are further opportunities to ensure that the development is aligned with Burlington's expectation to achieve net-zero carbon emissions by 2050.</p> <p>SDC recommends:</p> <ul style="list-style-type: none"> <li>• On-site renewable energy generation</li> <li>• Construction of a very efficient building shell. The proposal to use a substantial amount of glass in the residential buildings is of concern (R-value reduces over times with seals failing and provides a large solar heat gain)</li> <li>• Incorporation of passive solar design elements</li> <li>• Use of heat pump technology for heating/cooling</li> <li>• Reduction in the use of energy through efficient fixtures and appliances</li> </ul> <p>The developer should provide additional electric vehicle charging stations for residents and visitors beyond the 10-15% referenced in the Planning Justification Report.</p>
<p>o. <b>Agriculture and Food:</b> Promote policies that improve long-term food security with sustainable local agriculture in urban and rural communities. Increase the supply of local, accessible, affordable, culturally diverse and nutritious food. Protect agricultural land from loss and fragmentation.</p>	<p>Potential exists on the retail proportion of the development to offer retail establishments providing food services. No agricultural land is being lost through this proposal.</p>

<p>p. <b>Healthy Lifestyles:</b> Promote and support healthy and active lifestyles through the development of complete neighbourhoods, active transportation infrastructure, recreational facilities and parks.</p>	<p>The development can be conducive to healthy and active lifestyles through proximity to recreation at Sherwood Forest Park and the Centennial Pathway, by which several key activity and leisure destinations (e.g. Nelson Park) are accessible. Connections are proposed to enable residents to travel using active modes.</p>
<p>q. <b>Community Engagement:</b> Seek and encourage public participation and education, and, consider public input in city decision-making. The economic, environmental and social aspects of proposed developments should be considered. Decisions should address all aspects and build consensus among stakeholders.</p>	<p>This will be provided through Neighbourhood and Statutory meetings.</p> <p>The Developer is encouraged to ensure that the project is supportive of Halton Region’s Comprehensive Housing Strategy and is in the 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.”</p> <p>Provision of some housing within the development that is special needs, assisted or low-income and more units that could accommodate families (e.g. ~20% units with 3 bedrooms).</p>
<p>r. <b>Evaluation of Development:</b> Continuously monitor and evaluate community development to assess its sustainability in relation to social, environmental or economic impacts.</p>	
<p>s. <b>Sustainability Assessment:</b> To assess progress towards sustainability, the City of Burlington should prepare a performance review of the entire municipality at regular intervals and develop and implement an action plan based on the findings.</p>	

## **Summary of Above Discussion and Recommendations/Action Items:**

The SDC believes that this site is a good candidate for intensive mixed-use development. The proposed development will act as a catalyst to support further development in the Appleby GO MTSA, and contains several design elements which reduce the use of energy and minimize GHG emissions. It is expected to have limited impacts on the nearby natural environment, and the retail/institutional uses have potential to provide significant benefits to the surrounding community and GO station users. As this development/building will be in place for many years, provided that carbon-neutrality is factored into the design and building process, this development will help the City achieve net zero carbon emissions by 2050.

The proposed development has a number of positive components e.g.:

- Use of low-VOC building materials.
- Direct pedestrian and cycling access to Appleby GO station and Sherwood Forest Park.
- On-site daycare, library (if supported by city) and retail / service uses.
- Addition of permanent jobs beyond those supported by the current employment lands designation.
- Proposed green roofs, landscaped terraces and amenity areas on the building podiums.
- Reduced parking / car ownership requirements: 1,709 spaces + 713 shared visitor + 28 maintenance parking spaces for total 1,996 units.
- 5% (100 units) affordable housing and 190 assisted living / long-term care units.

The proposed development should be further enhanced by addressing issues such as:

- Reducing the amount of glass used in the upper stories (R-value reduces over times with seals failing and provides a large solar heat gain)
- Generation of renewable energy on site (e.g. solar and/or geothermal) and use of heat pumps in the units.
- Set a standard for new development within Burlington by following the Net Zero Energy and Carbon approach promoted by the Federation of Canadian Municipalities.
- Providing greater balance in construction phasing to avoid embedding over-reliance on automobile transportation.
- Enhancing the provision of active transportation infrastructure during and beyond each phase of construction.
- Increasing the number of long-term bicycle parking spaces and automobile parking spaces able to support EV charging beyond the proposed 10-15%.
- Provision of some units that are special needs, assisted or low-income and more units that could accommodate families (e.g. ~20% units with 3 bedrooms).

- Retail/commercial planning should be such that a fully independent walkable community is established (i.e., all basic amenities are available, such as grocery).

### **Future Site Plan & Building Permit Considerations:**

The City of Burlington has approved the Sustainable Building and Development Guidelines. The Committee recommends that the applicant consider the Guidelines in this application. Many of the items identified in the Guidelines are implemented through site plan and/or building permit approval, after a development proposal has received an Official Plan amendment and/or zoning by-law amendment, however, to ensure the design of sustainability features can be incorporated, the SDC recommends these items be given consideration at this stage in the process. A full copy of the Guidelines can be downloaded at:

[https://www.burlington.ca/en/services-for-you/resources/Planning\\_and\\_Development/Official\\_Plan/Proposed-OP/18-304-PB-Sustainable-Building-and-Development-Guidelines-WEB\\_April-2018.pdf](https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/Official_Plan/Proposed-OP/18-304-PB-Sustainable-Building-and-Development-Guidelines-WEB_April-2018.pdf)

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.

This report was reviewed and approved the Sustainable Development Committee's "Committee of the Whole" on XXXX XX, 2021.

Respectfully Submitted,

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Burlington Sustainable Development Committee (SDC)

Cc:

T. Park, Chair, Sustainable Development Committee

L. Robichaud, Sr. Sustainability Coordinator, Capital Works Department, City of Burlington

S. McInnes, Senior Planner, Policy, Department of City Building, Planning Section, City of Burlington