



DATE: FINAL – May 16, 2018

TO: Lisa Stern, Senior Planner, Department of City Building

RE:	Southeast corner of Brant and James Streets (401, 403, 409, 411 & 413 Brant St., 444, 448 & 450 John St., 2002 & 2012 James St.)
File Number(s):	505-01/18 and 520-01/18
Description:	COB Official Plan and Zoning By-law 2020 Amendment

Overall Recommendation: Not recommended as proposed.

The SDC reviews development applications in order to provide comments to encourage sustainable development. This mandate was approved by council 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 building



Figure 2: Location of the building

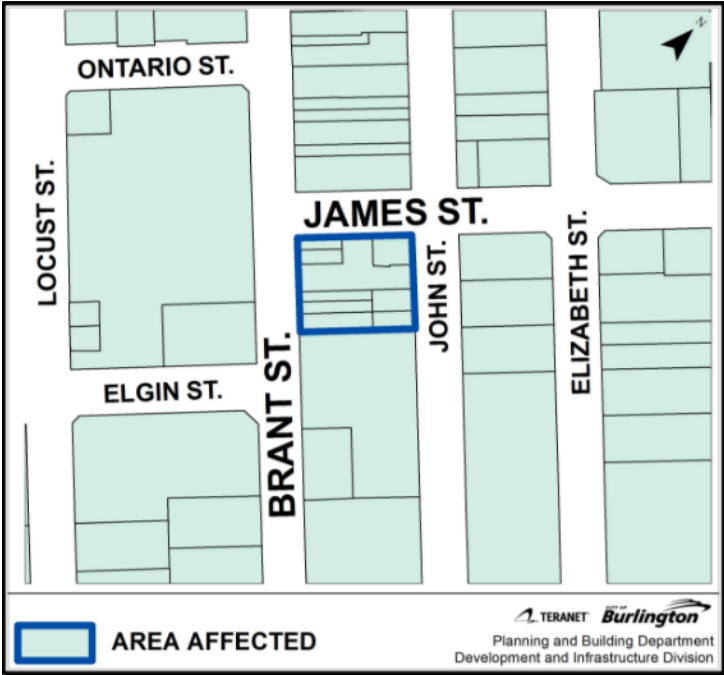
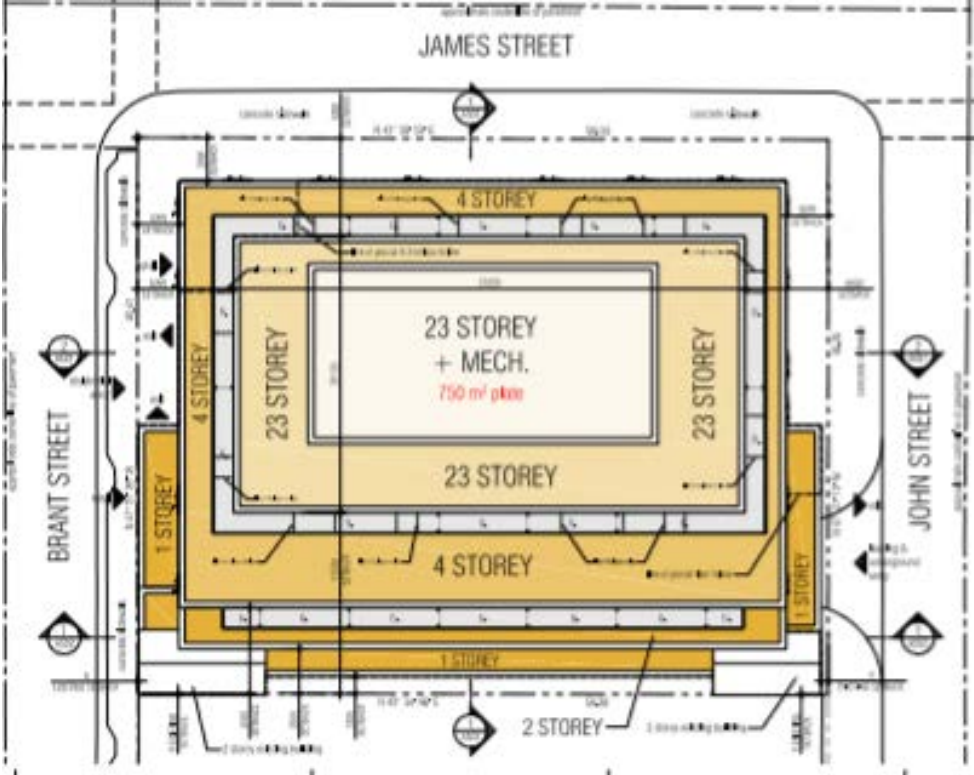


Figure 3: Site plan



Preamble:

Application Details

The subject lands are situated in downtown Burlington across the street from Burlington City Hall. The lands consist of nine individual properties forming one contiguous block of land bounded by James Street to the north, Brant Street to the west, John Street to the east and City owned lands (Elgin Street Promenade) to the south. The subject lands are ~0.2 ha in size.

The application by Wellings Planning Consultants Inc. on behalf of Reserve Properties Ltd. (applicant) is for an Official Plan Amendment and Zoning By-law Amendment to permit the development of 24 storey mixed use building with Floor Area Ratio (FAR) of 10.0:1. The application includes ground floor commercial (597 m²), 227 residential units and a roof top amenity area. The facades of two heritage buildings (Kelly's Bake Shoppe and Albert L. Schmid Jeweller) are proposed to be integrated into the development. The main entrance is on Brant Street. There are five levels of underground parking (212 parking spaces) proposed with access from John Street. No surface parking is proposed.

According to the COB Official Plan, the subject lands are designated as Downtown Mixed Use Centre and are further specified as being within the Downtown Core Precinct.

The maximum height of buildings shall be four storeys. Taller buildings up to a maximum height of eight storeys and 29 m may be permitted where they provide compatibility with surrounding land uses and a sense of pedestrian scale by the use of terracing above the second floor, and subject to the community benefits provisions of the Official Plan.

The current zoning is Downtown Core (DC). The zone permits a range and mix of residential and commercial uses including apartment buildings provided the subject lands include retail or service commercial on the ground floor. The DC zone permits a maximum building height of 4 storeys/15 m and a maximum FAR of 4.0:1.

The Downtown Mobility Hub Proposed New Precinct Plan (January 2018) for the Brant Main Street Precinct has proposed allowing a maximum height of 11 storeys in order to preserve the character of Brant Street, however, up to 17 storeys are permitted provided that:

- Views from James Street to City Hall, Civic Square and the War Memorial are maintained;
- An at grade public square is provided at James and Brant intersection.

In summary, the applicant is requesting site specific provisions to increase height and density and to reduce setbacks, parking and amenities.

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 City has a goal of 200 people and jobs per hectare 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.

Site Specific Considerations

The Downtown Mobility Hub Proposed New Precinct Plan (January 2018) for the “Brant Main Street Precinct” has proposed a maximum height of 11 storeys, however, up to 17 storeys are permitted based on providing views of, and enhancing, the Civic Square area. The developer proposes a 24 storey building with 227 units on ~0.2 ha and 597 m² of ground floor commercial space (equivalent to ~347 people+ jobs/ha). On a site basis, the proposed intensity measure as FAR (Floor Area Ratio) is 10.0:1 whereas the current Official Plan permits 4.0:1. This growth, were it to be replicated across the Downtown, would appear not to be sustainable in terms of traffic, and services such as parking and transit, without intensive upgrades in those service levels. The community benefits provided by the developer in the Planning Justification Report to justify exceeding the density and height limits are not clear.

The proposed development should address design elements to reduce the use of energy and minimize GHG emissions. As this building will be in place for many years, it should help the City move towards its goal of being net carbon neutral.

The location features ready access to transit, shopping, restaurants, park space, and medical facilities. A major goal of this development should be to encourage residents to use forms of transportation other than the car. We support the items identified in developer’s Transportation Demand Management (TDM) study including the reduced parking ratio (0.93 spaces/unit) and the inclusion of a car share program. There should be sufficient charging for EV’s. The site plan needs to include a lay-by area so that residents can be picked up or dropped off (e.g. by transit, taxis or ride sharing businesses). The inclusion of 0.7 spaces/unit (i.e. 160 spaces) of internal bicycle parking is very positive, however, it would be better if there were more bicycle storage at ground level. An additional suggestion is to provide transit passes or incentives to occupants. A small portion of the proposed parking amount should be allocated for visitors and for customers of the businesses in the building.

The inclusion of retail uses within the ground floor of the building provides compatibility with surrounding uses and provides convenient access for residents of the buildings and surrounding community. These uses should be carefully selected to best serve the neighbourhood. The quantity of commercial space (at ~600 m²) seems low relative to the size

of the building. Additional space (e.g. offices on the second floor) would help to generate employment opportunities.

Compliance with the Tall Building Guidelines (TBG) is lacking. The Planning Justification Report omits sections of the guidelines. The sustainability section is missing and the response to item 2.5 d) on publicly accessible private open space is acknowledged but not incorporated into the proposed design (“Publicly-accessible private open spaces shall be designed and located to encourage public use, provide connections to the broader open space network, and/or highlight important site characteristics (i.e. plazas at corner sites)”). The proposed public space at the corner of Brant St. and James St. needs to be improved to make it “a public extension of the civic square”, to help the City to achieve its vision for the area, and to make it a lively and vibrant “people place”. The side walk area should be widened. Including a rooftop or terrace level garden would help to foster community among the residents and create some green space.

The developer is requested to provide some preliminary information on internal aspects of the building such as HVAC, air quality and building materials. All of this detail should not be left to the Site Plan and Building Permit stages.

We would welcome discussions with the developer to consider how the sustainability of the building could be enhanced, including at the Site Plan stage. We encourage the developer to review the Sustainable Building and Development Guidelines in addition to the Tall Building 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 PRINCIPLES	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.	Use a Low Impact Design approach to stormwater management Use of sustainable practices to manage construction waste

SUSTAINABLE DEVELOPMENT PRINCIPLES	COMMENTS
<p>2. Recognize the urgency of climate change and take measures to reduce greenhouse gas emissions and to adapt.</p>	<p>The Developer has not provided information on design elements to encourage the conservation of energy. The building should be designed and built to help Burlington to achieve its goal of being net carbon neutral. SDC recommends:</p> <ul style="list-style-type: none"> • Construction of a very efficient building shell. The proposal to use a substantial amount of glass is the tower is of concern (R-value reduces over times with seals failing and provides a large solar heat gain) • Incorporation of passive solar design elements • Reduction in the use of energy through efficient fixtures and appliances, and • Individual energy metering of each unit <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 Burlington GO Station and City of Burlington transit. SDC supports:</p> <ul style="list-style-type: none"> • Reduced parking spaces • Providing ample bike storage • Providing ample electric vehicle charging capacity • Providing an on-site vehicle sharing program • Incorporating a “lay-by” area in the site plan for transit
<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"> • Commitment to installation of energy efficient appliances (if provided) • Efficient use of water
<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>	

SUSTAINABLE DEVELOPMENT OBJECTIVES	COMMENTS
<p>a. Leadership: 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>b. Protection and Enhancement of Natural Features: 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 connectivity of natural features to enhance the natural heritage system. Preserve habitat to maintain and increase biodiversity and protect species at risk.</p>	
<p>c. Protection of Natural Resources: Sustainably manage and protect natural resources such as water, minerals and fertile lands. Reverse degradation of natural resources when feasible.</p>	
<p>d. Responsible Use of Natural Resources: 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 not treat it. 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>e. Waste Reduction: 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>f. Greening of the City: 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>The site does not allow for a significant number of trees. Trees should be planted elsewhere in the city to offset the lack of trees on site and provide support for urban parks. The Section 37 negotiations should include the equivalent of a 30% tree canopy in an alternate location, not cash in lieu.</p>

SUSTAINABLE DEVELOPMENT OBJECTIVES	COMMENTS
<p>g. Natural Features and Green Space: Ensure natural features and greenspace are fundamental components of the City including new developments and redevelopments.</p>	<p>Insufficient green space has been incorporated into this development. A green roof/rooftop garden and terrace garden should be considered in addition to an open grade level corner at Brant and James that is two storeys high and incorporates trees, a garden and seating area compliant with placemaking guidelines.</p>
<p>h. Superior Neighbourhood Design: 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 impacts of development and ensure environmental integrity, diversity and resiliency. Create vibrant, equitable communities that are healthy, walkable and transit supportive.</p>	
<p>i. Sense of community: 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>The proposed density, height and setbacks are of concern. The Downtown Mobility Hub Proposed New Precinct Plan (January 2018) for the “Brant Main Street Precinct” has proposed allowing a maximum height of 11 storeys in order to preserve the character of Brant Street. A superior design would allow for up to 17 storeys. The developer proposes a 24 storey building. This is a high-density development with 227 units over ~0.2 ha. This growth, were it to be replicated across the Downtown area, would not be sustainable in terms of traffic and in terms of services such as parking and transit without intensive upgrades to those services.</p> <p>The City of Burlington Tall Building Guidelines state that “Publicly-accessible privately owned open spaces shall be designed and located to encourage public use, provide connections to the broader open space network, and/or highlight important site characteristics (i.e. plazas at corner sites).” The Draft Intention Statement of the Special Policy Area of the “Brant Main Street Precinct” states: “Developments will be expected to contribute to the extension of Civic Square to the east side of Brant Street...”. The current proposal does this only to a very limited extent, providing a covered area into the retail portion of the building. The proposal does not seem to provide “a lively, vibrant “people place””.</p>

SUSTAINABLE DEVELOPMENT OBJECTIVES	COMMENTS
<p>j. Neighbourhood Connectivity: 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>The proposal includes some commercial space on the ground level. The design of the commercial space should be such that it could accommodate a variety of businesses. The commercial space in this proposal seems limited (at 597 m²). The Carriage Gate development has proposed 1327 m² office and 966 m² retail. Additional office space (e.g. on the second floor) would help to generate employment opportunities.</p> <p>It is not really clear through the current proposal how the development will “foster community interaction” (an objective of the BOP) and help to create a “complete community”. The developer should include a rooftop and a terrace garden. This could help to promote a sense of community in the development.</p>
<p>k. Sustainable Transportation System: 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>The area is very walkable and there is easy access to the bus terminal. There should be a lay-by area (likely on John St.) to allow taxis/ride sharing businesses to pick up and drop off residents.</p> <p>The developer’s provision of bike storage promotes cycling and multi-modal transportation. It would be helpful to have some bike storage at ground level (a room inside the building, and some additional spaces to lock up bikes outside) for easy access. A bike pump station within the development would further encourage personal bike use.</p> <p>SDC supports the developer’s provision of limited parking space per resident (<1 space/unit), as it encourages the use of alternate modes of transport. A small portion of the parking should be allocated for visitors and for customers of the businesses in the building.</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>The SDC supports the Developer providing for an on-site car sharing program.</p>

SUSTAINABLE DEVELOPMENT OBJECTIVES	COMMENTS
<p>l. Efficient Urban Design: 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 route for active transportation and transit. Promote urban intensification and development policies, rather than suburban policies that generate sprawl.</p>	
<p>m. Natural Storm Water Management: 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 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 but there is no indication of how or if it will be used. It is stated in the Planning Justification Report that there will be no stormwater quality control.</p>
<p>n. Energy Conservation, Efficiency and Generation: 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>The Developer has not provided information on design elements to encourage the conservation of energy. The building should be designed and built to help Burlington to achieve its goal of being net carbon neutral.</p> <p>SDC recommends:</p> <ul style="list-style-type: none"> • Construction of a very efficient building shell. The proposal to use a substantial amount of glass is of concern (R-value reduces over times with seals failing and provides a large solar heat gain) • Incorporation of passive solar design elements • Reduction in the use of energy through efficient fixtures and appliances, and • Individual energy metering of each unit <p>The developer should provide electric vehicle charging stations for residents and visitors. This is not referenced in the Planning Justification Report.</p>
<p>o. Agriculture and Food: 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>The developer is requested to provide a rooftop and a terrace garden facility for residents.</p>
<p>p. Healthy Lifestyles: Promote and support healthy and active lifestyles through the development of</p>	

SUSTAINABLE DEVELOPMENT OBJECTIVES	COMMENTS
complete neighbourhoods, active transportation infrastructure, recreational facilities and parks.	
<p>q. Community Engagement: 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 (May 1, 2018) 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>r. Evaluation of Development: Continuously monitor and evaluate community development to assess its sustainability in relation to social, environmental or economic impacts.</p>	<p>The city should consider the potential impact of the this building on nearby businesses during the construction phase.</p> <p>The construction of this high density building could potentially preclude other buildings from being built downtown.</p>
<p>s. Sustainability Assessment: 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 proposed density, height and setbacks are of concern. This is a high-density development with 227 units over ~0.2 ha. This growth, were it to be replicated across the Downtown area, would appear to not be sustainable in terms of traffic and in terms of services such as parking and transit without intensive upgrades to those services. It is not clear if this building could preclude multiple other similar buildings from being built in the future. The community benefits provided by the developer in the Planning Justification Report to justify exceeding the density and height limits are not clear. There is insufficient information on the site and its potential impact at this time for the SDC to support the proposal.

The proposed development has positive components within the current proposal e.g.:

- The proximity to transit, walkable streets
- Bicycle storage on site, proposal for vehicle sharing program
- Reduced parking (at less than 1 space/unit)
- The inclusion of 3-bedroom units (12.3%) that can accommodate families

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

- Design elements to reduce the use of energy and reduce GHG emissions:
 - There is a lot of glass (R-value reduces over times with seals failing and provides a large solar heat gain)
- Provision of some housing within the development that is special needs, assisted or low-income
- Moving some bicycle storage space to ground level and having more spots to lock up bikes outside
- Creating some lay-by space to allow for pick up/drop off of residents (who will rely less on using private vehicles)
- Increasing the amount of commercial (e.g. office) space to increase the opportunity for employment
- Improving the streetscape at the corner of Brant St. and James St., widening the sidewalk area around the building and including more landscaping
- Providing for more outdoor amenity space (e.g. garden areas) for residents
- Compliance with sustainability criteria of the Tall Buildings Guidelines

The developer has an opportunity to create a building that can set a standard for new development within the downtown core by incorporating sustainable practices and LEED level components such as:

- Use of recycled building materials
- Use of heat pumps

- The use of effective recycling and waste facilities on-site

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, we recommend these items are 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/sm_UPDATE-for-web---18-044-PB-Sustainable-Building-and-Development-Guidelines.pdf

The Sustainable Development Committee requests a response from the applicant related to the above recommendations. The Committee understands that the design concept has been updated since the Planning Justification Report and would like to review this new concept when submitted. 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.

Note: This report was reviewed and approved the Sustainable Development Committee of the Whole on May 16, 2018.

Respectfully Submitted,

Jillian Gorbald and Glenn Portch (P&D Sub-committee Co-Chairs)
Burlington Sustainable Development Committee (SDC)