

COMMITTEE OF THE WHOLE (WORKING SESSION) - FEBRUARY 23, 2009

SUSTAINABLE DEVELOPMENT THROUGH LEED™

FILE #24.22.2

Referred Item (Item 3, CW(WS) Report No. 5)

Committee of the Whole (Working Session), at its meeting of February 2, 2009, recommended the following:

That this matter be referred to the next Committee of the Whole (Working Session) meeting.

Report of the Commissioner of Planning, and the Commissioner of Engineering & Public Works, dated February 2, 2009:

Recommendation

The Commissioner of Planning, and the Commissioner of Engineering & Public Works, recommend:

1. That York Region be advised that the City of Vaughan wishes to participate in the Sustainable Development Through LEED™ program; and
2. That the City of Vaughan's Servicing Capacity Allocation Distribution Protocol be amended to incorporate the Region's Sustainable Development Through LEED™ program.

Economic Impact

There is no economic impact resulting from implementation of the Sustainable Development Through LEED™ program. Staff will have some additional materials to review as part of any development application that meets the Program requirements. Qualified professionals hired by the applicants will be required to stamp and/or approve materials over and above regulatory requirements.

Communications Plan

There are four components to generate awareness of the Sustainable Development Through LEED™ program, as follows:

- a) An e-mail and/or letter under City of Vaughan letterhead indicating that Vaughan is participating in the Program will be sent to all builders and developers currently listed in contact databases maintained by Development Planning and Building Standards;
- b) Copies of the Sustainable Development Through LEED™ brochures developed and printed by York Region will be made available at the front desk of the Planning and Building Standards departments;
- c) Development Planning staff will advise proponents of suitable applications of any additional qualifications necessary to meet the program requirements on a case by case basis; and
- d) Corporate Communications will post a notice that the City of Vaughan is participating in York Region's Sustainable Development Through LEED™ program.

Purpose

The purpose of this report is to provide an overview of the York Region program, Sustainable Development Through LEED™, and measures to implement the Program in the City of Vaughan.

Background - Analysis and Options

Previous Action

On October 9, 2007, the Environment Committee received the report, Sustainable Development Through LEED™, adopted by York Region Council at its meeting of June 21, 2007. The Environment Committee recommended that “staff bring back a report to a Committee of the Whole (Working Session) meeting on sustainable development through LEED™ strategy for the City of Vaughan”. This Report recommends that the City of Vaughan participate in the York Region program, Sustainable Development Through LEED™. Future reports will address a more comprehensive strategy for sustainable built form to be developed as part of the Community Sustainability and Environmental Master Plan and/or the new Official Plan.

Relationship to Community Sustainability & Environmental Master Plan and Official Plan Review

This report outlines one sustainable development initiative of potential benefit for mid-rise and high-rise residential buildings. The Community Sustainability and Environmental Master Plan will address the social, economic and environmental aspects of sustainability by delivering a framework of goals, objectives and action plans to guide the City’s operational and regulatory functions. The Official Plan Review is the appropriate policy forum to address critical issues that include, but are not limited to, urban form, liveability, and mobility. Policies and actions that address short-term and long-term targets will be more comprehensively addressed in these broader policy planning initiatives.

Update on York Region Policy, Sustainable Development Through LEED™

Sustainable Development Through LEED™ is a conservation initiative of York Region and has been reviewed by the City of Vaughan. At its core, the initiative provides developers of proposed high density residential green buildings the opportunity to earn additional servicing capacity allocation credits equivalent to 20%, 35% or 40% of the total residential units. The development project must meet Six Eligibility Criteria in order to participate in the Program, as set out below:

- 1) located within a Regional Centre or Corridor or Local Centre or Corridor;
- 2) high density residential with a minimum height of 5 stories (can and is encouraged to be in a mixed use building);
- 3) permitted without the need for a major Local Official Plan amendment;
- 4) a certain minimum amount of Servicing Allocation has already been assigned to the development (or there is a commitment in place to do so);
- 5) within a Local Municipality that has advised that they wish to participate in the program;
- 6) project has been registered with the Canada Green Building Council under the LEED™ Canada NC (Version 1) program and that a minimum level Silver Certification is proposed.

Once deemed to have met the eligibility criteria, applicants must commit to building a development that incorporates the following 4 Sustainability Objectives:

- 1) Significant water conservation;

- 2) Conformity with Transit-Oriented Development Guidelines;
- 3) Incorporation of Three-Stream Waste Management; and
- 4) LEED™ Silver Certification, at a minimum.

York Region prepared a staff report to the Planning and Economic Development Committee for March 5, 2008, which was adopted by York Region Council on March 27, 2008 (Attachment 1). In their March 27, 2008 decision, York Region Council enhanced the Sustainable Development Through LEED™ program to add a 40% bonus level for developments that achieve the LEED™ Gold standard in addition to all other required program objectives. As a result, as described on Page 5 of the York Regional Council Meeting extract (Attachment 1), there are three servicing allocation credit options in the Program, summarized in Table 1 below.

Table 1
Servicing Allocation Credits Summary

Servicing Allocation Credits	Water Conservation Reduction in Potable Water	Transit Oriented High Density Development	Three Stream Waste	Minimum LEED™ Certification Level
20%	50% outdoor reduction 20% indoor reduction	Yes	Yes	Silver
35%	100% outdoor reduction 30% indoor reduction	Yes	Yes	Silver
40%	100% outdoor reduction 30% indoor reduction	Yes	Yes	Gold

City of Vaughan staff from Engineering and Public Works, Building Standards, Development Planning and Policy Planning commented on the initiative in February 2008. City of Vaughan and York Region staff organized a workshop on June 26, 2008 on the Sustainable Development Through LEED™ program. The workshop was attended by 16 City of Vaughan staff representing four departments (Building Standards, Development Planning, Development/Transportation Engineering and Policy Planning). While a wide range of items were discussed regarding program implementation, two major issues emerged requiring clarification:

- 1) Distributing water allocation credits;
- 2) Earned servicing allocation credits for residential dwelling units.

1. Servicing Allocation

The Commissioner of Engineering and Public Works and the Commissioner of Planning provide to Council an annual update of the status of available and unused servicing capacity according to the City's current Servicing Capacity Allocation Distribution Protocol. The Protocol categorizes active development applications into three priority classes. The Protocol can and has been amended as required at the time of the annual update. As the annual update requires a detailed assessment of all active Plan of Subdivision and Site Plan development applications against a detailed reconciliation of available servicing capacity, any application that qualifies for the Sustainable Development Through LEED™ program may be classified as a higher priority within the Protocol classes.

2. Earned Servicing Allocation Credits

The most likely scenario for a developer taking advantage of the program is to use the earned servicing allocation credits for the application that has qualified for the program to reduce the servicing allocation assignment/commitment from the City. As an example, an application for 120 residential units that meets the 20% Credit Option can reduce the municipal allocation requirement by 24 units (that is, $120 \times 20\% = 24$). This would be taken into consideration in the Servicing Capacity Allocation Distribution Protocol and possibly result in classifying the

development application into a priority category that moves the project closer to the construction stage. This is a potentially significant benefit as waiting one or two years for servicing allocation can be a considerable cost to developers.

The next yearly update of available servicing capacity and the associated Servicing Capacity Allocation Distribution Protocol is scheduled for March of this year. Accordingly, it is recommended that the Sustainable Development Through LEED™ program be incorporated by amending the Servicing Capacity Allocation Distribution Protocol as required, and in conjunction with the next scheduled yearly update of the Protocol.

There may be cases where the Zoning By-Law or site considerations restrict the application of this program because the maximum height or allowable building envelope has been reached by a proposed development and servicing allocation is not a limitation. The Program is not intended to result in larger buildings, but allow developments to move forward as anticipated by the Official Plan when full allocation is not currently available. In order to encourage uptake of the Program, applicants need to be approached early enough in the planning process to identify possible cases of official plan amendments as well as changes to the design of the building(s) to satisfy LEED™ requirements.

Summary of City of Vaughan Responsibilities to Implement the Sustainable Development Through LEED™ Program

Implementation of the Program does not require the City of Vaughan to change any application forms. However, the June 2008 Implementation Guide (Attachment 2) provided by York Region includes several forms that are to be prepared by the applicant to the satisfaction of York Region and the City of Vaughan. A Procedural Document (Attachment 3) provides a summary of the City of Vaughan responsibilities to implement the Program cross-referenced with the Sustainable Development Through LEED™ Program Approval Process flow chart available in the Implementation Guide.

Relationship to Vaughan Vision 2020

Lead and Promote Environmental Sustainability

Regional Implications

The initiative outlined above is led by York Region and requires City of Vaughan participation to implement the program in Vaughan. It is aligned with many of York Region's "Sustainability Strategy" action areas, including 'Healthy Communities', 'Economic Vitality', 'Sustainable Natural Environment', and Sustainability Implementation and Monitoring'. York Region will be essential in the implementation of the initiative.

Conclusion

While the Sustainable Development Through LEED™ policy should be promoted, its application is limited as the focus is on new construction of high-rise buildings in transit nodes and corridors. It will also only be of benefit for developments that have water and wastewater allocation and can take advantage of the additional allocation within the existing policies regarding height and density. Furthermore, site considerations and Official Plan or Zoning policies may restrict proposed developments from achieving the densities within the development footprint to take advantage of the allocation credits.

Despite these limitations, there are several aspects of the Program that are extremely useful for ongoing improvement in achieving sustainability objectives. In particular, the Program will provide some experience to staff in Building Standards, Development Planning, Development Engineering and Policy Planning in processing applications that are LEED™ registered projects. As servicing allocation is limited, it is conceivable that one or two development

proposals in any given year will be able to take advantage of the York Region Program to progress to a construction stage earlier rather than being delayed by the provision of servicing allocation. Furthermore, the use of servicing allocation to recognize sustainability performance can be the subject of ongoing discussion to develop a more comprehensive City-wide policy inclusive of more developments than is provided by the eligibility criteria in the York Region Program.

This report has been developed to be consistent with the ongoing work of the Community Sustainability and Environmental Master Plan, but with a focus on a specific sustainability initiative following from Council recommendations on October 9, 2007. Other elements of sustainability initiatives are going to be the subject of future reports.

Attachments

1. York Region March 27, 2008, Report to Council on “Sustainable Development Through LEED™”.
2. York Region, Sustainable Development Through LEED™, A High Density Residential ‘Green’ Building Incentive Program, Implementation Guide. June 2008.
3. City of Vaughan. Procedural Document to Implement Sustainable Development Through LEED™, York Region Program.

Report prepared by:

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Respectfully submitted,

John Zipay
Commissioner of Planning

Bill Robinson
Commissioner of Engineering &
Public Works

1**SUSTAINABLE DEVELOPMENT THROUGH LEED® - IMPLEMENTATION STRATEGY**

The Planning and Economic Development Committee recommends the following:

1. The presentation by Shawn Nastke, Planner, Community Planning, be received; and
2. The recommendations contained in the following report dated February 22, 2008, from the Commissioner of Planning and Development Services, be adopted:

1. RECOMMENDATIONS

It is recommended that:

1. The Implementation Strategy outlined in this report be adopted by Council, in order to implement a 20% to 35% servicing allocation bonus for high density residential development that achieves the 'Sustainable Development Through LEED®' Program objectives adopted by Council June 21, 2007, including a minimum 'LEED®' Silver standard.
2. The 'Sustainable Development Through LEED®' Program be enhanced to provide a 40% servicing allocation bonus for developments that meet, at minimum, the Gold LEED® standard in addition to all other required Program objectives.
3. Applicants of the 'Sustainable Development Through LEED®' Program be required to enter into an agreement with York Region setting out the terms of the Program and the terms of any required Letter of Credit to the satisfaction of the Regional Solicitor.
4. The Regional Chair and Clerk are authorized to execute agreements, with the applicants, required to implement the Program.
5. Staff monitor the Program and make adjustments where appropriate in order to improve and streamline the process.
6. This report be circulated by the Regional Clerk to all local municipal Clerks and Planning Directors/Commissioners.

2. PURPOSE

The purpose of this report is as follows:

- To highlight the 'Sustainable Development Through LEED®' Implementation Strategy as directed by Council.
- To obtain Council authority to allow staff to enter into an agreement to make operational the Program and to require a letter of credit.
- To obtain Council authority to enhance the Program requirements.
- To advise Council of next steps.

3. BACKGROUND

In June 2007, Council adopted a resolution that directed staff to implement a program, in consultation with the Local Municipalities, to provide a 20% to 35% increase in water and sewer servicing allocation for high density residential developments meeting the following criteria:

- i. Significant water conservation is achieved.
- ii. Location is served by Viva rapid transit or other major YRT, GO and TTC operated or proposed transit routes.
- iii. Site is within a Regional Centre or Regional Corridor, or Local Centre.
- iv. Building meets Regional TOD guidelines including supporting an overall, long-term density target of 2.5 Floor Space Index.
- v. Three stream waste reduction is incorporated into the building.
- vi. A minimum LEED® Silver certification is achieved.

3.1 CONSULTATION WAS EXTENSIVE WITH ALL INTERESTED STAKEHOLDERS

Staff from all 9 Municipalities and Regional Departments

A Consultation Workshop was held in September 2007 with Local Municipal staff. Participation was exceptional and included staff from a cross section of disciplines including Building, Engineering, Water/Wastewater, Waste Management and Planning. A second round of consultations with Local Municipal staff was conducted in January 2008.

It is also noted that input from other Regional Departments including Corporate Services (Property Services) and Environmental Services (Water and Wastewater and Solid Waste Management) has been extensive.

Building Industry and Land Development Association (BILD)

Staff also conducted consultation meetings with members of the Building Industry and Land Development Association (BILD) in early February 2008. In general, the Program was very well received, and the industry also provided valuable input. The key issues raised related to the Letter of Credit (LC), possibly adding Development Charge Credits

as an incentive, reducing application processing times, introducing a more graduated incentive system, and, allowing for the program to be applied retroactively.

The majority of these issues are addressed throughout the body of the report. With respect to applying the program retroactively, staff are of the opinion that allowing for buildings presently under construction or recently constructed to qualify for the program is appropriate. The development would still be subject to all of the same eligibility criteria and sustainability objectives.

In terms of Development Charge Credits, staff advised the Developers that Council did consider this strategy in June of 2007 and decided not to include it as part of the Program at this time.

This innovative program raised significant interest from both the development industry and the local municipalities which required substantial discussion regarding process to ensure it is successful and uses a streamlined process. It is the first of its kind to use servicing allocation as an incentive to build greener development.

Peer Review Consultant

York Region retained Enermodal Engineering Limited to Peer Review the Implementation Strategy. Enermodal, an engineering consulting firm from Kitchener, is one of the leading experts in the GTA respecting the LEED[®] Canada NC program and certification. Enermodal was asked to identify issues and potential impracticalities with the draft implementation strategy as well as provide a recommendation respecting the Letter of Credit.

4. ANALYSIS AND OPTIONS

Promoting sustainable buildings through LEED[®] provides a number of benefits including:

- Using key resources like energy, water, materials, and land much more efficiently.
- Creating healthier work, learning, and living environments.
- More natural light & cleaner air.
- Contributing to improved health, comfort and productivity.
- Long term cost savings.

Some of these benefits can have a direct impact on the use and sustainability of Regional services including transit usage, water and wastewater conveyance and treatment, and solid waste management. All of these benefits promote healthy communities and are in keeping with the Regional Vision and policy framework for building strong communities.

This voluntary Program provides a strong incentive to developers to build greener, more sustainable buildings through both servicing allocation bonus and a clear implementation strategy that is intended to avoid lengthy processing times.

4.1 HIGHLIGHTS OF IMPLEMENTATION STRATEGY

Refinements based on consultation with Local Municipal Staff

Through consultation with the Local Municipalities, it is proposed that Local Corridors be added to the Program to ensure that potential high density projects located within these areas can also participate.

It is also proposed that the density target of a 2.5 Floor Space Index (the target within our Regional Centres and Corridors) be implemented through reliance on the density requirements of the High Density Residential policies in the applicable community/secondary plans. This modification recognizes that high density in Keswick means something different than high density in Markham Centre. We have also added a minimum height requirement of 5 stories to address situations where community plans may not contain minimum density requirements. Five stories has been selected as the minimum height to ensure we are dealing with higher density proposals: the target of this initiative.

How Developers qualify for the Program

The Program involves 'Six Eligibility Criteria' that must be met in order to participate. Once confirmed eligible, the applicant must commit to constructing a development that meets four separate 'Sustainability Objectives'. The eligibility criteria and sustainability objectives evolved from the policies adopted by Council in June 2007 through the consultation with Local Municipalities, developers and expert advice.

The 'Six Eligibility Criteria' set out the initial qualifications as follows:

- i. Located within a Regional Centre or Corridor or a Local Centre or Corridor.
- ii. High Density Residential with a minimum height of 5 stories (can and is encouraged to be within a mixed use building).
- iii. Permitted without the need for a major Local Official Plan amendment.
- iv. A certain minimum amount of Servicing Allocation has already been assigned to the development (or there is a commitment in place to do so).
- v. Within a Local Municipality that has advised they wish to participate in the Program.
- vi. Project has been registered with the Canada Green Building Council under the LEED® Canada NC (Version 1) program and that a minimum level Silver Certification is proposed.

The Four Sustainability Objectives set out the key elements to be included in the development.

Objective 1 - Achievement of Significant Water Conservation

Applicants proposing a LEED® Silver development have the option of qualifying for servicing allocation credits equivalent to either 20% or 35% of the units within the proposed building. A third option, providing allocation credits equivalent to 40% of the units, has been added for buildings achieving LEED® Gold or Platinum. The water conservation requirements for each option align directly with the achievement of specific water efficiency credits under the LEED® Canada NC program.

Option 1: 20% Credits: To qualify for allocation credits equivalent to 20% of the units within the proposed building, the development shall achieve points for the following LEED® Water Efficiency (WE) Credits:

- Credit WE 1.1 - Reduce potable water use for outdoor watering purposes by 50%
- Credit WE 3.1 - Reduce indoor potable water use by 20% (*Note: Baseline numbers are provided within the LEED® Canada NC Reference Guide and are reflective of current Ontario Building Code requirements.*)

Option 2: 35% Credits: To qualify for allocation credits equivalent to 35% of the units within the proposed building, the development shall achieve points for the following LEED® WE Credits:

- Credit WE 1.2 - No potable water use for outdoor watering purposes or no irrigation
- Credit WE 3.2 - Reduce indoor potable water use by 30%

Option 3: 40% Credits: (Increased benefit to LEED® Gold and Platinum Developments)

There was discussion with the development industry surrounding the introduction of a more graduated bonus system that would award different levels of allocation credits based on the level of LEED® Canada NC certification achieved. While staff are of the opinion that level Silver remain the minimum requirement, we are recommending that an increased allocation bonus be approved by Council for developments obtaining higher levels of LEED® Certification (Gold, Platinum).

More specifically, an increased allocation bonus of 40% is recommended for developments that achieve the Gold standard or higher plus all of the requirements for the 35% bonus. With monitoring of the first few projects, a further increase may be possible to recognize those developments achieving even higher standards.

In order to help ensure the achievement of water conservation targets, the Sustainable Development Through LEED® Program will require the use of ENERGY STAR qualified washing machines and dishwashers and the installation of separate water metres for individual

units along with separate billing requirements. Other items commonly implemented to achieve water conservation are low flow plumbing fixtures and dual flush toilets.

Objective 2 - Conformity with the Region's Transit-Oriented Development (TOD) Guidelines

The Region's Transit Oriented Development (TOD) Guidelines outline key components of building and site design that further encourage transit usage. Conformity with the TOD guidelines will ensure that the proposed development is designed in manner that makes accessibility to transit easy and convenient.

Objective 3 - Incorporation of a Three Stream Waste Management System

Three stream waste management has been highly effective in achieving higher diversion rates for ground related housing. It is important to also achieve high waste diversion rates in high density residential developments. The Program involves detailed requirements regarding source separation, storage and collection and resident education.

Objective 4 - Obtain Certification (minimum level Silver or Gold) under the 'Leadership in Energy and Environmental Design' (LEED®) Canada NC (Version 1) program

LEED® Canada NC is a 'comprehensive' Green Building Rating System offered through the Canada Green Building Council. It sets minimum standards that buildings must meet in order to be considered GREEN. It views the development from a variety of perspectives including site location and design, water efficiency, construction materials used, waste diversion, energy conservation and ozone protection; and indoor air quality. Points are also awarded for Innovation in Design. The minimum requirement for level Silver is consistent with the minimum standard that York Region has imposed for its new facilities.

It was suggested through consultation that buildings with similar components to LEED® certified buildings should qualify as well. However, using the LEED® Canada NC program provides objective third party verification that the green objectives (especially in terms of water savings) are met without requiring extensive technical review by additional expert resources. The LEED® Canada NC program is also the most recognized and accepted rating system in Canada. The number of LEED® registered and certified projects are testimony to its market recognition and presence.

The following table summarizes the various bonus levels including the new Gold standard.

Table 1
 Servicing Allocation Credits Summary

Servicing Allocation Credits	Water Conservation: Reduction in Potable Water	Transit Oriented High Density Development	Three Stream Waste	Minimum LEED® Certification Level
20%	50% outdoor reduction 20% indoor reduction	Yes	Yes	Silver
35%	100% outdoor reduction 30% indoor reduction	Yes	Yes	Silver
40%	100% outdoor reduction 30%+ indoor reduction	Yes	Yes	Gold

Streamlined Application and Approval Process

The Program application and approval process is displayed on a flow chart appended as Attachment 1. Staff in consultation with Local Municipal partners and the development industry have attempted to streamline the process to minimize additional administrative requirements for all parties involved. Staff heard that time savings was an important incentive to developers along with the servicing allocation itself. A clear intention of this program is that applications will be streamlined and processed as quickly as possible. Standard conditions have been developed to be implemented through site plan and condominium approval to ensure ease of implementation.

Transfer of residual Allocation Credits

The potential exists for applicants to qualify for allocation credits in excess of what they may require for a specific development. It is recognized that in these situations some Local Municipalities may want to permit the transfer of residual credits to other sites. The developer generating the credits will need to work with the Local Municipality to determine where they can be used. Policies should be contained within the Local Servicing Protocol outlining principles for transfers. Notwithstanding, any recipient site must be within the same Local Municipality and also qualify for the Program.

Monitoring

The Program also includes a 5 year monitoring period of the developments with respect to water conservation and waste diversion. This will help us to determine the effectiveness of the Program.

4.2 PROGRAM AGREEMENT AND LETTER OF CREDIT TO ENSURE IMPLEMENTATION

Confirmation that the Sustainability Objectives (i.e., LEED® Certification) have been met occurs post building construction/occupancy and therefore after the allocation credits

have been awarded. In this regard, the applicant will be required to enter into a separate Agreement with the Region committing to meet all Program Objectives. The Agreement will require the posting of a Letter of Credit by the applicant prior to condominium registration if there are any remaining Program Objectives to be met including LEED® Silver Certification.

Both the site plan and the building permit drawings are required to include all of the necessary components needed to achieve LEED® Certification and other Program objectives. To help ensure that this occurs, all drawings must be accompanied by a signed letter from the applicant's LEED® Accredited Professional confirming that they are in conformity with the Program requirements. Staff will work closely with the applicant to ensure conformity.

Letter of Credit to be set at \$6,400 per Servicing Allocation Credit Granted

Letters of Credit required under the Program are to be posted in the amount of \$6,400 per Servicing Allocation Credit awarded with an upper limit of \$500,000. For instance, if a developer qualifies for allocation credits equivalent to 20% of the units within a 100 unit building the LC requirement would be \$128,000 (20 credits/units x \$6,400).

The amount of the LC is based on \$8 per square foot using an average unit size of 800 square feet. Our Peer Review Consultant has advised that the incremental cost of building a LEED® building is \$8 to \$12 per sq. ft over and above the cost of a conventional building and suggested that this incremental cost could be used to set the amount of the LC.

The developers indicated that as they will be paying a significant premium per square foot to achieve the Program criteria, an additional requirement for a substantial LC and for that LC to be posted upfront is onerous and could serve as a disincentive to participating in the Program. While staff have not eliminated the requirement for an LC, the stipulations as initially presented to the developers have been revised. Staff are of the opinion that taking the LC later in the process and only if there are still Objectives to be met as well as introducing a cap, serves to address the key concerns raised by the BILD members.

Timeframe for releasing the Letter of Credit

The Program provides the applicant 12 months from the date of registration of the condominium, to satisfy all of the Sustainability Objectives (i.e., obtain LEED® Certification). Based on consultation with Enermodal, 12 months from condominium registration is more than ample time to achieve LEED® Certification.

Letters of Credit to fund educational/promotional programs relating to Water Conservation and Solid Waste Diversion/Recycling if Program Objectives are not met

If all criteria are not fully met to the satisfaction of York Region and the Local Municipality within the required 12 months from Condominium Registration, it is proposed that the full value of the letter of credit be forfeited and placed in a Reserve Fund. Staff will report to Committee and Council on this matter separately if it arises and deal with the specific creation of the Fund at that time.

Rental Buildings would also qualify under the Program

While it is anticipated that most applications will involve condominium developments, it is important to note that rental buildings would also qualify under the Program. In the situation of a privately proposed rental building, Program implementation would be adjusted to rely more heavily on the Site Plan Approval/Agreement and the separate Program Agreement. The Letter of Credit would also need to be posted prior to occupancy.

4.3 IMPROVED STANDARDS TO ACHIEVE GREENER BUILDINGS REGION WIDE

This voluntary program is the beginning of achieving more sustainable development across the Region. The Program serves to move the Region toward a higher standard of development so that the greener aspects of this Program become standard practice.

While three stream waste management is currently part of this Program, it should be explored for all multi-storey residential buildings across the Region. Higher water efficiency for both indoor and outdoor use should also be promoted throughout the Region with potable water primarily used for indoor purposes.

4.4 NEXT STEPS

Interest was expressed through the Local Municipal Consultation process regarding the expansion of the Program to include medium density and ground related housing. While this high density residential Program will be the focus of 2008, staff will begin to explore potential opportunities and strategies to expand the program to include other forms of residential development. Part of this research will involve consultation with the Town of Newmarket regarding design details for the eco-homes to be constructed in the new Stickwood-Walker subdivision and a possible monitoring program to look at water conservation performance.

4.5 RELATIONSHIP TO VISION 2026

The program aligns with Vision 2026's promotion of conservation, ensuring clean water and air, creating well-designed and liveable communities, taking a strategic approach to growth management and balancing growth with the environment.

The Program also serves to implement one of the Action items in our new Sustainability Strategy. *Theme Area IV – Sustainable Natural Environment* includes a directive regarding the creation of a comprehensive green building strategy in consultation with the Local Municipalities that would incorporate Energy Star® and/or LEED® standards.

5. FINANCIAL IMPLICATIONS

This initiative has the potential to facilitate increased unit yields on individual projects over an above what could be achieved outside of the Program. This would result in the generation of additional Development Charges and Taxes and also serve to increase Transit Ridership.

While there is the potential for Letters of Credit to be forfeited, it is hoped that each applicant will successfully meet the full requirements of the Program resulting in the release of all Letters of Credit.

6. LOCAL MUNICIPAL IMPACT

This program is voluntary both for the developer as well as the Local Municipalities. Given the interest generated, we anticipate that most Local Municipalities, especially those in the south, will choose to employ this Program as a tool to help implement the community plan visions for key centres and corridors.

7. CONCLUSION

'Sustainable Development Through LEED®', a green building incentive program, will serve to help implement York Region's new Sustainability Strategy and enhance our triple bottom line: Sustainable Environment, Healthy Communities, and Economic Vitality. It also serves to demonstrate to the broader development and building industry new ways of design and building residential high rise that is both marketable and cost effective over the long term.

The 'Sustainable Development Through LEED®' initiative is an innovative Program that represents the first of its kind in Ontario. With no template to follow, careful effort was taken to ensure that the Program is easily implementable, practical and flexible and works

across all 9 distinct municipalities. Implementation is also ensured by embedding the Program requirements at the key process points of site plan, building permit and condominium.

The success of the Program is based upon a co-operative partnership between the Region, Local Municipalities and development industry. It is important to continually evaluate the Program and the implementation details, especially with the first few applications, to ensure the Program is successful and creates a true incentive to build more sustainable development creating a better living environment and reducing green house gas emissions.

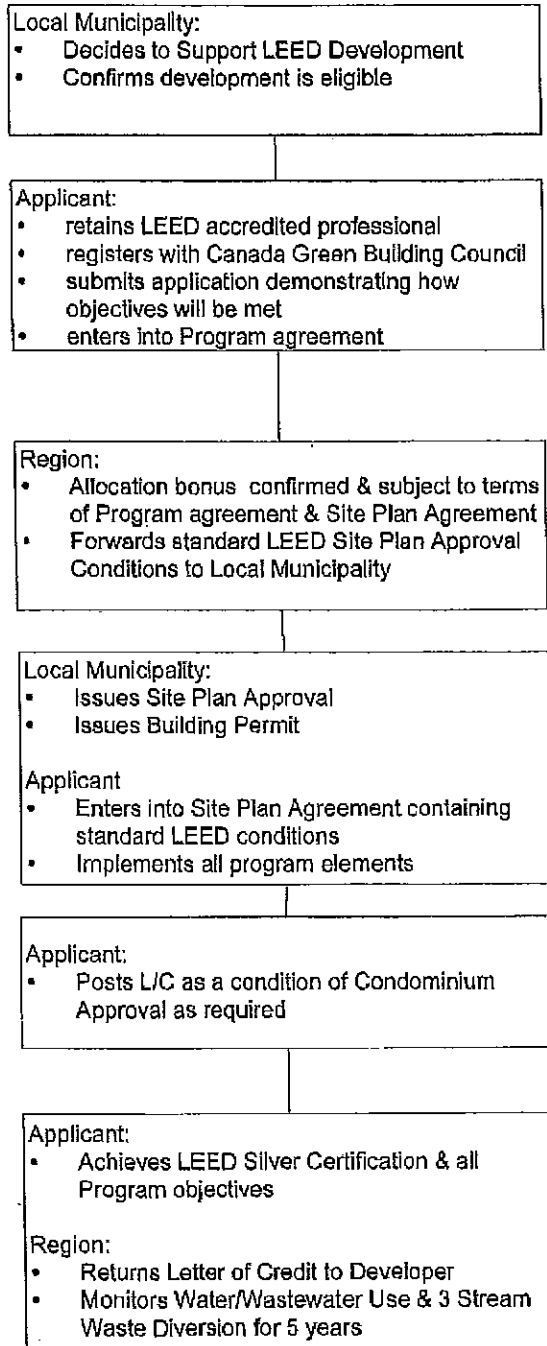
Uptake of the Program is anticipated to be strong with three developers ready to submit applications. This will allow for the Program to be tested early and for results to be delivered immediately.

For more information on this report, please contact Shawn Nastke, Planner, Community Planning at Ext. 1518, or Heather Konefat, Director of Community Planning at Ext. 1502.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is included with this report.)

Sustainable Development Through LEED - Implementation Process



“Sustainable Development Through LEED®”

A High Density Residential
‘Green’ Building Incentive Program

The Regional Municipality of York

Implementation Guide

Important Note: This document may be revised from time to time for the purpose of clarification and streamlining. In this regard, applicants are asked to contact the York Region Community Planning Branch to ensure that they have the most recent version of the document.

Furthermore, the Program may be modified in the future to reflect changes to the LEED® Canada NC Program.

June 2008

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“Sustainable Development Through LEED®”

Program Description:

The ‘Sustainable Development Through LEED®’ Program allows proponents of high density residential development proposals meeting specific eligibility criteria and incorporating various sustainability objectives to qualify for water and wastewater Servicing Allocation Credits¹ equivalent to servicing allocation for 20%, 35% or 40% of the total residential units within the proposed development.

Servicing Allocation Credits can be used to reduce the required allocation assignment from the Local Municipality and/or to facilitate planning approvals for additional units on a site.

Important Note: This is a pilot program that is intended to be reviewed after 5 years but maybe reviewed sooner and revised or cancelled should York Region Council determine it is appropriate.

Eligibility Criteria:

This Program is available to development proposals within York Region meeting all of the following eligibility criteria:

1. The proposed development is located within:
 - a Regional Centre in accordance with the York Region Official Plan and corresponding Lower Tier Official Plan; and/or
 - an approved Community/Secondary Plan along those segments of Yonge Street and Highway 7 identified as Regional Corridor in the York Region Official Plan; and/or,
 - an approved Local Centre within the Lower Tier Official Plan; and/or,
 - an approved Local Corridor within the Lower Tier Official Plan.
2. The proposed development is considered as a high density residential use within an approved Lower Tier Official Plan and has a minimum building height of 5 stories. The high density residential component of the development can and is encouraged to be within a mixed-use building (i.e., commercial on ground floor).

¹ Servicing Allocation Credits are generally generated by the water savings achieved through the provision of a water efficient building and site design and through the use of water efficient fixtures and appliances. While a servicing allocation credit is not a unit of allocation it may be used in place of a unit if allocation.

3. The proposed high density residential development is permitted under all applicable official plan policies without the need for a major local official plan amendment.
4. A specific minimum amount of servicing allocation has already been assigned to the development or there is a commitment in place from the local municipality to do so. The specific minimum requirements are as follows:

<i>Servicing Allocation Credit Level Applied for*</i>	<i>Minimum Servicing Allocation Assignment/Commitment from Local Municipality (Allocation for minimum % of total units)</i>
20%	80%
35%	65%
40%	60%

*Note: The Program as designed includes three distinct credit levels and does not provide for graduated steps between the distinct levels.

5. The proposed development is situated within a Local Municipality that has formally advised York Region that they wish to participate in the program.
6. The project has been registered with the Canada Green Building Council under the LEED® Canada NC program and that the Registration document indicates a commitment to obtain a minimum level of Silver or Gold Certification, whichever is applicable. A minimum level Silver is required to qualify for the 20% and 35% Allocation Credit options whereas a minimum level Gold is required to qualify for the 40% Allocation Credit option.

Should the proposed development meet the above eligibility criteria, Applicants are required to commit through a registered agreement to construct a development that meets all the following Program requirements.

Detailed Program Requirements:

Eligible developments shall meet all of the following 4 Sustainability Objectives to the satisfaction of York Region and the applicable Local Municipality. Please note that it is under Objective #1 (Significant Water Conservation) and Objective #4 (LEED® Certification) that the applicant chooses to apply for Allocation Credits equivalent to 20%, 35% or 40% of the units within the proposed development. While the amount of allocation credits is determined under Objectives #1 and #4, all 4 Sustainability Objectives must be achieved to qualify for the Allocation Credits. A summary chart of the credit options is appended as Attachment 'A'.

Objective 1: Significant Water Conservation is achieved

Intent

To significantly reduce the potable water demand and wastewater creation within high density residential buildings.

Criteria

Applicants can qualify for Allocation Credits equivalent to allocation for 20%, 35% or 40% of the total residential units within the proposed building based on the development earning points for certain Water Efficiency (WE) credits under the LEED® Canada-NC program.

20% Allocation Credit Option: To qualify for allocation credits equivalent to allocation for 20% of the units within the proposed building, the development shall:

- i. Achieve one point for LEED® WE Credit 1 Water Efficient Landscaping: Reduce by 50%; and,
- ii. Achieve one point for LEED® WE Credit 3 Water Use Reduction: 20% Reduction; and,
- iii. Obtain minimum Level **Silver** Certification under the LEED® Canada NC Program – see Objective #4.

35% Allocation Credit Option: To qualify for allocation credits equivalent to allocation for 35% of the total residential units within the proposed building, the development shall:

- i. Achieve two points for LEED® WE Credit 1 Water Efficient Landscaping: No Potable Water Use or No Irrigation; and,
- ii. Achieve two points for LEED® WE Credit 3 Water Use Reduction: 30% Reduction; and,
- iii. Obtain minimum Level **Silver** Certification under the LEED® Canada NC Program – see Objective #4.

40% Allocation Credit Option: To qualify for allocation credits equivalent to allocation for 40% of the total residential units within the proposed building, the development shall:

- i. Achieve two points for LEED® WE Credit 1 Water Efficient Landscaping: No Potable Water Use or No Irrigation; and,
- ii. Achieve two points for LEED® WE Credit 3 Water Use Reduction: 30% Reduction; and,
- iii. Obtain minimum Level **Gold** Certification under the LEED® Canada NC Program – see Objective #4.

Formulas to determine the total number of Servicing Allocation Credits available under each Option and the corresponding minimum Municipal Allocation Assignment required:

$$Z = X * Y$$

$$M = X - Z$$

X = Total # of residential units within proposed development

Y = Servicing Allocation Credit level being applied for: 20%, 35% or 40%

Z = Total # of Servicing Allocation Credits

M = Minimum Municipal Allocation Assignment required (units equivalent of Servicing Allocation)

Example: If a proposed development contains 100 residential units and qualifies under the 35% Servicing Allocation Credit Option the calculation is as follows:

$$100 \text{ residential units} * 0.35 = 35 \text{ Servicing Allocation Credits}$$

Under this scenario, a minimum allocation assignment/commitment of 65 units equivalent of servicing allocation from the Local Municipality would be required.

Objective Specific Terms:

- Each individual residential unit shall be equipped with a separate private water metre or more than one meter if required (Measurement Canada approved) that shall measure all potable water (heated and non-heated) used by the unit. The type, size and manufacturer of the water meters shall be approved for use by the Local Municipality.
- Each individual residential unit shall be billed separately for potable water use. The bill shall be based on the amount of water used by the unit in accordance with that unit's individual water meter(s).
- Only ENERGY STAR Qualified clothes washing machines and dishwashers shall be used within the development.
- The water efficient plumbing fixtures originally installed in the building shall only be replaced with equivalent or more water efficient fixtures.
- The approved landscape plan and associated water conservation measures regarding irrigation shall not be altered or operated in a manner that results in a greater demand for potable water.
- The owner shall provide York Region with water usage data for individual units as well as for the building and site as a whole. The data shall be provided on an annual basis for a period of 5 years, with the provision of the first data set occurring one year from the time that at least 75% of the residential units within the building are occupied, or earlier if requested by York Region. The data is to be used to provide York Region with a better understanding of water usage habits within high density residential buildings.

Objective 2: Conformity with Regional Transit-Oriented Development (TOD) Guidelines

Intent

To shape development in a way that responds to the needs of transit users and the transit service itself.

Criteria

That the proposed development is designed in accordance with the TOD Guidelines and specifically the guidelines dealing with Pedestrians, Parking, Built Form and Connections. With respect to the Parking Guidelines, it is recognized that the directives dealing with future phases, carpooling and shared parking facilities may not be applicable to the proposed project.

Objective Specific Terms:

- No objective specific terms.

Objective 3: Incorporation of a Three Stream Waste Management System

Intent

To ensure that developments incorporate a three stream waste management system in order to help achieve the Region's overall waste diversion target of 65%.

Criteria

That the proposed development includes a three stream waste management system that makes the recycling program (blue box recyclables and organics) as convenient as the garbage collection program. The following provides specific criteria to be met in the areas of Waste Diversion, Storage/Collection and Resident Education.

Waste Diversion:

The development shall include a waste diversion system that comprises one (or a combination) of the following methods:

- A minimum of a central solid waste collection and waste diversion centre on each floor which accommodates all three streams of waste;
- Single chute with a tri-sorter on each floor;
- Three separate chutes on each floor;
- Collection capabilities on each floor provided all applicable regulations governing storage of waste and recyclables and the design of such storage are met. This would be similar to a residential curbside collection system. Whereas the three

streams are collected at the curb, in a building, the three streams would be collected from the entrance way of the unit;

- Any other waste diversion system deemed acceptable to York Region and Local Municipal Waste Management staff.

Important Note: All applicable building and fire codes and all other applicable legislation must be adhered to with regards to the residential drop off point.

Storage/Collection:

Storage and collection of the three streams of waste shall adhere to the following:

- The blue box recyclables, organic material and residual garbage shall all be separated to prevent contamination.
- Sufficient storage area shall be provided to store garbage, bulky items, large appliances and blue box recyclables for a minimum of two weeks and organics for a minimum of one week. Where this minimum storage requirement conflicts with an existing Local Municipal minimum storage requirement, the Local Municipal requirement shall apply.
- Each unit within the building must contain adequate space for the residents to store the three waste streams (garbage, organics, blue box recyclables), prior to taking it to the central storage area or garbage room.
- The blue box recyclables must not be compacted during storage or transport if being delivered to a York Region site.
- A collection plan shall be prepared for the three streams of waste that outlines who shall be providing waste collection services (i.e. will the building receive collection services from a Local Municipality or from a private contractor) and where the materials will be taken for disposal/processing.

Resident Education

- A comprehensive education plan detailing how the recycling and organics program will be promoted to building residents shall be submitted. Please refer to *Attachment 'B'* for specific examples.

Objective Specific Terms:

- The owner shall agree to allow York Region and Local Municipal staff to conduct an inspection of the building to verify that the proposed three stream waste management system has been included in the building design.
- If the building is receiving collection services from a private contractor, the owner shall agree to provide York Region with a certificate or letter (signed by a company official) confirming that the material was appropriately recycled and/or composted in accordance with the approved three stream waste management collection plan. The data shall be provided on an annual basis for a period of 5 years, with the first certificate/letter being provided one year from the time that at least 75% of the residential units within the building are occupied, or earlier if requested by York Region.

- If the building is receiving collection services from a Local Municipality, the owner shall agree to allow York Region and the Local Municipality to conduct an audit of the material at any given time.

Objective 4: Certification (minimum level Silver or Gold) under the 'Leadership in Energy and Environmental Design' (LEED®) Canada New Construction Program

Intent

To help ensure that new high density residential buildings are constructed in an environmentally sustainable manner.

Criteria

That the proposed development obtain the following minimum level of Certification under the Leadership in Energy and Environmental Design (LEED®) Canada New Construction (NC) Program from the Canada Green Building Council.

- Minimum Level **Silver** is required for applicants applying under the 20% or 35% Servicing Allocation Credit Options
- Minimum Level **Gold** is required for applicants applying under the 40% Servicing Allocation Credit Option

Objective Specific Terms:

- That the applicant retain the services of a LEED® Accredited Professional, to coordinate the development of the proposed site from initial site and building design through to obtaining the required LEED® Certification.
- Where level Silver Certification is proposed, the applicant shall agree to pursue a minimum of 36 points to address the potential of some credits not being achieved.
- Where level Gold Certification is proposed, the applicant shall agree to pursue a minimum of 42 points to address the potential of some credits not being achieved.

General Program Terms:

- i. Prior to Applications being accepted under this Program, York Region requires formal documentation from the applicable Local Municipality confirming the following:
 - the Local Municipality wishes to participate in the Program;
 - the Local Municipality will formally circulate for comment to York Region, all site plan applications (including a full set of drawings) and

- draft plan of condominium applications, involving lands subject to this Program; and,
- all developments subject to this Program shall not receive exemption from the draft plan of condominium approval process and shall require a condominium agreement.
- ii. Applications shall be accompanied by a signed letter from the Local Municipal Commissioner/Director of Planning which confirms that the Local Municipality has no objection to the proposed development being considered under the Program and that they are of the opinion that the development meets Eligibility Criteria i to v inclusive. Eligibility Criterion vi (LEED® Registration) shall be confirmed by York Region.
 - iii. The granting of Servicing Allocation Credits under this Program does not entitle the applicant to a reduction in regional development charges.
 - iv. The requirements of this Program shall be included within the Site Plan and Condominium Approvals as deemed appropriate by York Region staff in consultation with Local Municipal staff.
 - v. Prior to the issuance of Final Confirmation of the Servicing Allocation Credits and Final Site Plan Approval, among other requirements, the Applicant's LEED® Accredited Professional shall submit a signed form to York Region and the Local Municipality confirming that all drawings submitted for site plan approval and building permit approval incorporate all requirements of the 'Sustainable Development Through LEED®' Program.
 - vi. The Applicant shall enter into a separate Program Agreement with York Region setting out the specific terms and conditions of the Program.
 - vii. All Program requirements shall be met to the satisfaction of Regional and Local Municipal Staff prior to Condominium Registration. If the issuance of the required LEED® Certification document from the Canada Green Building Council is still pending at the time the Applicant wishes to proceed to Condominium Registration, the Region can still choose to grant clearance subject to:
 - the Applicant posting a Letter of Credit with York Region subject to the terms set out in the Program Agreement; and,
 - the Applicant's LEED® Accredited Professional has confirmed that a completed Certification Application has been submitted to the Canada Green Building Council for the minimum LEED® Silver or Gold Certification; and,
 - the provision of a copy of the LEED® Score Sheet submitted with the Certification Application made to the Canada Green Building Council confirming that the required LEED® Credits and minimum number of points have been applied for as set out under Objective 1 (Significant Water Conservation is achieved) and Objective 4 (LEED® Certification) .

- viii. Where required, Letters of Credit shall be posted in the amount of \$6,400 per Servicing Allocation Credit awarded with an upper limit of \$500,000. For example, if a developer qualifies for allocation credits equivalent to 20% of the units within a 100 unit building the Letter of Credit requirement would be \$128,000 (20 credits x \$6,400). The applicant has 12 months from the date of registration of the condominium to satisfy all Program requirements. If all requirements are not fully met to the satisfaction of York Region and the Local Municipality within the required 12 month timeframe, the full value of the Letter of Credit shall be forfeited by the applicant and placed in a York Region Reserve Fund. No extensions to the 12 month timeframe will be granted. Forfeited Letters of Credit shall be used by York Region to fund Regional educational/marketing programs related to water conservation and waste management.

Review/Approval Process:

The Program review and approval process is set out in *Attachment 'C'* appended hereto.

Submission Requirements:

The Applicant is required to provide submissions at various stages throughout the Program Review/Approval Process. The main submission requirements include:

- i. **Initial Application** (*please see Attachment 'D' - 'Submission Checklist -- Initial Application'*).
- ii. **Program Conformity Report** - A report entitled "*Sustainable Development Through LEED[®] - Program Conformity Report*" is to be provided with the Site Plan Application submitted to the Local Municipality. *Please see Attachment 'E' for the Report requirements.*
- iii. **Confirmation that Site Plan and Building Permit Drawings incorporate Program Requirements:** Prior to the issuance of Final Confirmation of the Servicing Allocation Credits and Final Approval of the Site Plan Application, the Applicant's LEED[®] Accredited Professional shall provide a completed and signed form (*Attachment 'F'*) to York Region and the Local Municipality confirming that all drawings submitted for Site Plan Approval and Building Permit Approval incorporate all requirements of the 'Sustainable Development Through LEED[®]' Program.
- iv. **Post Development Submission** (*please see Attachment 'G' - Submission Checklist -- Post Development Submission*).

Summary of Servicing Allocation Credit Options and Associated Requirements

Servicing Allocation Credit Options	Water Conservation: Minimum Reduction in Potable Water Use	Conformity with Transit-Oriented Development Guidelines	Three Stream Waste Management	Minimum LEED® Certification Level
20%	50% outdoor reduction 20% indoor reduction	Yes	Yes	Silver
35%	100% outdoor reduction 30% indoor reduction	Yes	Yes	Silver
40%	100% outdoor reduction 30% indoor reduction	Yes	Yes	Gold

Examples of Methods to Promote Recycling and Composting within a Multi-Unit Residential Building

- New residents are told face-to-face
- Promotional material is made available to residents upon moving in (i.e. a welcome package, along with information about the building)
- Discussed at condominium board meeting
- Three stream program is written into tenant agreements
- Notices are posted in lobby
- Notices are posted in laundry facilities
- Notices are posted in garbage chutes
- Notices are posted in recycling receptacle areas
- Notices are posted in elevators
- Notices are posted at mail boxes
- Promotional material is made available in lobby
- Promotional material is made available in laundry facilities
- Promotional material is made available in mailboxes
- Labels are placed on collection containers
- Written instructions are provided to residents

For detailed examples of promotion and education programs already in place, please visit the following websites:

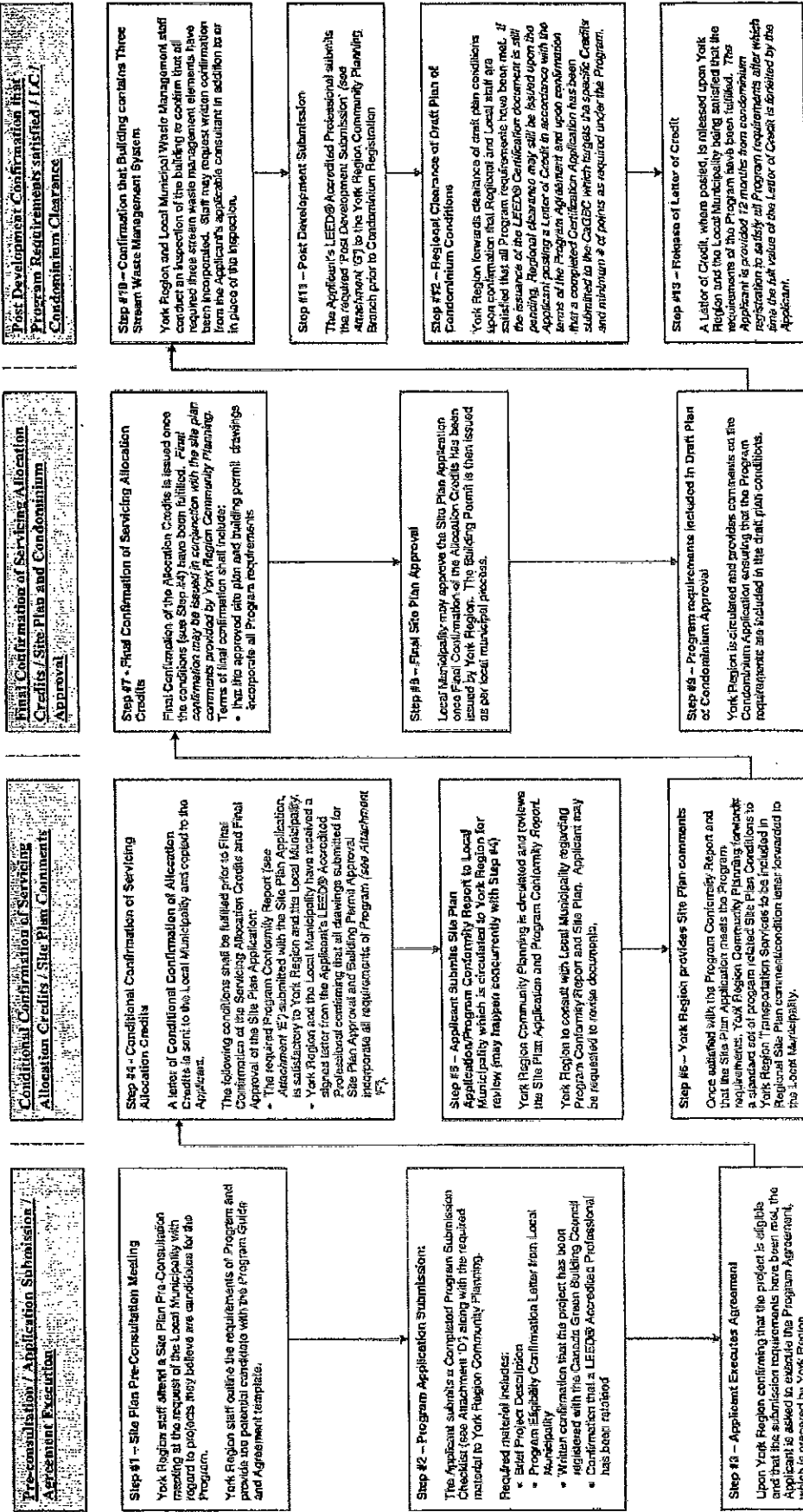
<http://www.markham.ca/Markham/Departments/WstMgt/MultiResBldRecycle/>

http://www.city.vaughan.on.ca/greening_vaughan/multiresidential.html

<http://www.toronto.ca/garbage/multi/index.htm>

Sustainable Development Through LEED® – Program Approval Process

“Integrated with Site Plan/Building Permit and Plan of Condominium Approval Processes”



ATTACHMENT 'C'

June 2008

Submission Checklist- Initial Application
'Sustainable Development Through LEED®'

The following list of materials, along with a completed 'Submission Checklist', shall be submitted to the York Region Community Planning Branch in order to initiate a request for Servicing Allocation Credits under the "Sustainable Development Through LEED®" Program.

Important Note: It is essential that the applicant and applicant's LEED® Accredited Professional, prior to submitting a request, read the 'Implementation Guide' in order to fully understand the requirements of the Program.

The applicant is required to submit 5 copies of the assembled submission package.

Submission Checklist	Check box to confirm that material is attached
A brief written description of the project supported by drawings/sketches.	
A letter from the Local Municipal Planning Commissioner/Director indicating that the Local Municipality has no objection to the development being considered under the Program and that they are of the opinion that the proposed development meets Program Eligibility Criteria l to v (See Attachment 'I').	
<p>Official Documentation demonstrating that the proposed development has been 'Registered' with the Canada Green Building Council under the LEED® Canada-NC Program and that a minimum LEED® Silver or Gold certification, whichever is applicable, is proposed. Minimum level Silver must be achieved to qualify for the 20% and 35% allocation credit options while minimum level Gold is required to qualify for the 40% allocation credit option.</p> <p>Note: It is recommended that the applicant obtain the Eligibility Confirmation letter from the Local Municipality prior to registering the project with the Canada Green Building Council.</p>	
<p>Please indicate which Servicing Allocation Credit option is being applied for: 20%, 35% or 40%.</p> <p>Please indicate the total number of residential units within the proposed development.</p>	<p align="right">_____ %</p> <p align="right">_____</p>
The applicant and/or applicant's agent has attended the <u>required</u> Site Plan Pre-Consultation meeting with York Region and Local Municipal staff respecting the 'Sustainable Development Through LEED®' Program.	
Submission information as detailed in the LEED® Canada-NC Program for the Innovation & Design Process - ID Credit 2 (LEED® Accredited Professional).	

Submission Checklist – Initial Application
Sustainable Development Through LEED*

Subject Property Information

Municipal Address	Area Municipality
Lot Number	Concession Number
Registered Plan Number	Lot(s)/Block(s)
Area of Subject Land (ha)	

Contact Information

Registered Owner of Subject Property

Owner	Contact Name
Telephone No.	Fax No.
Address	Email Address

Agent/Applicant (if different than owner)

Agent/Applicant	Contact Name
Telephone No.	Fax No.
Address	Email Address

Affidavit or Sworn Declaration

I, _____ of the _____
in the _____

make oath and say (or solemnly declare) that I am (please indicate one):

- the owner an agent of the owner
 an officer of the owner an officer or employee of the agent of the owner

and that all the statements contained herewith and statements contained in all of the exhibits attached hereto are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Sworn (or declared) before me

at the _____
in the _____
this _____ day of _____ 20 _____

Signature of a Commissioner
for taking affidavits

Signature of Declarant

Owners Authorization

If the owner(s) is/are different from the Agent/Applicant, the owner(s) must complete the following authorization. If there is more than one owner, a separate authorization from each individual or corporation is required. Attach an additional page or pages in the same format as this authorization if necessary.

I, _____
being the registered owner of the subject land hereby authorize

to prepare and submit this application to the Regional Municipality of York.

Signature of Owner

Date

Program Conformity Report – Content Requirements

The following provides a list of the information and material that is to be included in the *Program Conformity Report* that must accompany the Site Plan Application. The Report (8 copies) shall be prepared/compiled and signed by the Applicant's retained LEED[®] Accredited Professional.

Report Requirements:

Report Title

- The title of the report shall be "Sustainable Development Through LEED[®] - Program Conformity Report"

Introduction/Project Description

- A brief written description of the project supported by drawings/sketches.

Significant Water Conservation Achieved

- The submission information required by the LEED[®] Canada NC Program for the specific Water Efficiency Credits being pursued.

Application for 20% Allocation Credits: Submission Information required for LEED[®] Canada NC Water Efficiency Credits 1.1 and 3.1

Application for 35% or 40% Allocation Credits: Submission Information required for LEED[®] Canada NC Water Efficiency Credits 1.2 and 3.2

Conformity with the York Region Transit-Oriented Development (TOD) Guidelines

- A written description supported by drawings/maps indicating how the proposed development conforms with the TOD Guidelines relating to the following specific sections: Pedestrians, Parking, Built Form and Connections. The checklist on Page 18 of the TOD Guideline document is to be used to guide the conformity exercise.

Three Stream Waste Management System

- A written description supported by plans demonstrating how the proposed development will satisfy the required waste diversion and storage/collection criteria.

- An outline of the required collection plan.
- An outline of the required education plan.

LEED® Canada NC Certification

- Provide a copy of the LEED® Canada NC 'Score Sheet' indicating which of the credits are being pursued and the total number of points proposed. Applicants pursuing minimum level Silver must demonstrate that they are attempting to achieve 36 points while those pursuing Gold must demonstrate that they are attempting to achieve 42 points – see Program details.

**Confirmation that the Site Plan and Building Permit are in Conformity
with the 'Sustainable Development Through LEED®',
Program Requirements**

The following is to be completed by the Applicant's retained LEED® Accredited Professional. It serves to confirm that all drawings submitted for Site Plan Approval and Building Permit Approval are in conformity with the 'Sustainable Development Through LEED®' Program requirements. This form must be completed and signed prior to the issuance of Final Confirmation of the Servicing Allocation Credits and Final Site Plan Approval.

Affidavit / Declaration

I, _____
confirm that all final drawings and documents submitted to the Local Municipality for Site Plan Approval under File #: _____ and for Building Permit Approval under File #: _____ incorporate all requirements of the 'Sustainable Development Through LEED®' Program.

Signature of Declarant

Date

Submission Checklist – Post Development Submission
‘Sustainable Development Through LEED®’

The following list of materials, along with a completed ‘Submission Checklist’, shall be prepared to the satisfaction of York Region and Local Municipal staff prior to Condominium Registration. **The applicant is required to submit 5 copies of the assembled submission package to the York Region Community Planning Branch.**

Submission Checklist	Check box to confirm that material is attached
Signed letter from the Applicant's LEED® Accredited Professional, or applicable consultant, confirming that every residential unit within the development has been equipped with the required separate private water metre(s).	
A copy of the submission information, including the audit information requirements, requested under LEED® Canada NC Program for the specific Water Efficiency Credits being pursued.	
A letter from York Region Solid Waste Management staff confirming that a three stream waste management system has been incorporated into the development to the satisfaction of York Region and the Local Municipality.	
‘Final’ Three Stream Waste Management Collection Plan.	
‘Final’ Three Stream Waste Management Education Plan.	
<p>Copy of the LEED® Certificate, demonstrating that the development has obtained a minimum LEED® Silver/Gold Certification for the subject development from the Canada Green Building Council (CaGBC) under the LEED® Canada-NC Program.</p> <p>OR</p> <p>Where the applicant wishes to register the Plan of Condominium but has not yet received the LEED® Certification document from the Canada Green Building Council (CaGBC) the following shall be provided: a signed letter from the applicant's LEED® Accredited Professional confirming that a completed application has been submitted to the CaGBC for certification, a copy of the LEED® Score Sheet submitted with the Certification application, and confirmation that the required Letter of Credit has been posted with York Region.</p>	<p>_____</p> <p>_____</p>
<p>Copy of the LEED® Canada NC Final Review Document, demonstrating that the development has obtained points for the required Water Efficiency Credits and for having a LEED® Accredited Professional on the project team.</p> <p>OR</p> <p>Check this line if choosing the Letter or Credit option as outlined in bold type above.</p>	<p>_____</p> <p>_____</p>

Submission Checklist – Request for Release of Letter of Credit
Sustainable Development Through LEED

Subject Property Information

Municipal Address	Area Municipality
Lot Number	Concession Number
Registered Plan Number	Lot(s)/Block(s)
Area of Subject Land (ha)	

Contact Information

Registered Owner

Owner	Contact Name
Telephone No.	Fax No.
Address	Email Address

Agent/Applicant (if different than owner)

Agent/Applicant	Contact Name
Telephone No.	Fax No.
Address	Email Address

Affidavit or Sworn Declaration

I, _____ of the _____
in the _____

make oath and say (or solemnly declare) that I am (please indicate one):

- the owner an agent of the owner
 an officer of the owner an officer or employee of the agent of the owner

and that all the statements contained herewith and statements contained in all of the exhibits attached hereto are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Sworn (or declared) before me
at the _____
in the _____
this _____ day of _____ 20 _____

Signature of a Commissioner
for taking affidavits

Signature of Declarant

Owners Authorization

If the owner(s) is/are different from the Agent/Applicant, the owner(s) must complete the following authorization. If there is more than one owner, a separate authorization from each individual or corporation is required. Attach an additional page or pages in the same format as this authorization if necessary.

I, _____
being the registered owner of the subject land hereby authorize

_____ to prepare and submit this application to the Regional Municipality of York.

Signature of Owner

Date

PROGRAM CONTACTS

Program Administrator:

Shawn Nastke, MCIP, RPP
Planner
Planning and Development Services Department
The Regional Municipality of York
17250 Yonge Street,
Newmarket, Ontario
L3Y 6Z1

Tel: (905) 830-4444, extension 1518
Fax: (905) 895-3482
Email: shawn.nastke@york.ca

Program Supervisor:

Karen Whitney, MCIP, RPP
Manager, Planning & Infrastructure Integration
Planning and Development Services Department
The Regional Municipality of York
17250 Yonge Street,
Newmarket, Ontario
L3Y 6Z1

Tel: (905) 830-4444, extension 1505
Fax: (905) 895-3482
Email: karen.whitney@york.ca

Confirmation Letter from Local Municipality re: Eligibility Criteria

"Sustainable Development Through LEED®"

Applications shall be accompanied by a signed letter from the Local Municipal Commissioner/Director of Planning which confirms that the Local Municipality has no objection to the proposed development being considered under this Program and which briefly explains how the proposed development meets each of the following Program Eligibility Criteria:

1. The proposed development is located within:
 - a Regional Centre in accordance with the York Region Official Plan and corresponding Lower Tier Official Plan; and/or
 - an approved Community/Secondary Plan along those segments of Yonge Street and Highway 7 identified as Regional Corridor in the York Region Official Plan; and/or,
 - an approved Local Centre within the Lower Tier Official Plan; and/or,
 - an approved Local Corridor within the Lower Tier Official Plan.
2. The proposed development is considered a high density residential use within an approved Lower Tier Official Plan and has a minimum building height of 5 stories. The high density residential component of the development can and is encouraged to be within a mixed-use building (i.e., commercial on ground floor).
3. The proposed high density residential development is permitted under all applicable official plan policies without the need for a major local official plan amendment.
4. A specific minimum amount of servicing allocation has already been assigned to the development or there is a commitment in place from the local municipality to do so. The specific minimum requirements are as follows:

<i>Servicing Allocation Credit Level that Landowner Proposes to Apply for:</i>	<i>Minimum Servicing Allocation Assignment/Commitment from Local Municipality (Allocation for minimum % of total units)</i>
20%	80%
35%	65%
40%	60%

5. The proposed development is situated within a Local Municipality that has formally advised York Region that they wish to participate in the Program.

City of Vaughan
Policy Planning Department
2141 Major Mackenzie Drive
Vaughan, Ontario
Canada L6A 1T1
Tel (905) 832-8585
Fax (905) 832-8545

**CITY OF VAUGHAN
PROCEDURAL DOCUMENT TO IMPLEMENT
SUSTAINABLE DEVELOPMENT THROUGH LEED™, YORK REGION PROGRAM**

Implementation of the Program does not require the City of Vaughan to enter into a specific agreement with the applicant. Program agreements and other contractual arrangements to meet the requirements of the Sustainable Development Through LEED™ program are with York Region.

The June 2008 Implementation Guide provided by York Region includes several forms that are to be prepared by the applicant to the satisfaction of York Region and the City of Vaughan. Below is a summary of the City of Vaughan responsibilities to implement the Program cross-referenced with the Sustainable Development Through LEED™ Program Approval Process flow chart available in the Implementation Guide. The steps are categorized into two groups: (a) application review and (b) post development verification.

A. Application Review

Step #1 – Site Plan Pre-Consultation Meeting

There are two ways that an application may be identified for the Sustainable Development Through LEED™ program. First, the applicant may be previously aware of the Program and seek advice from Development Planning staff at the City of Vaughan and York Region staff to ensure that their application will meet the program eligibility requirements. Alternatively, the Development Planning staff will discuss possible applications that may meet the Program requirements as part of regular planning update meetings, and then inquire if the applicant is interested in the Program and seek confirmation of the applicant's interest.

Once an application is submitted indicating interest in the Sustainable Development Through LEED™ program, Development Planning staff at the City of Vaughan will coordinate with York Region a Site Plan pre-consultation meeting with the applicants. Based on the type of application, the Area Planner responsible for the application will determine the departments required at the pre-consultation meeting.

Step #2 – Program Application Submission

In order for the applicant to submit a Completed Program Submission Checklist to York Region, Development Planning staff at the City of Vaughan will review the preliminary site plan application against the Program eligibility criteria. Development Planning staff will consult with York Region staff to ensure that York Region has advised on consistent interpretation of the eligibility criteria. Once confirmed, Development Planning staff will draft a letter for the Director of Development Planning and/or the Commissioner of Planning indicating that the proposed development meets the Program eligibility criteria. Development Planning staff will ensure sign-off of the draft letter by Building Standards, Public Works, Development/Transportation Engineering and Policy Planning departments to ensure that appropriate staff in these departments agree that the application is eligible for the York Region program. By providing sign-off, staff in relevant departments are made aware of the application pursuing the Sustainable Development Through LEED™ program.

Steps #3, #4 and #5 – Conditional Confirmation of Servicing Allocation Credits

At this point, the applicant must provide adequate information to York Region to execute the Program Agreement. In addition to the site plan application materials, additional required information includes written confirmation that the project has been registered with the Canadian Green Building Council, a signed letter from the applicant's LEED™ Accredited Professional confirming that all the necessary drawings for Site Plan

and Building Permit review meet the Program requirements, and submission of the Program Conformity Report (see Attachment 'E' of the Implementation Guide).

It will be important for City of Vaughan staff to liaise with York Region staff to make sure the applicant is submitting any revised materials to both governments for the purposes of application review.

These steps are completed when York Region issues a letter of Conditional Confirmation of Allocation Credits to the City of Vaughan and the applicant. The City of Vaughan should confirm receipt of the Program Conformity Report and signed letter from the LEED™ Accredited Professional before York Region issues the letter of Conditional Confirmation of Allocation Credits. Allocation credits will be tracked by Development Planning and Development/Transportation Engineering departments.

Step #6 – Application Review

This step is effectively the full review of the development application by all relevant departments. York Region staff will provide comments to City of Vaughan on relevant items, including conformity with Regional Transit-Oriented Development guidelines and incorporation of a Three-Stream Waste Management System. The Area Development Planner responsible for the application will ensure that appropriate staff from Building Standards, Public Works, Development/Transportation Engineering and Policy Planning are circulated the application materials. In addition to regular review according to City of Vaughan policies and standards, these departments can track the following additional information:

Building Standards – The applicant through their Architect and Engineer shall identify to Building Standards where measures to achieve energy and water conservation targets and sustainable use of materials may be inconsistent with existing standards and the Ontario Building Code (OBC). Where inconsistencies with the OBC are identified, the applicant shall with the assistance of professional code consultants prepare alternative solution proposals for consideration by the Chief Building Official.

Public Works – Three-stream waste management for multi-residential units is not currently provided by the City of Vaughan. However, City staff can provide advice regarding building design and external contracts for private waste collection to meet the Program requirements. Staff from Public Works will review the site plan application to ensure that the applicant's LEED™ Accredited Professional has provided confirmation that the application meets the Program requirements for three-stream waste management. Applications must still be consistent with Vaughan's Waste Collection Design Standards Policy.

Development/Transportation Engineering - City staff will endeavor to identify any possible conflicts with Regional TOD guidelines and City policies and discuss possible solutions with the applicants.

Step #7 – Final Confirmation of Servicing Allocation Credits

York Region issues a Final Confirmation of the Allocation Credits once satisfied that all program requirements have been met. Final Confirmation of the Allocation Credits may be provided in conjunction with the site plan comments from York Region.

City of Vaughan staff from Development Planning and Development/Transportation Engineering categorize the application under the appropriate Priority class according to the City of Vaughan Servicing Capacity Allocation Distribution Protocol.

Step #8 - Final Site Plan Approval

City of Vaughan staff must ensure receipt of the Final Confirmation of Allocation Credits from York Region and have it confirmed by the Development/Transportation Engineering Department prior to issuing the final site plan approval and an Allocation Resolution shall be adopted by Council. The City of Vaughan may approve the application through the current review process. An application for Building Permit may then be made to Building Standards for review and subsequent issuance.

Step #9 – Draft Plan of Condominium Approval

City of Vaughan circulates the Condominium Application to York Region for review to ensure that the Program requirements are included in the draft plan conditions.

B. Post Development Verification

Step #10 – Confirmation of Three Stream Waste Management System

York Region conducts an inspection to verify that elements of three-stream waste management have been incorporated into the building(s) or a submission is made by the applicant demonstrating compliance to the satisfaction of York Region. City of Vaughan staff in Building Standards and Public Works departments will receive confirmation of the inspection.

Step #11 – Post-Development Submission

Prior to Condominium Registration, the applicant's LEED™ Accredited Professional submits the required "Post Development Submission" (see Attachment 'G' in the Implementation Guide) to the York Region Community Planning branch. York Region provides the "Post Development Submission" to the City of Vaughan Area Planner responsible for the file. The Area Development Planner is then able to forward copies to relevant internal departments.

Step #12 – Regional Clearance of Draft Plan of Condominium Conditions

York Region will notify the City of Vaughan regarding clearance of draft plan of condominium conditions when satisfied that the Sustainable Development Through LEED™ program requirements have been met through post-development verification. Any outstanding Program elements will be addressed by York Region, such as through a Letter of Credit and/or through the separate Site Plan Agreement between York Region and the applicant. The City of Vaughan is not responsible for the Letter of Credit or Site Plan Agreement.

Step #13 – Release of York Region Letter of Credit

If a Letter of Credit has been posted, the applicant has 12 months from the time of condominium registration to satisfy any outstanding Program requirements, after which time the full value of the Letter of Credit is forfeited by the applicant. Any concerns by City of Vaughan staff regarding outstanding Program elements must be communicated to York Region staff.

Additional Notes

Notwithstanding the above, it is understood that there may be other legislative requirements such as provisions in the Ontario Building Code that may take precedence.

Note in Attachment 'F' in the June 2008 Implementation Guide provided by York Region that materials reviewed by the Building Standards department are reviewed for compliance with the Ontario Building Code, not for building permit approval.