

**Attachment 3**  
BILD correspondence



December 11, 2020

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Dear Sustainability Metrics Project Team,

**RE: Final Draft Sustainability Metric Program | Cities of Vaughan, Richmond Hill, Brampton and Markham**

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*BILD is the voice of the home building, land development and professional renovation industry in the Greater Toronto Area. The building and renovation industry provides \$33 billion in investment value and employs 271,000 people in the region. BILD is proudly affiliated with the Ontario and Canadian Home Builders' Associations.*

BILD is in receipt of the Final Draft Sustainability Metric Program ('the Metric') that was brought forward by the Cities of Vaughan, Richmond Hill, Brampton and Markham at a joint BILD York and Peel Chapter meeting on December 2<sup>nd</sup>. On behalf of our York and Peel Chapter members, BILD extends our appreciation for the presentation provided at this meeting by representatives of each respective municipality, as well as the discussion that ensued afterward. We thank the respective Cities for the opportunity to provide the following comments for consideration in advance of the New Year, when this Metric is intended for adoption. However, for an undertaking of this significance, the industry consultation is materially inadequate.

To begin, BILD members remain committed to the delivery of sustainable communities and environmentally conscious development. We also would like to acknowledge our understanding that Staff are proposing to implement these Metrics with the best intentions in mind for the public good; however, it is important to strike a balance with economic/social aspects, and to note that any costs associated to employing additional 'Green' or 'Sustainable' development practices is ultimately passed onto the new homeowners of these units, which can effectively challenge the affordability and availability of new home ownership in the Province. We would also like to mention, that our comments stated herein, are not intended to undermine the hard work of these respective Cities – but to provide the perspective of the industry as your community building partners.

In this regard and prior to discussing our key comments, we felt it important to establish our main concern with the Metric as presented. This concern stems from our understanding that the current 2014 Metric has not yet been sufficiently utilized or evaluated by each respective municipality to prove its effectiveness or success that then rationalizes the need for such a fulsome update. Considering this, we would like to request that the respective Cities aside from Markham who is just joining this initiative, provide a thorough analysis on the following:

- How has the current version of the Metric (2014) effected the timelines and costs related to the development application process?
- How many applications have successfully utilized the current Metric in each municipality?
- Is there an understanding that the current Metric's have had a direct and positive impact on sustainability and of a magnitude to justify the cost?

**This brings us to our overarching recommendation that we pause this update until we've completely understood the effectiveness of the 2014 version.**

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BILD and its members firmly believe a slow and steady approach needs to be taken when working with this Metric to ensure it is not rushed; especially being that the 2014 Metric is not seamless. As such, we trust that we can continue to address these outstanding concerns with staff prior to any final decisions, in addition to the concerns contained herein. We fully believe that the intent of the sustainability metrics can be achieved, which is why we feel it is imperative that a proper consultation process be put into place. This process is one where a collaboration of industry leaders from both the public and private sector can work together to create and refine a series of metrics that are fair, effective, and economically viable, while still maintaining key sustainability principles.

**As such, BILD is requesting a formal meeting with the Planning Directors/Commissioners of each respective municipality partaking in this review to provide an opportunity to have transparent discussion on this item in order to construct a Sustainability Metric that achieves a mutually beneficial outcome. At this time, we believe it would also be essential to set up a Joint Working Group.**

With this being addressed, we are happy to bring forward our key comments for your consideration.

### **1. Code is 'King'**

As we continue to express, the Ontario Building Code (OBC) is the governing legislation that has been judiciously developed and vetted for the purpose of providing the development industry in Ontario with a clear set of uniform construction requirements. It is also important to recognize that the OBC has been and continues to be substantively enhanced with each new successive iteration with sufficient trials to avoid unintended outcomes and refine interrelations.

In this regard, we again reiterate the recommendation made within our previous submission that advocates for this municipal guideline to be implemented on a voluntary basis considering that the provincial Planning Act and Building Code Act do not enable a municipality to regulate their own construction requirements outside of the prevailing OBC. Again, since proponents are not legislatively required to surpass the requirements of the OBC, and metrics of this nature cannot supersede legislation, any conflicting metrics should be removed, if they legally cannot be fulfilled. Voluntary implementation allows for controlled trials that can iron out wrinkles only evident in ground truthing.

As such, BILD requests clarification on the following:

- Do these Metrics exceed the requirements of the OBC? If so, is this the intention?

### **2. Implementation**

From an implementation perspective, the introduction of 'Choose Your Own Adventure' with the expectation of meeting the minimum Bronze Tiered requirement is of concern to our members. As mentioned above, this overlap of municipal and OBC requirements creates regulatory confusion in the development planning approval and building permitting process; this will unavoidably cause further delays when working towards approvals as it will penalize all new development against this Metric. This can be a problem, as it would be unreasonable and prohibitive to hinder the approval of a project when awarding points and the Cities must be mindful of the unintended consequences when doing so. In addition, some Metrics still seem to rely on rewarding points for things outside of a single landowner/developer purview – these concerns are addressed in Attachment 1 of this submission.

Our members have additional concerns with the performance based approach the Metric is undertaking. Specifically being that these Metrics do not provide examples of how builders can utilize these Metrics on the ground. In addition to not providing necessary examples, this Metric also does not properly define important terms – again, these concerns are addressed in Attachment 1 below.



Prior to implementation, BILD believes it is crucial for each municipality participating in this program to identify the following to the development industry prior to a formal decision:

- Currently, there are no examples of how to best achieve this Metric, will the municipalities provide examples for builders on how to best utilize the Metric on the ground? Or can a Pilot Program for this Metric be put in place to understand its achievability and identify any shortcomings?
- What departments will be reviewing this Metric against development applications? Will the staff be thoroughly trained to review applications alongside this Metric?
- We have made note, that there are metrics proposed throughout the document that would require engineering design standards to be revised at participating municipalities before they could be implemented and approved through the development application process. We recommend an additional walk-through of this document with the industry as necessary in order to discuss these discrepancies.

### 3. Affordability

To be concise, this version of the Metric does not provide sufficient information to its potential impact on housing affordability. At this time, BILD is requesting a cost-benefit analysis for us and your respective municipalities to gain an understanding toward the impact this document will have on the industry regarding the affordability and availability of new homes.

While we are requesting a pause of this current Draft of the Metric, we did previously mention our support for the use of economic incentives as a means to encourage developments to go beyond the minimum required targets within the program. In this regard, we still firmly believe in the use of economic incentives for the 2014 Standard. Economic incentives such as Development Charge reduction or fast tracking approval timelines, motivate the development industry to achieve higher levels of participation, which ultimately will translate to increased experience and a positive outcome for the respective Cities. BILD is happy to discuss these with you further, once a joint working group is established.

As your community-building partners, we hope you will find our comments within this letter helpful. We strongly believe that getting it right is imperative and further conversation and refinement is needed before moving forward with the Metric Program. We look forward to discussing this with you in future and would appreciate being notified of further updates as new information comes forward along with recommendations from a joint working group.

In the interim, should you have any questions please feel free to contact Paula Tenuta and Victoria Mortelliti at [ptenuta@bildgta.ca](mailto:ptenuta@bildgta.ca) and [vmortelliti@bildgta.ca](mailto:vmortelliti@bildgta.ca) respectively.

Stay safe and well,

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ATTACHMENT 1

**Technical Metric Comments:**

Metric	Comment
<b>BUILT ENVIRONMENT</b>	
BE-1   Proximity to Amenities	<p>With the changes to retail and banking over the past 8-12 months, this metric needs to be reconsidered. Banks are reducing local branches in terms of size and services offered, general retail has move more on line, form of retail buildings is changing.</p> <p>This metric was formerly applicable to Block Plans as part of being a complete community. The provision to have spaces identified for retail / amenities as part of the Block Plan should remain.</p>
BE-2   Providing Mixed Use Development	Commercial and mixed use is allocated points here for Block Plan but not BE1.
BE-3   Design for life cycle Housing	Note that all privately held housing options can be rental housing.
BE-4   Community Scale	There needs to be tiers of points available for this criterion, as it is the largest points potential for Block Plans it is basically a mandatory item.
BE-5   Cultural Heritage Conservation	<p>Does this allow for modernizing the interior?</p> <p>This could require that buildings remain dysfunctional over time.</p>
BE-6   Enhancing Urban tree Canopy And shaded Walkways and sidewalks	<p>Please confirm that there are species on each municipality's planting lists.</p> <p>Please confirm tree caliper size typically required to do this for costing implications.</p> <p>Allow this to be used in conjunction with set standards, not above and beyond standards.</p>
BE-7   Salt management	<p>Please confirm proposed grading complies with OBC and municipal standards.</p> <ul style="list-style-type: none"> <li>• A 4% slope has the potential to become a slip plane in icy conditions. What is the impact of this metric on walking surfaces?</li> <li>• It would be helpful if there is a list of salt tolerant vegetation species and windbreak trees as examples.</li> <li>• Please clarify how a heated walkway near the house will promote energy efficiency and/or GHG emissions reduction.</li> </ul>

BE-9   Surface parking Footprint	Please confirm that for sites larger than 2 acres and at reasonable coverages, which Zoning would permit as low as 20% coverage.
B-10   EVSE	Please clarify if this is also applicable to low-rise housing.
<b>MOBILITY</b>	
M-2   School Proximity to Transit Routes and Bikeways	For draft plan - How does this metric work with an infill application for a new development in an older area with an existing school but no bike or transit infrastructure? For Block Plan – what if there is no school planned / required for the area? The block can therefore not get any points.
M-3   Intersection Density	For your reference, we request you kindly refer to the following article - Paul L. Knight & Wesley E. Marshall (2015) The metrics of street network connectivity: their inconsistencies, Journal of Urbanism: International Research on Placemaking and Urban Sustainability, 8:3, 241-259, DOI: <a href="https://doi.org/10.1080/17549175.2014.909515">10.1080/17549175.2014.909515</a> <ul style="list-style-type: none"> <li>• Also please note that this metric is in conflict with metrics related to reducing heat islands.</li> <li>• This metric also creates financial responsibilities for municipalities to maintain lengths of road and services over the long term.</li> <li>• This metric potentially contributes to reduction in density, each intersection removes approximately 4 units of housing.</li> <li>• Specific comment about metric – any public space, including parks less than .2ha should be excluded. POPS should also be excluded.</li> </ul>
M-4   Walkable Streets	Please confirm ROW section for providing sidewalks on both sides of street. In a block plan, the additional 2.5 m required for the additional sidewalks reduces units, increases pavement widths, decrease intersection safety. There are financial implications and human safety issues that may not have been considered.
M-5   Pedestrian Amenities	The phrase “site boundary and not beyond” may lead to dead walkways that do not connect to anything.
M-7   Implementing Trails and Bike Paths	If a trail or bike path goes through NHS then partial parkland credit should be given.
M-8   Proximity to Active transportation Network	If there are no external linkages/ infrastructure, are internal routes etc. required to be provided? If no external are available, should this be removed/discarded in terms of points? Kindly

	confirm.
M-9   Distance to Public transit	This is an externality that a developer cannot control. What about an infill site that requires Site Plan control in a Heritage Conservation District that has no/limited transit (Kleinburg Nashville as an example)? What about the redevelopment of a plaza in the middle of a community (i.e. Aberdeen and Embassy Drive in Vaughan)
M-10   Traffic calming	<ul style="list-style-type: none"> <li>• Please confirm that engineering standards permit.</li> <li>• Please confirm that Highway Traffic Act permits.</li> </ul>
<b>NATURAL ENVIRONMENT &amp; OPEN SPACE</b>	
NE-2   Soil Quality for new trees	Confirm this complies with City standards, what issue may this have for curb face stability and other underground utilities?
NE-4   Connection to NH	<ul style="list-style-type: none"> <li>• If connections and paths are to be provided, partial parkland credit should be given.</li> <li>• Municipalities also need to take a more active management process to the NHS that is conveyed as part of the planning process.</li> <li>• Please, note that Vaughan typically requires NHS to be fenced in.</li> </ul>
NE-6   Supporting Pollinators	<ul style="list-style-type: none"> <li>• Please confirm that CVC plant lists are acceptable.</li> <li>• This appears to be more of a Site Plan item than a draft plan item to consider. Please confirm.</li> </ul>
NE-7   Dedicate Land For Private Fruit And Vegetable Garden Space	For ground related housing, every backyard can function as a garden, it is a programming choice of the homeowner.
NE -11   Greywater Reuse	<p>There are specific standards in the OBC that govern water reuse. This metric is very difficult to implement while respecting health risks to the occupants. In addition, please clarify:</p> <ul style="list-style-type: none"> <li>• What qualifies as greywater? From the rooftops? Showers?</li> <li>• What is a low-grade function/plumbing infrastructure?</li> <li>• Should freehold TH also be excluded?</li> </ul> <p>We recommend the removal of this Metric or to refer to the standards of the OBC or clarify the metric and add definitions.</p>
NE-12  Multi-Purpose SW Management	<p>Metric speaks to ponds, which are planned at a larger scale than a site plan.</p> <p>This should also be a potential block plan metric. By the time you are at site plan, SWM has pretty much been taken care of and is primarily hooking</p>

	<p>up to a pipe.</p> <p>Confirm who pays for public art.</p>
<b>INFRASTRUCTURE &amp; BUILDINGS</b>	
IB-1   Buildings Designed and/or Certified under an Accredited “Green” Rating System	<p>There are no low-rise points there. There should be a counterpart for labelled houses/low-rise.</p> <ul style="list-style-type: none"> <li>• The excellent target is impractical – no builder will get two labels for a building</li> <li>• The OPL target is very difficult to achieve</li> </ul> <p>We recommend the addition of a low-rise target, the removal of the target for two labels, and increase the points for the OPL target.</p>
IB-2   Universal Design	<p>OBC requires 10% of Multi-residential units with barrier-free path of travel. This metric requires 20% of dwelling units in accordance to universal design standards.</p> <ul style="list-style-type: none"> <li>• Under the OBC definition, houses can include more than one dwelling unit. Does this metric only apply to buildings? Please clarify what is meant when using the term ‘dwelling unit’.</li> <li>• The ICC/ANSI A117.1 is not referenced in the OBC (Table 1.3.1.2. Div</li> <li>• Would a building that complies with this standard be compliant with the OBC?</li> </ul>
IB-3   Universally Accessible Entry to Buildings and Sites	<p>Primary entrances' is not a term that is used in the OBC.</p> <ul style="list-style-type: none"> <li>• What is the definition of a primary entrance?</li> <li>• What are universally accessible standards?</li> </ul>
IB-4   Embodied carbon building materials – Supplementary Cementitious	<p>Please address:</p> <ul style="list-style-type: none"> <li>• How do you verify this metric?</li> <li>• What qualifies an SCM?</li> <li>• Does this metric also apply to low-rise housing?</li> <li>• What is the impact on the long-term strength and durability? Is there a standard to be referenced? There is a risk of defects that ultimately the municipalities would be responsible for, as it is recommended in the sustainability metrics;</li> <li>• Please confirm that the criteria comply with engineering standards for each municipality.</li> </ul>
IB-5   Embodied Carbon of Building Materials; Life Cycle Assessment	<p>A Life Cycle Assessment would require a consulting study at a significant cost;</p> <ul style="list-style-type: none"> <li>• Please estimate the cost of studies of this metric for a range of archetype buildings and please provide examples;</li> <li>• Points should be awarded to wood-frame</li> </ul>



<p>IB-6   Embodied Carbon of Building Materials: Material Efficient Framing</p>	<p>buildings;</p> <ul style="list-style-type: none"> <li>• The measurements are not consistent with the numbers in the OBC (for example, it is 406mm, not 400mm). Please use the measurements from the OBC.</li> <li>• This may drive defects such as wavy drywall. Any savings on the framing lumber will be neutralized because of the need for a thicker subfloor and roof sheathing.</li> <li>• We suggest the use of 'engineered wood systems' instead (for example, a wood-I instead of open web floor truss).</li> </ul>
<p>IB-7   Reduce Heat Island Non Roof</p>	<ul style="list-style-type: none"> <li>• Are there any examples? Would a coloured asphalt shingles still qualify?</li> <li>• What is high albedo paving? Please provide examples.</li> <li>• Has there been any research on done on what potential impact this would this on homeowner preferences? And costs? Please quantify this.</li> <li>• Does this apply to low-rise housing?</li> <li>• This is at odds with intersection density.</li> </ul>
<p>IB-8   Reduce Heat Islands - Roof</p>	<ul style="list-style-type: none"> <li>• Does this apply to low-rise housing?</li> <li>• This is at odds with intersection density.</li> <li>• Please provide examples on what is a cool roof, and its materials.</li> </ul>
<p>IB-9   Passive Solar Alignment</p>	<p>For Block Plans / Draft plans – historic N/S road network makes this very difficult due to requirements to intersect boundary roads at 90 degrees. Leads to very inefficient roads networks due to radii requirements and internal intersection design criteria that may preclude points in other metrics.</p> <p>In addition, Recent developments suggest that orientation is not necessary for PV panels. As such, please check that passive solar alignment is still relevant.</p>
<p>IB-10   Controlling Solar Gain</p>	<p>East and west facing windows are usually side yards windows are shaded by the neighbours. Overhangs are useless because of low sun angles.</p> <ul style="list-style-type: none"> <li>• How do you install solar blinds on the exterior?</li> <li>• The reference from ICLR is a research document, and has not been tested in a large number of houses.</li> </ul>

	<ul style="list-style-type: none"> <li>Please provide an impact analysis, including costing of these measures.</li> </ul>
IB-11   Solar Readiness	Is this passive or active solar readiness? Can we just install a conduit and it will qualify? Please define solar readiness.
IB-12   Energy Strategy	<p>Is this redundant? As many municipalities already require a Community Energy Plan?</p> <p>Please confirm if this applies to a block plan – in the table it appears to, but in the applicable to section, Block plan not identified.</p>
IB-13   Building Energy Efficiency and Emissions	<ul style="list-style-type: none"> <li>Inconsistent language with the OBC: OBC references 'building area,' not GFA.</li> <li>OBC defines low-rise as 'less than 4 storeys', not 3.</li> <li>Would a low-rise build require BOTH Energy Star and R-2000? It is unclear from the language.</li> <li>Is the metering requirement only for buildings?</li> <li>It is important to remember that building commissioning is very onerous and should be awarded more points. Similarly airtightness testing should have 10 points to really encourage people, because there is a lack of capacity and very rarely done.</li> </ul>
IB-14   Reduce Potable Water Use	<ul style="list-style-type: none"> <li>Confirm what mid-summer baseline use value is?</li> <li>How do you regulate how the homeowners would use an outdoor hose bib?</li> <li>Please define drought tolerant landscaping.</li> <li>Please explain how homeowners would be restricted from using potable water for irrigation.</li> </ul>
IB-16   Extreme Wind Protection	<p>Are there extra points for tying the wall to the floor? If you only tie the roof to the wall, then both would lift. Just a roof tie is not enough.</p> <ul style="list-style-type: none"> <li>What standard would hurricane ties need to comply with? Is this requirement consistent with OBC requirements? Please provide examples of what is acceptable and what is not for ties.</li> <li>Not sure how roof truss design is a draft plan item. Please explain more fully.</li> </ul>
IB-18   Reduce Light Pollution	<ul style="list-style-type: none"> <li>Is the Dark Sky compliant seal a recognized standard, developed by a standards development organization like the CSA? Please clarify.</li> <li>Please confirm if these meet engineering standards.</li> </ul>
<b>INNOVATION</b>	
I-1   Innovation	We kindly request a more detailed guide with clear



	standards for how to get points based on sustainable improvements.
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