

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 29, 2013

Item 19, Report No. 1, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on January 29, 2013, as follows:

That consideration of this matter be deferred pending a report by staff to Council providing information with respect to whether the material fulfills the statement outlined in the OMB Minutes of Settlement.

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**OFFICIAL PLAN AMENDMENT FILE OP.08.013
ZONING BY-LAW AMENDMENT FILE Z.08.048
SITE DEVELOPMENT FILE DA.11.040
2174824 ONTARIO INC.
WARD 2 - VICINITY OF ISLINGTON AVENUE AND LANGSTAFF ROAD**

The Committee of the Whole recommends:

- 1) That Council support the request on the subject lands shown on Attachments #1 and #2 to amend the approved building elevations shown on Attachment #4 to complete the exterior of the building using a factory manufactured panelized Exterior Finished Insulation System (EFIS), as presented to Council by the applicant, with a brick appearance versus the use of an actual brick masonry veneer;
- 2) That the following deputations and Communication be received:
 1. Mr. Gerry Borean, Parente Borean, and Communication C11; and
 2. Mr. James Lischkoff; and
- 3) That the following report of the Commissioner of Planning, dated January 15, 2013, be received.

Recommendation

The Commissioner of Planning recommends:

THAT Council NOT SUPPORT the request on the subject lands shown on Attachments #1 and #2 to amend the approved building elevations shown on Attachment #4 to complete the exterior of the building using a factory manufactured panelized Exterior Finished Insulation System (EFIS) with a brick appearance versus the use of an actual brick masonry veneer.

Contribution to Sustainability

N/A

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

The purpose of this report is to respond to correspondence from the solicitor for the Owner (2174824 Ontario Inc.) of the subject lands shown on Attachments #1 and #2, a proposed change

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to the Ontario Municipal Board Minutes of Settlement relating to the exterior cladding material for a 3 to 5-storey residential apartment building (Site Development File DA.11.040). Specifically, the Owner is proposing to amend the approved building elevations shown on Attachment #4 to complete the exterior of an approved building using a factory manufactured panelized Exterior Finished Insulation System (EFIS) with a brick appearance versus the use of an actual brick masonry veneer.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the west side of Islington Avenue, south of Langstaff Road, comprised of three separate properties municipally known as 8294, 8298 and 8302 Islington Avenue, being Lots 2, 3, and 4 on Plan M-1107, in Part of Lot 9, Concession 7, City of Vaughan. The proposed building is currently under construction. The surrounding land uses are shown on Attachment #2

Requested Deputation

On December 20, 2012, the City received correspondence from the Owner's solicitor requesting to appear as a deputation before the Committee of the Whole on January 15, 2013, with respect to an interpretation of provisions within Minutes of Settlement entered into by the Owner, the City of Vaughan and the Toronto and Region Conservation Authority dated February 2011.

OMB Decision & Minutes of Settlement

Official Plan Amendment File OP.08.013 and Zoning By-law Amendment File Z.08.048 (2174824 Ontario Inc.) were approved by the Ontario Municipal Board (OMB Files - PL 100348 and PL 100349) in an Order issued on February 22, 2011. At the OMB Hearing, on the consent of all parties (Owner, City, and Toronto and Region Conservation Authority), the Owner's Planner gave evidence with respect to a proposed settlement, which was formalized through Minutes of Settlement. It is also noted that in an OMB Order issued on August 20, 2010, respecting an OMB Pre-hearing, that approximately 30 people attended the Pre-hearing Conference, of which a number of them requested and were granted Participant status.

The February 22, 2011, OMB Order identified that the Owner's Planner testified that the Minutes of Settlement provided for the following (in part):

"That the Applicant has agreed to complete a number of sustainability features listed in Schedule "C", and,

"The Minutes of Settlement shall be registered on title to the subject lands."

The OMB accepted the planning evidence of the Planner and the Minutes of Settlement and approved the proposed Official Plan Amendment (OPA #718) and allowed the appeal to the Zoning By-law, but withheld its Order with respect to the amendment to the Zoning by-law pending execution of a Site Plan Agreement between the Applicant and the City. To date, a Site Plan Agreement has not been executed.

The Minutes of Settlement approved by the OMB specifically state and provide for the following:

Section 2.7

"The Parties acknowledge and agree that it has been instrumental to the negotiation that

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Hartman has agreed to ultimately construct the building on the Hartman Site; such that, it shall have the sustainability features as listed on Schedule "C" attached hereto and shall also include the features set out in Section 2.2 herein. For greater clarity, Hartman acknowledges and agrees that it shall construct the building, such that, it shall have the sustainability features outlined in Schedule "C" and shall include the features as set out in Section 2.2 herein."

Schedule "C", A List of Sustainable Features (Attachment #5), identifies the following materials under Section 5, Building Materials"

"b) Brick and Ariscraft Stone (recycled material) cladding."

and,

Section 2.8

"Further, Hartman, hereby agrees that the building to be constructed on the Hartman site shall not include stucco or precast as exterior finishing materials."

Site Development File DA.11.040

On September 13, 2011, the Committee of the Whole considered the Site Development File DA.11.040 (2174824 Ontario Inc.) respecting the proposed development of the subject lands. In accordance with the Minutes of Settlement, the drawings submitted in support of the Site Development Application and considered by Staff, the Committee of the Whole and Vaughan Council included a building comprised of brick masonry veneer and glazing as shown on Attachment #4. In addition, the September 13, 2011, Staff Report included a copy of the List of Sustainable Development Features (Schedule "C") of the OMB Minutes of Settlement, shown on Attachment #5. The recommendation of the Committee of the Whole to approve Site Development File DA.11.040 was subsequently adopted by Vaughan Council on September 27, 2011.

Response to Request

The Owner is proposing to amend the approved building elevations to complete the exterior of the building using a factory manufactured panelized EFIS with a brick appearance versus the use of an actual brick masonry veneer. The proposed EFIS system is not in accordance with Schedule "C" of the Minutes of Settlement, which specifically requires brick and ariscraft stone cladding and which also states that the building shall not include stucco or precast as exterior finishing materials. The EFIS cladding material currently being proposed by the Owner was not considered by Staff, the Committee of the Whole or Council during their review of the Site Development Application.

The Owner agreed to construct the building in accordance with the Minutes of Settlement. The correspondence received by the Owner's solicitor does not provide any rationale or reasons with respect to the need for the proposed change. In addition, as noted above, there were several residents in the area that although were not Parties at the OMB Hearing, were granted Participant status and as a result expect a building facade constructed in accordance with the Minutes of Settlement. Furthermore, the proposed building is currently under construction and the Development Planning Department is unaware of whether the building was marketed with a masonry brick or EIFS facade and whether or not purchasers are aware of the requested change.

In consideration of the above, the Development Planning Department does not support the Owners request.

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Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

N/A

Conclusion

The Development Planning Department has reviewed the request from the Owner to amend the approved plans to complete the exterior of the building using a factory manufactured panelized Exterior Finished Insulation System (EFIS) with a brick appearance versus the use of an actual brick veneer. The proposed change does not conform to specific requirements as set out in approved Ontario Municipal Board Minutes of Settlement with respect to the development of the subject lands and with the Site Development Application approved by Vaughan Council for this property. Accordingly, the Development Planning Department does not support the request.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan Approved by Council on September 27, 2011
4. Elevations Approved by Council on September 27, 2011
5. Schedule "C" - Minutes of Settlement (List of Sustainable Features)

Report prepared by:

Mauro Peverini, Manager of Development Planning, ext. 8407

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)