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**COMMUNICATION**

**COUNCIL – NOVEMBER 29, 2022**

**CW (1) - Report No. 38, Item 5**

November 25, 2022

**Delivered Via Email**  
**(c/o clerks@vaughan.ca)**

Vaughan Council  
City of Vaughan  
Vaughan City Hall, Council Chamber  
2141 Major Mackenzie Drive  
Vaughan, Ontario, L6A 1T1

**Tara L. Piurko**  
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File: 0232132.0001

Mayor and Members of Council:

**Re: Zancor Homes (Steeles) LP (the “Applicant”)**  
**City of Vaughan Files OP.21.028 & Z.21.057 (the “Application”)**  
**2600 and 2700 Steeles Avenue West**

**Fifth Submission of United Parcel Services Canada Ltd. (“UPS”)**

We are counsel for UPS, registered owner of the lands municipally known as 2900 Steeles Avenue West in the City of Vaughan (the “**UPS Lands**”) on which it operates the Canadian hub of its global parcel distribution network.

We are writing in respect of the Application, and specifically further to the November 21, 2022 communication from Haiqing Xu, Deputy City Manager, Planning and Growth Management (attached hereto as **Schedule ‘A’**), in response to UPS’ fourth submission on the Application (attached hereto as **Schedule ‘B’**) (“**UPS’ Fourth Submission**”). We also write further to staff comments in response to questions from the Committee of Whole on this matter at its meeting November 22, 2022.

UPS, a long-standing employer in the City of Vaughan and an integral industrial service operator for the City and the country, is deeply concerned, disappointed and alarmed by the manner in which the Application is being navigated through the City’s development approval process. UPS is also concerned with the manner in which the Applicant, City staff, and now the Committee of the Whole have ignored City of Vaughan Official Plan policies that protect the continued operation and on-site expansion of the UPS facility on the UPS Lands.

Policy 11.3.18E, found in Section 11.3.18 Site-Specific Policies of the Steeles West Secondary Plan, a copy of which is excerpted and attached hereto as **Schedule ‘C’**, is being swept aside for reasons of which UPS is not aware. Neither the Applicant nor City staff has addressed Policy 11.3.18E, and Policy 5.2.1.2 which is incorporated by reference, with respect to UPS. Further, other than the November 21, 2022 staff communication to the Committee of the Whole, not one City staff report or comment, of which UPS is aware, has addressed Policy 11.3.18.1 other than to acknowledge that UPS raised this Policy.

### **UPS Submissions on the Application**

UPS made written submissions on the Application on May 17, 2022, July 29, 2022, October 25, 2022 and November 18, 2022, and oral submission on November 22, 2022, setting out UPS' concerns with the Application and the City's review of same. It was only on November 22, 2022, upon reviewing the Committee of the Whole agenda that UPS was aware that staff responded to UPS' concerns. We note that neither a courtesy copy nor notice of the November 21<sup>st</sup> communication was provided to UPS.

It is necessary that UPS now respond to the November 21, 2022 staff communication to the Committee of the Whole, and the comments made by staff in response to questions from the Committee of the Whole on November 22, 2022. It is unfortunate that UPS, despite its efforts, has been put in its current position that requires it to take action to ensure that long standing Official Plan Policies are followed by staff and appropriately regarded by its elected officials.

### **Response to November 21, 2022 Staff Communication to Committee of the Whole**

The November 21, 2022 staff communication, the only response to any of UPS' submissions and requests for consultation, responded, in part, as follows.

*"Aercoustics also conducted a review of the supplementary assessment of the noise impact from the nearby United Parcel Service (UPS) facility on the proposed development. The operational assumptions outlined in the letter account for both current operations as well as the potential future expansion of the UPS facility. While not enough detail was provided to review these calculations, the results are reasonable. Aercoustics has the following additional comments regarding the UPS facility:*

- a. The noise impact of the UPS facility on the proposed development was predicted to be well within the Class 1 sound level limits, based on HGC's current understanding of the existing and future operations at the facility. This assumed operation included 20 trucks moving on site and 20 trucks idling during a predictable worst-case hour. These assumptions should be confirmed by UPS.*
- b. If in the future, based on more detailed plans, the expansion of the UPS facility requires noise mitigation to meet the stationary sound level limits at the development, UPS would be responsible for the design and installation of appropriate noise controls.*
- c. However, if UPS currently has permitted plans for the expansion ahead of the subject zoning amendment, the developer should be responsible to install the appropriate noise controls. It would be recommended that UPS provide the plans and operational information to the developer to ensure the noise impact predictions are accurately assessed and any noise mitigation requirements are identified."*

UPS is now required to set the record straight for the City of Vaughan Council before it makes a decision on whether or not to recommend the Application to York Regional Council in the face of the incomplete review to date. By way of example, specifically about the items put forward by staff to the Committee of the Whole, we note the following:

1. In regard to item a., the assumptions used by Aercoustics in its peer review of the Applicant's noise impact study are incorrect. Neither the Applicant, nor Aercoustics, nor City staff, have approached UPS to obtain the actual data in order to complete



an informed analysis of the noise impact of the UPS facility, as it exists today and the permitted expansion of the facility by 1/3 of what exists to date in terms of the industrial activity on the UPS Lands. While staff advised the Committee of the Whole during the meeting that the assumptions used by HCG, and peer reviewed by Aercoustics, had been confirmed by UPS, that statement is incorrect. To date, no one has approached UPS in this regard and, on behalf of UPS, we can advise the assumed operation noted by Aercoustics significantly underestimates the existing truck traffic movements and idling numbers.

2. In regard to item b., what was reported to the Committee of the Whole is incorrect. The design and installation of appropriate noise controls is the responsibility of the Applicant, not UPS.

Policy 11.3.18.1.d. of the Official Plan provides that Policy 5.2.1.2 of Volume 1 “shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the [UPS Lands] and **such applicants will be required to provide** landscaping, buffering or screening devices, and any other necessary mitigation measures to ensure land use compatibility with the employment use prior to development, **at the expense of the application for the more sensitive land use.**” [emphasis added]

3. In regard to item c., the City of Vaughan Official Plan and in force zoning applicable to the UPS Lands permit and protect for the expansion of the UPS operation. While UPS has repeatedly advised that it is prepared to meet with City staff to discuss its concerns, City staff have failed to provide any response or accept UPS’ meeting requests.

### **UPS Requests and Concerns**

UPS’ concerns are very real. Should the UPS operation not be protected, such that its operating ability is impaired in the future due to uninformed land use planning decisions by the municipality, there will be serious impacts locally, regionally, provincially and nationally. We cannot stress enough the importance of an appropriate review of the potential impacts of the Application on the UPS Lands and the UPS operation, at full build out, in accordance with Vaughan Official Plan policy. Not doing so now, in advance of an approval in principle of the Application, is risky and has the potential for far reaching implications.

UPS continues to submit that it would be prepared to meet to discuss its concerns. UPS is also open to providing the necessary data and site access for the Applicant to complete the necessary studies and for the City to complete its peer review(s).

On behalf of UPS, we can 100% confirm that neither City staff nor the Applicant have reached out to UPS to discuss the Application. In addition, no one has requested the necessary information to complete the necessary studies for a fulsome review of the Application in accordance with City of Vaughan OP Policies.

We have not received information on when the Application may be before City Council. **By copy of this communication to Ms. Mary Caputo and to Mr. Haiging Xu**, and out of an abundance of caution, we request advance notice of when the Application and associated



official plan amendment will be tabled at City of Vaughan Council. Lastly, and further to two prior requests through RDLandPlan Consultants Inc., we request a copy of the draft official plan amendment, in advance of the meeting of Council at which it will be tabled.


Further, during the Committee of the Whole meeting on November 22, 2022, we requested a copy of the Aeroustics peer review referenced in the November 21, 2022 staff communication. While staff advised the Committee of Whole that such studies are not provided to non-applicants, we submit that this has not been our experience. UPS' request for a copy of the Aeroustics peer review is a reasonable request to which the City should respond. If a copy will not be provided, we ask that UPS be advised of the reason for the City's denial of this reasonable request.

UPS will continue its efforts to ensure that the Official Plan policies put in place to protect its use and expansion are followed whether through the municipal or appeal process.

Should have you any questions or require further information further to this submission, please do not hesitate to contact the undersigned or, in her absence, Robert Dragicevic at RDLandPlan at 416-575-2512 or [rdlandplan@gmail.com](mailto:rdlandplan@gmail.com).

Yours truly,

MILLER THOMSON LLP

  
Tara L. Piurko  
Partner  
TLP/

Encl.

cc: Mayor and Members of Council, as follows:

Mayor Steven Del Duca ([mayor@vaughan.ca](mailto:mayor@vaughan.ca))  
Deputy Mayor Linda Jackson ([linda.jackson@vaughan.ca](mailto:linda.jackson@vaughan.ca))  
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Ward 5 Councillor Gila Martow ([gila.martow@vaughan.ca](mailto:gila.martow@vaughan.ca))  
Haiqing Xu, Deputy City Manager, Planning and Growth Management ([haiqing.xu@vaughan.ca](mailto:haiqing.xu@vaughan.ca))  
Mary Caputo, Senior Manager of Development Planning ([mary.caputo@vaughan.ca](mailto:mary.caputo@vaughan.ca))  
United Parcel Services Canada Ltd.  
RDLandPlan Consultants Inc.

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**Schedule 'A'**

**November 21, 2022 Communication from Haiqing Xu, Deputy City Manager,  
Planning and Growth Management, to the Committee of the Whole**





**DATE:** November 21, 2022  
**TO:** Mayor and Members of Council  
**FROM:** Haiqing Xu, Deputy City Manager, Planning and Growth Management  
**RE:** **COMMUNICATION – COMMITTEE OF THE WHOLE (1),  
NOVEMBER 22, 2022**

**ITEM #6, REPORT #38**

**ZANCOR HOMES (STEELES) LP**  
**OFFICIAL PLAN AMENDMENT FILE OP.21.028**  
**ZONING BY-LAW AMENDMENT FILE Z.21.057**  
**WARD 4 – 2600 & 2700 STEELES AVENUE WEST**  
**VICINITY OF STEELES AVENUE WEST AND KEELE STREET**

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**Background**

Zancor Homes (Steeles) LP submitted Official Plan and Zoning By-law Amendment Files OP.21.028 and Z.21.057 to permit a high-rise mixed-use development on the lands located at 2600 and 2700 Steeles Avenue West (the 'subject lands'), which are located in the Steeles West Secondary Plan of Vaughan Official Plan 2010.

United Parcel Service Canada Ltd. ('UPS') owns and operates a facility at 2900 Steeles Avenue West, located west of the subject lands.

The City is in receipt of the letter from Miller Thomson LLP, dated November 18, 2022, submitted on behalf of their client UPS ('UPS Letter'), with respect to the above-noted applications.

The Owner submitted a Noise and Vibration Feasibility Study prepared by HGC Engineering ('HGC Noise Report') and Acoustical Modelling for the UPS Facility prepared by HGC Engineering in support of the development proposed at 2600 and 2700 Steeles Avenue West. The City retained Aerocoustics Engineering Limited to conduct a peer review of the HGC Noise Report. The following is an excerpt taken from the memo prepared by Aerocoustics Engineering Limited in response to the letters the City received from UPS, which specifically addresses the UPS lands:

*"Aerocoustics also conducted a review of the supplementary assessment of the noise impact from the nearby United Parcel Service (UPS) facility on the proposed development. The operational assumptions outlined in the letter account for both current operations as well as the potential future expansion of the UPS facility. While not enough detail was provided to review*

*these calculations, the results are reasonable. Aeroustics has the following additional comments regarding the UPS facility:*

- a. The noise impact of the UPS facility on the proposed development was predicted to be well within the Class 1 sound level limits, based on HGC's current understanding of the existing and future operations at the facility. This assumed operation included 20 trucks moving on site and 20 trucks idling during a predictable worst-case hour. These assumptions should be confirmed by UPS.*
- b. If in the future, based on more detailed plans, the expansion of the UPS facility requires noise mitigation to meet the stationary sound level limits at the development, UPS would be responsible for the design and installation of appropriate noise controls.*
- c. However, if UPS currently has permitted plans for the expansion ahead of the subject zoning amendment, the developer should be responsible to install the appropriate noise controls. It would be recommended that UPS provide the plans and operational information to the developer to ensure the noise impact predictions are accurately assessed and any noise mitigation requirements are identified."*

The City's Environmental Engineering staff confirmed that UPS has reviewed the original HGC Noise Report and was also provided an additional HGC memo which modeled their facility specifically. Both those reports assessed the UPS facility, including the potential expansion, and concluded there were no concerns with compatibility. The peer reviewer, Aeroustics Engineering Limited, was also of the same opinion. Based on the conclusions of the HGC Noise Report and the City's peer review, the main noise concern that is causing exceedance of the noise criteria is from the adjacent property to the west and their loading/unloading operations.

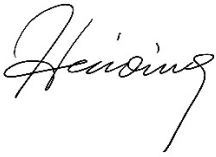
The holding provisions in the staff report being considered at the November 22, 2022, Committee of the Whole (1) meeting, were put in place to afford the City more time to complete the noise study process in order to confirm compatibility with surrounding uses and the need for Class 4. This process can include the need for discussions with UPS, the Owner's noise consultant (HGC) and the City's noise consultant (Aeroustics Engineering Limited). In the City's opinion, it would be recommended that UPS retain their own noise consultant to have a technical review of the reports/memos to ensure that the noise concerns are properly addressed to their satisfaction.

### **Conclusion**

The Development Planning Department and Environmental Engineering Department have reviewed the UPS letter and the concerns they have raised with respect to the proposed development. Staff recommends recommended that UPS retain their own

noise consultant to have a technical review of the reports/memos to ensure that the noise concerns are properly addressed to their satisfaction.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Haiqing Xu', with a stylized, cursive script.

Haiqing Xu  
Deputy City Manager, Planning and Growth Management

Attachment: Miller Thomson Letter dated November 18, 2022



**Schedule 'B'**

**UPS' Fourth Submission on the Application**





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November 18, 2022

**Delivered Via Email**  
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Committee of the Whole  
City of Vaughan  
Vaughan City Hall, Council Chamber  
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File: 0232132.0001

Chair and Members of the Committee of the Whole:

**Re: Zancor Homes (Steeles) LP**  
**City of Vaughan Files OP.21.028 & Z.21.057 (the “Application”)**  
**2600 and 2700 Steeles Avenue West**

**Fourth Submission of United Parcel Services located at 2900 Steeles Avenue West**

We are counsel for United Parcel Service Canada Ltd. (“**UPS**”), registered owner and industrial user of the approximately 16.45 hectares of land located at 2900 Steeles Avenue West in the City of Vaughan (the “**UPS Lands**”). We are writing in respect of the above-noted Application filed by Zancor Homes (Steeles) LP (the “**Applicant**”) and further to the three submissions previously filed by Mr. Robert Dragicevic of RDLandPlan Consultants Inc. on May 17, 2022, July 29, 2022 and October 25, 2022 noting UPS’ concerns with the Application and the lack of consideration of Policy 11.3.18 of the Steeles West Secondary Plan, that incorporates Policy 5.2.1.2 of Volume 1 of the Official Plan (“**UPS’ Prior Submissions on the Application**”).

We have had the opportunity to review the Committee of the Whole (1) Report on the Application, provided to RDLandPlan on November 16, 2022, and we note that UPS’ concerns have not been addressed by the Applicant or by City staff. UPS’ Prior Submissions on the Application are attached hereto and while each indicated that UPS would be prepared to meet with City staff as necessary to discuss the submission, RDLandPlan only received the usual cursory acknowledgment of receipt of the communication. To date UPS has not been approached by City staff or by the Applicant to meet to discuss UPS’ concerns with the Application.

**It is absolutely necessary that the City of Vaughan understand the seriousness of UPS’ concerns with the Application and the implications of the City ignoring UPS’ reasonable requests.** UPS must ensure the protection of its use on the UPS Lands so that parcels can continue to be delivered for and to its customers, which include residents and business in the City of Vaughan.

On behalf of UPS, we submit that the proposed Application has not addressed the necessary policy requirements to determine whether the proposed development could

negatively affect UPS' operation on the UPS Lands. Neither the Applicant nor the City staff report has provided any direct response to UPS' Prior Submissions on the Application and we cannot determine the potential impacts of the Application because the necessary studies have not been completed by the Applicant or studied by City staff.

### Background

UPS established its operations on the UPS Lands in the City of Vaughan in the mid-1980s. The UPS operation on these lands is a key component of UPS' distribution network that services the City of Vaughan, the Region of York, and the broader region. Its hub operation at this location has over 2,000 employees and processes the overwhelming majority of all materials and packages delivered by UPS in the region and the operation processes a significant share of all materials and packages delivered in Canada. The UPS facility on the UPS Lands in the City of Vaughan is also the gateway into and out of Canada for UPS' global parcel distribution network.

The build out of the hub distribution facility on the UPS Lands has occurred in phases. Phases 1 and 2 are in operation and phase 3 is in the planning stages, which is already recognized in the City of Vaughan's Official Plan, permitted under applicable zoning and identified in the approved site plan agreement with the City for the UPS Lands.

The importance of this key industrial operation to the City of Vaughan was recognized by the City through the implementation of Policy 11.3.18 of the Steeles West Secondary Plan, expressly protecting both the existing operation and future expansion, as permitted by existing zoning, of the UPS distribution facility. There are no other policies of which the writer is aware in the City of Vaughan or York Region that are of a similar nature in terms of the protection of an existing industrial use and its expansion.

### Concerns and Objection

As previously noted, UPS' Prior Submissions on the Application have not been addressed by the Applicant or by City staff. **Given the recognized importance and protection of the continued operation and expansion of the UPS facility on the UPS Lands, as noted above, the lack of appropriate consultation with UPS and review of the potential impacts of the Application on the existing use, is disappointing and discourteous, and inappropriate from a land use planning perspective.**

UPS is concerned that Policy 11.3.18 is being ignored. The consideration of the direction set out in Policy 5.2.1.2 of the City of Vaughan Official Plan has been pushed off to a future date after an approval in principle will be in place recognizing the future use of the lands for a highly intensive (12.86 FSI) mixed commercial residential development comprising, in part, a total of 3,116 residential units, a daycare space for seniors and a dedicated daycare space of children. It is important to keep in mind that the subject lands are only one property away from the UPS Lands on which there is a 24/7 365 day a year industrial distribution facility that generates noise and significant truck traffic.

While we recognize that holding provisions are proposed by staff with respect to the consideration of noise and traffic, there is no mention of Policy 11.3.18 in the holding provisions recommendation. There is also no mention of Policy 5.2.1.2, incorporated by reference in Policy 11.3.18 c., and no mention of the UPS operation on the UPS Lands.



The incorporation of Policy 5.2.1.2. in Policy 11.3.18 of the Steeles West Secondary Plan is meant to protect the UPS operation from potential impacts. The Policy specifically requires that any development or redevelopment of lands for more sensitive land uses located within 500 metres of the UPS Lands undertake appropriate environmental studies, such as noise, dust and vibration. This is meant to ensure land use compatibility and to identify on-site or off-site mitigation measures to be implemented at the cost of the applicant of the more sensitive land use should the location or expansion of the more sensitive land use be appropriate. We note that there have not been any studies done to date in this regard on which the Application can be reviewed and the potential impacts on the UPS 24/7 operation on the UPS Lands be determined, tested and addressed.

We also note the reference to a potential Class 4 classification of the development side under NPC 300. In this regard, it is clear in the Ministry's guideline that with respect to applications for new noise sensitive land uses in a Class 4 area that "an appropriate noise impact assessment should be conducted for the land use planning authority as early as possible in the land use planning process that verifies the applicant sound level limits will be met." Now is the time for such an analysis, and such analysis should properly address the UPS lands as set out in Section 11.3.18.

#### UPS' Ask

We submit that approving the Application for 3,116 residential units and a total FSI of 12.86x in principle within 500 metres of the UPS Lands and the 24/7 operation that will expand in the near term is not appropriate and has not satisfied the precondition to such approval as set out in the City's Official Plan. Approval in principle of the Application, without addressing clear policy direction in the City of Vaughan Official Plan meant to protect industry and protect for the continuance of an important operation, not only for the City of Vaughan but also for the GTA and Canada, is not appropriate.

**We ask that the City require the Applicant to complete the necessary studies with appropriate peer review advice so that the planning authority can appropriately review the impacts on the UPS' operation at full build out. This should be done before any approval in principle is tabled.** It may very well be that what is proposed is not appropriate, or such studies will identify on or off site measures which may be needed to ensure land use compatibility without impairing the zoned rights of UPS. Without the appropriate studies this cannot be known.

While we understand that a holding provision could be used to directly address the continued UPS operation and its permitted expansion on the UPS Lands, this approach has not been properly tabled in the recommendations put forward by staff. That said, we submit that the use of a holding provision to address policies that require studies to be done up front is a bandaid approach to planning that may necessitate triage operations by the City in the future.

We understand from the staff report that the Official Plan Amendment will involve Regional approval. We will be requesting direct written notice of any decision of the Region on the Application and would expect that this submission will form part of the materials provided to the Region for its consideration.



**UPS' concerns are very real and should its operation not be protected, such that its operating ability is impaired in the future due to uninformed land use planning decisions by the municipality, there will be serious impacts locally, regionally, provincially, nationally and globally.** We cannot stress enough the importance of an appropriate review of the potential impacts of the Application on the UPS Lands and the UPS operation, at full build out. Without doing so now, in advance of an approval in principle of the Application, is risky and has the potential for far reaching implications.

Should have you any questions or require further information further to this submission, please do not hesitate to contact the undersigned or, in her absence, Robert Dragicevic at RDlandPlan at 416-575-2512 or [rdlandplan@gmail.com](mailto:rdlandplan@gmail.com). UPS continues to submit that it would be prepared to meet with City staff to discuss its concerns.

Yours truly,

MILLER THOMSON LLP

Per:

Tara L. Purko  
Partner  
TLP/

Encl.

cc: Mayor and Members of Council, as follows:

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Deputy Mayor Linda Jackson ([linda.jackson@vaughan.ca](mailto:linda.jackson@vaughan.ca))  
Councillor Mario Ferri ([mario.ferri@vaughan.ca](mailto:mario.ferri@vaughan.ca))  
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United Parcel Services Canada Ltd.  
RDlandPlan Consultants Inc.

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July 29, 2022

Development Planning Department  
2141 Major Mackenzie Drive  
Vaughan  
L6A 1T1

**Attention: Letizia D’Addario, Senior Planner**

**RE: 2600 and 2700 Steeles Avenue West  
Official Plan and Zoning By-law Amendment  
City File Nos. OP.21.028 and Z.21.057  
United Parcel Service, Canada  
RDLP File No. 22.112**

On behalf of our client, United Parcel Service, Canada (“UPS”), I write to provide our comments on the 2nd submission filed with respect to proposed development application referenced above.

RDLP had filed a letter with the City on May 27, 2022 with respect to the proposal on behalf of UPS. The letter specifically identified the lack of reference to the policies in effect related to the UPS facility and matters of land use compatibility between the industrial nature of the UPS plant and operations and the introduction of sensitive land uses including residential uses; the issue with respect to the assumption in the traffic assessment which assumed a full road network which would have included new public roads bisecting the UPS lands; and requesting further notice of Council actions.

UPS has concern about the introduction of sensitive land uses (such as residential in close proximity) to the UPS hub. Those concerns formed the basis for the policies included in the City of Vaughan’s Official Plan which establish the onus on the proponents of such development to ensure that adequate consideration and mitigation is accounted for with development in the Steeles Corridor in the vicinity of the UPS Lands.

The UPS hub is a 24-hour shift operation that generates large amounts of truck movement with consequent noise and associated impacts which residents typically find obtrusive.

In particular we have reviewed the covering letter, the comment matrix, a Transportation Block Plan report, the planning addendum, the acoustical modelling report and Transportation Impact Report as these are most relevant to the UPS concerns and submission.

The covering letter and planning addendum are both quite detailed in terms of identification of changes made to the proposal and providing their opinion with respect to the various Provincial, Regional and local planning policies, again without direct reference to the policies highlighted by the UPS submission notably dealing with land use compatibility and traffic related considerations. That said, the report filed dealing with acoustic conditions determined that the proposal would have no adverse impact to the UPS operation, as existing or potentially expanded and made no recommendations with respect to mitigation to the UPS operation.

For convenience and brevity, I have provided an extract from the covering letter to the acoustical report relevant to UPS:

*“Acoustical modelling of the UPS facility at 2900 Steeles Avenue West was not performed as a part of this study, as it was determined that the subject lands are situated outside the potential area of influence of this facility. However, in response to the letter from RD Landplan Consultants, acoustical modelling has since been performed to confirm whether expected typical activities at the UPS facility could impact the proposed residential development.*

*Criteria for acceptable sound levels from noise sources at commercial or industrial facilities are based on a combination of the minimum expected noise levels from road traffic during any hour of the day or night that the sources may operate, and the exclusionary minimum noise limits for a Class 1 urban area (the greater of these two measures is applied at any potential noise-sensitive point of reception). In our NVFS, traffic on the future municipal roads was conservatively not included in our minimum road traffic noise predictions, as it is not clear if and when this road network may be constructed; this approach was maintained in the context of this additional analysis. As the UPS facility is understood to operate during all hours of the day and night, the night-time criteria have been used in this assessment; Figure 4 of our report, a copy of which is attached hereto, illustrates the conservatively-modelled applicable noise limits at the new development during the night-time hours.*

*The movement of trucks around the UPS facility (including possible expansion to the edge of Street C to the east of the current facility) has now been analyzed. Twenty (20) truck movements and twenty (20) idling trucks were included in the model, representative of any hour of the day or night. Impulsive loading/unloading noises could also occur due to the number of loading bays at this facility, and this potential noise source has been reflected in the noise model at a conservative location toward the east end of the site. Noise emission levels used in the model are based on measurements of many similar sources at other commercial facilities, including FedEx distribution facilities for which we have conducted similar assessments. Our modelling results for the UPS facility are shown in Figures A1 and A2 attached hereto. These results indicate that sound levels from the UPS facility will be within the night-time noise criteria; no excessive noise impacts are predicted. Therefore, the proposed development is anticipated to be compatible with the UPS facility, including potential future expansion of the facility to the east.”*

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We ask that the City confirm that the acoustical report be peer reviewed to confirm the result in the context of addressing the policies in force and effect related to the UPS operation.

Insofar as traffic and the complete road network (including UPS lands) is concerned the Block Plan Transportation report states:

*“It is also worth noting that the lands west of Settlers Road previously included in the Steeles West Secondary Plan (primarily UPS lands) is not being evaluated part of the intensification area. This is consistent with the scope of the Block Plan study as agreed upon with City staff. Representatives of UPS have also communicated with the project team that its operations are not ending in the foreseeable future and the site is a critical operations facility for UPS. The traffic volumes related to the UPS operations have already been accounted for in the 2019 traffic counts since they represent pre-COVID-19 conditions when the site would have been under normal operations.*

*The traffic volumes associated with the exiting uses in the OPA 620 lands being evaluated for intensification were removed since the existing uses will be displaced. Based on the estimated GFA of the existing buildings, trip generation was conducted for these uses based on the type of uses. The traffic that will be displaced in the study area are shown in Figure 3-7.”*

It is unclear if an expansion of UPS as per existing zoning has been accounted for and we request confirmation that the expansion has been accounted for in the applicant’s analysis. We advise that the additional expansion capability would be in the order of 250,000 additional square feet.

For convenience of reference, we have again provided excerpts from the approved Official Plan that need to be addressed by the City in its review of the development application at 2600 and 2700 Steeles Avenue West:

#### *Section 11.3.18 Site-Specific Policies*

*That the following policies shall apply to the lands identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use”:*

- a. The area identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use” shall be subject to the provisions of the OPA 450 “Prestige Area” and “Employment Area General” designations.*
  - b. The existing use of the lands identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use” is expected to exist beyond the timeframe of the Official Plan and shall be permitted to continue to operate and develop.*
  - c. Expansion or extension of the existing use in accordance with the Zoning By-law shall be permitted. Expansion or extension of the existing use requiring an amendment to the Zoning By-law shall also be considered without amendment to this Plan. d. Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering, or screening devices, and any other necessary mitigation measures to*
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- ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.*
- d. *Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering, or screening devices, and any other necessary mitigation measures to ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.*
- e. *Zoning By-law amendments for any part of the subject lands shall permit only uses that are in conformity with the "Prestige Area" and "Employment Area" designations of OPA 450. Redevelopment of any part of the subject lands for uses not in conformity with the "Prestige Area" or "Employment Area" designations of OPA 450 shall only proceed by way of an approved tertiary plan. New non-employment uses contemplated by a tertiary plan would not constitute a conversion, as requirements under the Growth Plan (Policy 2.2.6.5) have been fulfilled through the Vaughan Official Plan 2010 review.*

The planning justification report submitted in support of the 2nd submission does not refer to Section 11.3.18.1 which provides required consideration of the potential impact to the UPS operation (existing and as-of-right) of the introduction of new sensitive land uses in proximity to the UPS Lands.

In our view, these matters are significant to a proper and fulsome planning and land use evaluation of the development application for 2600 and 2700 Steeles Avenue West and should be accounted for by the applicant.

We would be prepared to meet with City staff as necessary to discuss this submission.

Should there be any questions or need for additional information please contact the undersigned.

Yours truly,

**RD LANDPLAN CONSULTANTS Inc.**  
Urban Planners

A handwritten signature in black ink, appearing to read 'Robert A. Dragicevic', with a large, sweeping initial 'R'.

Robert A. Dragicevic, MCIP, RPP  
President and Senior Consultant

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cc J. Lambis, UPS Canada Ltd.  
Tara Piurko, Miller Thomson, LLP

# **RD**LANDPLAN CONSULTANTS INC.

## Urban Planners

May 27, 2022

City Hall  
Office of the Clerk  
Level 100  
2141 Major Mackenzie Drive  
Vaughan  
L6A 1T1

**Attention:**     **City Clerk**

**RE:**               **2600 and 2700 Steeles Avenue West**  
                     **Official Plan and Zoning By-law Amendment**  
                     **City File Nos. OP.21.028 and Z.21.057**  
                     **United Parcel Service, Canada**  
                     **RDLP File No. 22.112**

On behalf of our client, United Parcel Service, Canada ("UPS"), I write to provide our comments on the proposed development application referenced above.

UPS is the owner of lands at the northeast corner of Jane Street and Steeles Avenue West (2900 Steeles Avenue West/" the UPS Lands") , to the west of the proposed development at 2600 and 2700 Steeles Avenue West.

UPS is heavily invested in and committed to the use of the UPS Lands as its national hub.

UPS has concern about the introduction of sensitive land uses (such as residential in close proximity) to the UPS hub. Those concerns formed the basis for the policies included in the City of Vaughan 's Official Plan which establish the onus on the proponents of such development to ensure that adequate consideration and mitigation is accounted for with development in the Steeles Corridor in the vicinity of the UPS Lands.

The UPS hub is a 24-hour shift operation that generates large amounts of truck movement with consequent noise and associated impacts which residents typically find obtrusive. The current proposal and supporting studies do not provide for any analysis of the potential impact to its existing and potential future operations as permitted under existing zoning rights for the UPS Lands.

We would note that the current development application for the 2600 and 2700 Steeles West property has assumed all of the planned transportation system shown in the Steeles West Secondary Plan to be in place. Given the current policy and zoning of the UPS Lands, and the stated intent of UPS to remain and expand at this location, the road system will not be complete through the UPS Lands, and it would therefore be appropriate for the proposal to properly account for this.

UPS's use of its land as its national parcel sorting hub is recognized as a permitted use in the City of Vaughan Official Plan and in the zoning by-law. Further, it is important to note the assurance the approved Official Plan allowing for UPS ability to expand the hub at 2900 Steeles Avenue West.

This recognition has been carried forward in the City's Official Plan as originally set out in Official Plan Amendments 450 and 529 which expressly recognized and protected the right of UPS to continue its operations on its site and to expand its facilities and operations on the UPS Lands. This recognition was confirmed in decisions by the then Ontario Municipal Board and carried forward in both the Part 1 and 2 of the City's Official Plan.

For convenience of reference, we have provided excerpts from the approved Official Plan that need to be addressed by the City in its review of the development application at 2600 and 2700 Steeles Avenue West:

#### Section 11.3.18 Site-Specific Policies

That the following policies shall apply to the lands identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use":

- a. The area identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use" shall be subject to the provisions of the OPA 450 "Prestige Area" and "Employment Area General" designations.
  - b. The existing use of the lands identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use" is expected to exist beyond the timeframe of the Official Plan and shall be permitted to continue to operate and develop.
  - c. Expansion or extension of the existing use in accordance with the Zoning By-law shall be permitted. Expansion or extension of the existing use requiring an amendment to the Zoning By-law shall also be considered without amendment to this Plan. d. Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering, or screening devices, and any other necessary mitigation measures to ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.
  - d. Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering, or screening devices, and any other
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necessary mitigation measures to ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.

- e. Zoning By-law amendments for any part of the subject lands shall permit only uses that are in conformity with the “Prestige Area” and “Employment Area” designations of OPA 450. Redevelopment of any part of the subject lands for uses not in conformity with the “Prestige Area” or “Employment Area” designations of OPA 450 shall only proceed by way of an approved tertiary plan. New non-employment uses contemplated by a tertiary plan would not constitute a conversion, as requirements under the Growth Plan (Policy 2.2.6.5) have been fulfilled through the Vaughan Official Plan 2010 review.

#### Specific Observations to Date

The traffic report submitted in support of the proposed development (as available on the City’s web site for development applications) appears to assume the road network of the Steeles West Secondary Plan. There is no discussion of UPS traffic or potential impacts in the absence of the road network in the Secondary Plan being incomplete, certainly within the time frame of the Official Plan, as approved and in effect.

The acoustical report submitted in support of the proposed development application focuses on the rail and road noise and indicates potential issues to the north and west facing towers nearest the UPS Lands. No mitigation or advice regarding the impact to UPS current and as-of-right expansion is provided.

The planning justification report submitted in support of the development application does not refer to Section 11.3.18.1 which provides required consideration of the potential impact to the UPS operation (existing and as-of-right) of the introduction of new sensitive land uses in proximity to the UPS Lands.

In our view these matters are significant to a proper and fulsome planning and land use evaluation of the development application for 2600 and 2700 Steeles Avenue West and should be accounted for by the applicant.

#### Request for Notice and Copies of Council and Committee Resolutions

We request that we be notified of any meetings where the proposed development application for 2600 and 2700 Steeles Avenue West will be considered and be provided with copies of any resolutions that Committees and Council that may pass with respect to this matter.

We are also requesting that we be included on the mailing list for the Notice of Decision with respect to the enactment of an Official Plan Amendment and/or Zoning By-law with respect to the proposed development at 2600 and 2700 Steeles Avenue West.

City planning staff are copied on this letter.

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**Consultation**

We would be prepared to meet with City staff as necessary to discuss this submission.

Should there be any questions or need for additional information please contact the undersigned.

Yours truly,

**RD LANDPLAN CONSULTANTS Inc.**

Urban Planners

A handwritten signature in black ink, reading "Robert A. Dragicevic". The signature is fluid and cursive, with a large, sweeping initial "R".

Robert A. Dragicevic, MCIP, RPP  
President and Senior Consultant

cc Letizia D'Addario, Senior Planner, Development Planning Department  
J. Lambis, UPS Canada Ltd.  
Tara Piurko, Miller Thomson, LLP

October 25, 2022

City Hall  
Office of the Clerk  
Level 100  
2141 Major Mackenzie Drive  
Vaughan  
L6A 1T1

**Attention:** City Clerk

**RE: 2600 and 2700 Steeles Avenue West  
Official Plan and Zoning By-law Amendment  
3<sup>rd</sup> submission  
City File Nos. OP.21.028 and Z.21.057  
United Parcel Service, Canada  
RDLP File No. 22.112**

On behalf of our client, United Parcel Service, Canada ("UPS"), I write to provide our comments on the 3<sup>rd</sup> submission with respect to the proposed development application referenced above.

UPS is the owner of lands at the northeast corner of Jane Street and Steeles Avenue West (2900 Steeles Avenue West/" the UPS Lands"), to the west of the proposed development at 2600 and 2700 Steeles Avenue West.

We filed a letter with the City dated May 27, 2022, outlining concerns with the proposed applications, some of which do not appear to have been addressed in the third submission of the applications and have attached the earlier correspondence to this letter.

In the comments summary chart under the Section entitled Environmental Noise and Vibration Study we are pleased to see that the concerns of UPS will be addressed in further work related to noise and vibration with specific reference to the RDLP Inc. submission on behalf of UPS dated July 12, 2022, and we note that the City will have a peer review of the specialized work.

We are however concerned with the Bousefields Inc. Covering letter/Planning Response letter which indicates that acoustical modelling will be submitted at the site plan stage. In our view and in our

interpretation of Policy 11.3.18.1 of the Steeles West Secondary Plan this work needs to be done prior to rezoning of the property to adequately address the protections that may be required to ensure that the UPS facility (existing and zoned) will not be negatively impacted by development of sensitive uses in proximity to their facility.

Further in respect to the comments provided to the submission on behalf of UPS the consultant has indicated “Noted” and referencing that residential uses are permitted throughout the Secondary Plan area. Residential uses are permitted throughout the secondary plan area however, subject to the requirement to address potential impact to the UPS approvals which are set out in Policy 11.1.3.18.2 of the Secondary Plan.

We have again provided for convenience of reference the most relevant policy consideration related specifically to the UPS lands and development in proximity to the facility:

“Section 11.3.18.1

That the following policies shall apply to the lands identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use”:

- a. The area identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use” shall be subject to the provisions of the OPA 450 “Prestige Area” and “Employment Area General” designations.
  - b. The existing use of the lands identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use” is expected to exist beyond the timeframe of the Official Plan and shall be permitted to continue to operate and develop.
  - c. Expansion or extension of the existing use in accordance with the Zoning By-law shall be permitted. Expansion or extension of the existing use requiring an amendment to the Zoning By-law shall also be considered without amendment to this Plan.
  - d. Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering, or screening devices, and any other necessary mitigation measures to ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.
  - e. Zoning By-law amendments for any part of the subject lands shall permit only uses that are in conformity with the “Prestige Area” and “Employment Area” designations of OPA 450. Redevelopment of any part of the subject lands for uses not in conformity with the “Prestige Area” or “Employment Area” designations of OPA 450 shall only proceed by way of an approved tertiary plan. New non-employment uses contemplated by a tertiary plan would not constitute a conversion, as requirements under the Growth Plan (Policy 2.2.6.5) have been
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fulfilled through the Vaughan Official Plan 2010 review.”

This policy has not been referenced or addressed in any submission by the applicant to date.

In our view these matters are significant to a proper and fulsome planning and land use evaluation of the development application for 2600 and 2700 Steeles Avenue West and should be accounted for by the applicant.

We would again request staff to address this in their review and reporting on this matter.

City planning staff are copied on this letter.

### **Consultation**

We would be prepared to meet with City staff as necessary to discuss this submission.

Should there be any questions or need for additional information please contact the undersigned.

Yours truly,

**RD LANDPLAN CONSULTANTS Inc.**

Urban Planners

A handwritten signature in black ink, reading "Robert A. Dragicevic". The signature is fluid and cursive, with a large, sweeping initial "R".

Robert A. Dragicevic, MCIP, RPP  
President and Senior Consultant

cc Letizia D'Addario, Senior Planner, Development Planning Department  
J. Lambis, UPS Canada Ltd.  
Tara Piurko, Miller Thomson, LLP

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## **Schedule 'C'**

### **Policy 11.3.18, Steeles West Secondary Plan (and Policy 5.2.1.2 of Volume 1 incorporated by reference)**

#### **11.3.18 Site-Specific Policies**

- 11.3.18.1. That the following policies shall apply to the lands identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use":
- a. The area identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use" shall be subject to the provisions of the OPA 450 "Prestige Area" and "Employment Area General" designations.
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Map 11.3.A  
Steeles West Secondary Plan - Land Use



Policy 5.2.1.2 of Volume 1, incorporated by reference in Policy 11.3.18.1.d.

- 5.2.1.2. To protect Vaughan's manufacturing, industrial and warehousing sectors from potential impacts, any *development* or *redevelopment* of lands for more *sensitive land uses* located within 500 metres of an **Employment Area**, will be required to undertake appropriate environmental studies (e.g., noise, dust, vibration, etc.), to be identified on a case by case basis, in order to ensure land use compatibility with the surrounding **Employment Area** lands. As a result of the studies, on-site or off-site mitigation measures may be required prior to *development* at the expense of the applicant for the more sensitive land use.

