

COMMITTEE OF THE WHOLE APRIL 30, 2007

**ONTARIO MUNICIPAL BOARD HEARING
SITE DEVELOPMENT FILE DA.05.070
724352 ONTARIO LIMITED C/O UPS CANADA LTD.**

Recommendation

The Commissioner of Planning recommends:

1. THAT The Ontario Municipal Board be advised that the City of Vaughan Council endorses Site Development File DA.05.070 (724352 Ontario Limited C/O UPS Canada Ltd.), subject to the following conditions and the conditions outlined on Attachment #7:
 - a) that prior to the execution of the site plan agreement:
 - i) the final site plan, building elevations, landscaping, storm water management pond landscaping and signage plans shall be approved by the Development Planning Department;
 - ii) the final site servicing and grading plans, stormwater management report, access, parking; traffic study and on-site vehicular circulation shall be approved by the Engineering Department;
 - iii) the Owner shall submit an application to the Public Works Department for the proposed sanitary service connection of Steeles Avenue, to the satisfaction of the Public Works Department and the Engineering Department;
 - iv) all requirements of York Region shall be satisfied;
 - v) all requirements of the Toronto and Region Conservation Authority shall be satisfied;
 - vi) all requirements of City of Toronto shall be satisfied; and,
 - vii) the Owner shall pay to the City of Vaughan \$570.00, in accordance with the Tariff of Fee for Planning Applications By-Law 89-2006, which is required for the processing of an appeal of a *Planning Act* application to the Ontario Municipal Board and shall satisfy all requirements of the City of Vaughan, financially and otherwise.

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted a Site Development Application to permit the development of a 21,700m² addition to the existing 23, 590m² UPS Canada parcel distribution building, as shown on Attachment #2.

Background - Analysis and Options

The partially developed 16.45ha site is located on the north side of Steeles Avenue, west through to Jane Street, municipally known as 2900 Steeles Avenue West, in Part of Lot 1, Concession 4, City of Vaughan.

The subject lands are designated "Prestige Area" directly along the arterial roads (Steeles Avenue and Jane Street) and "Employment Area General in the interior of the site by OPA #450 (Employment Area Plan). The subject lands are zoned EM1 Prestige Employment Area Zone by By-Law 1-88. The surrounding land uses are as follows:

- North - Hydro Corridor, Canadian National Rail Line (PB1 (S) Parkway Belt Linear Facilities Zone)
- South - Steeles Avenue, York University Campus
- East - vacant, employment lands (EM1 Prestige Employment Area Zone)
- West - existing Stormwater Management Pond and vacant commercial (EM1 Prestige Employment Area Zone and C1 Restricted Commercial Zone)

Ontario Municipal Board

On December 7, 2006 the applicant appealed Site Development Application DA.05.070 (724352 Ontario Limited C/O UPS Canada Ltd.) to the Ontario Municipal Board (OMB), pursuant to subsection 41 (12) of the *Planning Act*, with respect to Councils failure to approve the plans and drawings for the site plan approval within 30 days after their submission to the City of Vaughan on December 23, 2005. The OMB has scheduled a three day hearing for this appeal on May 7th, 8th, and 9th, 2007.

Official Plan

The subject lands, as shown on Attachment #5, are designated "Prestige Area" directly along the arterial roads; Steeles Avenue and Jane Street and "Employment Area General" in the interior of the site by OPA #450 (Employment Area Plan), that was further amended by OPA #529 (Higher Order Transit Plan) as shown on Attachment #6, which designates the subject lands as "Station Site and Commuter Parking Access" along the easterly most property line and the northwest corner of the site and the balance of the lands are designated "Remaining Parcels".

The "Prestige Area" designation, provides opportunities for activities that require good visual good accessibility and an attractive working environment, and permits a wide range of office, business and civic uses, where outside storage is not permitted. The "Employment Area General" designation is located within the interior portion of the lot and permits the full range of processing, warehousing and distribution facilities, where outside storage is permitted. The proposed addition to the existing parcel distribution facility conforms to the "Prestige Area" and "Employment Area General" policies of the Official Plan.

The purpose of OPA #529 (Higher Order Transit Plan) is to define in the official plan a right of way for the use of higher order transit north of Steeles Avenue and provide land use policies which will support the extension of a rapid transit service to the Vaughan Corporate Centre. OPA #529 amends three specific official plans; OPA #400 (the City's overall structural plan); OPA #450 (Employment Area Plan); and OPA #500 (Corporate Centre Plan).

One of the objectives of OPA #529 was to incorporate into the official plan the requirements for a land use study in respect of the lands located on the north side of Steeles Avenue between Keele and Jane Streets for the purpose of determining the most appropriate long term development densities, uses, urban design and any required improvements to the transportation system, necessary to maximize development potential.

The "Steeles Corridor: Jane to Keele Study" known as OPA #620 responds to the policy basis founded in OPA #529. On June 26, 2006, Vaughan Council adopted OPA#620 and it was adopted on October 24, 2006 by the Region of York. The applicant along with other adjacent land owners appealed the adoption of OPA #620 to the Ontario Municipal Board.

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone by By-law 1-88, as shown on Attachment #1, which permits the proposed expansion of the existing industrial use. The proposed site plan was reviewed in accordance with the standards contained in By-Law 1-88 and the EM1 Zone and complies in all respects with By-law 1-88.

Site Plan

The site plan (Attachment #2) shows the existing 23, 590m² building in the southwest corner of the site with the proposed irregular shaped 21, 700m² building expansion extending east along Steeles Avenue. The site is served by two full movement access points; one onto Jane Street and the other onto Steeles Avenue at Murray Ross Parkway. The site plan shows a retaining wall setback from and parallel to a majority of the northern and southern property line. The site will be enclosed by a chain link fence along the north, east and a portion of the southern property line.

Parking

Vehicular circulation is provided around the entire building. The site maintains 392 employee parking spaces; 23 visitor spaces; 88 loading spaces and 8 spaces for disabled persons. The applicant proposes an additional 760 employee spaces, 23 visitor spaces; 159 loading spaces and 13 spaces for disabled persons, which complies with the requirements of By-law 1-88. On-site vehicular circulation and the Traffic Impact Study prepared by the Owner has been approved to the satisfaction of the Engineering Department and the City of Toronto-Transportation Services Section.

Building Design

The building elevations are shown on Attachment #3. The proposed building addition will be constructed to a height 10.7m which consist with the existing building. The building materials consist of light beige painted concrete, dark beige precast concrete, brown metal siding and tinted glass windows. The primary façade is located on the south elevation. It is designed with a series overhead doors framed in precast concrete panels and first and second storey windows. The remaining elevations are of similar design, concrete panels at the base to the mid point of the building with metal siding to the roof line and a series of loading doors. The loading areas on the north, east and west elevations are partial screened from view of adjacent streets and the hydro corridor by a northerly retaining wall ranging in height from 2-6m and a 3m southerly retaining wall. All roof top mechanical equipment will be screened.

Landscape Plan

The landscape plan (Attachment #4) shows a variety of existing deciduous and coniferous trees around the Steeles Avenue access point, north along the perimeter of the existing storm water management pond through to the Jane Street access. The applicant is proposing a mix of deciduous and coniferous trees around the proposed employee parking area in the northeast corner of the site. There are pedestrian connections to and from the parking areas to both the existing and proposed buildings. The site maintains a 9m landscape strip along Jane Street and Steeles Avenue with existing sidewalks along each connecting the site to the arterial road network. In addition, the applicant is proposing enhanced landscaping including shrubs and trees on the City owned storm water management pond, abutting the site to the southwest. As a

condition of site plan approval, the final landscape plan and storm water management pond landscape plan and details shall be to the satisfaction of the Development Planning Department.

Services

The Owner has submitted a site grading and servicing plan, and a stormwater management report, which must be approved to the satisfaction of the Engineering Department.

The Owner shall submit an application to the Public Works Department for the proposed sanitary service connection to Steeles Avenue, to the satisfaction of the Public Works Department and the Engineering Department. All work in the road allowance must be completed by the City of Vaughan Public Works Department.

All hydro requirements have been addressed by the Owner, to the satisfaction of Power Stream Inc.

Region of York

The Region of York will be a party to the site development agreement given that the subject lands abut a Regional Road (Jane Street), with conditions of approval to be included in the implementing Agreement. As a condition of site plan approval, all requirements of the Regional Municipality of York shall be satisfied.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) owns and operates Black Creek Pioneer Village and as an adjacent landowner has reviewed the plans submitted by the applicant and has no objection to the proposal, subject to conditions of approval to be included in the implementing Agreement. As a condition of site plan approval, all requirements of the TRCA shall be satisfied.

City of Toronto

The City of Toronto-Transportation Services Section has reviewed and approved the Traffic Impact Study prepared by the Owner and has no objection to the proposed development. The Technical Services Division has reviewed and approved the storm water management report and engineering plans submitted by the Owner and has no objection to the proposed development subject to the following condition: the applicant must provide the City of Toronto with certification by the professional engineer who designed and supervised the construction that the storm water management facilities have been constructed in accordance with the final storm water management report.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Regional Implications

The Region of York will be a party at the Ontario Municipal Board hearing, scheduled for May 7-9, 2007.

Conclusion

The Development Planning Department has reviewed the proposed Site Development Application in accordance with the official plan and policies, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies and the area context. The Development Planning Department is satisfied that the proposed development of the subject lands for an expansion to the existing parcel distribution facility is appropriate.

Accordingly, the Development Planning Department can support the proposed application, to permit the development of a 21,700m² addition to the existing 23, 590m² UPS Canada parcel distribution building subject to the conditions contained in this report. The application will be considered by the OMB at a hearing scheduled for May 7-9th, 2007.

Attachments

1. Location Plan
2. Site Plan
3. Elevation Plan
4. Landscape Plan
5. Schedule 2C OPA #450 (Employment Area Plan)
6. Schedule 4C OPA #529 (Higher Order Transit Plan)
7. Conditions of Site Plan Approval

Report prepared by:

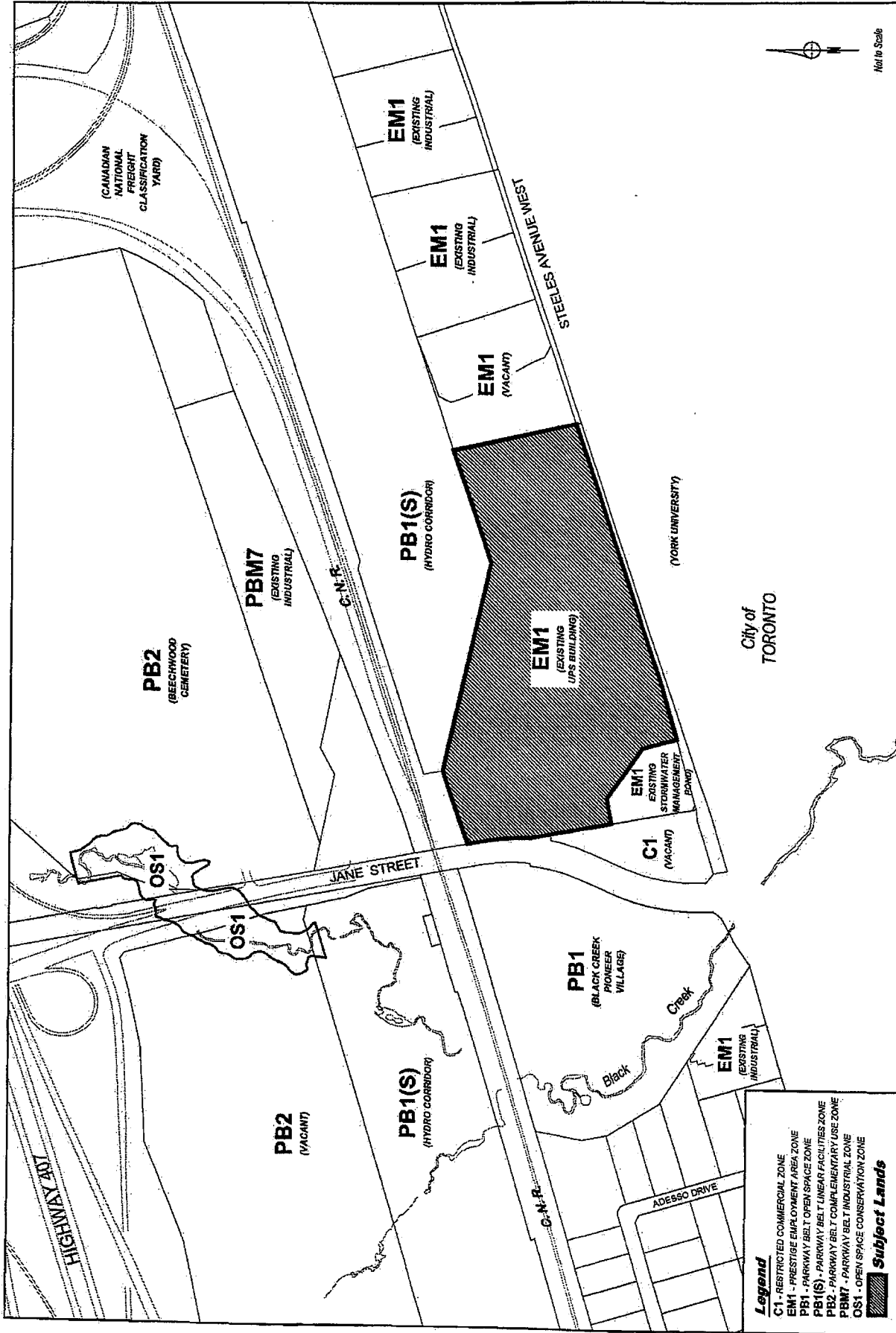
Christina Napoli, Planner, ext. 8483
Arto Tikiryan, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG



Legend

- C1 - RESTRICTED COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- PB1 - PARKWAY BELT OPEN SPACE ZONE
- PB1(S) - PARKWAY BELT LINEAR FACILITIES ZONE
- PB2 - PARKWAY BELT COMPLEMENTARY USE ZONE
- PB7 - PARKWAY BELT INDUSTRIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE

Subject Lands

Not to Scale

Location Map

Lot 1,
Concession 4
APPLICANT: 724352 ONTARIO LIMITED C/O UPS CANADA LTD.
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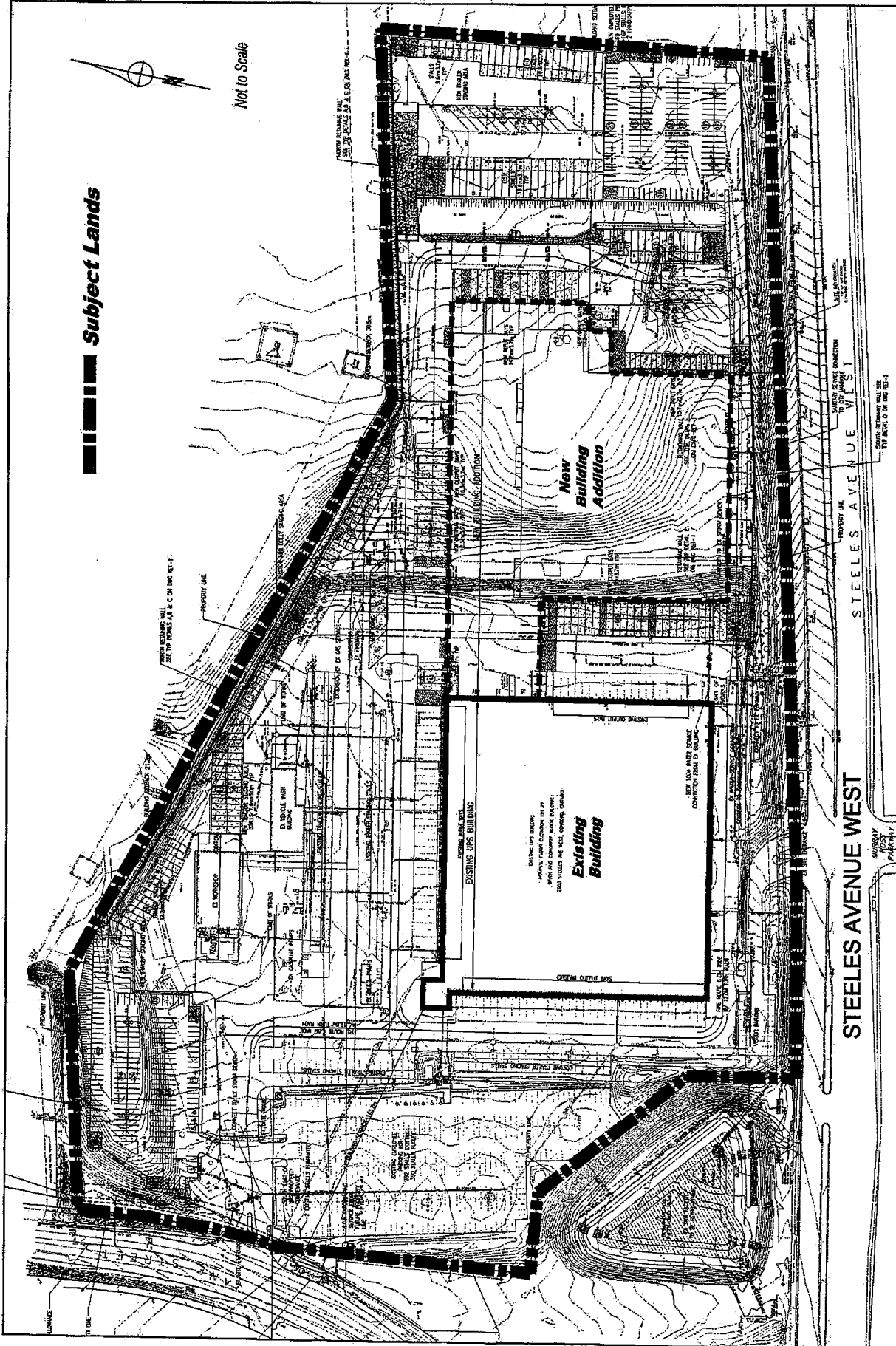
Development Planning Department

Attachment 1

FILE No.: DA.05.070
 April 13, 2007

Subject Lands

Not to Scale



Site Plan

Lot 1,
Concession 4
APPLICANT: 724352 ONTARIO
LIMITED C/O UPS CANADA LTD.
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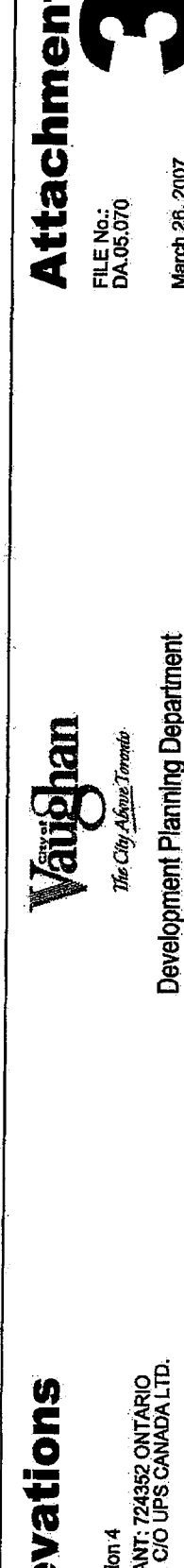
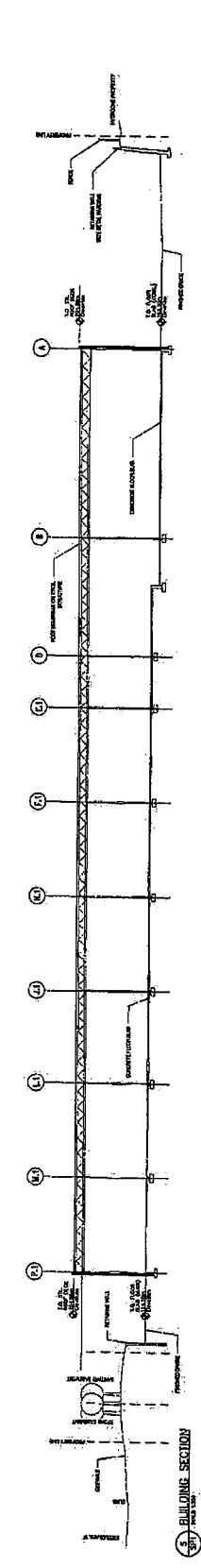
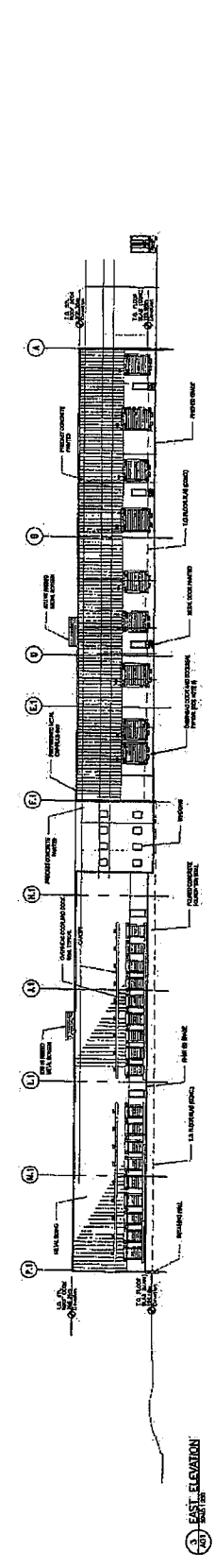
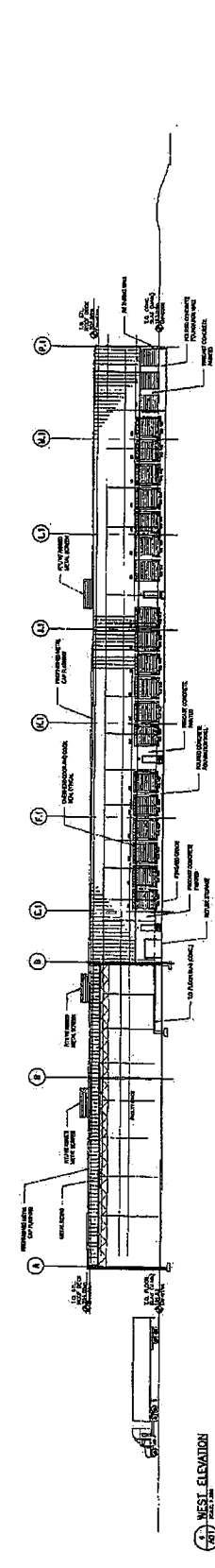
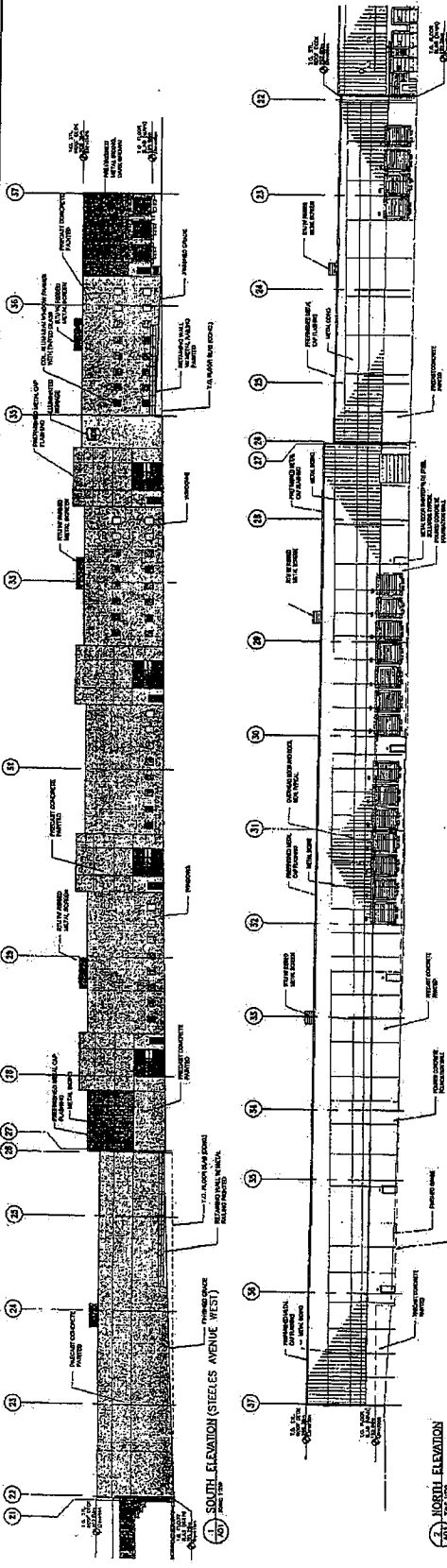


Development Planning Department

Attachment 2

FILE No.:
DA.05.070

March 26, 2007



Elevations
Lot 1,
Concession 4
APPLICANT: 724352 ONTARIO
LIMITED C/O UPS CANADA LTD.
N:\DFTV ATTACHMENTS\DA\05.070.dwg

CITY OF VAUGHAN
The City Above Toronto

Development Planning Department

Attachment 3
FILE No: DA.05.070
March 26, 2007

Landscape Plan

Lot 1,
Concession 4
APPLICANT: 724352 ONTARIO
LIMITED C/O UPS CANADA LTD.
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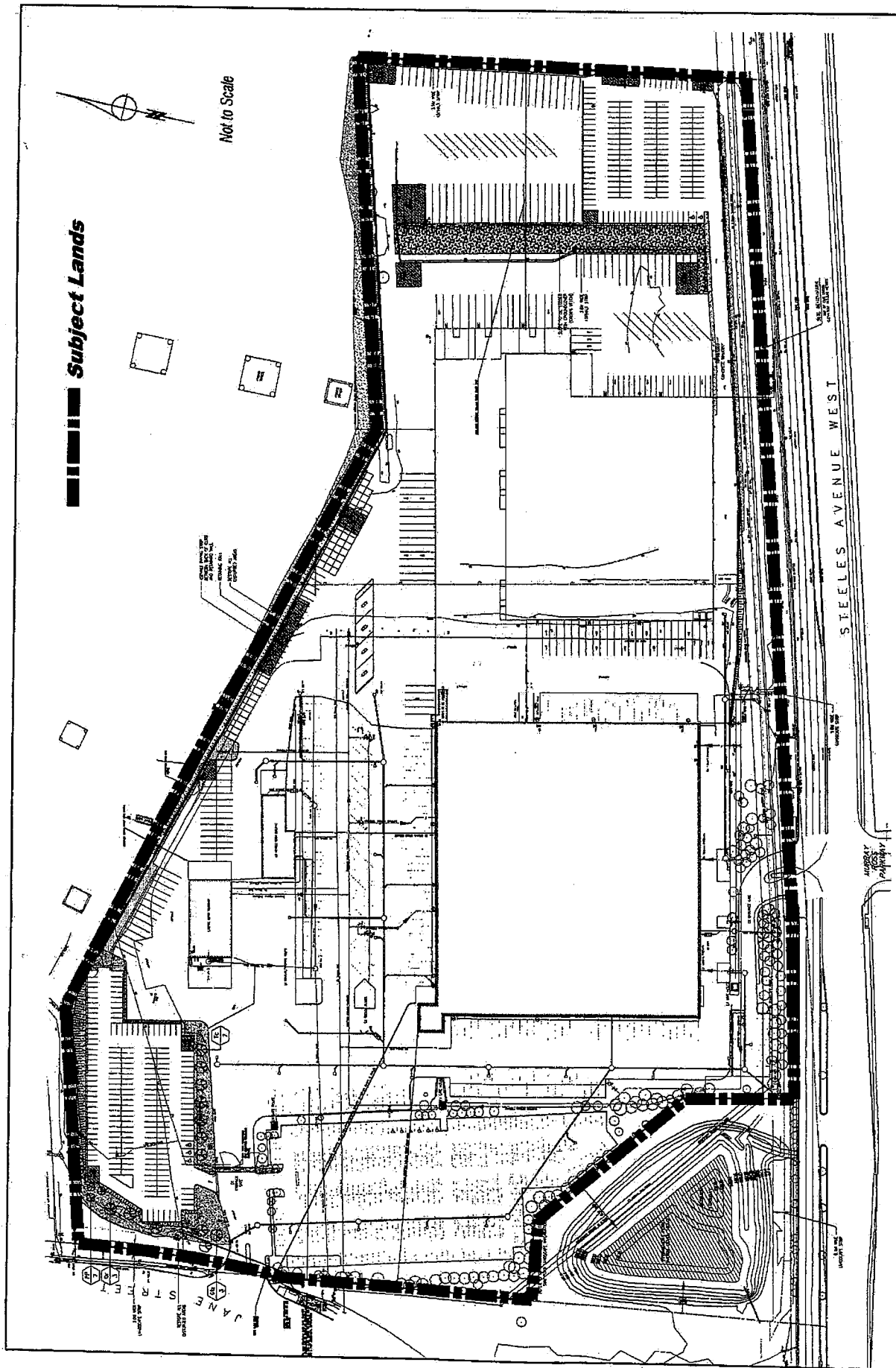
Development Planning Department

Attachment

FILE No.:
DA.05.070

4

March 26, 2007



Subject Lands

Not to Scale

STEELES AVENUE WEST

EMPLOYMENT AREA (EAST) STRUCTURAL PLAN








THIS IS SCHEDULE '2C'
TO AMENDMENT NO. 450
ADOPTED THE 3RD DAY OF OCTOBER, 1994

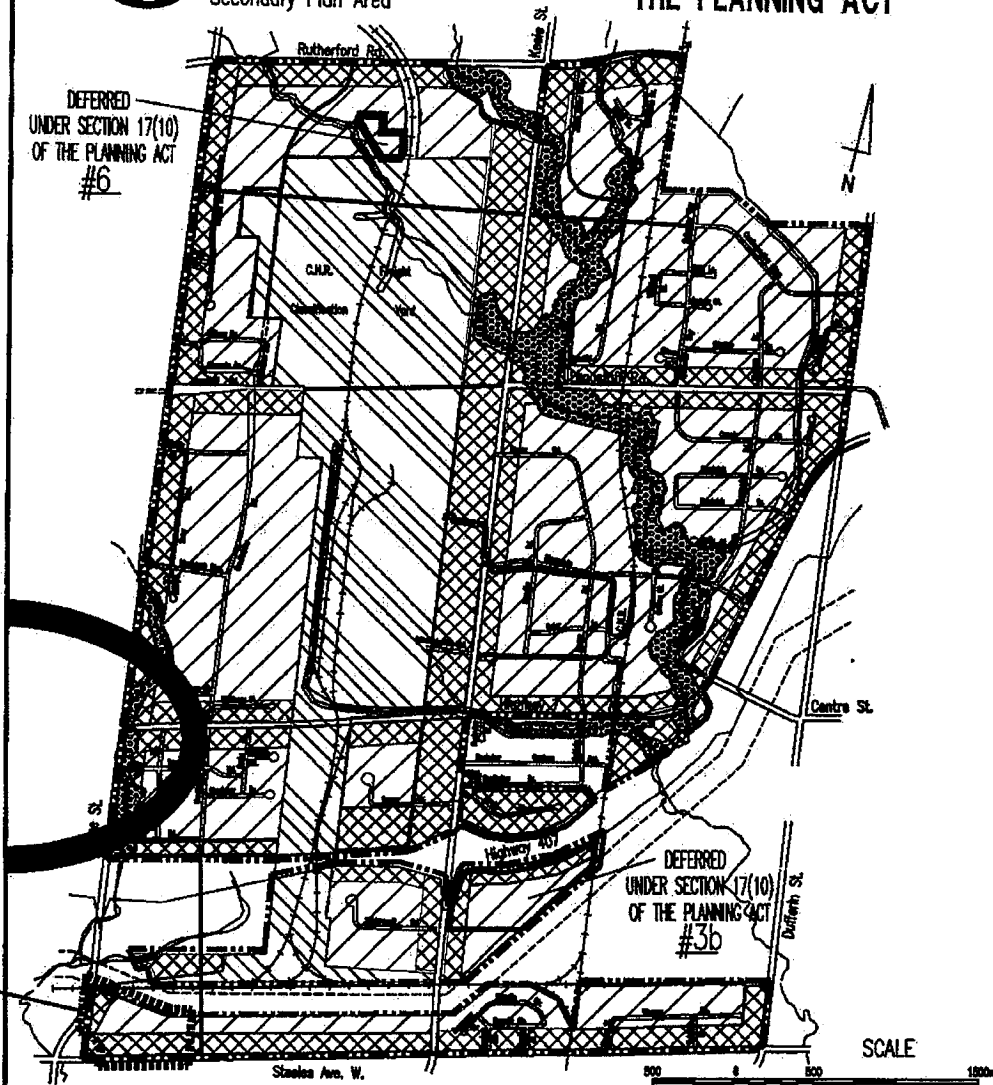
L.D. JACKSON

J.D. LEACH

REVISED FEBRUARY 26, 1996
AND MARCH 25, 1996

MODIFICATION
No. 31
UNDER SECTION 17(9) OF
THE PLANNING ACT

-  Amendment Area
-  Prestige Area
-  Employment Area General
-  Rail Facilities
-  Valley Lands (Valley Corridors)
-  Stream Corridors
-  Vaughan Corporate Centre
Secondary Plan Area



Subject Lands

Schedule 2C to OPA 450 (Employment Area Plan)

APPLICANT: 724352 ONTARIO LIMITED
C/O UPS CANADA LTD.

Part Lots 1 & 2,
Concession 4

City of
Vaughan

The City Above Toronto
Development Planning Department

Attachment

FILE No.: DA.05.070

March 27, 2007

5

This is Schedule 8C to OPA 450
 SUBJECT LANDS
 LOCATION: Part Lots 1 & 2, Concession 4

STATION SITE AND
 COMPUTER PARKING ACCESS
 REMAINING PARCELS

**THIS IS SCHEDULE '4C'
 TO OFFICIAL PLAN AMENDMENT NO. 529**

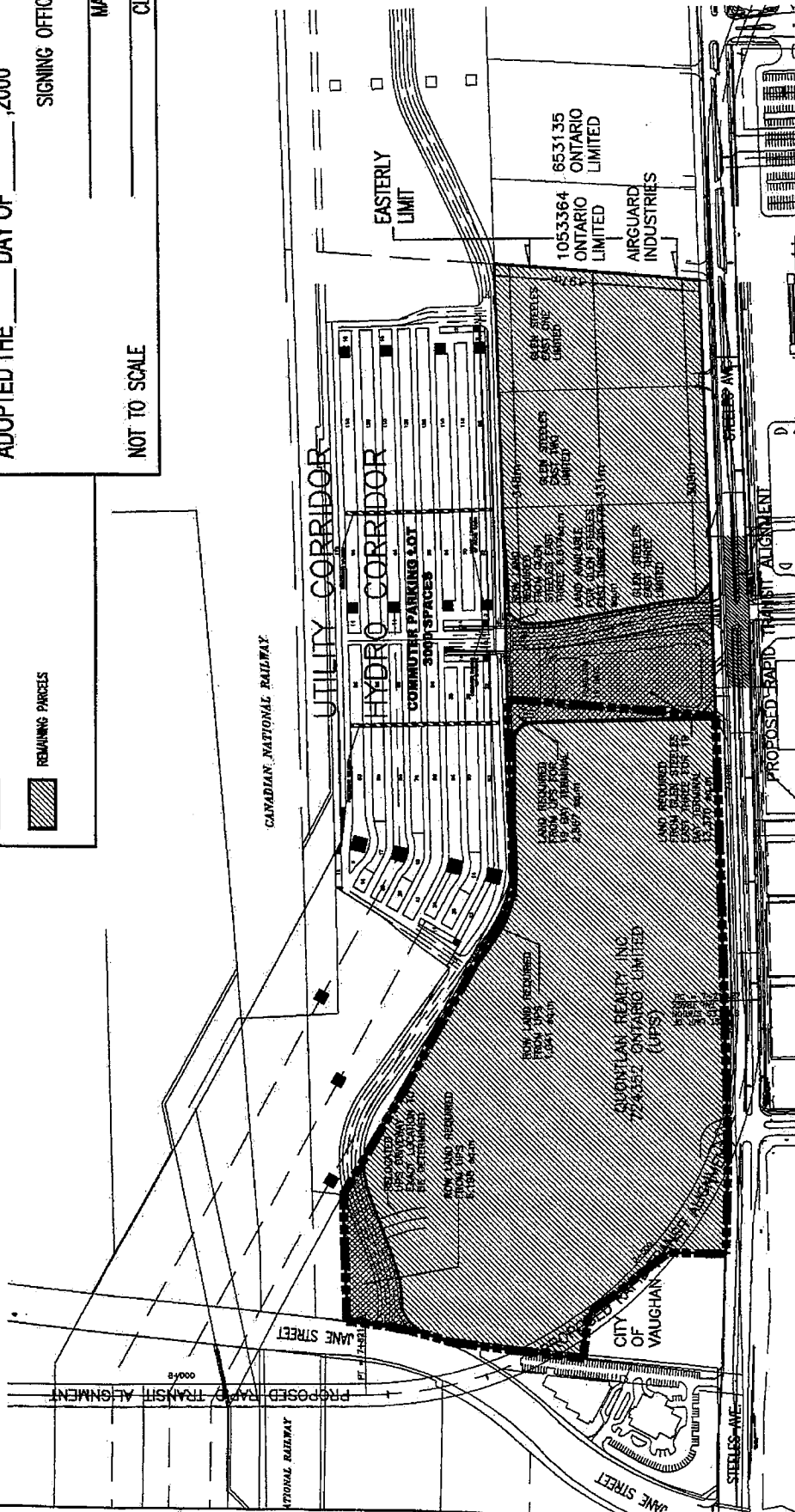
ADOPTED THE ___ DAY OF ___, 2000

SIGNING OFFICERS

MAYOR

CLERK

NOT TO SCALE



Subject Lands

**Schedule 4C to OPA 529
 (High Order Transit Plan)**

APPLICANT:
 724552 ONTARIO LIMITED C/O UFS CANADA LTD.
 Part Lots 1 & 2,
 Concession 4

RD/DT/1 - SCHEDULE 4C OPA/PH - 52446 - STEELERS.AVG



The City Above Toronto
 Development Planning Department

Attachment

FILE No.: DA.05.070

6

March 27, 2007

ATTACHMENT #7

CONDITIONS OF APPROVAL

**SITE DEVELOPMENT APPLICATION DA.05.070
724352 ONTARIO LIMITED C/O UPS CANADA LTD.
PART OF LOT 1, CONCESSION 4, CITY OF VAUGHAN**

1. **The conditions that shall be satisfied prior to the execution of the site plan agreement are as follows:**
 - a) That the applicant implement the stormwater management program as agreed to by the TRCA, based on the submission received by the TRCA on August 18, 2006 (Stormwater Management Report - DRAFT, prepared by TSH, dated August 2006) with revisions received October 30, 2006 and later amended by the submission received January 15, 2007 ('Third Submission' circulated by the City of Vaughan on January 5, 2007), to the satisfaction of the City of Vaughan and the TRCA. A final consolidated Stormwater Management Report must be submitted to the satisfaction of the City of Vaughan and the TRCA;
 - b) That the City of Vaughan confirms for the TRCA the acceptance of the stormwater management program, as described in Condition 1, which is located on municipal property;
 - c) That a clause be included in the site plan agreement indicating that the stormwater management program noted in Condition 1 is an interim measure, which is intended to only address the stormwater management issues associated with the proposed expansion of the UPS Canada Ltd. facility, until such time as completion and implementation of the Master Environmental Servicing Plan (MESP) for the OPA 620 planning area;
 - d) That the applicant agrees in the site plan agreement to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
 - e) That all landscape plans and landscape details be submitted to the satisfaction of the TRCA, including the replacement of the non-native species in the seed mix with native species;
 - f) That the site plan lighting layout be revised to the satisfaction of the TRCA in order to minimize lighting impacts to Black Creek Pioneer Village; and
 - g) That the applicant obtain a permit from the TRCA pursuant to Ontario Regulation 166/06 prior to commencing any works within an area regulated by the TRCA;
 - h) The applicant shall provide the City of Toronto with certification by the professional engineer who designed and supervised the construction that the storm water management facilities have been constructed in accordance with the final stormwater management report;
 - i) The Owner shall satisfy all requirements of the Region of York;
 - k) The Owner shall pay to the City of Vaughan \$570.00, in accordance with the Tariff of Fee for Planning Applications By-Law 89-2006, which is required for the processing of an appeal of a *Planning Act* application to the Ontario Municipal Board and shall satisfy all requirements of the City of Vaughan, financially and otherwise.

- l) The Owner shall provide on Landscape Plan dated December 2005, a stamp by the landscape architect licensed by the Ontario Association of Landscape Architects (O.A.L.A.);
- m) The Owner shall acknowledge Acer, Aesculus, Salix, Ulmus, Betula, Platanus, Celtis, Populus, and Sorbus geni are not to be used in an Asian Long Horn Beetle regulated area. (For further details of the Ministerial Order regarding Asian Long-horned Beetle infestation, please visit www.inspection.gc.ca);
- n) The Owner shall revise the storm pond facility drawings to include the following:
- Coniferous trees are to be provided along the Steeles Avenue West frontage- minimum 15 in total, in groups of three. In addition, low maintenance hardy shrubs are to be provided along this frontage;
 - All deciduous trees along the Steeles Avenue frontage shall be a minimum of 50mm caliper stock;
 - All high visibility evergreens along Steeles Avenue frontage shall be a minimum of 1800mm height stock;
 - Access road shall be comprised of turfstone, construction detail required in landscape drawings;
 - Removable/lockable bollards shall be provided for the storm pond maintenance access/road. Construction detail required on landscape drawings City Standard MLA 307;
 - Storm pond warning signage shall be provided along all frontages of the storm pond limits. Construction detail to be included in landscape drawing set (City Standard K-6);
- o) A landscape cost estimate shall be provided to the satisfaction of the City of Vaughan;
- p) The Owner shall submit an application to the Public Works Department for the proposed sanitary service connection of Steeles Avenue, to the satisfaction of the Public Works Department and the Engineering Department;

2. That the site plan agreement include the following clauses:

- q) The Owner shall convey to the City of Vaughan, a blanket easement over the subject land described as Part 1 on registered Plan 65R-5422 for the purpose of granting access to and from the subject land to inspect the storm sewer system during daylight hours and on reasonable notice to the Owner to ensure that the orifice plate controls are operating in accordance with the approved plans and specifications and are being maintained by Owner to the satisfaction of the City of Vaughan. The easement shall be conveyed at no cost and free of charge and encumbrances to the satisfaction of the City. Easement may provide for the inspecting personnel to be accompanied by the Owner's representatives to maintain the security of the Owner's facility;
- r) The owner shall agree to implement a regular inspection program of the on-site stormwater quantity control measures. Such inspection program shall include the completion of a log book for the purpose of documenting the activities undertaken by the Owner during each inspection, the observations made in terms of the condition of the on-site quantity control measures (more specifically but not limited to all tamper-resistant orifice plates) and the rectification measures required and completed to address any observed non-conformities with the approved on-site stormwater quantity control measures. The owner further agrees to make the log book available to City of Vaughan Engineering Department Staff for review within 48 hours of receipt of a written request from the City to review the log book;

- s) The Owner shall convey to the City of Vaughan, a non-exclusive easement over the portion of the Owner's lands, generally comprised of the existing and proposed driveways and paved surfaces including the site entrance off of Steeles Avenue and more specifically as shown on the approved plan SWM-1 and specifications for the purpose of providing the City of Vaughan with access to the City's existing storm water management facility. The Owner shall arrange to prepare and pay for registration of a reference plan for the conveyance of the required easement at no cost and free of charge and encumbrances to the satisfaction of the City. The Owner further agrees that the City of Vaughan will not be responsible for any damage to paved areas that may occur to the Owners land within the easement as a result of the City's normal use of the easement for access to and from the City's storm water management facility;
- t) The Owner shall retain the services of a qualified engineering consultant to certify, in writing, that the proposed on-site quantity control measures and the proposed off-site quality control retrofit works to the existing storm water management facility have been constructed in general conformance with the approved plans and specifications. A copy of the certificate shall be submitted to the City of Vaughan Engineering Department;
- u) The stormwater management proposal as prepared by Totten Sims Hubicki Associates and submitted in conjunction with the proposed expansion of the UPS site is acceptable to the City as an interim solution for stormwater quantity/quality control as required to service the current proposed UPS building expansion only. The City's current estimated construction cost (as provided by the City's Engineering Consultant, Sernas Associates) for these interim stormwater management works is \$300,000 inclusive of a 15% contingency allowance. The ultimate stormwater management strategy for the subject site shall conform to the outcome and final recommendations of the City's on-going OPA 620 Master Stormwater Management Strategy Study. As part of the Site Plan Agreement, financial securities shall be required for contribution by the Owner towards the ultimate SWM strategy for all OPA 620 lands. The required financial contribution by UPS shall be based on a cost per net developable area for all benefiting lands within the OPA 620 limits. The current estimated UPS expansion cost contribution towards the ultimate stormwater management works is \$350,000 (5ha x \$70,000/ha). Based on this estimate the required financial securities from UPS will be \$50,000 (\$350,000 less \$300,000), this is exclusive of land value costs as will be required to secure for additional stormwater management facilities. In addition, financial contribution towards land value costs shall be required by UPS. These costs shall be calculated based on current land values upon finalization by the City;
- v) Conditions a-g inclusive shall be cleared by the City of Vaughan in consultation with the Toronto and Region Conservation Authority;
- w) Condition h) shall be cleared by the City of Vaughan in consultation with the City of Toronto;
- x) Condition i) shall be cleared by the Region of York;
- y) Conditions k) – u) inclusive shall be cleared by the City of Vaughan.