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C21.
Communication
CW(PM) – November 1, 2023
Item No. 4

Dear Members of Council:

**Re: Submissions and Comments re: Draft #2 Weston 7 Secondary Plan,
Home Depot of Canada Inc.'s Lands – 140 Northview Blvd.**

We are the solicitors for Home Depot of Canada Inc., the owner of the land known municipally as 140 Northview Blvd. (the “**Home Depot Lands**”).

The Home Depot Lands are situated in the northeast quadrant of the Secondary Plan area on the north side of Northview Blvd., west of Weston Road and east to the north/south extension of Northview Blvd. MacNaughton, Hermsen, Britton, Clarkson Planning Limited (“**MHBC**”), filed comments on behalf of our client on September 12, 2023 with respect to Draft #1 of the Weston 7 Secondary Plan. We have now reviewed Draft #2 of the Secondary Plan.

Home Depot Will Continue Operations

The primary basis for most of Home Depot’s concerns is Home Depot’s intention of remaining at this site until its goods are no longer needed in the area. Home Depot’s products and services are particularly supportive of new residents, moving into their new homes. Home Depot may remain in this location as an integral part of the neighbourhood for decades.

As the Secondary Plan area is built out over this period, Home Depot expects that it will adapt to changes in what new residents want and how those products or services are delivered. Its products and the manner in which those goods and services are provided is likely to change. Separate buildings, pad or out-parcel facilities may be needed and, other retailing models may develop in the decades to come.

This leads to three primary concerns with the Secondary Plan. Firstly, there must be appropriate policies to ensure compatibility with the existing Home Depot store prior to the introduction of sensitive uses like residential development. Secondly, the policies should allow Home Depot’s existing use to respond to the needs of the developing neighbourhoods in the

Secondary Plan area. Thirdly, the Secondary Plan cannot rely upon the Home Depot lands providing community infrastructure.

Remaining Concerns

Home Depot wishes to thank the City for the modifications in Draft #2 which recognize the need for phasing and the explicit recognition of existing uses and outdoor storage. Your responses to those issues raised by MHBC address the third concern to a significant extent, but Home Depot's remaining concerns lead to the following comments and suggestions for the Secondary Plan:

1. Compatibility

Policy 4.1.3 of the Secondary Plan is designed to address sensitive land uses and the impacts of large scale commercial operations like Home Depot's, which will have a negative impact on any new sensitive land uses, including residential uses. Perhaps because it was unknown to the City that Home Depot has no intention of redeveloping its lands for residential purposes, those policies are not appropriately protective of either the new residents or Home Depot's operations.

Applications are only required to "have regard for potential noise, vibration, air pollution impacts from existing uses" (emphasis added). Similarly, the requirement for applications to include a Land Use Compatibility Study only requires them to "identify appropriate measures to mitigate adverse impacts" (emphasis added). Those two terms/words are inadequate in Home Depot's view.

Policy 4.1.3 should clearly allow development of residential and other sensitive land uses to proceed only if the applicant can demonstrate and ensure compatibility. Furthermore, applicants must be required to do more than identify the appropriate measures to mitigate adverse impacts. The required measures to mitigate adverse impacts must be secured and implemented to ensure no adverse impacts on those sensitive lands uses before that development can be approved. We suggest the following:

4.1.3

a) Applications for residential development and other sensitive land uses within WESTON7 must demonstrate that there will be no negative impacts from potential noise, vibration and air pollution impacts from existing uses, major streets and transportation infrastructure – such as from Highways 400 and 407. Where appropriate, applications for residential and other sensitive land uses shall include a Land Use Compatibility Study to ensure measures to mitigate adverse impacts are secured and implemented prior to any Planning Act approvals for any such development. Such a study shall be completed for residential development and sensitive land uses to the satisfaction of the City and in consultation with other agencies as required.

2. Existing Uses



Home Depot wishes to thank the City for the amendments to Policy 8.1.5. The recognition of the fact that legally existing land uses may continue and be extended is a very good start. We would make the following additional suggestions to improve this policy.

8.1.5

- a) Land uses which legally existed as of the date of adoption of this Plan **shall** be recognized by an appropriate zoning category in the Zoning By-law and extensions to existing uses/buildings and/or construction of new accessory buildings **or new buildings for the existing use** may be permitted...

Home Depot would also be open to a more site-specific approach.

3. **Parks**

Schedule 1 of the Secondary Plan places a park symbol on the Home Depot Lands, which Schedule 3 identifies as consisting of both an Urban Square and a Promenade. The Plan currently provides that the Urban Square would be located where the existing Home Depot building already exists.

The Home Depot Lands should not be relied upon to service the Secondary Plan area's needs. Home Depot has no intention of redeveloping its lands now. Unlike the other lands in the Secondary Plan, which will likely proceed quickly to redevelopment, it may be decades before there is even a chance of the Home Depot Lands becoming available for this community purpose. From a timing perspective alone, these needed park and recreational facilities will not be available when needed by new residents. The Urban Park System, characterized in Policy 6.2.1(a) as a "key component of the Pedestrian Realm Network, the Urban Park System", will not be, therefore, available or implemented for residents when they move in.

The Promenade, shown in Schedule 3 on the southern portion of the Home Depot Lands, should be relocated to the south side of Northview Boulevard. That would allow the Promenade to be available once the redevelopment of the lands on the south side of Northview Boulevard occurs. We note that development applications have already been submitted for those lands to the south.

A Promenade on the south side of Northview Boulevard will secure the desired additional width for the public sidewalk system immediately and enable plazas or forecourts to be established for any development on those lands. The desirable park, connectivity, streetscape and urban design elements should be implemented with and by the first (and more certain to proceed) redevelopment fronting on Northview Boulevard.

The Urban Square identified for the western portion of the Home Depot Lands will similarly be unavailable if Home Depot does not tear down its building.

Furthermore, an Urban Square on the Home Depot Lands will not satisfy Policy 6.2.2(b)(iii)'s criteria of active frontages on adjacent built-forms. Residential



development abutting the Home Depot Lands is already proposed by Wedgewood Columbus Limited for 7887 Weston Road (and subject to appeals to the Ontario Land Tribunal) to the west of the Plan's proposed Urban Square. The proposed Urban Square location is precisely where Home Depot's loading docks and other noise generating activities are now located. It is almost certain that the Wedgewood Columbus Limited (7887 Weston Road) will be required to orient its active outdoor amenity areas away from those existing Home Depot loading docks to avoid adverse impacts. An Urban Square on the Home Depot Lands would not integrate with or otherwise augment any adjacent built-forms or outdoor amenity areas.

Home Depot's suggestion is that the Urban Square be relocated onto the south side of Northview Boulevard. That would allow the Urban Square to be established at the same time as the residents of those lands move in. The park would be available quickly, for all of the new residents of the Secondary Plan area.

The development on the south side of Northview Boulevard could also be designed to appropriately interface with that Urban Square and provide the active frontages the Secondary Plan demands. An Urban Square in that location would also provide connection to a Promenade on the south side of Northview Blvd. and potentially allow for pedestrian connections to Highway 7.

4. **Internal Roads**

Schedules 1 and 3 suggest a number of streets should be located within the Home Depot Lands. Indeed, they are proposed to run right through the existing Home Depot building. Given the other policies in the Secondary Plan, there is almost zero likelihood that Home Depot would (or could) ever demolish and rebuild that building elsewhere on its site. It is Home Depot's view that those internal streets are not required, and that private driveways will provide greater flexibility and are sufficient for the Home Depot Lands.

More importantly, given the expected delay of decades between the coming into force of the Secondary Plan and any chance of Home Depot redeveloping its lands in a way that would allow those roads to come into existence, those planned roads would not be available to provide the transportation infrastructure for this northeast quadrant of the Secondary Plan as it builds-out in the medium or even longer term. If those roads are needed for the rest of the quadrant to function, the balance of the quadrant would be unable to redevelop until Home Depot chooses to demolish its building and cease operations.

Our client therefore requests the deletion of those roads on the Home Depot Lands in Schedules 1 and 3.

Instead, we suggest the Secondary Plan should consider Active Transportation Links on the Home Depot lands in place of public roads.

5. **Elementary School**



Draft #2 of the Secondary Plan introduces, for the first time, an elementary school (ES) symbol in Schedule 1 on the northern portion of the Home Depot Lands.

Given Home Depot's intentions for its lands, this will result in no elementary school site being secured in time to service the new residents of the area. A new and alternative location for an elementary school site should be sought elsewhere within the Secondary Plan area. We note that an elementary school is currently contemplated for the southeast quadrant. It would make sense for the schools to be distributed as evenly throughout the Secondary Plan as possible. So perhaps the school site symbol should be relocated to the northwest quadrant.

6. Height Limits

As discussed in the MHBC letter, the Secondary Plan's approach of establishing maximum height limits in Schedule 2 is not justified. This is particularly so on the Home Depot Lands.

Height should be determined through consideration of firstly, the minimum densities that the Secondary Plan establishes and then secondarily, analysis of compatibility with adjacent land uses, buildings and operations. There is no basis for decreasing maximum heights based upon proximity to the commercial or industrial operations to the north. Reduced height does not mitigate any potential incompatibility with those uses. Rather, additional height increases opportunities for addressing compatibility issues. For example, with increased height, there are better opportunities for rooftop outdoor amenity spaces, which are not only further away from any noise or other air emissions from the commercial and/or industrial activities but allow for different mitigation strategies like screening. The additional density and height likely also allows for the economic use of noise buffer balconies if necessary.

Our client's view is that the entirety of the Home Depot Lands should be shown in Schedule 2 as being within the "High-Rise 2 - 19+ storeys" area. Alternatively, as MHBC's early correspondence also suggested, Schedule 2 could be deleted in its entirety.

Summary

Home Depot would ask that the Secondary Plan be modified as discussed in this letter. It would be pleased to meet with planning staff to discuss these or other modifications, including the use of site-specific approaches if that is desired by the City.

We would ask that you consider this letter and the MHBC to be written submissions referenced in Section 17(24) of the *Planning Act*.

Furthermore, would you please provide us and Home Depot with notice of any further publications, communications or reports related to the Secondary Plan, any *Planning Act* applications made within the Secondary Plan area, any meetings in which consideration of the Secondary Plan and/or development applications for the lands are considered and any committee or Council decisions related thereto. Would you please provide the notice to the following so that Home Depot can provide additional comments as appropriate?



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Attention: Suzanne Russo – Senior Corporate Counsel

We look forward to hearing further from you.

Yours very truly,

MILLER THOMSON LLP

Per:



David Tang
Partner
DT/ac

