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C10.

Communication

CW(PM) – June 4, 2025

Item No. 10

Attention: Weston and Highway 7 Secondary Plan Project Team

**Re: Submissions and Comments on Draft #5 Weston 7 Secondary Plan
Home Depot of Canada Inc.'s Lands - 140 Northview Boulevard**

We are the solicitors for Home Depot of Canada Inc. (“**Home Depot**”), the owner of 140 Northview Boulevard, in the City of Vaughan, on which a warehouse-format retail facility is located (“**Home Depot Lands**”). The Home Depot Lands are located within the Weston 7 Secondary Plan (“**W7SP**”) area boundary, situated between Chrislea Road to the north, Northview Boulevard to the south, between Weston Road to the west and Northview Boulevard to the east.

We wanted to start with a reminder that it is Home Depot’s intention to continue operating its store at the Home Depot Lands. Its ownership of the property ensures it can continue providing home improvement goods and services to all of the new residents of the W7SP lands, through to and beyond W7SP’s timeframe and 2051 build-out date. That intention lies behind our client’s comments, along with a strong desire to ensure that Home Depot can remain supportive of and serve the new development and residents contemplated by W7SP, particularly as new residents move in and have the most need for Home Depot.

PRIOR COMMENTS TO W7SP DRAFTS

On behalf of Home Depot, MacNaughton Hermesen Britton Clarkson Planning Ltd. (“**MHBC**”) and Miller Thomson LLP provided submissions regarding the first three drafts of the W7SP. A summary of those comments on the first 3 drafts (dated September 2023, October 2023 and October 2024) are attached to this letter as **Appendix 1**. This submission letter, prepared with the assistance of SGL Planning and Design Inc. supplements the previous submissions and provides Home Depot’s comments regarding the revised Draft #5 of W7SP.

DRAFT #5 COMMENTS

Home Depot wishes to thank the City for their time and effort towards the proposed Secondary Plan. A series of modifications have been made, even in this last Draft #5, that are responsive

to our client's previous comments. Home Depot is very much appreciative of Planning staff's attempts to seriously address its concerns.

The following are the remaining Home Depot comments on Draft #5 of the Weston 7 Secondary Plan ("W7SP").

1. Compatibility As Gating Issue

Proposed policy 3.6 in the W7SP is intended to ensure any new development and/or redevelopment of lands within the secondary plan area is compatible with the existing and planned community context, including the lands adjacent to the secondary plan area in terms of height, massing, orientation, landscaping, streetscape, and lotting among others.

Policy 3.6 should require a stronger emphasis on prescreening developments and/or redevelopments for compatibility with existing uses such as Home Depot's which have demonstrably greater impact on sensitive uses than other commercial uses contemplated for the W7SP area.

Home Depot's suggestion is designed to provide clearer procedural emphasis on compatibility to shape how applications for sensitive uses are assessed at the front end. Home Depot's view is that compatibility between its operations, which will be there for many years/decades, should be a fundamental gating issue or preliminary consideration. If compatibility cannot be assured, there is little value in proceeding to consider other issues which may have other solutions, whether those be access or built form. Policy 3.6 should more clearly highlight that compatibility is a key issue to be demonstrated with the following modification:

3.6

- a) All development within WESTON 7 must demonstrate compatibility shall be compatible with the existing and planned community context, including the existing context of lands adjacent to WESTON 7. Built-form will be the key determining factor for the types of development permitted. The concept and definition of compatible development is intended to ensure that all new development enhances the image, livability and character of WESTON 7 as it evolves over time. Compatible development shall be considered in the evaluation of all development proposals throughout WESTON 7. The following shall be considered when evaluating the compatibility of development proposals...

2. Sensitive Land Use Compatibility

The deletion in Draft #5 of the words "non-residential and major streets" in Policy 4.1.4(b) and replacement with the new concept "major facilities" is potentially the most problematic change in that new Draft #5. That Policy required consideration of compatibility between new development and existing facilities which have potential for being incompatible with a new sensitive use, studying the situation and ensuring any necessary mitigation is both identified and implemented. If a warehouse format



retail facility like a Home Depot store is not clearly identified as a major facility, the issue of compatibility may not be identified as requiring study. The original wording did that. The Provincial Policy Statement, 2024's definition of a major facility is too ambiguous and circular to provide guidance:

Major facilities: means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

WESTON 7 should identify that a warehouse format retail facility is a major facility and/or "may require separation from sensitive land uses" to ensure any nearby development proposal considers their impacts in a Land Use Compatibility Study and/or Impact Feasibility Study.

One suggestion is for a new stand-alone provision (at the end of 4.1.4) to simply state that: "**A warehouse format retail facility is deemed to be a major facility for the purposes of Policy 4.1.4. b).**"

The other option is to integrate that into Policy 4.1.4. b) as set out below.

We would be prepared to discuss other ways that could be implemented, for example by referencing a minimum floor area.

Furthermore, Policy 4.1.4 only requires an application to "identify" mitigation measures. Identification of a solution is not the same as ensuring or requiring the solution to be implemented properly so the adverse impacts are reduced to an acceptable level. For example, the identified solution may be impractical, outrageously expensive or may require cooperation from third parties (including the source of the noise, odour or vibration) that cannot be obtained. The policy should therefore emphasize more than "identification". Instead, it should "ensure" the required mitigation measures are secured and implemented before development can proceed.

4.1.4

- a) Proposals for any form of development in proximity to an existing and/or planned/approved land use within WESTON 7 shall have regard for potential adverse impacts.
- b) Proposals for residential development and/or other sensitive land uses in proximity to existing industry and other existing major facilities **(including warehouse retail facilities)** and transportation infrastructure - particularly proximity to Highways 400 and 407 - shall demonstrate compatibility through the preparation of a Land Use Compatibility Study and/or Impact Feasibility Study to avoid, and when avoiding is not possible, **identify ensure appropriate measures to mitigate adverse impacts are secured and implemented prior to any development or**



redevelopment. Such a study shall be completed in accordance with relevant Ministry of Environment, Conservation and Parks guidelines, in accordance with the VOP, to the satisfaction of the City and in consultation with other agencies, as required and should be peer reviewed at the proponent's cost.

Any recommended on-site and off-site mitigation measures identified in the Land Use Compatibility Study shall be implemented by the applicant at their expense. Further, through the development approvals the city may require the applicant to satisfy the following:

- i. The inclusion of any necessary conditions of Draft Plan or Site Plan Approval that implements the recommendations of the Land Use Compatibility Study;
 - ii. The inclusion of any necessary provisions in the Site Plan Agreement that certifies that the building plans implement the recommendations of the Land Use Compatibility Study prior to building permit issuance; and
 - iii. The inclusion of any recommended warning clauses with respect to the potential impact of Environmental Noise, Air Quality and Hazards be included in the Draft Plan of Subdivision Agreements, Site Plan Agreements, Condominium Agreements and Purchase and Sales Agreements.
- c) With specific reference to the impacts of noise and vibration, proposals for the development of residential and/or other noise sensitive land uses shall have regard for potential noise and vibration impacts from existing industry and other existing non-residential uses, major streets and transportation infrastructure within and in proximity to WESTON 7. Such proposals shall include a noise and vibration study to the satisfaction of the City and in accordance with the Ministry of Environment, Conservation and Parks Land Use and Compatibility Guidelines in order to:
- i. ~~Identify~~ Ensure any appropriate measures to mitigate adverse impacts from the source of noise and/or vibration are secured and implemented prior to any development or redevelopment; and
 - ii. Ensure noise compliance for adjacent regulated industries is maintained.

3. Existing Use Policies

The amendments to Policy 4.1.3 in Draft #5 trigger the need to consider how the policies that recognize the continuing need for Home Depot stores to evolve will be carried through in Weston 7 and in Vaughan Plan 2025. Policy 13.31.1 of the 2010 Vaughan Official Plan recognizes that the Home Depot use will be continue and needs to respond to the needs of its customers. Our client suggests that the policies in Policies 13.31.1.2 and 13.31.1.3



be carried forward on a site specific basis, as follows:

On the lands identified on Map XXXX:

- a. expansions or extensions of existing uses; and,
- b. the development of additional commercial buildings with a maximum height of two storeys only on the lands not occupied by a building as of the time of adoption of this Plan.

The development permitted shall be in accordance with the following:

- a. Notwithstanding any other Policy, *retail* uses may exceed 50% of the total gross floor area of all uses on the lot.
- b. Notwithstanding any other Policy, low-rise buildings are permitted on the lands identified on Map XXXX.

4. Schedule 1 – Land Use Designations

The proposed Mixed Use II area (found in Schedule 1) for the Home Depot lands represents an artificial allocation of what lands to that designation that fails to adequately consider alignment with the northern boundaries of adjacent Mixed Use II areas and for no apparent reason fails to keep that designation contiguous along the Northview Boulevard frontage.

The Mixed Use II designation on Schedule 1 should include the entire area between the Home Depot Lands' western boundary with the lands now owned by Wedgewood Columbus Limited ('**Wedgewood**') to its eastern boundary with the northerly extension of Northview Boulevard, and it should be as deep, in its north-south dimension as the Mixed Use II area on the Wedgewood lands.

Comment 6 below explains why the identification of the Park on the south/west corner of the Home Depot land are inappropriate given the uncertainty about when (if ever) those Parks can be provided to new residents given Home Depot's multi-decade intentions for these lands. As a result, the entire southern frontage of the Home Depot Lands should therefore be designated Mixed Use II to the same depth as the Wedgewood lands to the west as previously shown on **Draft #4**.

We recognize that this is not the approach the City took on the south side of Northview Boulevard at the very eastern edge of those lands. Home Depot's proposal would not result in eastern edge of the Mixed Use II block lining up linearly with the Mixed-Use II block on the south side of Northview Boulevard. There is no inconsistency with the planning principles behind that designation however. It is clear that the Mixed-Use II block on the south side of Northview Boulevard is constrained on its east side by how the Colossus Drive extension north of Highway 7 swings past those lands. The Colossus Drive Extension is located further west while it is south of Northview Boulevard. We



assume your staff concluded that there was not enough room for a reasonably sized Mixed Use II block between the Colossus Drive extension and Northview Boulevard in that location. On the Home Depot Lands, Northview Boulevard itself is the natural and appropriate eastern boundary of this designation and there remains significant room between that Mixed Use II area and Highway 400.

The following Figure 1 is that portion of the revised Schedule 1 showing the natural proposed alignment of the Mixed Use II area.



Figure 1: Proposed Changes to Schedule 1 – Weston 7 Land Use Designations

5. Building Heights in Schedule 2

There is a mismatch between the building height mapping and the land use designation mapping in Schedule 1 and Schedule 2 of Draft #5. The building height boundaries on the Home Depot's lands in Schedule 2 should match the delineation of land use designations in Schedule 1. More specifically, the area labelled High Rise II in Schedule 2 should be the same as the area designated Mixed Use II in Schedule 1 (as modified pursuant to our comments in Comment 4). There is no rationale for the height limits to decrease because the distance between the northerly limit of these Mixed Use II areas and the Employment Commercial Mixed-Uses north of Chrislea Road remains the same in an east/west direction. That distance, which should be the same as implemented on the Wedgewood lands, provides an appropriate transition between residential development at these heights and those Employment Commercial uses to the north. That principle was not challenged as part of the hearing resulting in the recent Ontario



Land Tribunal decision for the Wedgewood development applications in OLT-22-004652 (leave to appeal sought on different grounds).

Additionally, based on comment 6 below, once the proposed Park is removed from the Home Depot Lands, the building heights in that location should be consistent with the adjacent High-Rise II heights to the east and west as proposed in **Figure 2** below.

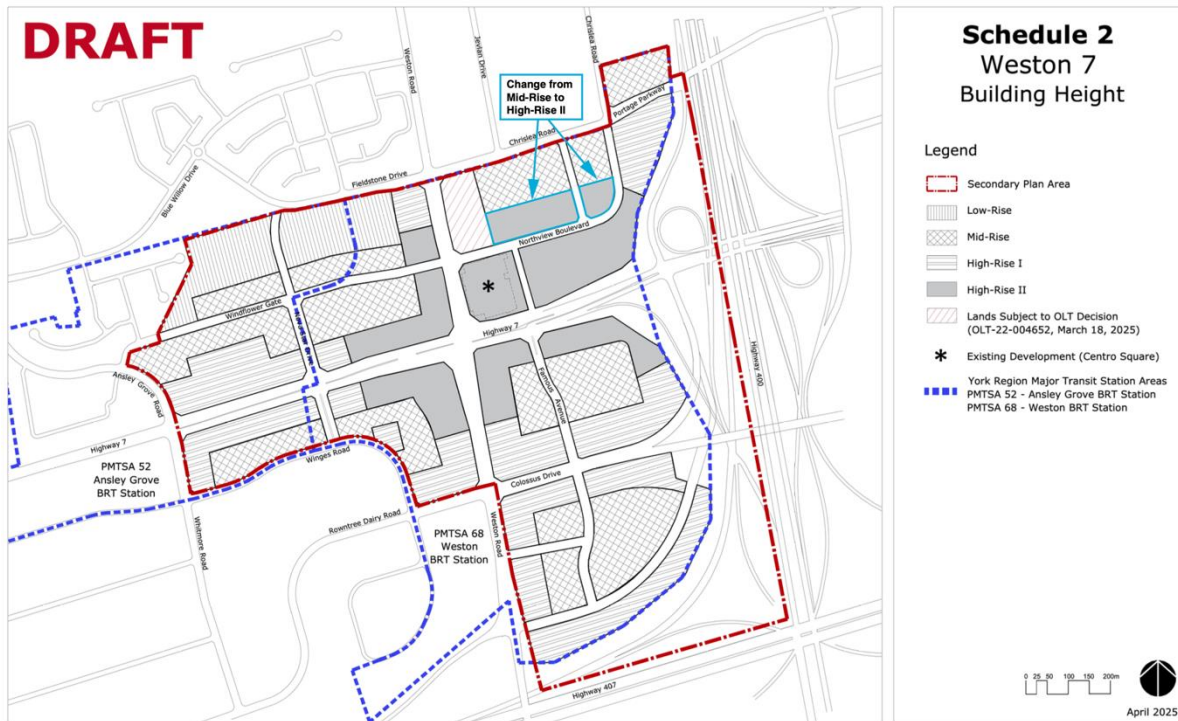


Figure 2: Proposed Changes to Schedule 2 – Weston 7 Building Height

6. Identification of Parks

Unfortunately, despite Home Depot's earlier comments on the identification of proposed Parks on the Home Depot Lands in Schedule 1 – Land Use Designations, a proposed Park remains in Draft #5.

W7SP emphasizes the crucial importance of providing 10.0 hectares of parkland in Weston 7 as it will, "serve as the core of the parks system and shall not be substituted by other forms of open space" (Policy 6.2.a). It is clear that these Parks are necessary to accommodate the future population growth expected for Weston 7. As mentioned several times already, Home Depot has no intention of abandoning its store and redeveloping its land at this time. Identifying a Park on Home Depot lands which cannot serve that function for potentially decades, while new residents move into the W7SP area will mean needed Park land will not be provided on lands where new residential development is more likely to occur in the short and medium term. Those new residents will be deprived of the necessary park space W7SP itself recognizes as being crucial.



Our client's suggestion is as follows:

The Park on the south side of Northview Boulevard be deleted and the Park on the north east of Northview Boulevard closest to Weston Road on the Home Depot Lands be relocated to the south side of the road to provide for more balanced park coverage for the Secondary Plan. Please refer to **Figure 3** for the changes. That creates a more centrally located Park that will provide park amenity for the existing residential development located at 7777 Weston Road (northeast corner of Weston 7 and Highway 7). Figure 4 shows the final suggested Schedule 3.



Figure 3: Proposed Changes to Schedule 3 – Weston 7 Pedestrian Realm Network





Figure 4: Modified Schedule 3 – Weston 7 Pedestrian Realm Network

There are a number of additional reasons these modifications represent good planning. Relocating that Park on the south side of Northview Boulevard will also provide greater separation between new sensitive residential development which may be constructed on the south side of Northview Boulevard and Home Depot's loading docks, garden centre activity, truck traffic and truck entrance on the south side of the Home Depot Lands. The extra separation distance provided by the relocated Park will help mitigate noise and other impacts from Home Depot, making it more likely that sensitive residential development will be feasible while Home Depot continues to operate.

Additionally, the proposed location of the Park in Draft #5 is too close to the other Park just north across Northview Boulevard and thus contributes very little to park accessibility in the Secondary Plan Area.

7. Provision of Elementary School

Home Depot continues to be concerned about the identification of an Elementary School site on the Home Depot Lands given its intention continuing to operate its store even as the balance of the W7SP welcomes new residents.

There can be no question that an Elementary School is a crucial public facility that needs to serve the forecasted 16,000 future residents. No provision for schools west of Weston Road has been made at all. As such, W7SP should not rely on Home Depot's Lands to provide for such an amenity when it has no intention of



redevelopment in conjunction with the W7SP.

Not only is the timing problematic; the location appears to be ill-conceived given where most of the new residents will live.

Policy 2.2 d.'s Table 1 makes it clear the North-West Quadrant of Weston 7 is expected to generate more new residents (4,316) than the North-East Quadrant (3,421). If the Elementary School site remains in the North-East Quadrant on the Home Depot Lands, that means more young children will have to travel farther to school and cross Weston Road to get to school than if the Elementary School is to be located in the North-West Quadrant. To make things even worse than Table 1 would indicate, the ultimate North-East Quadrant population would only be fully achieved if and when the Home Depot Lands are redeveloped for residential uses. For many years, potentially decades, it is likely the number of young children traveling further to attend school in another quadrant could be double those served within their own quadrant.

As such, an Elementary School site should be identified in the North-West Quadrant in Schedules 1 and 3 where an Elementary School will be able to serve the families as soon as possible as the area redevelops

8. Permitting Stand-Alone Residential Buildings

Section 5.2.3.b and 5.3.3.b permit stand-alone non-residential buildings, but absolutely prohibit stand-alone residential buildings. The intent is obviously to ensure mixed-use development with an appropriate mix of at-grade, non-residential uses line the public roads within the secondary plan area.

The Home Depot Lands are very deep, as evidenced by the proposed dual designation of those lands into two land use designations. It is highly likely that future development of the site would need to include buildings that do not have frontage on a public street, where retail and other non-residential uses are encouraged. As a result, Home Depot suggests that stand-alone residential buildings should be permitted if they do not front on public streets, and that the minimum requirement for non-residential Gross Floor Area is limited to buildings fronting onto Weston Road, Highway 7, Nova Star Drive, Windflower Gate, Northview Boulevard, Famous Avenue, or Colossus Drive.

We suggest the following specific changes:

5.2.3

- b) Stand-alone, non-residential and stand-alone residential buildings are permitted within the Mixed-Use I designation. Stand-alone residential buildings are permitted only where a building does not have frontage on Weston Road, Highway 7, Nova Star Drive, Windflower Gate, Northview Boulevard, Famous Avenue, or Colossus Drive prohibited. All development applications within the Mixed-Use I designation shall include a minimum of 15% of its Gross Floor Area as non-residential land uses, except as set out in this policy.



5.3.3

b) Stand-alone, non-residential and stand-alone residential buildings are permitted within the Mixed-Use II designation. Stand-alone residential buildings are permitted only where a building does not have frontage on Weston Road, Highway 7, Nova Star Drive, Windflower Gate, Northview Boulevard, Famous Avenue, or Colossus Drive prohibited. All development applications within the Mixed-Use II designation shall include a minimum of 20% of its Gross Floor Area as non-residential land uses, except as set out in this policy.

9. Location of Non-Residential Uses in the Mixed-Use II designation

Section 5.3.3.c requires within the Mixed-Use II designation a minimum of 75% of ground floor gross floor area be non-residential uses respectively.

Similar to the comments made in the previous section, the policies should be reworded to apply that requirement only where there is frontage of significant public roads.

- b) Where residential development is proposed within the Mixed-Use II designation, and has frontage on Weston Road, Highway 7, Nova Star Drive, Windflower Gate, Northview Boulevard, Famous Avenue, or Colossus Drive, it is a requirement of this Plan that no dwelling units be permitted at-grade and a minimum of 75% of the ground floor Gross Floor Area be occupied by non-residential uses to the satisfaction of the City. For the purposes of this Plan, Live-Work units are to be considered as non-residential uses. All development shall incorporate a minimum floor to ceiling height of the ground floor of at least 4.25 metres.

11. Reliance Upon Local Road Alignments Shown

While we recognize that the location and alignment of the Road Network identified in the Schedules are conceptual and that local road locations and alignments are to be determined through the development approval process, Home Depot wishes to reiterate that they have no intentions of redeveloping their lands at this time and so, local roads proposed on the Home Depot Lands should not be relied upon to provide any required connectivity from Jevlan Drive, through Northview Boulevard to Highway 7. Nor should the W7SP rely upon, in any way any public road bisecting the Home Depot Lands north-south between Chrislea Road and Northview Boulevard.

CONCLUSION

Home Depot would be pleased to have discussions with the Planning staff to find a comprehensive resolution to its concerns and would invite any questions. Should additional concerns be identified, Home Depot reserves its right to revise or provide additional commentary on the W7SP.



We respectfully submit the above and request that Home Depot, through its counsel, be notified of any matters related to the W7SP. Home Depot requests notification of any modification to the W7SP, to be included in all public communications on this matter and be provided notice of all City of Vaughan decisions and meetings, and any appeals with respect to the W7SP.

We thank you for your consideration of the above. Should you wish to discuss or require further information with respect to the above, please do not hesitate to contact the undersigned or, in his absence, please contact David Riley, Principal at SGL, at driley@sglplanning.ca or 416.898.4996.

Yours very truly,

MILLER THOMSON LLP

Per:



David Tang
Partner
DT/ac

- c. David Riley, SGL
Lina Alhabash, City of Vaughan
Fausto Filipetto, City of Vaughan



Appendix 1 – Summary of Previous Comments

Draft #1 Submissions:

1. *Existing Uses:* The Plan should provide for policies that allow for a gradual transition from existing built form, to an intermediate built form to the full objective of high-rise developments. Policy 8.1.9 should also be revised to state that existing buildings may be expanded as a permitted, stand-alone non-residential use rather than just accessory buildings.
2. *Built-form:* The policies should permit for the continuation of low-rise built form.
3. *Housing Options:* The Plan focuses on the term “attainable housing”, a term not yet in use, whereas “assisted housing” is generally referred to in Ontario as public sector-funded social housing.
4. *New Local Roads:* The proposed new roads in Schedule 4 disrupt existing development patterns and limit alternative solutions like pedestrian trails.
5. *Building Heights:* Schedule 2 should be deleted as building heights should not be guided through mapping, but rather through the achievement of minimum density targets and policy texts of built form.
6. *Park Space:* The policy text should provide better direction on the intended park space outcomes envisioned by the Plan. The City should rethink the existence of the parks and roadways shown on the Home Depot Lands.
7. *Land Uses Prohibited in all Land Use Designations:* Outdoor storage areas should not be prohibited for existing commercial establishments and should remain permitted in support of functioning commercial enterprises.

Draft #2 Submissions:

1. *Compatibility:* Policy 4.1.3 should allow development of sensitive and residential land uses to only proceed if the applicant can demonstrate and ensure compatibility. Further, the applicants must be required to secure and implement measures to mitigate adverse impacts on sensitive land uses before development can be approved.
2. *Existing Uses:* Policy 8.1.5 should be amended to include language that allows construction of new buildings for existing uses to be permitted.
3. *Park Space:* The Promenade and Urban Square shown in Schedule 3 on the southern part of the Home Depot Lands should be moved to the south side of Northview Boulevard.
4. *Internal Roads:* The roads shown on the Home Depot Lands in Schedules 1 and 3 should be removed, as they cut through the existing Home Depot Lands, and it's unlikely that Home Depot will redevelop the lands in a way that would make these roads feasible.



5. *Elementary School:* The elementary school site should be relocated elsewhere from the northern portion of the Home Depot Lands.
6. *Height Limits:* The Plan's use of maximum height limits in Schedule 2 is unjustified, as height should be based on minimum densities and compatibility with surrounding land uses. Either Schedule 2 should be deleted in its entirety or the Home Depot Lands should be shown in Schedule 2 as being within the "High-Rise 2-19+ storeys" area.

Draft #3 Submissions:

1. *Existing Uses:* The new section 4.1.3 on existing land uses has helped alleviate our prior concerns with respect to the continuation of current commercial uses.
2. *Built-Form:* The new section 4.1.3 has also helped recognize and support Home Depot's low rise built-form.
3. *Park Space:* As previously commented on in our Draft 2 Submissions, the Urban Square and Promenade designations on the Home Depot Lands as shown on Schedule 3 should be removed, and the Urban Square on the southern portion of the Northview Lands should be relocated westward.
4. *New Local Roads:* Policy 7.1.3.k should be amended to allow for the use of private roads. A policy that allows for a street layout to provide a safer pathway system for active transportation should be included.
5. *Landowner Agreement and Capacity Allocation Program:* Landowner agreements should be limited to smaller geographical areas rather than for the entire Plan area.
6. *Building Height:* There are concerns with respect to Home Depot's rooftop tenant's compatibility with the permitted developments of High-Rise buildings next to the Home Depot Lands.
7. *Schools:* As previously commented on in our Draft 2 submissions, the school shown on Home Depot's property should be removed and relocated, at minimum, to the west side of Weston Road to ensure an equitable and fair distribution of schools throughout the area.

