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SENT VIA EMAIL (clerks@vaughan.ca)

Mayor Bevilacqua and Members of Council
Committee of the Whole
City of Vaughan
City Clerks Office
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

COMMUNICATION – C24
ITEM 3
Committee of the Whole (Public Hearing)
September 15, 2020

Dear Mayor and Members of Council::

Re: Home Depot of Canada Inc. Submissions:
Application by Calloway REIT (400 and 7) Inc. (“Calloway”)
137 Chrislea Road and 57 & 1010 Northview Boulevard (the “Redevelopment Site”)
Official Plan Amendment and Zoning By-law Amendment
City File No. OP.19.012 and Z.19.036
Committee of Whole Public Meeting Date: Tuesday September 15, 2020 – 7pm

We are the solicitors for Home Depot of Canada Inc. (“**Home Depot**”) and Home Depot Holdings Inc., the owner of the property known municipally as 140 Northview Boulevard (the “**Home Depot Lands**”). The Home Depot Lands are located north and west of the Redevelopment Site, which wraps around it to the south and east. Home Depot operates a large home improvement retail store at this location. Calloway has proposed a change of use to permit a significant number of residential buildings on the Redevelopment Site, including buildings fronting on Northview Boulevard directly across from the Home Depot store’s loading docks and garden centre.

Both the Home Depot Lands and the Redevelopment Site are located within the **Weston Road and Highway 7 Required Secondary Plan Area**. Also located within that Required Secondary Plan Area is the land for which Wedgewood Columbus Limited (“**Wedgewood**”) has brought applications for Official Plan Amendment and Zoning By-law Amendment, 7887 Weston Road (Files OP.19./015 and Z.19.039). Attached is a copy of Schedule 14-A of the City’s Official Plan showing the boundaries of that Required Secondary Plan Area, within which all of the lands discussed in this letter are located.

Deputation at September 15, 2020 Public Meeting

The undersigned wishes to provide oral submissions to the City Councillors at the public meeting scheduled for September 15, 2020.

Please consider this letter and the undersigned’s deputation to be the required written submissions and oral submissions at a public meeting referenced in subsections 17(36) and 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended.

Home Depot wishes to express its concerns with the applications, which are primarily about the incompatibility of the proposed sensitive residential use with the Home Depot's particularly busy and noise producing activities, inadequate consideration of traffic impacts and whether the development is premature in advance of a Secondary Plan establishing the overall capacity for development and total number of residential units in the ***Weston Road and Highway 7 Required Secondary Plan Area***.

Incompatibility of Sensitive Use - Noise

Home Depot's store is a busy operation generating significant traffic and noise. The construction materials it sells involves the use of heavy equipment, such as forklifts, vehicles and other equipment that generates a significant amount of noise. In addition, the Home Depot store includes a partially open garden centre, the noise from which is not enclosed. The volume and type of products sold also results in deliveries being made in the overnight hours, which further aggravates Home Depot's impact on sensitive land uses, such as those proposed for the Redevelopment Site.

Home Depot is surprised that, while a Transportation Noise Source Study report was filed with the application, no study discussing the impacts of the Home Depot operations and stationary noise sources on the proposed residential development was submitted. The Transportation Noise Study thus fails to properly assess whether the Province of Ontario's Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300), cited as being applicable to the new residential developments, is complied with.

Home Depot has therefore retained an acoustic consultant to carry out that assessment and the field work has been completed just this week. Early indications are that sound levels, particularly at the proposed residential buildings to be located across Northview Boulevard to the south, will exceed sound levels allowed by the Environmental Noise Guideline, NPC-300 for sensitive land uses. We hope to be able to provide more definitive comments in fairly short order.

This is not the first time this issue has arisen for the Home Depot Lands. The development which abuts the western-most building proposed by Calloway addressed this issue in a resolution before the Ontario Municipal Board. That Centro development located on the south side of Northview Boulevard, across from the Home Depot Lands and the Redevelopment Site (south/east corner of Weston Road and Northview Boulevard) needed to block the noise from the Home Depot Lands to its residential tower by building a non-sensitive commercial building in front.

The City's Official Plan's Policy 9.2.1.12, for example, makes it clear that a change in land use to more sensitive uses, adjacent to existing employment or commercial uses, must protect the existing neighbouring use and alleviate adverse effects of noise and traffic. Policy 1.2.6.2 of the Provincial Policy Statement 2020 similarly requires land use compatibility, emphasizing the need for avoidance and buffering and protecting existing uses vulnerable to encroachment in addition to requiring mitigation of adverse effects.



It is Home Depot's view that the City should not approve the applications without proof that the requirements of NPC-300 have been appropriately assessed and can be fully complied with by the proposed development.

Transportation Concerns

Home Depot is concerned that there has been insufficient analysis of the impacts of traffic on Home Depot's driveways on Northview Boulevard and Chrislea Road, specifically whether there will be queuing on Northview Boulevard or within the Home Depot Lands. Without that analysis no mitigating measures can be taken.

Contributing to Home Depot's concern about the prematurity of approving these applications and the applications brought by Wedgewood, which is also to be considered on September 15, 2020, are the findings in the WSP Transportation Impact Study filed with that application.

That Transportation Impact Study concludes that a number of the key intersections in the ***Weston Road and Highway 7 Required Secondary Plan Area*** will, with the introduction of the proposed development, be well over their capacity and operate at an unacceptable Level of Service, Level F.

Further exacerbating Home Depot's concerns is the fact that neither of the transportation impact studies filed by Wedgewood and by Calloway appear to have considered the additional traffic from the other's proposed redevelopment, as they were filed within days of each other. Both of those studies thus ostensibly underestimate the amount of future traffic and understate the impacts.

Prematurity

The fact that both of the redevelopment applications of concern to Home Depot failed to consider the added impacts of redeveloping the other site emphasizes the need for the ***Weston Road and Highway 7 Required Secondary Plan*** to be completed prior to consideration of these individual applications. The road and transportation networks cannot be properly assessed and thus planned for without knowing how much additional development the other lands in the vicinity will accommodate.

That is not all which is worrisome. Permitting these two applications to proceed in advance of a determination on the total capacity of the Required Secondary Planning Area for development and total number of residential units could result in inappropriate built form decisions and an inequitable and inappropriate allocation of density, heights and uses amongst the remaining lands within the ***Weston Road and Highway 7 Required Secondary Plan Area***.

Summary

For the reasons set out in this letter and other reasons which may be raised as additional information becomes available, we respectfully suggest that further processing of these applications is premature and that in any event, the redevelopment as currently proposed is inconsistent with and does not conform to all applicable policies. Once additional information becomes available on the noise and traffic issues, Home Depot would be



pleased to work with the City staff and Calloway to determine if appropriate revisions to the proposal resolve its concerns.

Yours truly,

MILLER THOMSON LLP

Per:



David Tang
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