

October 26, 2020

Brandon Correia
BES PMP Manager, Special Projects
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Mr. Correia:

**RE: CITY OF VAUGHAN ZONING BY-LAW REVIEW – THIRD DRAFT
THIRD COMMENT LETTER – HOME DEPOT OF CANADA INC.
140 NORTHVIEW BOULEVARD, VAUGHAN
FILE: 9316HA-11**

On behalf of our client, Home Depot of Canada Inc. (hereinafter “Home Depot”), we have reviewed the most recent City of Vaughan proposed Third Draft of the Comprehensive Zoning By-law in the context of our client’s lands located at 140 Northview Boulevard (“the subject lands”).

On August 14, 2019, and February 19, 2020, we submitted comments in relation to the subject lands proposed first draft and second draft Zoning By-laws respectively. Based on our review of the current Third Draft Zoning By-law, we understand that the subject lands are proposed to be rezoned to “Prestige Employment (EM1)”, and subject to “Site-Specific Exception Number 674” (which is new since the previous two draft Zoning By-laws, a copy of which has been enclosed with this letter for convenience).

On this basis, and while we appreciate the City’s efforts to recognize our client’s lands through the noted site-specific exception, we still have the following comments for the City’s consideration and clarification in this respect:

1. While the Third Draft Zoning By-law proposed that the subject lands be rezoned “Prestige Employment (EM1)”, and subject to “Site-Specific Exception Number 674”, none of these zoning provisions permit “Retail” or “Garden Centre” uses, nor do they permit “Outside Storage”, “Outdoor Display Area” or “Seasonal Outdoor Display Area” as specified accessory uses (as defined under the Third Draft Zoning By-law) on the subject lands, all of which are associated with the existing Home Depot store use itself.

Given that the subject lands are currently zoned “Retail Warehouse Employment Area (EM3) Zone” under City of Vaughan Zoning By-law 1-88, it is our preference that the Third Draft Zoning By-law be revised to carry forward the existing EM3 zoning provisions and permissions that apply to the subject lands, in order to form part of Site-Specific Exception Number 674. The EM3 Zone excerpt of Vaughan Zoning By-law 1-88 has been attached to this letter (and highlighted) for the

City's convenience. These provisions recognize the existing Home Depot operation on the subject lands.

However, if the City does not prefer to grant this request, at a minimum, it is requested that Section 14.674.1.1 (permitted uses) of Site-Specific Exception Number 674 be revised to add the following two (2) additional permitted uses and the following three (3) specified accessory uses relative to the subject lands:

Permitted Uses:

- **Retail; and**
- **Garden Centre.**

Specified Accessory Uses:

- **Outside Storage;**
- **Outdoor Display Area; and**
- **Seasonal Outdoor Display Area.**

In the absence of this revision, the current Third Draft Zoning By-law creates a situation whereby the existing Home Depot store would become a legal non-conforming use. As such, it is strongly recommended that this request be addressed in the final Zoning By-law approved by Council.

2. Secondly, given the proposed changes to the by-law standards for the subject lands, the existing Home Depot Store would also potentially become a legal non-conforming use based on the current Third Draft Zoning By-law based on the following provision:
 - A minimum setback of 20m from any lot line abutting a road for Outside Storage in Section 5.13.4

On this basis, it is requested that Section 14.674.2 (i.e. lot and building requirements) of Site-Specific Exception Number 674 be revised to add the following additional exemption provision in **bold** relative to outside storage setbacks.

Section 5.13.4 of this By-law shall not apply to the lands shown as "EM3" on Figure E-1095.

- NOTE – Section 14.674.2 contains a typographical error in the current numbering (i.e. it provides clauses 1, 3 and 4), which should be addressed to be renumbered 1, 2 and 3. The requested additional provision as noted above would be clause 4 to this Section of Site-Specific Exception Number 674.
3. Per our previous two comment submissions, it has always been our understanding that the intent of the Draft Zoning By-law is to implement the City of Vaughan Official Plan, 2010 (i.e. VOP 2010). On this basis, the VOP 2010 designates the subject lands "Mid-Rise Mixed Use", and as such we request that the new Zoning By-law reflect and implement the zoning for the subject lands accordingly and consistently with VOP 2010. In addition, site specific policies for the subject lands were approved via an OMB Decision issued on July 31, 2015 (OMB Case No. PL111184), as part of the settlement on VOP2010. On this basis, it is our opinion that the subject lands should be zoned in accordance with the approved OMB Decision for the subject lands.

However, at a minimum, if this request to rezone the subject lands so they are in conformity with VOP 2010 and corresponding OMB Decision is not granted, then comments 1 and 2 above should be acknowledged and addressed accordingly in order so that the existing Home Depot

store permissions continue to apply moving forward, and also avoid to a legal non-conforming situation for the subject lands.

Ultimately, and as per our previous two comment submission letters, we wish to reiterate the fact that the subject lands have existing permissions which should be contained within the new Zoning By-law in their entirety. There should be no removal of these permissions, nor should there be any additional restrictions placed on the subject lands which would unduly and unnecessarily impact or impede Home Depot's operations (which again could potentially cause Home Depot to become a legal non-conforming use).

Based on the above, we would appreciate that the City addresses these comments prior to formal adoption of the proposed Third Draft Zoning By-law at City Council.

Should you any further questions please do not hesitate to contact the undersigned.

Thank you.

Yours truly,

MHBC



David A. McKay, MSc, MLAI, MCIP, RPP
Vice President and Partner



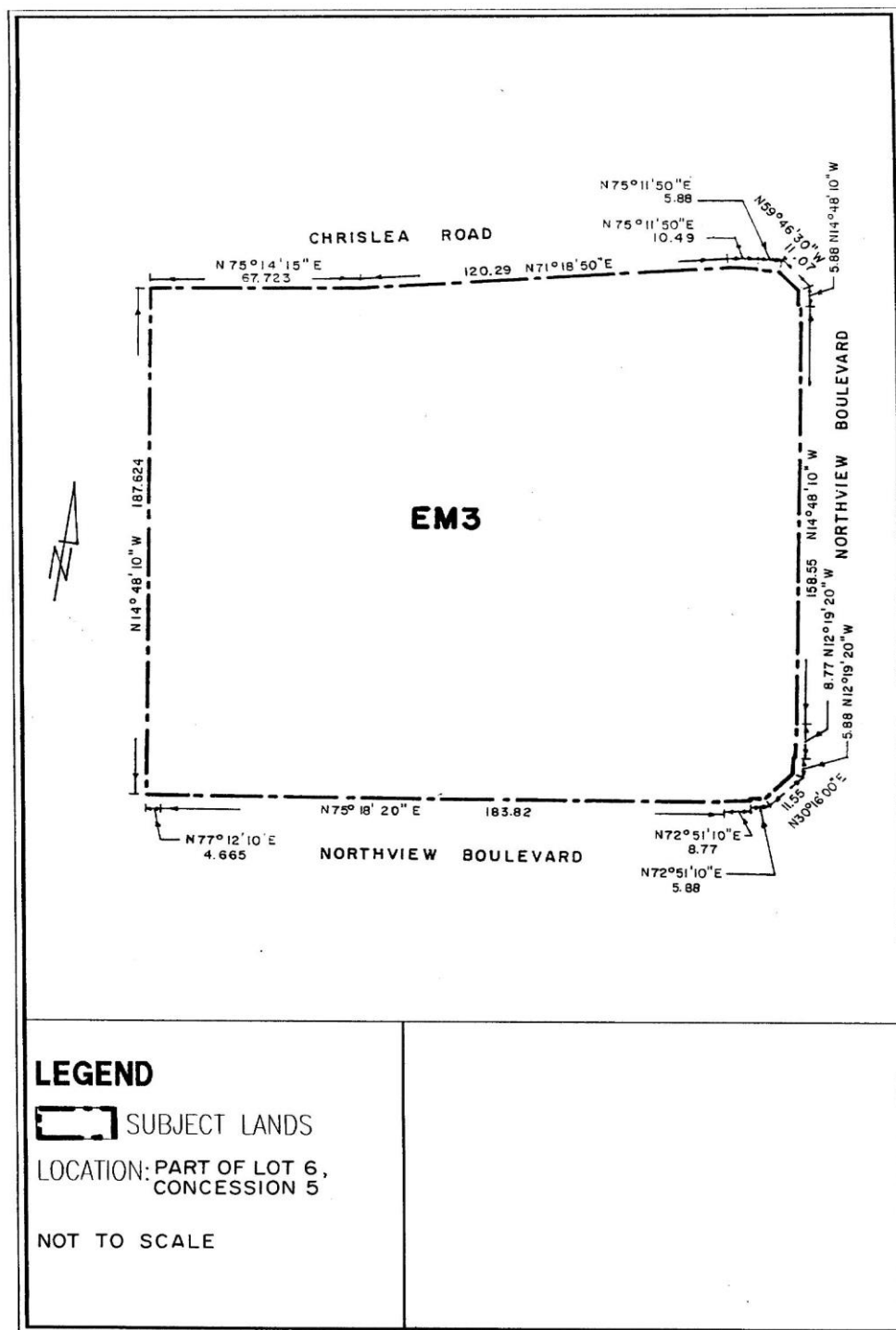
Andrew Palumbo, HBA, MCIP, RPP
Associate

cc.: *Kimberly Koenig, Home Depot of Canada Inc.*

14.674

Exception Number 674	Legal Description: 140 Northview Boulevard
Applicable Parent Zone: EM1	
Schedule A Reference: 50	Figure E Link (if applicable)
By-law / Tribunal Decision Reference	Figure T Link (if applicable)
14.674.1 Permitted Uses	
1. The following additional uses shall be permitted: a. Heavy equipment sales, rental and service; and, b. Restaurant.	
14.674.2 Lot and Building Requirements	
1. The maximum gross floor area of the heavy equipment sales, rental and service use shall be 194.0 m ² . 3. The maximum gross floor area of restaurant uses shall be 156.0 m ² . 4. The maximum gross floor area devoted to large equipment storage shall be 68.0 m ² .	
14.674.3 Parking	
1. The minimum number of required parking spaces shall be 677.	
14.674.4 Other Provisions	
1. The maximum number of restaurants permitted shall be 2.	
1000.1.5 Figures	

Figure E-1095



- ix) The outside storage of any goods or materials which are obnoxious, visually or otherwise, including derelict or scrap motor vehicles or machinery and worn-out appliances or equipment shall not be permitted.

6.4 EM2-A - RESTRICTED GENERAL EMPLOYMENT AREA ZONE (Large Lot)

6.4.1 Uses Permitted

- a) The uses permitted include all uses permitted in the EM2 "General Employment Area Zone".

6.5 EM3 - RETAIL WAREHOUSE EMPLOYMENT AREA ZONE

6.5.1 a) Uses Permitted

- All uses permitted in an EM1 Zone
- Building Supply Outlet
- Catalogue Sales
- Convention Centre
- Retail Warehouse
- Retail Nursery
- Swimming Pool, Recreational Vehicles Leasing/Rental/Sales

- b) Limited outdoor display of merchandise, goods or materials shall be permitted provided that the display of goods and materials is accessory to a permitted use, and such display shall not exceed an area equal to 0.25 times the gross floor area of the buildings or structures on the lot devoted to the use to which the display is accessory.

6.6 EM4 - EMPLOYMENT AREA TRANSPORTATION ZONE

6.6.1 Uses Permitted

- Airport
- Landing Field
- Railway Classification Yard including accessory office, warehousing, distribution and repair facilities
- Intermodal Yard and uses accessory thereto

6.7 INDUSTRIAL ZONES

6.8 GENERAL PROVISIONS

The following provisions shall apply to all Industrial Zones.

6.8.1 Industrial Zone Requirements

No person shall, within an Industrial Zone, use any lands, or erect, alter or use any building or structure except for a purpose set forth in the Section referring to that Zone and in accordance with its provisions and with any applicable provisions contained in Subsection 6.8, in Section 3.0, and in Schedule "A".

6.8.2 Accessory Retail Sales

Where retail sales accessory to an industrial use are permitted, the gross floor area of the accessory use shall not exceed ten percent (10%) of the gross floor area of the entire unit devoted to the industrial use and this area shall be separated from the rest of the unit by a solid partition.

6.8.3 Landscaping Requirements

- a) A strip of land no less than three (3) metres in width shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip.
- b) Notwithstanding Paragraph 6.8.3(a) above, a strip of land not less than six (6) metres in width shall be provided along a lot line of an arterial road, and shall be used for no purpose other than landscaping. This shall not prevent the provision of access driveways across the said strip.
- c) Notwithstanding Paragraphs 6.8.3(a) and (b) above, a strip of land not less than nine (9) metres in width shall be provided along a lot line which abuts the street line of a Provincial arterial road, and shall be used for no purpose other than landscaping. This shall not prevent the provision of access driveways across the said strip.