

C29
COMMUNICATION
COUNCIL – June 22, 2021
CW - Report No. 32, Item 8

From: [Andrew Palumbo](#)
To: Clerks@vaughan.ca
Cc: [Brandon Correia](#); [David McKay](#); [Koenig, Kimberly C](#)
Subject: [External] Final Draft Vaughan Comprehensive ZBL - Home Depot Comment Letters (55 Cityview Blvd & 140 Northview Blvd)
Date: June-08-21 9:51:26 AM
Attachments: [9316HA-11 \(55 Cityview Blvd\) Final Draft ZBL Comment Letter June 7, 2021.pdf](#)
[9316HA-11 \(140 Northview Blvd\) Final Draft ZBL Comment Letter June 7, 2021.pdf](#)

Good morning,

In advance of today's Council meeting on the Final Draft Vaughan Comprehensive ZBL – attached for review and consideration please find two (2) comment letters prepared on behalf of Home Depot of Canada Inc. with respect to their 55 Cityview Boulevard and 140 Northview Boulevard store locations respectively.

Thank you for your consideration of these comments and have a good day,

Andrew

I am currently working remotely - it is best to reach me at apalumbo@mhbcplan.com or (416) 873-1544.

ANDREW PALUMBO, HBA, MCIP, RPP | Associate

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June 7, 2021

Brandon Correia
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Dear Mr. Correia:

**RE: CITY OF VAUGHAN ZONING BY-LAW REVIEW – FINAL DRAFT
FINAL COMMENT LETTER – HOME DEPOT OF CANADA INC.
55 CITYVIEW BOULEVARD, VAUGHAN
OUR 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 Final Draft of the Comprehensive Zoning By-law in the context of our client’s lands located at 55 Cityview Boulevard (“the subject lands”).

On August 14, 2019, February 19, 2020 and October 26, 2020, we submitted comments in relation to the subject lands proposed first, second and third draft Zoning By-laws respectively. Based on our review of the current Final Draft Zoning By-law, we understand that the subject lands are proposed to be rezoned to “Employment Commercial Mixed Use (EMU)”, and subject to “Site-Specific Exception Number 865”, similar to the previous (third) Draft Zoning By-law released for public review.

On this basis, and while we appreciate the City’s efforts to recognize our client’s lands through the noted site-specific exception, we continue have the following comments for the City’s consideration and clarification in this respect (which remain the same as per our previous (third) comment letter submission on October 26, 2020):

1. Firstly – one erroneous reference with respect to [Figure E-1347](#) (which is the correct schedule that has been included with this site-specific exception), remains as follows:
 - Section 14.865.1.3 (i.e. accessory uses) of the site-specific exception still makes reference to “Figure E-1346”;This erroneous reference should be corrected to accurately reference [“Figure E-1347”](#) accordingly.
2. Throughout Site-Specific Exception Number 865, there are still several references to “Street A”, which actually applies to “Cityview Boulevard”. As such, all references to Street A should be replaced with Cityview Boulevard accordingly, which is also consistent with the streets and

road labeled on Figure E-1347 of the site-specific exception.

3. We continue to request that the following language in **bold** be added to Section 14.865.2.1 (i.e. lot and building requirements) of Site-Specific Exception Number 865:

“Notwithstanding the provisions of Sections 4.24.2 and 8.2.2 of this By-law, the following provisions shall apply to the lands labelled “C2” on Figure E-1346:”

Inclusion of this “notwithstanding” language serves to prevent the existing Home Depot store from being subject to other restrictive provisions of Final Draft Zoning By-law, which would potentially cause Home Depot to become a legal non-conforming use, and these include (but are not limited to) the following zoning provisions:

- Required 45 degree angular plane in Section 8.2.2
- New minimum landscape open space of 10% in Section 8.2.2
- New required build-to-zone of 5-10m in Section 8.2.2
- New minimum required build-to-line for corner lots of 55% in Section 8.2.2
- Surface parking prohibition in all yards in Section 8.2.2
- Enclosed Waste Storage in Section 4.24.2

4. We continue to request that Section 14.865.2.1.f.i ((i.e. lot and building requirements) be revised to read as follows with respect to the permitted maximum building height (proposed revision is shown in **bold** below):

f. The maximum building height shall be:

*i. **11.3 m** for a commercial or retail use.*

This requested revision is based on the April 10, 2014 Minor Variance Decision for the subject lands previously provided to City staff in our third comment letter submission dated October 26, 2020, which permits a maximum building height of 11.3 metres, not 11 metres as per the current wording in Site-Specific Exception Number 865. As such, this revision would implement the existing minor variance approval in place for the subject lands with respect to maximum building height.

5. Sections 14.865.3.2 and newly added 14.865.3.5 (i.e. parking/loading) of Site-Specific Exception Number 865 now appear to contradict one another, because each noted provision reads as follows:

Section 14.865.3.2 states: **“Loading and unloading shall take place anywhere on the lot except between a building and abutting Highway 400 a building and abutting Street “A” or a building and abutting Major Mackenzie Drive.”**

It should be noted that this provision would result in a legal non-conforming situation for the subject lands, but as noted above, Section 14.865.3.5 reads as follows: **The loading provisions of this by-law shall not apply.**

On this basis, it is uncertain as to which loading provision applies to the lands subject to Site Specific Exception Number 865. As a result, we continue to recommend that the following

“notwithstanding” provision be included in this Section of Site-Specific Exception Number 865, in order to ensure that there are no restrictive loading provisions in effect for the subject lands moving forward.

“Notwithstanding the provisions of this Zoning By-law, loading and unloading shall be permitted to take place between a building and Highway 400 for the lands municipally addressed as 55 Cityview Boulevard.”

In addition, and as per our previous comment letter submission on October 26, 2020, implementing this revision would reflect the April 10, 2014 Minor Variance Decision previously issued for the subject lands, which granted approval to permit loading and unloading as described above. As such, inclusion of this language (or similar) would recognize and implement the existing loading/unloading permissions already in place for the subject lands.

6. We continue to request that Section 14.865.3 (i.e. parking) of Site-Specific Exception Number 865 be revised to add the following two (2) provisions and exceptions (or similar) with respect to vehicular and bicycle parking in association with the subject lands:

- ***“Notwithstanding the provisions of this Zoning By-law, the minimum number of parking spaces required for the lands municipally addressed as 55 Cityview Boulevard shall be provided at a rate of 3.5 parking spaces/100m² of gross floor area.”***

Please be advised that this requested revision reflects the approved minimum parking rate for this site (i.e. 3.5 spaces/100 m²) as granted by the April 10, 2014 Minor Variance Decision for the subject lands.

- ***“Notwithstanding Section 6.5 of this Zoning By-law, no bicycle parking spaces shall be required for the lands municipally addressed as 55 Cityview Boulevard”.***

Provision of these two (2) additional provisions to Site-Specific Exception Number 865 (or similar) avoids the current Home Depot site from becoming a legal non-conforming use relative to the vehicular and bicycle parking requirements of the proposed Final Draft Zoning By-law.

In addition, bicycle parking is not typically associated with a use such as Home Depot whereby bulky and heavy goods are common (and not feasible to transport via bicycle), and thus the request to be exempt from these rates altogether remains in this submission.

As per our previous three comment submission letters and as described above, 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 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 Final Draft Zoning By-law at City Council.

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

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'David McKay', written over a circular stamp or seal.

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

A handwritten signature in black ink that reads 'Andrew Palumbo'.

Andrew Palumbo, HBA, MCIP, RPP
Associate

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

June 7, 2021

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 – FINAL DRAFT
FINAL 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 Final 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, February 19, 2020 and October 26, 2020, we submitted comments in relation to the subject lands proposed first, second and third draft Zoning By-laws respectively. Based on our review of the current Final Draft Zoning By-law, we understand that the subject lands are still proposed to be rezoned to “Prestige Employment (EM1)”, and subject to “Site-Specific Exception Number 674”, as per the previous third draft Zoning By-law.

Based on our review of the updated the Site-Specific Exception Number 674, we appreciate the City’s efforts to recognize our client’s lands and the existing permissions that apply to the existing Home Depot store at this site, which avoids a legal non-conforming situation for the subject lands.

However, and per our previous three comment letter 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 continue 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 remains our opinion that the subject lands should be zoned in accordance with the approved OMB Decision for the subject lands, whereby the City should also consider placing a holding (H) provision on the subject lands that will allow the existing permissions to stay in place until such time that the subject lands are planned for redevelopment as envisioned through VOP2010.


Based on the above, we would appreciate that the City addresses these comments prior to formal adoption of the proposed Final 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.*