

13 November 2013  
12P16

By email [pgmc@toronto.ca](mailto:pgmc@toronto.ca)

Chair & Committee Members  
Planning & Growth Management Committee  
City of Toronto, City Hall  
100 Queen Street West  
Toronto, Ontario M5H 2N2

Dear Committee Members,

**RE: City of Toronto Official Plan Review  
EMPLOYMENT LANDS POLICIES and DESIGNATIONS**

**Properties: 277 Gladstone Avenue (the "Gladstone Chocolate Factory"),  
370 Progress Avenue (the "Scarborough Bakery"),  
1200 O'Connor Road & 5 Bermondsey Road (the "East York Bakery"),  
and 40 Bertrand Avenue**

**Owner: Mondelez Canada Inc.**

We write on behalf of our client Mondelez Canada Inc. ("Mondelez Canada"), to express the Company's concerns and comments regarding the proposed Employment Policies and Land Use Designations to be considered at the November 21 Committee meeting. This is further to our letter to the Committee of May 15, 2013 (attached).

***277 Gladstone Avenue Should Be Re-Designated For Employment Uses***

As stated in our May 15, 2013 submission to the Committee, the Gladstone Chocolate Factory has manufactured chocolate and candy for decades (previously operated by Cadbury). The Factory employs more than 400 persons and is a very significant component of the Toronto food sector and economy, and is well integrated into the neighbourhood in which it is located.

The existing zoning<sup>1</sup> permits the operation and expansion of the existing plant. However, despite its long history and the Gladstone Chocolate Factory's important

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<sup>1</sup>Section 12(1)(18) of By-law 438-86, and bylaw 706-86 of the former City of Toronto are still in effect as Bylaw 569-2013 does not cover the site.

employment role, the lands are designated “**Neighbourhoods**” in the Official Plan, a designation which does not recognize or encourage the existing industrial use. There is no site-specific policy or secondary plan that authorizes this existing important employment use.

This discrepancy is in our view contrary to the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and principles of good planning. Further, this discrepancy is contrary to the Planning Act which requires zoning to conform to the Official Plan. This has practical implications on the operation of the Gladstone Chocolate Factory. If any proposed expansion to the Gladstone Chocolate Factory requires a minor variance, such variance would not conform with the Official Plan.

The City should correct this discrepancy at the opportunity presented by the Employment Lands Policies Review. The Gladstone Chocolate Factory property should be re-designated to “**Core Employment Areas**” to recognize and authorize the existing industrial use. The designation to “**Core Employment Areas**” would ensure that the proposed employment policies which protect industrial and employments uses would apply to the Gladstone Chocolate Factory. To do otherwise would threaten this important employment use.

***Mondelez Canada Objects to the Conversion Request at 350 Progress Avenue adjacent to the Scarborough Bakery***

In January 2003, after extensive negotiations between the proponent and Kraft Canada Inc. (the former owner of the Scarborough Bakery site and the predecessor of Mondelez Canada), the OMB approved 1,797 dwelling units and a maximum of 40,430m<sup>2</sup> of office uses on all the lands fronting onto Schick Court, with the exception of the Scarborough Bakery. This approval was dependent on numerous mitigation measures to reduce land use conflicts between the Scarborough Bakery and proposed residential uses to the north and northwest on Schick Court. However, the lands at the northwest corner of Progress Avenue and Schick Court (municipally known as 350 Progress Avenue and immediately west of the bakery) remained designated for employment uses in part due to potential conflicts with the Scarborough Bakery’s loading area.

These compatibility concerns remain with respect to the conversion request at 350 Progress Avenue for a redesignation to “**Mixed Use Areas**”. Mondelez Canada supports staff’s proposal to keep these lands as employment and designate them as “**Core Employment Areas**” and opposes any effort to permit sensitive land uses on the lands at 350 Progress Avenue. We also note that site specific provision #310 permits

recreational uses on these lands. Certain recreational uses can be considered sensitive land uses, and to the extent that they are, this is a concern for our client.

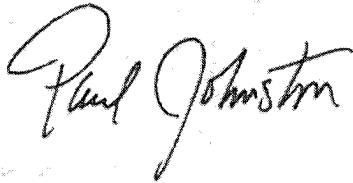
***Mondelez Canada Objects to the Conversion Request at 88 Sunrise Avenue & 22 Hobson Avenue in proximity to the East York Bakery***

The conversion request at 88 Sunrise Avenue & 22 Hobson Avenue is in proximity to the East York Bakery. Given this proximity, Mondelez Canada is concerned that the potential location of sensitive land uses on these lands could impact the continued operation of the East York Bakery. Therefore, Mondelez Canada objects to this conversion request.

Mondelez Canada is generally concerned about any conversion request in proximity to its facilities; Mondelez Canada will continue to monitor these requests and reserves the right to review and comment upon them as necessary.

We look forward to working with the City in reviewing these concerns and comments.

Yours very truly,



Paul E. Johnston, MCIP RPP  
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Cc: Councillor Ana Bailão (via email)  
Councillor Janet Davis (via email)  
Councillor Michael Thompson (via email)  
Paul Bain, City Planning  
Linda MacDonald, City Planning  
Susannah Riggs – Mondelez Canada Inc.  
Cheryl Gordon – Mondelez Canada Inc.  
Bob Johnson  
Mary Bull, Wood Bull.

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**Johnston Litavski Ltd.**  
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15 May 2013  
12P16

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Chair & Committee Members  
Planning & Growth Management Committee  
City of Toronto  
City Hall  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

Dear Committee Members,

**RE: City of Toronto Official Plan Review  
DRAFT EMPLOYMENT POLICIES & CONVERSION REQUESTS**

**Properties: 277 Gladstone Avenue (the "Gladstone Chocolate Factory"), 370  
Progress Avenue (the "Scarborough Bakery"), 1200 O'Connor Road &  
5 Bermondsey Road (the "East York Bakery"), and 40 Bertrand Avenue  
(the "Halls Factory")**

**Owner: Mondelez Canada Inc.**

As planning consultants to Mondelez Canada Inc. ("Mondelez Canada"), we have reviewed the Staff Reports and draft policies tabled at the Committee's November 8, 2012 meeting, as well as the Staff Reports dated April 23, 2013. We are writing to express the Company's concerns and offer comments regarding the City's Draft Employment Policies prepared as part of the City's ongoing Official Plan Review.

***277 Gladstone Avenue Should Be Re-Designated For Employment Uses***

The Gladstone Chocolate Factory has been in operation for decades; however, there is a disconnect between its existing zoning permission and its Official Plan designation that should be rectified in the current Official Plan Review. Section 12(1)(18) of By-law 438-86 of the former City of Toronto permits the operation and expansion of the existing plant, but the property is designated **Neighbourhood** in the current Official Plan. There is no site-specific policy or secondary plan that authorizes the existing use. This discrepancy should be corrected and 277 Gladstone Avenue re-designated for

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Employment uses and/or a site-specific policy created to recognize and authorize the existing industrial use.

***Mondelez Canada Objects to the Requested Conversion of 350 Progress Avenue to Non-Employment Uses***

In January 2003, after extensive negotiations between the proponent and Kraft Canada Inc. (the former owner of this site and the predecessor of Mondelez Canada), the OMB approved 1,797 dwelling units and a maximum of 40,430m<sup>2</sup> of office uses on all the lands fronting onto Schick Court with the exception of the Scarborough Bakery. This approval was dependent on numerous mitigation measures to reduce land use conflicts between the bakery and proposed residential uses to the north and northwest on Schick Court. However, the lands at the northwest corner of Progress Avenue and Schick Court (municipally known as 350 Progress Avenue and immediately west of the bakery) remained designated for employment uses in part due to potential conflicts with the bakery's loading area.

These compatibility concerns remain, and Mondelez Canada opposes any effort to permit sensitive land uses on these lands.

***More Information Is Needed Regarding The Requested Conversion Of 88 Sunrise Avenue & 22 Hobson Avenue To Non-Employment Uses, And Mondelez Canada Will Continue To Monitor Future Conversion Requests***

Mondelez Canada is aware of a request to convert the lands municipally known as 88 Sunrise Avenue & 22 Hobson Avenue to non-employment uses; however no information is available about the reasons behind the request and the uses proposed. We ask that Staff provide whatever information is available so that Mondelez Canada may review the impact the request may have upon their operations at the East York Bakery.

Mondelez Canada is concerned about any conversion request in proximity to their facilities, and understands that further requests may come forward at any time during the City's ongoing Official Plan Review. Mondelez Canada will continue to monitor these requests and reserves the right to review and comment upon them as necessary.

***Except for Ancillary Workplace Daycares, Sensitive Land Uses Should Not Be Permitted In Any Employment Area Designation***

The draft employment policies released in November 2012 would permit Places of Worship within General Employment and Retail Employment areas (subject to

conditions), as well as recreation and post-secondary colleges and universities. Each of these uses could be considered sensitive land uses which may experience adverse affects when located too close to existing industrial uses. In establishing potential influence areas for different classes of industry, Provincial guidelines make clear that an appropriate separation distance between industry and sensitive land uses is the most effective way to mitigate adverse impacts from one upon the other. Manufacturing, warehousing, transportation/distribution, public utilities and other similar industrial uses would be permitted in all proposed Employment Area designations. It is already difficult to manage the challenges associated with industrial uses in Employment Areas co-existing with new sensitive developments in adjacent non-employment designations. Allowing potentially incompatible uses in the Employment Areas themselves would further complicate matters.

We understand that Staff wish to re-visit the proposed General Employment and Retail Employment designations and are considering merging them. We also understand that the Ministry of Municipal Affairs And Housing has expressed concerns similar to those outlined above in connection with allowing sensitive land uses within Employment Areas. Mondelez Canada employs approximately 1,400 people between the Gladstone Chocolate Factory, the Scarborough Bakery, the East York Bakery and the Halls Factory, and has a strong interest in maintaining these facilities as world class, tier 1 manufacturing facilities. To assist Mondelez Canada and other manufacturers in this regard, we suggest that Staff review and re-assess the proposed Employment Area policies to ensure that no sensitive land uses are permitted within any Employment Area.

However, one exception should be considered. The draft policies permitting ancillary workplace daycares should be maintained as they are an important and necessary accessory service for many employers.

***The Proposed Employment Policies Should Clarify That New Sensitive Land Uses Should Be Responsible For Any Necessary Mitigation***

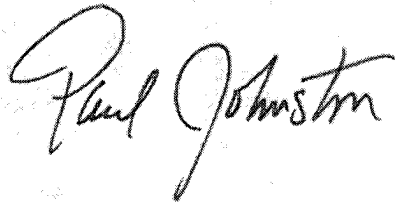
Staff has proposed the following:

Policy 2.2.4.4 – “New residential and other sensitive land uses where permitted adjacent or near *Employment Areas* will be appropriately designed, buffered and/or separated from industries as necessary to prevent or mitigate adverse effects from noise, vibration, traffic odour and other contaminants upon the occupants of the new development, and lessen complaints and their potential costs to business.”

We suggest this policy be modified to make it clear that, where necessary and appropriate, mitigation should be carried out at the source and at the expense of the proposed sensitive development generating the land use compatibility issue.

We look forward to working with the City in reviewing these concerns and comments.

Yours very truly,



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Cc: Councillor Ana Bailão (via email)  
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