



14 October 2020

Sent via E-mail (via scc@toronto.ca)

Scarborough Community Council
 Scarborough Civic Centre
 150 Borough Drive
 Toronto, ON M1P 4N7

Dear Members of Community Council:

**Re: 2206 Eglinton Avenue East - Zoning Application,
 2200-2206 Eglinton Avenue East, 1020-1030 Birchmount Road and 75 Thermos
 Road - Draft Plan of Subdivision Application - Preliminary Report
 October 16, 2020 Meeting, Agenda Item SC18.3
 Mondelez Canada Inc. Comments**

We are counsel for Mondelez Canada Inc. ("Mondelez Canada"), which operates a manufacturing facility at 40 Bertrand Avenue in the City of Toronto (the "Bertrand Facility"). We have been closely following the progress of development applications within the Golden Mile Secondary Plan area and have prepared this letter to provide written record of Mondelez Canada's position regarding the Official Plan Amendment, Zoning By-law Amendment and Subdivision Approval applications (the "Development Applications") by Dream Asset Management Corporation ("Dream") at 2200-2206 Eglinton Ave E, 1020-1030 Birchmount Road and 75 Thermos Road (the "Site").

The Site is located within proximity to a large, existing *Employment Area*. The Bertrand Facility is within this existing *Employment Area*, and is located on the north side of Bertrand Avenue at Thermos Road, approximately 450 metres from the Site. The Bertrand Facility manufactures Halls products for the Canadian market, and to export to the United States. It employs over 150 people and Mondelez Canada has invested over \$6.3 million (US) into the Bertrand Facility in recent years, helping to retain jobs in the area.

The purpose of the Development Applications is to permit a mixed use redevelopment, including multiple residential towers and open spaces. The development of sensitive land uses, including residential uses in proximity to the Bertrand Facility has the potential to adversely affect the Bertrand Facility's ability to comply with provincial and municipal noise regulations.

Mondelez Canada has previously made a written submission regarding the Official Plan Amendment Application for the Site. In that submission, Mondelez Canada set out its position that the proposed Site and Area Specific Policy for the Site should incorporate the land use compatibility policies which were

added to the Official Plan through Official Plan Amendment 231 (“OPA 231”), specifically policies 2.2.4.5 through 2.2.4.8. We note that the preliminary staff report mentions OPA 231 as it pertains to employment lands and Mixed Use Areas, but does not refer to the compatibility and mitigation policies. Those policies read as follows:

2.2.4.5 Sensitive land uses, including residential uses, where permitted or proposed outside of and adjacent to or near *Employment Areas* or within the influence area of major facilities, should be planned to ensure they are appropriately designed, buffered and/or separated as appropriate from *Employment Areas* and/or major facilities as necessary to:

- a) prevent or mitigate adverse effects from noise, vibration, and emissions, including dust and odour;
- b) minimize risk to public health and safety;
- c) prevent or mitigate negative impacts and minimize the risk of complaints;
- d) ensure compliance with environmental approvals, registrations, legislation, regulations and guidelines at the time of the approval being sought for the sensitive land uses, including residential uses; and,
- e) permit *Employment Areas* to be developed for their intended purpose.

2.2.4.6 A complete application to introduce, develop or intensify sensitive land uses, including residential uses, in a location identified in Policy 5 shall include a Compatibility/Mitigation Study, which will be addressed in the applicant’s Planning Rationale.

2.2.4.7 The Compatibility/Mitigation Study will:

- a) be peer reviewed by the City at the applicant’s expense;
- b) identify and evaluate options to achieve appropriate design, buffering and/or separation distances between the proposed sensitive land uses, including residential uses and nearby *Employment Areas* and/or major facilities to address the matters in Policy 5; and
- c) identify facilities, including propane storage and distribution facilities, where a separation distance is required by law and/or regulation may include any portion of the applicant’s property and describe the extent to which the application may affect facilities’ compliance with such required separation distances.

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2.2.4.8 The costs of studies and mitigation measures shall be borne by the applicant of the sensitive land uses, including residential uses, in a location identified in Policy 5. Also, the cost of collecting and producing relevant information for the studies shall be borne by those requesting the information, in the event that such relevant information is not readily available.

These compatibility and mitigation policies apply to the proposed development, but the Environmental Noise & Vibration Feasibility Study (the "Noise and Vibration Study") submitted with the Development Applications does not satisfy the requirements of the policies. The Noise and Vibration Study considers stationary sources directly adjacent to the Site but does not consider the potential adverse impacts from the adjacent *Employment Area*, including the Bertrand Facility. Further, we note that no assessment has been undertaken with regard to ambient air quality or odour impacts. The appropriate studies should be required by the City as a part of the Zoning Amendment application.

Thank you for your consideration of these comments. We ask that the City continue to notify us of any meeting of City Council, Community Council, and any Committee of Council where any staff reports relating to the application will be considered. We also request notification of any future applications submitted to the City with respect to the Site.

Yours very truly,

Wood Bull LLP

A handwritten signature in blue ink, reading "Kim Mullin".

Kim Mullin

KM/hh