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April 26, 2022

City Clerk
c/o Nancy Martins, Administrator
Planning and Housing Committee
10th Floor, West Tower City Hall
100 Queen Street West
Toronto ON M5H 2N2

Dear Ms. Martins

**RE: City of Toronto Official Plan Review
1, 11-37, 12, 16, 20-26 William Kitchen Road and 2201 Kennedy Road, Toronto
Conversion Requests Nos. 101 and 102
PH 33.13**

This submission is being made on behalf of our client Atlantic Packaging Products Ltd ("Atlantic"). They operate two facilities that neighbour the two above-noted conversion requests parcels.

The purpose of this letter is to express our client's objections to the two requests. Specifically, we ask that:

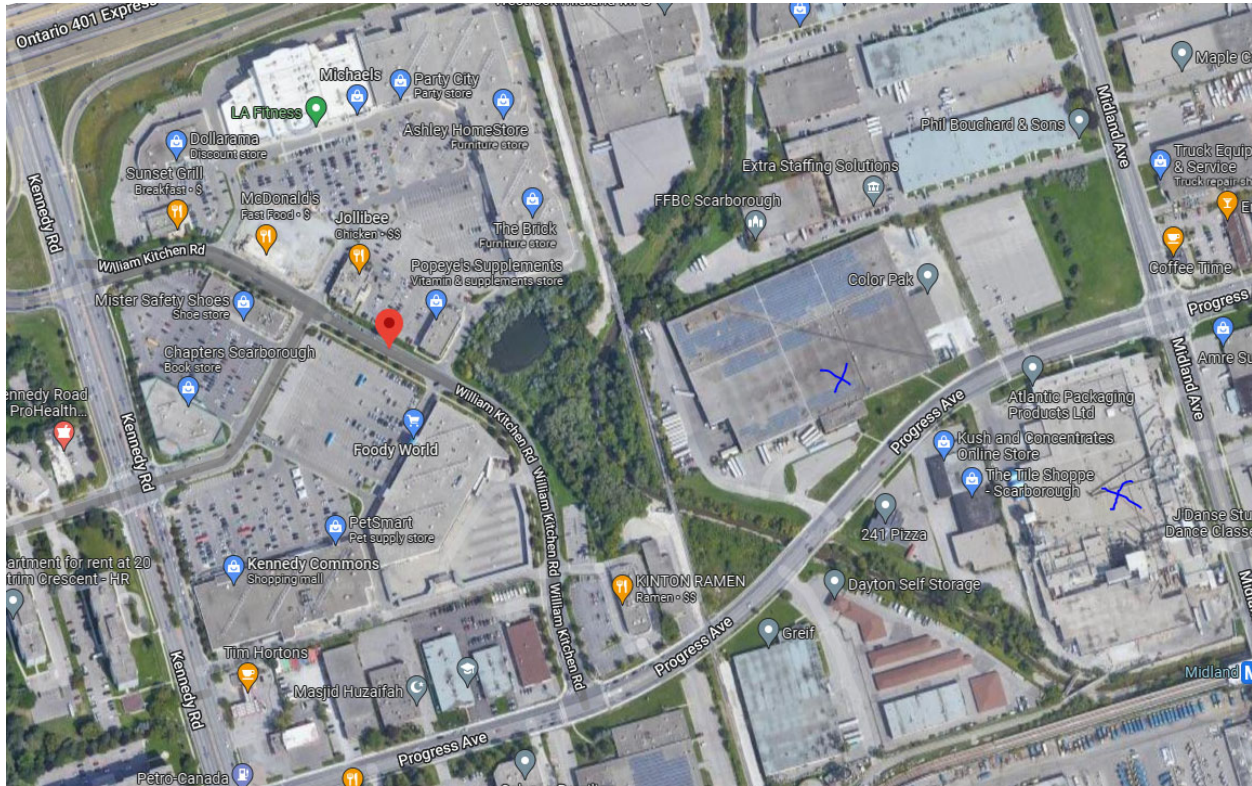
- a) Council endorse City staff's preliminary assessment, that the lands should be retained as Employment Areas and continue to be designated as General Employment Areas; and
- b) City councillors consider our client's position as detailed below when making its final determination respecting the conversion requests. .

CONTEXT

In order to highlight the concerns of our client, we will first detail the "physical" relationship between our client's properties and the above-noted lands. The first facility is located at 80 Progress Avenue (with an abutting employee parking lot at 110 Progress Avenue). It incorporates a pre-print facility, distribution facility and paper bag manufacturing. The second facility is located at 111 Progress Avenue which is the head office, recycled paper mill and corrugated converting facility. Both of these are situated in very close proximity to the employment lands being considered for conversion to non-employment uses (which are located at 1, 11-37, 12, 16, 20-26 William Kitchen Road and 2201 Kennedy Road being the "**Conversion Lands**"). The issue of

"nearness" impacts potential noise and vibration impacts, and perceived odour and air quality. Also relevant to our client is the shared use of Progress Avenue that serves both of our client's facilities as well as being the main artery out of the Conversion Lands.

Figure 1. provides a satellite image of our client's facilities in relation to the Conversion Lands



HISTORY

Atlantic Packaging Products Ltd ("**Atlantic**") has been in business since 1945 starting in downtown, but then relocating to Scarborough in the 1950's. Atlantic pioneered the use of 100% recycled containerboard in North America. This leadership in environmental stewardship has proven to be a success as other North American paper mills followed suit over the next 40 years. Atlantic has continued to invest in continuous improvement projects through the decades and each time adding valuable jobs to the community (both directly and indirectly).

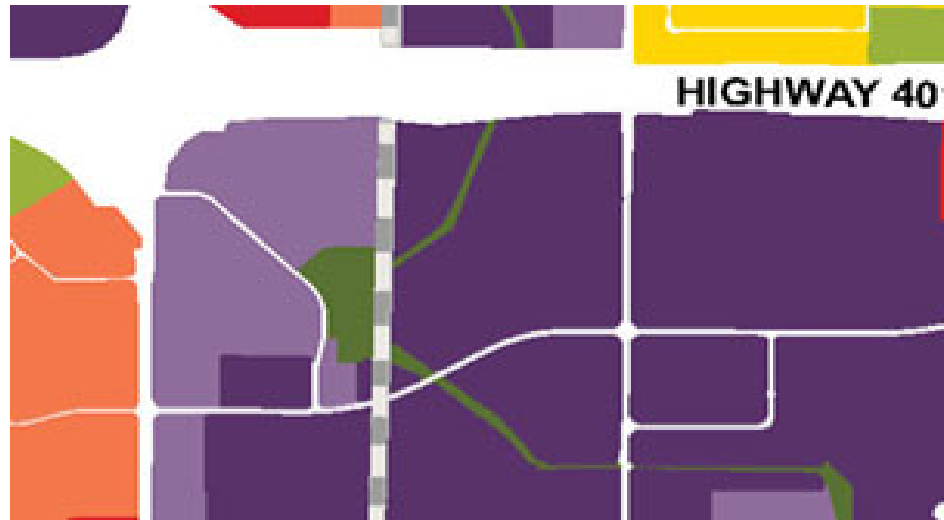
Across North America, Atlantic employs more than 2500 employees, and of these, 1500 employees are working in the Scarborough and greater GTA area in a total of 9 manufacturing sites in GTA (6 of the 9 are in Scarborough). Atlantic continues to show its commitment to the community by investing in its operations in Scarborough to exceed regulatory standards.

Atlantic values their unique home in Scarborough with its skilled work force and ready access to Highway 401. However, the requested employment land conversion request (if approved) will most definitely adversely affect their ability to successfully provide sustainable packaging

solutions to its customers. Municipal support of the Conversion Land proposals will negatively impact the locational advantages this area of the City offers.

As shown on Figure 2., the Conversion Lands are designated in the City of Toronto Official Plan as General Employment Area which abuts our client's Core Employment Area lands. These Employment designated lands are places of business and economic activities which are vital to Toronto's economy and future economic prospects.

Figure 2.



The Atlantic facilities are classified as a Class II industrial land use under the D6-guidelines. Class II industrial uses have a potential influence area of 300 metres and a minimum separation distance of 70 metres. The Atlantic facility has potential to cause offsite air quality, odour and noise impacts within these separation distances. The Conversion Lands are located partially within the minimum separation distance, and entirely within the potential influence area, associated with the Atlantic facilities.

It is our opinion that the proposed conversion and request for permission for sensitive land uses in the potential influence area of the Atlantic facilities would not be consistent with the Provincial Policy Statement, 2020 and would not be in conformity with the Growth Plan for the Greater Golden Horseshoe. In particular, Provincial policies that are aimed at protecting Employment Areas that are planned for industrial and manufacturing uses.

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement, 2020 provides policy direction on matters of provincial interest related to land use planning and development. It is the objective of the Province to "provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment".

Our client's operations are considered to be a *major facility* as defined by the PPS. As noted in Policy 1.2.6.1: "*Major facilities* (manufacturing uses) and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures".

In addition, Policies 1.3.2.1, 1.3.2.2 and 1.3.2.3 provide direction with respect to the protection and preservation of *Employment Areas* that are planned for industrial and manufacturing uses, which includes Atlantic lands. Policy 1.3.2.2 requires "separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas". Policy 1.3.2.3 requires that: "within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility". Policy 1.3.2.4 specifically address conversion requests but notes "...may permit.....only where it has been demonstrated ...that there is a need for the conversion." It cannot be the situation that there is a need for the Conversion Lands. Lastly, Policy 1.3.2.6 dictates that "Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations." The Conversion Lands abut both Highway 401 and a rail corridor.

GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE ("Growth Plan")

Policy 2.2.5.9 of the Growth Plan provides direction for conversions of lands within employment areas to non-employment uses, which includes the test that:

- a) "there is a need for the conversion;"
- d) "the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in the Plan, as well as the other policies of this Plan;"

Therefore, any contemplation of proposed conversion of employment lands will be required to conform to the Growth Plan including this policy. We are not aware of any "need" for this conversion or consideration and confirmation that the overall viability of this employment area will not be harmed.

LAND USE COMPATIBILITY

As noted previously, the properties subject to the requests for conversion fall within the potential influence area of the Atlantic facilities.

Introducing sensitive land uses within the potential influence area will trigger a need for considerable mitigation required to ensure compatibility between existing industry and the introduction of new sensitive land uses. The more sensitive land uses encroach on industrial operations, the amount of mitigation needed and potential for complaints increases.

Once sensitive land uses are permitted in a land use designation in an Official Plan (which would occur if the conversion request is approved), the *Planning Act* requires that that municipal zoning by-law be amended to conform with the Official Plan. Once designated, it is understood that such lands would be zoned to include zoning permissions for sensitive land uses.

Once the zoning permits a sensitive land use, an Environmental Compliance Approval ("ECA") must assume a sensitive receptor is present on the zoned lands (even if a sensitive land use is not present). This change transfers the responsibility of mitigation to the industry.

In summary, Atlantic is requesting the following:

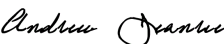
- i) that the employment area conversion request nos. 101 and 102 not be supported in order to protect Atlantic's operations from the encroachment of sensitive land uses and potential impact on existing industries;
- ii) the lands identified as General Employment and Core Employment (identified on Figure 2) continue to be designated accordingly in accordance with Provincial Plan policies given the failure to satisfy the City's Official Plan conversion policies;
- iii) the City takes account of potential land use compatibility issues in light of the D-6 Guidelines and ECA requirements;
- iv) any decision on proposed land use conversions be consistent with the Provincial Policy Statement in particular policies 1.2.6.1, 1.3.2.1, 1.3.2.2, 1.3.2.3, 1.3.2.4 and 1.3.2.6; and
- v) any decision on proposed land use conversions be in conformity with the Provincial Growth Plan in particular policy 2.2.5.9.

Please be advised that Atlantic welcomes further discussion with City staff. We thank you for the opportunity to comment on this important matter and request notification of any future meetings or decisions relating to the Conversion Land review.

Yours truly,

BENNETT JONES LLP

Per:

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Andrew Jeanrie

c.c.: Client
AJ/RB/cmt