

Calvin Lantz  
Direct: +1 416 869 5669  
Mobile: +1 416 931 0469  
CLantz@stikeman.com

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**By E-mail**  
**Councilmeeting@toronto.ca**

Toronto City Council  
c/o Sylwia Przewdziecki, Manager  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Deputy Mayor and Councillors:

**Re: PH5.3 Our Plan Toronto: Conversion Requests and Chapter 7 Site and Area  
Specific Policy No. 836 – Final Report  
Request No and Addresses:  
#99 – 266-268 Royal York Road, Rear**

We represent Gambles Produce Inc. (“Gambles”) with respect to the Gambles Produce Distribution Centre located at 302 Dwight Avenue, which is in proximity to the above-noted conversion request.

It has come to our attention that the draft SASP 836 for 266-268 Royal York Road (the “Conversion Property”) is deficient. The proposed SASP does not protect the Gambles facility, both for current and future capacity and operations, or other major facilities in the vicinity that may be impacted by the proposed encroachment of sensitive land uses.

**We ask that Council defer the approval of SASP 836 and direct staff to revise the SASP to address the concerns raised in the discussion below.**

#### Background/Context

The Gambles Produce Distribution Centre located at 320 Dwight Avenue (the “Property”) is designated by the City of Toronto Official Plan as Core Employment Area. The produce distribution facility on the Property operates in conjunction with a distribution centre located at the Ontario Food Terminal (165 The Queensway). The Distribution Centre on the Property operates 24 hours a day/7 days a week with 190 employees. Most of the emission impacts from the Distribution Centre are noise related. The Distribution Centre is a refrigerated/climate controlled warehouse. Rooftop chiller units and truck refrigeration compressors are not insignificant sources of noise, particularly when activity on the Property ramps up at 3 to 4 am to pre-load and stage trailers for local shipment dispatch starting at 6 am.

The Distribution Centre, constructed in 2006, is already at capacity. Gambles submitted an application for Site Plan Approval to the City in April, 2022, to construct an addition to the existing refrigerated warehouse of approximately 4, 600 square metres (22 137068 WET 03 SA), which represents an 80% increase in capacity.

The existing Distribution Centre on the Property would likely be considered a Class II industry under the MECP D1-D6 Land Use Guidelines. Class II industrial uses have a potential influence area of 300 metres and a minimum separation distance of 70 metres is required.

However with the proposed addition, the Distribution Centre on the Property will have a greater number of employees and more shift change traffic, more shipping activity, a greater number of rooftop chillers and more refrigerated truck traffic on the Property. The expansion could elevate the Gambles' Distribution Centre to a Class III industry under the MECP D1-D6 Land Use Guidelines. Class III industrial uses have a potential influence area of 1000 metres and a minimum separation distance of 300 is required.

The Property is situated within approximately 300 metres of the Conversion Property. The Conversion Property is located within the potential influence area of the Distribution Centre located on the Property.

### The Purpose of SASP 836

In the Our Plan Toronto: Conversion Requests – Final Report – Attachment 2 at page 153, Staff state that they,

...support a SASP that would permit some uses of the proposed mixed-use development on the *Mixed Use Area* portion of the ... [Conversion Property], to be located on the northern part of the *Core Employment Area* lands. These permitted uses would include parking, loading, service, access and mechanical facilities, but would exclude residential units and amenity space.

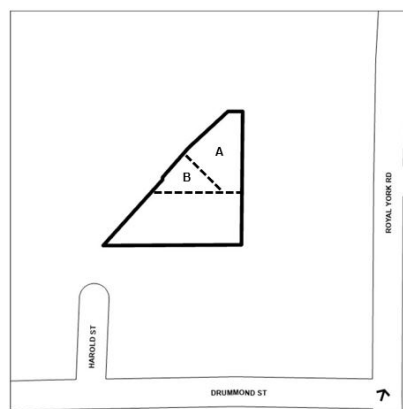
SASP 836 found on page 36 of draft Official Plan Amendment No. 653 does not achieve the objective that Staff support as stated above. SASP 836 is repeated in its entirety below.

### '836. Rear portion of 266-268 Royal York Road

a) Parking, loading, service, access and/or mechanical facilities to serve the uses on the *Mixed Use Areas* part of the lands known municipally in 2022 as 266-268 Royal York Road are permitted in Area A.

b) Underground parking to serve the uses on the *Mixed Use Areas* part of the lands known municipally in 2022 as 266-268 Royal York Road is permitted in Area B.

"c) *Core Employment Areas* uses on the lands are limited to those that are compatible with residential uses. No residential uses are permitted on the lands.'



## Ancillary or Component Residential Uses

Whether the principal residential use is located on lands designated Mixed Use Areas or otherwise, any use that is ancillary to residential or any component serving a residential use, is still a residential use according to Zoning By-law 569-2013, according to the MECP D1-D6 Guidelines and according to the *Environmental Protection Act*.

This has a few implications for SASP 836, for example, the blanket prohibition on residential uses in SASP 836 c) may prevent the permissions in a) and b) from being realized. But also any proposed use of the Core Employment Areas designated lands must not just be compatible with residential uses, but must also be compatible with major facilities, like the Distribution Centre on the Gambles Property, and must protect the planned function of the Employment Areas designated lands in the vicinity.

Also, according to the definition of sensitive land uses in the Official Plan:

*Sensitive Land Uses: For clarity and for the purpose of this Plan, the term sensitive land uses means: buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times have the potential to experience an adverse effect, due to nearby major facilities or due to emissions that may be generated by the land uses permitted by this Plan within an Employment Area. Sensitive land uses may be a part of the natural or built environment, principal uses or accessory/ ancillary uses. Residential uses shall be considered sensitive land uses. Other examples may include, but are not limited to: daycare centres, and educational and health facilities. If the Plan permits a use in an Employment Area, the use is not a sensitive land use within that Employment Area for the purposes of this Plan.... [emphasis added]*

The intent of the definition carve out was to grandfather existing SASPs because the Provincial Policy Statement and Official Plan conversion policies were to prevent any new SASPs from permitting sensitive land uses in Employment Areas.

When applied to SASP 836, the implications of the definition carve out are problematic. The uses permitted by SASP 836 will not be sensitive land uses once the SASP is in force and effect. Therefore, no Compatibility/Mitigation studies will be required for any subsequent development application processes even though the proposed additional SASP 836 uses are sensitive land uses according to the Provincial Policy Statement and the Environmental Protection Act. The sensitive land uses permitted by SASP 836, if not buffered/mitigated properly could potentially put major facilities and the planned function of Employment Areas in the vicinity at risk.

We are not suggesting that compatibility of the uses permitted by SASP 836 be demonstrated now, but the compatibility of the proposed SASP 836 uses must be demonstrated before a zoning by-law amendment that implements SASP 836 is approved. In light of the Official Plan definition of sensitive land use above, SASP 836 should be modified to require that future compatibility assessment.

If such considerations are not accommodated in SASP 836, then SASP 836 is neither in conformity with the Official Plan, particularly policies 2.2.4.5 – 2.2.4.10 and 2.2.4.14 nor is SASP 836 consistent with the Provincial Policy Statement, 2020, particularly policies 1.2.6.1 and 1.2.6.2, because the introduction of a use that is otherwise not permitted in an Employment Area is a conversion of land and the long-term operation and economic viability of the Gambles Distribution Centre and other major facilities in the area has not been ensured.

## The Purpose of the SASP

Staff's intent for SASP 836 as stated in Our Plan Toronto: Conversion Requests – Final Report – Attachment 2 at page 153, was to prevent residential units and amenity space (residential points of reception) from being developed on the Employment Areas designated lands.

While this compatibility approach may be somewhat successful for compliance related emissions such as noise, it does not take into consideration nuisance and adverse effects or the increased risk of complaint, impacts that a proposed sensitive land use may have on industry that are not necessarily measured from or to residential points of reception.

Detailed compatibility/mitigation studies are necessary and the mitigation recommendations of such studies must be secured in advance of the zoning by-law amendment(s) that allow sensitive uses on the Conversion Property and the adjacent Mixed Use Areas lands. Alternatively, the introduction of sensitive land uses and/or the increased density of sensitive land uses may put major facilities in the vicinity at risk and could threaten the planned function of the Employment Area in the vicinity.

## Suggested Changes to the SASP

To address potential compatibility issues and the disconnect and inconsistencies between permissions and exclusions in proposed SASP 836 policies, the following underlined text additions are suggested:

### **'836. Rear portion of 266-268 Royal York Road**

- a) In addition to uses permitted in Core Employment Areas designation, underground parking, loading, service, access and/or mechanical facilities to serve the uses on the Mixed Use Areas designated part of the lands known municipally in 2022 as 266-268 Royal York Road are permitted in Area A, provided such uses are appropriately designed, buffered/mitigated and/or separated as appropriate from Employment Areas and major facilities to address the matters identified in Policy 2.2.4.5;

*[The way a) was previously drafted, there could be no parking, loading, service or access and/or mechanical facilities for Core Employment Areas uses or any Core Employment Areas uses on the Area A lands. On the Area A lands, the ancillary uses to serve the uses on the Mixed Use Areas lands was exclusive of all other uses.*

*This same issue occurs in b) below and has been similarly addressed.*

*If not amended, the intent of SASP 836 would be to only allow a parking garage / structure (both above-grade and below grade) and service uses on Core Employment Areas designated lands, contrary to the intent of what Planning staff recommended in the Final Report.]*

- b) In addition to uses permitted in the Core Employment Areas designation, underground parking to serve the uses on the Mixed Use Areas part of the lands known municipally in 2022 as 266-268 Royal York Road is permitted in Area B, provided such use is appropriately designed, buffered/mitigated and/or separated as appropriate from Employment Areas and major facilities to address the matters identified in Policy 2.2.4.5;
- c) Core Employment Areas uses on the lands are limited to those that are compatible with residential uses. However, no residential dwelling units,

- habitable space, indoor or outdoor amenity space or non-residential sensitive uses, including medical offices/clinics, recreation, fitness or community centre facilities, day nurseries or education facilities of any kind, are permitted; and
- d) When considering applications for Zoning By-law Amendment, Site Plan Control or other application(s) that introduce, develop or intensify sensitive land uses, including facilities to service the uses on the *Mixed Use Areas* designated part of the lands, a complete application shall include a *Compatibility/Mitigation Study* and the application process and approval shall conform with and address Policies 2.2.4.5 – 2.2.4.10 of the Official Plan. Any recommended or required at-source or at-receptor mitigation shall be secured in advance of such applications being considered for approval.

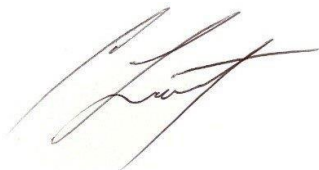
## Conclusion

In conclusion, Gambles supports City staff's position to not recommend approval of conversion request #99 and for such lands to remain designated as General Employment and Core Employment Areas. However, SASP 836 for the Conversion Property is deficient and the proposed sensitive land uses permitted by SASP 836, as currently proposed, puts industries such as Gambles at risk.

**We ask that Council defer approval of SASP 836 and direct staff to revise the SASP to address the concerns raised in this letter.**

We request notification of any future meetings, Staff reports produced and any decisions made relating to conversion request: #99 and the related SASP Official Plan Amendment or other development approval applications. Thank you for your attention to this matter. If you have any questions or require further information, please contact me.

Yours truly,



Calvin Lantz  
Partner

CL/na

cc. Councillor Amber Morley (Councillor\_Morley@toronto.ca)  
Matthew Premru, Economic Development (Matthew.Premru@toronto.ca)  
Jeff Hughes, President, Gambles Produce Inc. ([Jeff.Hughes@goproduce.com](mailto:Jeff.Hughes@goproduce.com))  
Al Brezina, SEIEA (abrezina@seiea.ca)