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Delivered by Email (clerks@cambridge.ca)

Council
City of Cambridge
50 Dickson Street, 3rd Floor, P.O. Box 669
Cambridge, ON N1R 5W8

Dear Members of Council:

Re: Applications for Official Plan Amendment No 56 and Zoning By-law Amendment (By-laws 22-058 & 22-059) for 255 King Street West, Cambridge (the “Subject Property”) to facilitate a mixed-use development with 600 dwelling units in 3 high-rise buildings (14-16 storeys; 2.15 FSI) and ground floor commercial & retail (the “Proposed Development”)
City Application File No: OR07/21

We are land use planning counsel for Parrish & Heimbecker Limited, including its milling division, P&H Milling Group (“P&H”). P&H is the operator of a flour distribution, warehousing and manufacturing centre (the “P&H Facility”) at 166 King Street West, in the City of Cambridge (“City”). The Proposed Development at the Subject Property would be approximately 60 metres from the P&H Facility. We write to express our client’s concerns regarding the proposed introduction of this new sensitive land use that would be permitted by the above-noted applications for Official Plan and Zoning By-law Amendment. It is essential that the Proposed Development be designed, developed and regulated to protect existing industry such as the P&H Facility, and to comply with applicable provincial guidelines including Ministry of Environment and Climate Change (“MOECC”) Guidelines D-6 and NPC-300.

Our client produces quality flour and cereal products for customers across Canada and the United States, as well as many off-shore markets. The P&H Facility has contributed to the economic development and employment growth of the City and the Region of Waterloo (the “Region”) for decades, and the flour mill dates back to 1807. P&H is also one of the oldest, if not the oldest, continually running business in the Region. P&H’s longstanding employment and economic contributions align with Provincial policy and directions in the City and Region’s Official Plans to support economic development and competitiveness by planning for, protecting and preserving employment areas and current uses.

Our client is concerned that the P&H Facility and the viability of its continued operations will be threatened by the introduction of sensitive land uses on the Subject Property, and that there has

been inadequate consultation with existing industries to ensure compatibility, including in particular from noise and traffic perspectives.

This is contrary to the approach directed by the MOECC, in NPC-300, which states:

Where a site in proximity to a stationary source is in the process of being developed or re-developed for noise sensitive uses (such as residential), it is considered the responsibility of the proponent/developer of the noise sensitive land use to ensure compliance with the applicable sound level limits and for this responsibility to be reflected in the land use planning decisions.

NPC-300 goes on to state that the involvement of owners of stationary sources in the land use planning process “is highly recommended” when an adjacent noise sensitive land use is proposed. The Guideline also states that a “cooperative effort” on the part of the proponent and the stationary source owners is desirable.

NPC-300 provides that it is the responsibility of the proponent of the noise sensitive land use to ensure compliance with applicable sound level limits: this includes mitigation. NPC-300 recommends design principles to facilitate compatibility of sensitive land uses and stationary sources. These principles include (but are not limited to) site layout considerations, such as using the closest buildings to provide shielding for the remainder of the development, ensuring buildings face away from the stationary sources, and ensuring that the exposed side of a new building does not contain sensitive indoor spaces.

It appears that additional or increased mitigation measures could be necessary as a result of the introduction of the Proposed Development, but the details and sufficiency of such measures are unclear based on the Planning Justification Report dated May 2021 prepared by GSP Group, and the Noise and Vibration Impact Study dated May 4, 2021 prepared by RWDI (the “**Noise Study**”).

Given the close proximity of the Subject Property to stationary and other noise sources such as the P&H Facility, ensuring compatibility and compliance with Provincial guidelines should be a fundamental driver when evaluating Official Plan and Zoning By-law Amendments contemplating sensitive uses in the area and at the Subject Property.

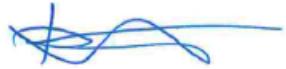
Our client is also concerned about compatibility from a traffic perspective. P&H is aware of the Transportation Impact Study prepared by Paradigm Transportation Solutions, dated May 2021, but remains concerned that the Proposed Development will place undue demands on area roads, and about the potential for traffic conflicts and associated safety issues given the proximity of new residential traffic and traffic to and from the P&H Facility.

P&H is committed to the continued growth and prosperity of the City and Region, but wants to ensure that new developments are thoughtful and compatible with surrounding uses.

We recommend that approval be deferred to a later meeting to allow time for consideration of these concerns and exploration of solutions to achieving compatibility, if possible. At this time, since land use compatibility is not assured, our clients submit that approval is premature.

We submit this letter in advance of the upcoming meeting on September 27, 2022 for Council's consideration. We kindly request that we be added to any notification or circulation list related to this matter, especially as it pertains to future meetings or decisions concerning this item.

Yours very truly,
BORDEN LADNER GERVAIS LLP



Katie Butler

cc: Rachel Greene, Senior Planner, Community Development (greener@cambridge.ca)
 Lisa Prime, Chief Planner, City of Cambridge (primel@cambridge.ca)