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File No. 20103

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**Re: Official Plan and Zoning By-law Amendment
OR11/21 – 410 Queen Street West
Report 23-288-CD-Recommendation Report**

We are counsel to Samuel, Son & Co. the owner and operator of the facility at 133 Groh Ave. which is immediately adjacent to the lands which are the subject of applications OR21/11. Previously we had written to Council indicating our client's concern with the proposed development. Our letter of March 16th, 2022 is attached hereto for your reference.

While we note that the proponent has revised their proposal in response to some comments from staff there has been no effort by the proponent to either contact our client or we as their counsel to address the concerns of compatibility that clearly exist and which have been previously identified by staff. We would note that in the Staff report there is reference made to the proponent indicating that it would be working with its industrial neighbors to resolve issue of compatibility but we can advise that no such effort has been made.

Further, while the proposal has been revised to remove one of the residential buildings that previously would have been located very close to the property line with our client and its operations, this building has now been replaced with a large outdoor amenity area. The result is to bring residential occupiers of the proposed development in even closer proximity to the operations of our client and to encourage them to engage in outdoor activities that will be in an area that will be impacted by noise from our client's permitted operations. The result is a worsening of the situation rather than addressing the concerns that residential uses are being proposed in an area without consideration of these impacts and without the proponent even completing a noise impact assessment that address their industrial neighbours. The Recommendation Report suggest that one will be completed in the future but after approval by Council. Given the importance of employment lands to the City and the need to ensure that employment lands remain available and able to operate within the City such a short-sighted approach to planning this area is in our view not appropriate and could potentially result in the loss of a long-standing employer within the community should their continued operations be rendered uneconomical as a result of this decision to allow residential uses in close proximity to our client's operations without requiring the proponent to first address the issue through a report that incorporates our client's operations and can be reviewed by your client.

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We ask Council to consider not only the need for expanded residential opportunities but also the need to ensure that there continues to be places for future and existing residents to work within the City. As such we ask Council to refuse the applications until such time as a full noise and odour impact study has been completed that addresses not only the operations of our client but the others employers in the area and proposed suitable and appropriate mitigation measures which are to be borne by the proponent at no costs to the employment industry that has long served this community.

Should you have any questions please do not hesitate to contact me directly.

Sincerely,
KAGAN SHASTRI LLP

A handwritten signature in black ink, appearing to read "Paul M. DeMelo", enclosed within a large, loopy oval flourish.

Paul M. DeMelo
cc. Client