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June 17, 2022

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Mayor Bonnie Crombie and Members of City Council
City of Mississauga
300 City Centre Drive
Mississauga, Ontario L5B 3C1

Attention: Diana Rusnov, City Clerk and Director
Bashar Al-Hussaini, Planner, Planning Program
Luisa Galli, Manager, Planning Program
Romas Juknevicius, Project Lead, City Planning

And

Regional Chair Nando Iannicca and Members of Peel
Council
Region of Peel
10 Peel Centre Drive
Brampton, Ontario L6T 4B9

Attention: Aretha Adams, Regional Clerk
Tara Buonpensiero
April Bihui Fang
Lina Alhabash

Dear Mesdames and Sirs:

**Re: Mother Parker's Tea & Coffee Inc.
Regional Official Plan Modification
Peel Regional Council Meeting – July 7, 2022
Response to Ahmed Group Submissions**

We are the solicitors for Mother Parker's Coffee & Tea Inc. ("**Mother Parkers**"), the owner of 2530 and 2531 Stanfield Road and the occupant of 2470 Stanfield Road, at which it manufactures tea and coffee products. We wrote to you on April 27, 2022 and deputed before Peel Regional Council on May 12, 2022. For reference, our April 27, 2022 letter is attached as Attachment 1. The primary request we made was for Peel Regional Council to ask the Minister of Municipal Affairs and Housing to modify the Peel 2051 Official Plan prior to approval to keep lands in the vicinity of the Mother Parkers operations within an Employment Area.

This letter responds to written submissions from Peter Gross of Gowling WLG (Canada) LLP dated June 7, 2022 on behalf of the Ahmed Group which owns lands within the area that Mother Parkers asked be retained in the Peel Official Plan as Employment area (the "**Gowlings Letter**"). The Ahmed Group wishes those lands to be converted for residential purposes. For the reasons set out herein, it remains Mother Parkers' request that the lands located between Haines Road and Ernest Blundell Drive on the south side of Dundas Avenue East identified in our April 27, 2022 letter remain Employment Area lands.

Deputation Request – July 7, 2022

Please also register the undersigned for a deputation to Peel Regional Council at its July 7, 2022 meeting.

Attached are:

1. Our April 27, 2022 Letter Requesting Modification Request of Minister
2. HGC Engineering April 18, 2022 Noise Impact Assessment (previously provided to staff)
3. HGC Engineering's June 17, 2022 letter reviewing the Draft RWDI Noise and Vibration Impact Study attached to the Gowling Letter

Responses to Ahmed Group Submissions

Mother Parkers wishes to make the following responses to the primary points raised in the Gowlings Letter:

Inaccurate RWDI Noise Study

1. The Draft RWDI Noise and Vibration Impact Study prepared for Ahmed Group indicates that noise impacts will be less than the HGC Engineering Study and Report (attached as Attachment 2). The attached letter from HGC Engineering highlights the deficiencies in the RWDI modelling of noise impacts from the Mother Parkers facilities. RWDI represented sound emissions from one of the Mother Parkers facilities with a single trucking route, and ignored another facility entirely.

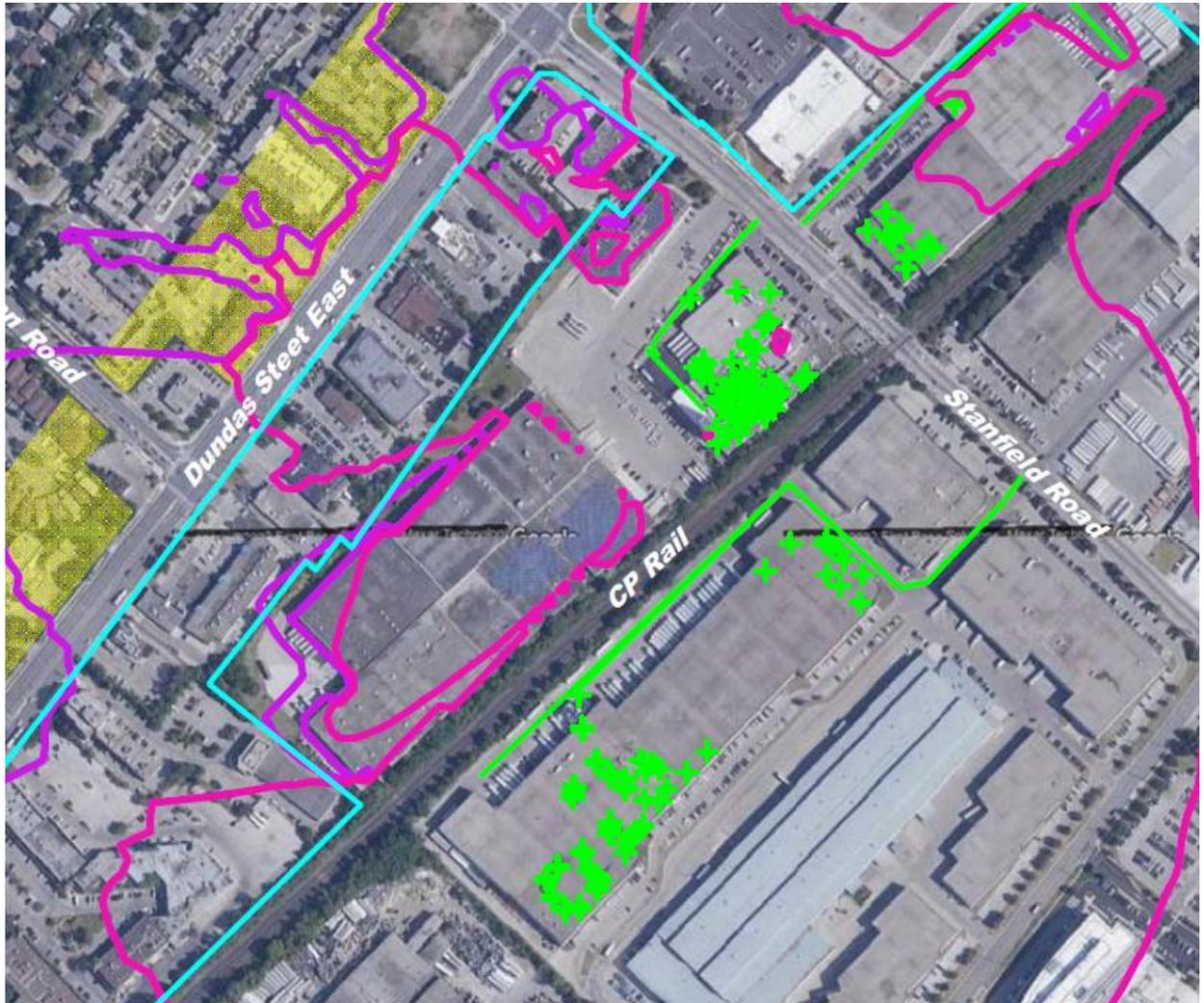


2. This is seen very clearly when we look at the noise sources used by RWDI (shown as green dots/lines in Figure 1 of the RWDI Report (page 33 in the pdf). They assume one single source at 2530 Stanfield Road, one trucking route at 2470 Stanfield Road and none at 2531 Stanfield Road.



3. The actual situation, recognizing all of the noise sources utilized by HGC Engineering is significantly different, as can be seen in the number and location of the actual noise sources shown as green crosses and lines:





4. The Gowlings Letter incorrectly asserts that Mother Parkers is out of compliance with NPC-300 and its ECA. That letter ignores the fact (identified in the legend) that the limits on the north side of Dundas Street East are higher due to existing background road noise, as the attached review letter from HGC Engineering explains in greater detail.
5. Ahmed Group wishes to avoid the normal Class 1 noise sound limits. It blithely assumes that it only needs to meet the significantly higher sound limits specified for Class 4 designated lands. The limits are 10 dBA higher, which will be perceived as **doubly** as loud. Such a designation is typically only justified in exceptional circumstances where there are other factors which justify City Council determining that the new residents should be exposed to a degraded acoustical situation. No such other factors exist or have been suggested here.



Odour Comments Based on Lack of Knowledge and Foresight

6. The Gowlings Letter states that Mother Parkers has not and is thus not required to make any EASR filings that relate to odour. That is simply untrue. It is clear that Gowlings and the Ahmed Group were unaware that Mother Parkers is in the process of installing a new processing line at 2470 Stanfield Road for which an EASR filing is required. Furthermore, any future process changes or alterations to its facilities will require EASR filings. Indeed, another EASR filing is already anticipated for changes to a roaster located at 2530 Stanfield Road in the late fall of this year.
7. The Ahmed Group's attempt to rely upon dated regulatory approvals when Mother Parkers business model is to continue to innovate demonstrates the folly of assessing only existing manufacturing impacts and squeezing sensitive development in near it.

Assumes Manufacturing Will Fail and Has No Value

8. Ahmed Group's real and primary argument is found near the end of the Gowlings Letter under the heading "**What If They Leave?**". Their comments that automation, globalization *etc.* explain why manufacturing employment has dropped in the Region of Peel lead to a plea that Regional Council "be cognizant of this reality". In essence, Ahmed Group's principal argument is that the Region should assume all manufacturing will die in the Region and not aspire to providing employment and retaining successful innovative businesses.
9. Of course, that is not Mother Parkers' reality. It has adopted automation, regularly innovates and is itself globalized, producing desirable products for export. Mother Parkers has thrived and it makes no sense to assume it will fail. Allowing conversion of the Ahmed Group lands will be likely then become a factor that will drive Mother Parkers from Mississauga by making it difficult for Mother Parkers to continue adapting and introducing new processes.
10. The thrust of the Gowlings Letter and Ahmed Group's submissions is that allowing lands to provide housing is significantly more important than allowing successful industries to provide local jobs, maintain thriving Canadian businesses, contribute to the economic well-being of the Region and attract people to live in the City and the Region. That is plainly wrong.

Region Must Plan for and Accommodate Employment

11. While it is clear that the Region and the City need to plan for population growth, it must also provide lands for Employment (an additional 350,000 jobs over the next 30 years). Mother Parkers alone employs between 500 and 700 people, over 90% of which are full time. Mother Parkers also relies very significantly upon other employers in the Dixie Employment Area, including the logistics company located adjacent to it. The loss of these jobs, likely well over 1,000, together with the impacts on other employers in this area will need to be made up elsewhere in the City.
12. There is no principle found in any planning document in Ontario that housing is paramount to employment.



13. In fact, there is a considerable Provincial Policy focus in the PPS 2020 and Growth Plan, 2019, on protecting employment uses and land inventories from sensitive uses. This need has actually increased over the past two years as a result of the pandemic's effect on industrial demand, resulting in low vacancies, and in some cases emergency approvals of employment uses on the urban fringe to support increased societal demands. Protecting inventories of existing employment lands, well connected to transit and close to where people live, is vital to maintaining the health of the Region and City.

Housing Can Be Easily Provided Elsewhere

14. Practically speaking, the Ahmed Group lands are not crucial to the Region achieving its Growth Plan population targets. It is simply not true that if these lands are not converted, the Region will be unable to achieve its Growth Plan population targets. There are significant residential development opportunities (and indeed pressure) in intensification areas throughout Mississauga, including in the City's growth centre and along the Hurontario Street corridor, along the Lakeshore (e.g. the Lakeview and Imperial Oil sites). There is ample room for additional residential development in location that will not have detrimental impacts on employment uses, particularly over a 30 year time-frame.
15. Indeed, the entire Dundas Street East Corridor is being considered for that purpose. The Ahmed Group lands do not to be converted when there are opportunities to accommodate housing elsewhere along the Dundas Street East corridor. It is a fallacy to assume that housing needs to be evenly distributed along the entire Dundas Street Corridor. Some areas will contain more housing, with higher and denser built forms. Other areas, because of the constraints imposed by their setting, whether natural or man-made will not be able to convert from employment. This is one of those.
16. Good planning requires balancing objectives. Indeed, ignoring the reality of manufacturing impacts and assuming that all manufacturing, including ones that are demonstrably healthy and regularly expanding, innovating and changing processes, would be in Mother Parkers' view unwise.

No Detailed Compatibility Analysis in the Inputs to Peel Region's 2051 Land Needs Assessment

As the Region's own Land Needs Assessment Report makes clear, the Region relied heavily on the municipalities in deciding which lands to remove from the employment inventory. Mississauga's Dundas Connects Study did not include detailed compatibility studies for this area, acknowledged in our meetings with staff. The work necessary for the Region to consider removing these lands from employment has not been undertaken, and it would be appropriate to reconsider the proposed removal from the Employment Area on that basis alone.



Renewed Request

Mother Parkers would therefore renew its request that the Mixed Use Lands outlined in our April 27, 2022 letter remain designated as Employment Lands in the Mississauga Official Plan and within the Dixie Employment Area and that the Region of Peel request the Minister of Municipal Affairs and Housing to modify the Peel 2051 Regional Official Plan prior to approval to similarly maintain those lands as *employment lands* within an *employment area* and as areas of employment with no permissions in principle or conditionally for any noise or odour sensitive land uses, such as residential uses.

Mother Parkers would like to thank City Council, Peel Regional Council and the staff who have been engaged in these discussions for their cooperation. If there are any questions, please let us know.

Thank you for your consideration.

Yours very truly,

MILLER THOMSON LLP

Per:



David Tang
Partner
DT/ac



ATTACHMENT 1



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April 27, 2022

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Mayor Bonnie Crombie and Members of City Council
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300 City Centre Drive
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Attention: Diana Rusnov, City Clerk and Director
Bashar Al-Hussaini, Planner, Planning Program
Luisa Galli, Manager, Planning Program
Romus Juknevicius, Project Lead, City Planning

And

Regional Chair Nando Iannicca and Members of Peel
Council
Region of Peel
10 Peel Centre Drive
Brampton, Ontario L6T 4B9

Attention: Aretha Adams, Regional Clerk
Duran Wedderburn, Principal Planner

Dear Mesdames and Sirs:

**Re: Mother Parker's Tea & Coffee Inc.
Dundas Connects Master Plan**

We are the solicitors for Mother Parker's Coffee & Tea Inc. ("**Mother Parkers**"), the owner of 2530 and 2531 Stanfield Road and the occupant of 2470 Stanfield Road, at which it manufactures tea and coffee products. Our client uses the services and premises of numerous businesses located within the same existing employment area. Its finished products and raw materials are warehoused in various properties throughout that employment area.

It is located within the Dixie Employment Area (Map 17-1). That Employment Area includes all of the properties south of Dundas Street East, which are subject to the Mixed Use policies of the Official Plan, which explicitly do not permit residential uses. The area of particular concern to Mother Parkers are those lands located between Haines Road and Ernest Blundell Drive outlined in light blue in Figures 1 and 2 below (the “**Mixed Use Lands**”).

The City has been in the process of determining how best to implement the findings of the Dundas Connects Study (“**Dundas Connects**”) through an Official Plan Amendment, which we understand it hopes to introduce to the public in May of this year. Mother Parkers believes that the Official Plan Amendment should not allow the conversion and redesignation of these Employment Lands so as to permit sensitive land uses such as residential uses in the Mixed Use Lands.

At the same time, the Region of Peel has been considering Major Transit Station Areas and *employment land and employment area* policies and designations within proposed Major Transit Station Areas and for all of the same reasons, Mother Parkers believes that the Regional Official Plan should ensure that the Mixed Use Lands remain *employment lands in an employment area* and an area of employment¹ consistent with the Mississauga Official Plan and the approach set out in this letter.

Impact on Mother Parkers Operations

Our client is a local business that employs between 500-700 employees, depending on volume of business. Well over 90% of these are full-time employees.

As one of the largest coffee companies in North America, Mother Parkers primarily produces private label coffee and tea for some of the world's largest retailers and foodservice brands. These markets are quite fluid and signing a new contract or completion of an existing contract can result in a rapid expansion or contraction of demand. Mother Parkers has had to regularly ramp up and down its production to meet those changing demands. It therefore needs from the Ministry of the Environment and Climate Change periodic Environmental Compliance Approvals and/or registration in the Environmental Activity and Sector Registry. It is those which the proposed introduction of sensitive uses in the vicinity would jeopardize.

Mother Parkers relies upon other businesses and other properties in this Employment Area for its continued success. Well over two hundred Mississauga businesses are suppliers and service and logistics providers to Mother Parkers. The Employment Area allows quick and convenient access and nearby storage of materials, (e.g. Philburn Logistics on the east side of Stanfield Road across from the plant). As a result, Mother Parkers is concerned not just with ensuring that the properties it operates in remain viable, but that the entire Employment Area continues to thrive, without conflicts with more sensitive uses.

As demand changes in the coffee and tea industry, periodic expansions or retooling for different processes or products will be needed. The introduction of sensitive land uses much closer to its lands than currently exist could prevent Mother Parkers and the

¹ As all of those terms are defined in the *Planning Act, the Growth Plan for the Greater Golden Horseshoe* and the Official Plans of Peel Region and the City of Mississauga.



businesses it relies upon from changing their activities and processes to accommodate new market demands. Their activities and processes would be frozen and they would no longer be able to compete.

This is required even for a change in the "rate of production" if more noise or odour is created. So more coffee bean roasting or increased shipping activities could trigger that requirement. Noise, odour and most other air emissions are attenuated over distance. Conversion of the lands south of Dundas Street East to permit sensitive land uses would reduce the distance between industrial operations and sensitive receptors to effectively zero.

Mother Parkers foresees continued growth and opportunities. It is not in decline. It has introduced new processes regularly within its facilities, as often as one every few years to respond to the changing beverage market in North America. The Dundas Connects analysis assumed that some "older employment areas [are] undergoing a slow but steady shift away from industrial and manufacturing uses to service oriented activities such as retail", but that is not the case near the Mother Parkers facility.

Mother Parkers does not oppose other parts of the Dundas corridor from being converted from Employment lands to residential; however, we would suggest this is not appropriate here where the Employment Lands remain functionally and economically viable. That is why we suggest a localized exception to the conversion recommendation.

More Detailed Analysis Carried Out

Mother Parkers has carried out a recent analysis of the potential noise and odour impacts its current operations would have on nearby lands. Those results, at the third storey and fifteen storey levels, are shown in Figures 1 and 2 below.



Figure 1 – Sound Level Contours (Leq [dBA] and Odour Setbacks 3rd Storey Elevation

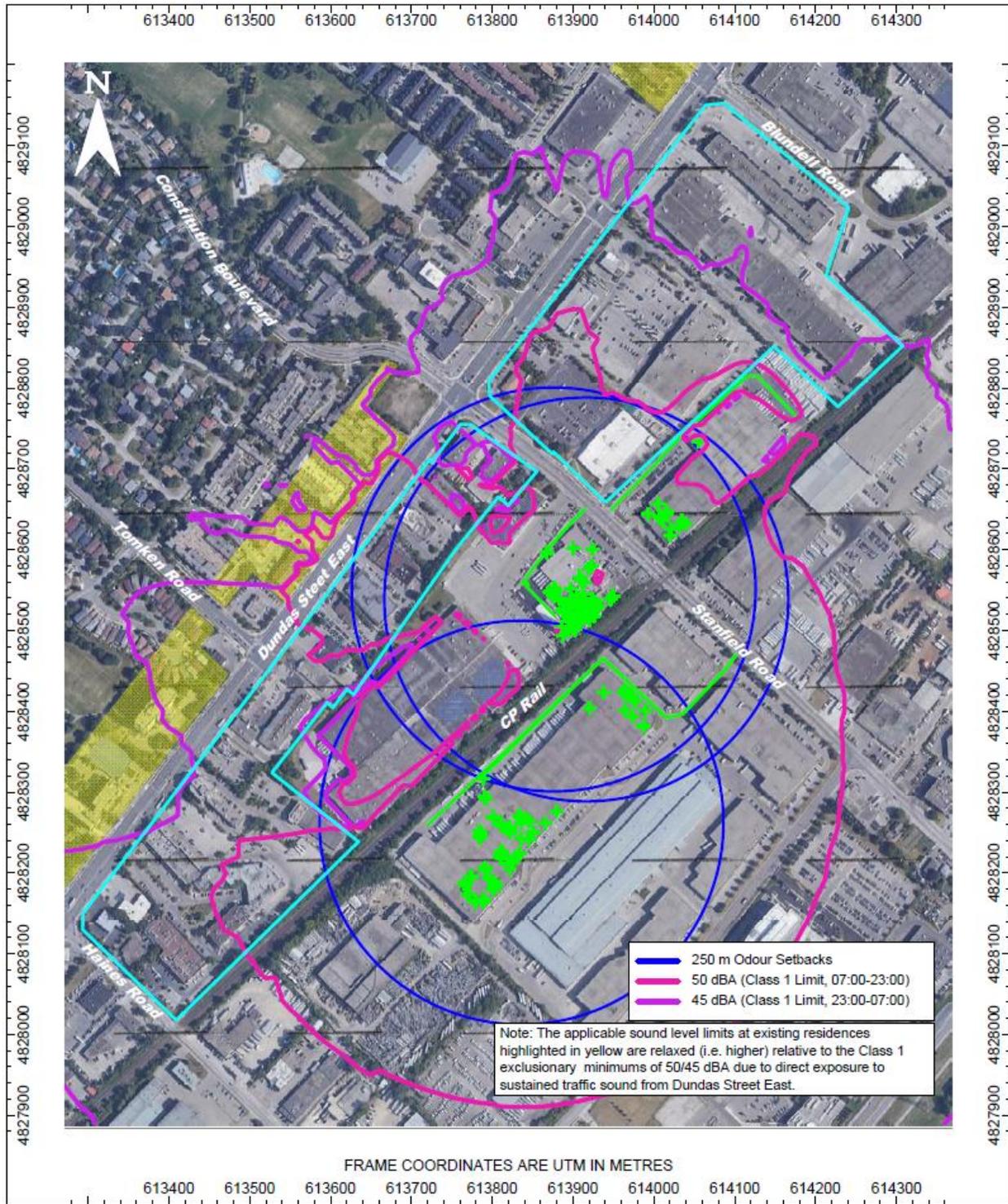
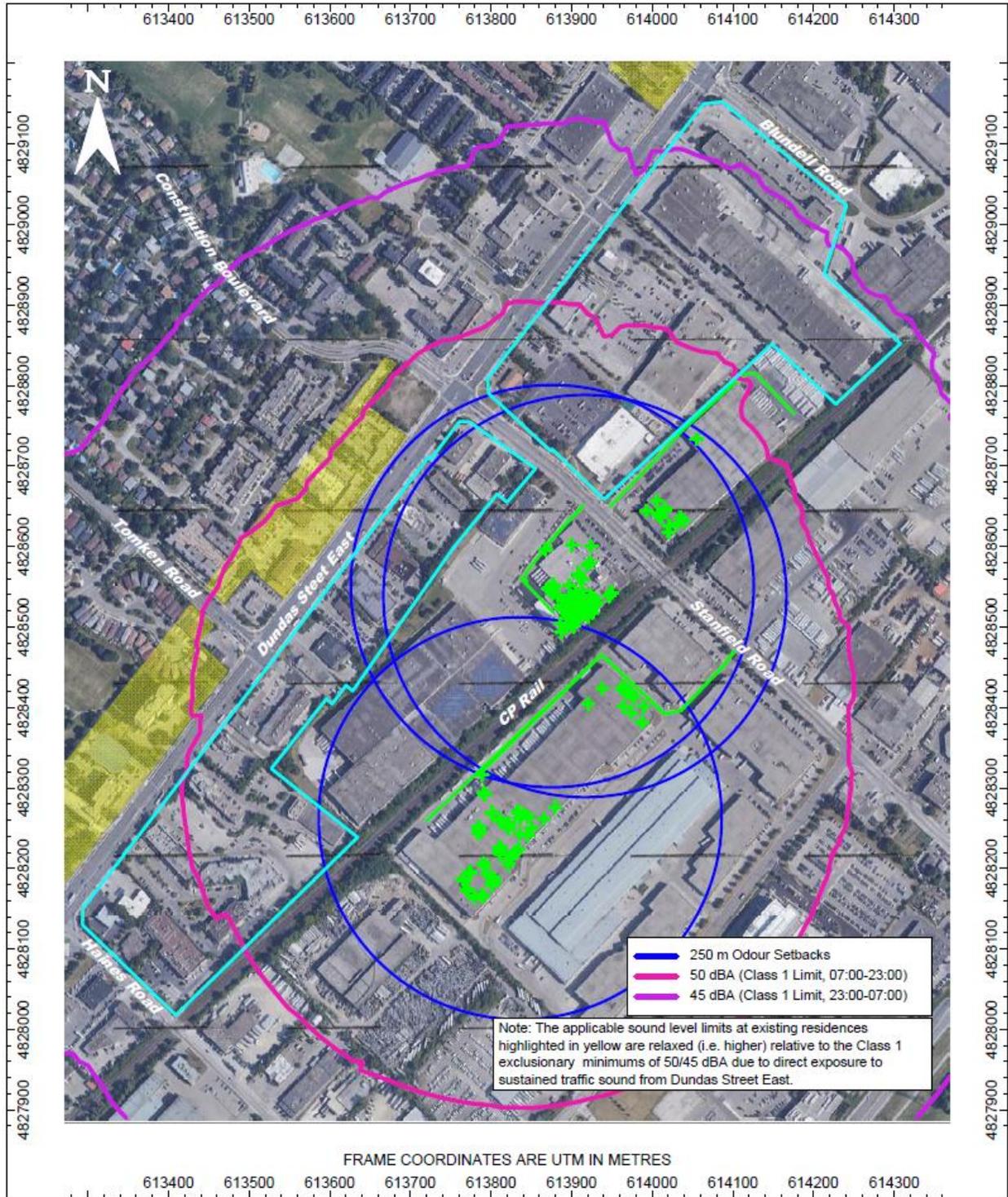


Figure 2 – Sound Level Contours (Leq [dBA] and Odour Setbacks 15th Storey Elevation



To meet the Province of Ontario noise guidelines (NPC-300) lands proposed for noise sensitive uses, such as residential uses, must not be exposed to more than 50 dBA of noise during the daytime hours and not more than 45 dBA of noise in the nighttime hours. The noise contours in Figure 1 show that all of the lands located south of Dundas between Haines Road and Ernest Blundell Drive will experience more than 45 dBA of noise even in the nighttime hours. The nighttime 45 dBA noise contour (purple) extends marginally past those lands if measured at the third storey, and significantly if measured at the 15th storey. The daytime 50 dBA noise contour (pink) covers most of the lands in either case. Expansions or increases in activities at the Mother Parkers facilities would further increase its noise footprint. Practically speaking the lands fronting on Dundas Street East in this area simply would not qualify to be converted for sensitive land uses from Employment Lands.

As the differences between these two figures demonstrate, the impacts of noise are most problematic if taller residential or other noise sensitive buildings are proposed. Those higher floors will experience the industrial impacts directly, without any screening that intervening industrial or commercial buildings provide.

With respect to odour, the Provincial guidelines require a 250 metre setback from facilities producing coffee and tea to any property on which is located any odour sensitive activity. The setback is measured from the property boundary, not the actual odour sensitive activity or building itself. Given the current full-depth configuration of those lots fronting on Dundas Street East, the setback would affect all of the parcels of land upon which any of the three blue 250 metre setback circles fall. These current setback circles are based upon the current configuration of the Mother Parkers plants and additional setbacks could be required if Mother Parkers introduces new lines and exhausts to serve its customers.

Request

Mother Parkers would therefore request of City Council that the lands outlined in light blue in Figures 1 and 2 remain designated as Employment Lands within the Dixie Employment Area and not be redesignated or subject to any policies which would permit any noise or odour sensitive land uses, even conditionally or in principle, by the Official Plan Amendment the City proposes to implement Dundas Connects.

If further requests that the Peel Regional Official Plan, the draft Peel 2051 Regional Official Plan and any upcoming Official Plan Amendments (including those to implement the Major Transit Station Areas) similarly maintain these Mixed Use Lands as *employment lands* within an *employment area* and as areas of employment with no permissions in principle or conditionally for any noise or odour sensitive land uses.

For clarity, Mother Parkers suggests that as a minimum the following land uses should be identified as noise and/or odour sensitive land uses which should be precluded from these Mixed Use Lands and throughout the balance of the Dixie Employment Area: residential uses or any uses involving a dwelling, commercial uses that include one or more habitable rooms used as sleeping facilities such as a hotel or motel, institutional uses including an educational facility, a day nursery, hospital, health care facility, shelter for emergency housing, community centre, place of worship (unless located in commercially or industrially zoned lands), detention centres, child care centre, campsites or campgrounds at which



overnight accommodation is provided, recreational uses unless solely used for a recreational trail.

Mother Parkers would like to thank City Council, Peel Regional Council and the staff who have been engaged in these discussions for their cooperation. If there are any questions, please let us know.

Thank you for your consideration.

Yours very truly,

MILLER THOMSON LLP

Per:



David Tang
Partner
DT/ac





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Mississauga, Ontario, Canada L5N 1P7
t: 905.826.4044

April 18, 2022

Adrian Khan
Mother Parker's Tea & Coffee Inc.
2530 Stanfield Road
Mississauga, Ontario
L4Y 1S4

**Re: Noise Impact Assessment of Mother Parker's Facilities
On Adjacent Mixed Use Employment Lands**

Dear Adrian,

As requested, HGC Engineering has undertaken acoustical analysis to assess the potential impacts of noise emissions from the Mother Parker's facilities at 2470, 2530 and 2531 Stanfield Road in Mississauga on adjacent lands, specifically south of Dundas Street East between Haines Road and Blundell Road. We understand noise-sensitive uses are currently not permitted on these lands, but that the City of Mississauga and the Region of Peel, in the context of respective Official Plan reviews, have been asked by some landowners in the vicinity to consider conversion and redesignation of these lands to potentially permit noise-sensitive uses. The analysis and results detailed herein demonstrate the extent to which noise emissions from the Mother Parker's facilities impact these lands, as it may inform decisions pertaining to their contemplated conversion/redesignation.

1 CONTEXT

Figure 1 highlights the locations of the three Mother Parker's facilities, which operate 24 hours per day as manufacturing, distribution and administrative centres for Mother Parker's. The lands surrounding the facilities currently host a mixture of industrial and commercial uses. The adjacent lands that are the subject of requests for conversion/redesignation by the City and/or Region (the "Mixed Use Lands") are highlighted in light blue in Figure 1.

These Mixed Use Lands are considerably closer to (and some abutting) the Mother Parker's properties than are the nearest existing noise-sensitive points of reception (as defined by the Ministry of Environment, Conservation and Parks (MECP)), which are residences located on the northwest side of Dundas Street East.

Noise emissions from the Mother Parker's facilities must comply with the applicable limits of the MECP at noise-sensitive points of reception, as stipulated in the Environmental Compliance Approvals (ECAs) issued by the MECP for the 2470 and 2530 Stanfield Road facilities, and by Registration of the 2531 Stanfield Road facility in the Environmental Activity and Sector Registry (EASR), pursuant to Ontario Regulation 1/17.



ACOUSTICS



NOISE



VIBRATION

As the Mixed Use Lands do not include existing noise-sensitive points of reception, there is no current need for assessment of noise impacts from the Mother Parker's facilities on those lands. In effect, the analysis described in this letter represents the type of analysis which a Mixed Use Lands owner might choose to complete were they seeking to rezone their property to permit a noise-sensitive use which is not now permitted.

2 CRITERIA

The ECAs and EASR registration cited in the previous section reference MECP Publication NPC-300¹ and the "EASR Publication"², respectively; the limits in these two publications are effectively identical in the context of the Mother Parker's facilities considered herein. The limits are site specific, and depend on the background (e.g. road traffic) sound in the vicinity. At points of reception continuously exposed to background sound, such as the nearest existing residential areas that face the Mother Parker's facilities but also the intervening Dundas Street East, the sound level limits are less stringent. On the Mixed Use Lands, any permitted noise-sensitive use facing Mother Parker's would be partially or fully shielded from Dundas Street East traffic sound by the host building(s), and the exclusionary minimum limits stipulated in NPC-300 and the EASR Publication would apply. Those limits are 50 dBA during daytime/evening hours (between 07:00 and 23:00) and 45 dBA during nighttime hours (between 23:00 and 07:00).

3 ANALYSIS METHODOLOGY

Over the course of numerous visits to the Mother Parker's facilities since 2006, HGC Engineering personnel have conducted detailed acoustical measurements to develop an inventory of nearly 170 unique outdoor sound sources, which were input to a computational acoustical model of the facilities and surrounding area. The acoustical model was prepared using Cadna/A software, a computer implementation of ISO standard 9613-2³, which accounts for reduction in sound level with distance due to geometrical spreading, air absorption, ground attenuation and acoustical shielding/reflections by intervening structures. The model was employed to predict the sound levels of the Mother Parker's facilities on the Mixed Use Lands, for comparison to the MECP limits, the results of which are presented and discussed in the following section.

4 RESULTS & DISCUSSION

The simplest way to convey the potential noise impact of the Mother Parker's facilities on the Mixed Use Lands is by overlaying predicted sound level contours on a satellite image of the area. Because the elevation of potentially noise-sensitive uses on the Mixed Use Lands is not known, sound level contours were calculated at eight different elevations ranging from grade to 30 storeys. For brevity, the predicted sound level contours at elevations representative of 3rd and 15th storey windows are

¹ Ontario Ministry of the Environment, Conservation and Parks Publication NPC-300, "Stationary and Transportation Sources – Approval and Planning", August, 2013.

² Ontario Ministry of the Environment, Conservation and Parks, Environmental Activity and Sector Registry – Limits and Other Requirements, September, 2017.

³ International Organization for Standardization, "Acoustics – Attenuation of Sound during Propagation Outdoors – Part 2: General Method of Calculation," ISO-9613-2, Switzerland, 1996.

Mother Parker's Tea & Coffee Inc.
Noise Impact Assessment on Adjacent Mixed Use Employment Lands

Page 3
April 18, 2022

included as Figures 2 and 3, respectively. Note that the green crosses/lines represent individual noise sources at the Mother Parker's facilities.

The sound level contours depicted in Figures 2 and 3 demonstrate that all of the lands located south of Dundas Street East between Haines Road and Blundell Road will experience sound levels greater than the 45 dBA limit applicable during nighttime hours. The 45 dBA sound level contour (purple) extends marginally past the Mixed Use Lands at the 3rd storey elevation and significantly past those lands at the 15th storey elevation. The 50 dBA sound level contour (pink), which represents the limit applicable during daytime/evening hours, encompasses the majority of the Mixed Use Lands at both prediction elevations.

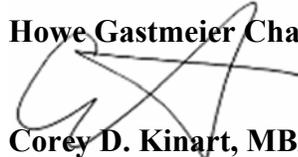
Figures 2 and 3 also demonstrate that the outward extent of sound level contours is greater at higher elevations, where potential points of reception would be most exposed to rooftop noise sources and benefit least from screening afforded by any intervening buildings, etc.

It is also worth noting that the sound level contours depicted in Figures 2 and 3 represent existing Mother Parker's operations. Any new equipment or facility expansions could increase the sound emission levels of the facilities, and therefore the outward extent of the sound level contours.

Trusting this information is helpful, if you have any questions or require anything additional, please do not hesitate to contact the undersigned.

Best regards,

Howe Gastmeier Chapnik Limited



Corey D. Kinart, MBA, PEng

Any conclusions or recommendations provided by HGC Engineering in this letter/memo have limitations as detailed on our website: <https://acoustical-consultants.com/limitations/>.



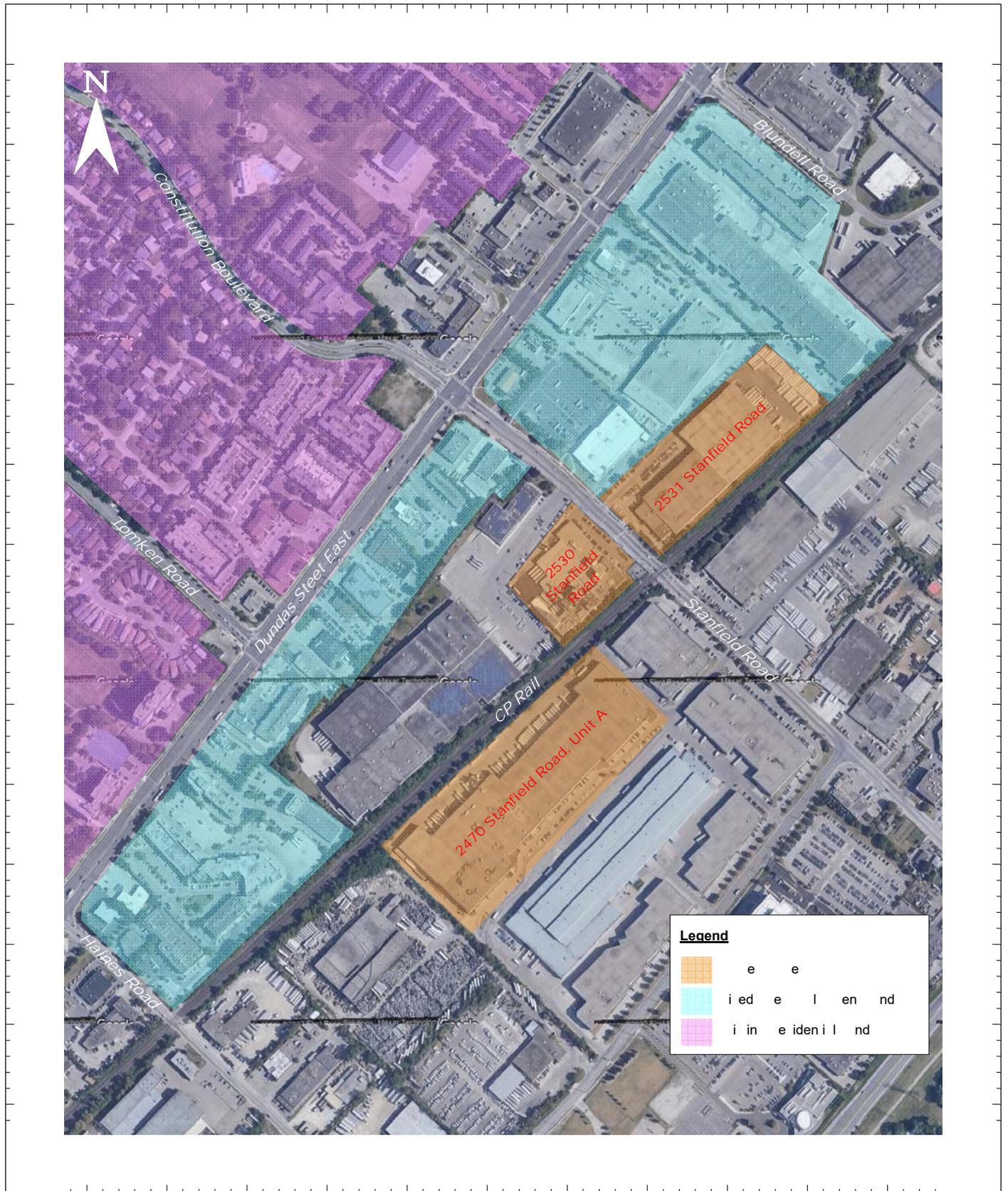


Figure 1: Context Map

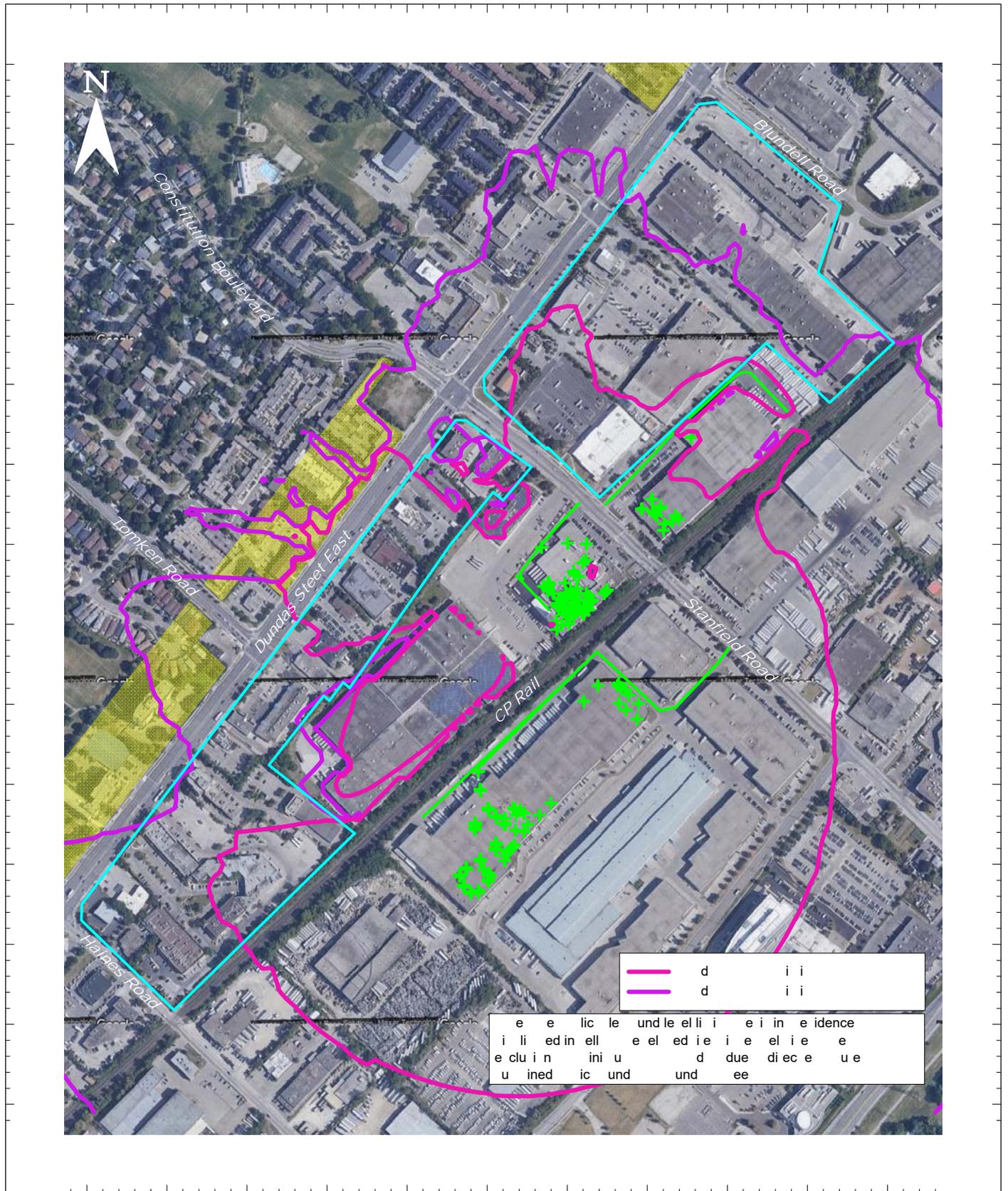


Figure 2: Sound Level Contours, Leq [dBA], at Elevation Representative of 3rd Storey

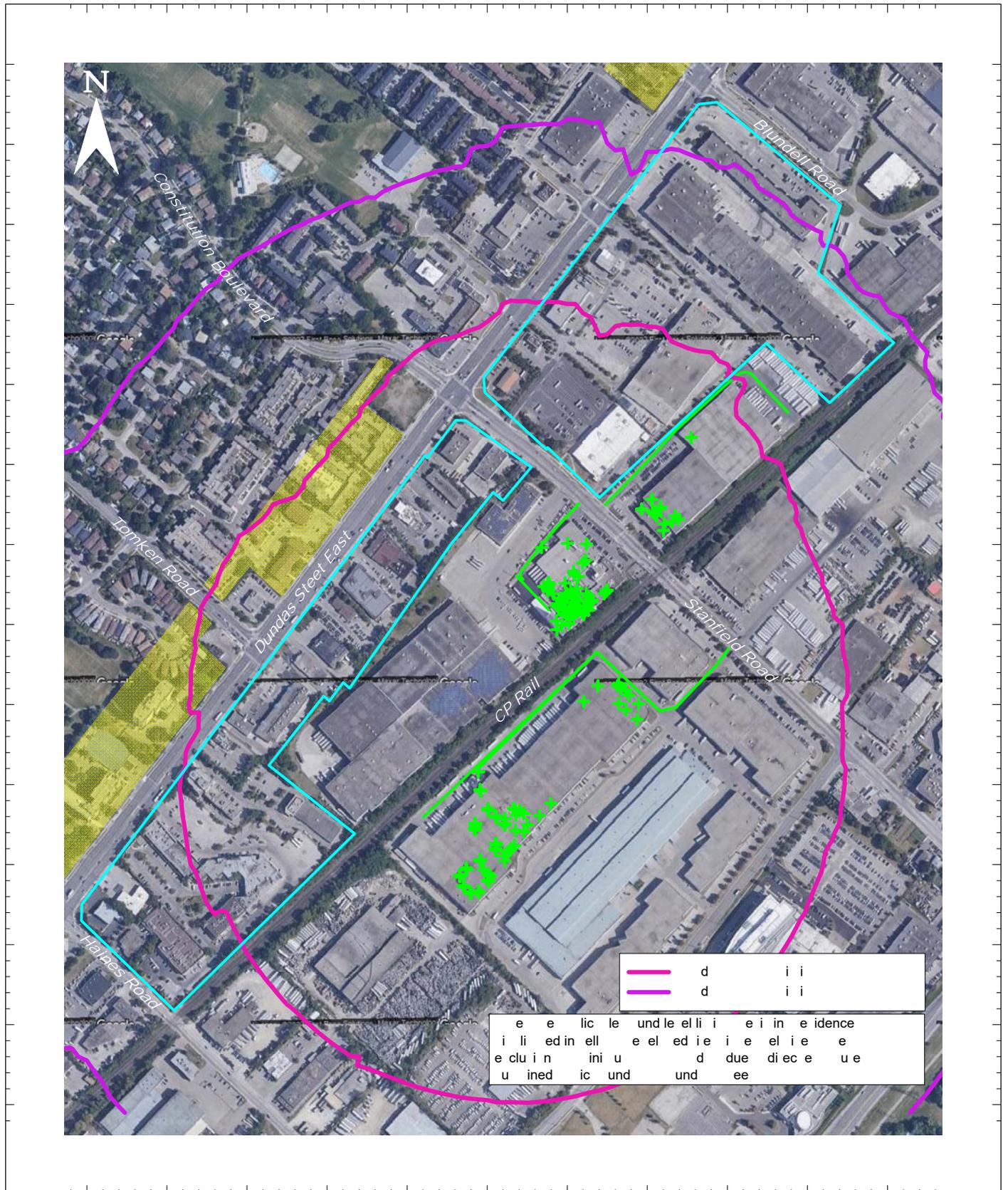


Figure 3: Sound Level Contours, Leq [dBA], at Elevation Representative of 15th Storey

ATTACHMENT 3



Howe Gastmeier Chapnik Limited
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Mississauga, Ontario, Canada L5N 1P7
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June 17, 2022

Adrian Khan
Mother Parker's Tea & Coffee Inc.
2530 Stanfield Road
Mississauga, Ontario
L4Y 1S4

Re: Gowling Letter Dated June 7, 2022
Noise Impacts of Mother Parker's Operations at 1000 & 1024 Dundas Street East, Mississauga

Dear Adrian,

As requested, we have reviewed the letter prepared by Gowling WLG (Canada) LLP ("Gowling") on behalf of the Ahmed Group, dated June 7, 2022, which includes discussion of the potential noise impacts of Mother Parker's operations at 2470 and 2530 Stanfield Road (but excluding 2531 Stanfield Road) on a proposed 462-unit residential apartment complex at 1000 and 1024 Dundas Street East (the "Redevelopment") in Mississauga. The letter is informed, in part, by an appended draft copy of a Noise and Vibration Impact Study prepared by Rowan Williams Davies & Irwin Inc. ("RWDI"). The RWDI study does not include sufficient information to allow for a full technical peer review. Nevertheless, the following comments are provided, for your consideration.

Gowling Letter

Under the heading "Mother Parker's Request, Noise Emissions" is a discussion regarding the Class 4 acoustical environment, which is defined in Ministry of the Environment, Conservation and Parks ("MECP") publication NPC-300. In a Class 4 area, the applicable sound level limits are relaxed (i.e. higher) by 10 decibels, relative to the limits that would otherwise be applicable in an urban (Class 1) acoustical environment (note that a sound level increase of 10 decibels is perceived by the average listener as a doubling in loudness). The MECP definition includes the stipulation of formal confirmation from the land use planning authority (in this case, the City of Mississauga) with a Class 4 area classification.

With respect to noise impacts, the letter and the appended draft RWDI study conclude that the Redevelopment should be approved since noise impacts from surrounding industries, including the neighbouring Mother Parker's operations, will comply at the Redevelopment with the Class 4 limits. This conclusion is entirely premised on the assumption that the Class 4 designation would be granted by the City. We are not aware of any formal proposal to nor consideration by the City for such a designation. If no such proposal has been made, nor considered or approved by the City, it may be premature to definitively conclude that the Redevelopment should be approved.

Gowling also comments on a letter prepared by Miller Thomson LLP on behalf of Mother Parker's, dated April 27, 2022, which included predicted sound level contours from the Mother Parker's operations on the surrounding area. Gowling suggests that those figures demonstrate that Mother Parker's is operating out of compliance with the limits stipulated in NPC-300, specifically at 3025, 3026, 3028, 3029 and 3031 Greta Gate. However, the referenced figures include a note indicating that the sound level limits at existing residences on the northwest side of Dundas Street East (including 3025, 3026, 3028, 3029 and 3031 Greta Gate) are relaxed relative to the Class 1 exclusionary minimums of 50/45 dBA due to direct exposure to



ACOUSTICS



NOISE



VIBRATION

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sustained traffic sound from Dundas Street East. Therefore, these figures do not demonstrate that Mother Parker's is operating out of compliance with the limits stipulated in NPC-300.

The Gowling letter goes on to suggest that the concerns of Mother Parker's "...with respect to the Redevelopment are misplaced when considered in the context of a Class 4 designation" and that its "...operation is protected from non-compliance with NPC-300 that otherwise could result from the introduction of [the Redevelopment] if the lands were to remain Class 1".

Indeed, the Mother Parker's operations would be non-compliant with NPC-300 were the Redevelopment approved without the Class 4 designation; this is one aspect of concern for Mother Parker's, since that designation has not been granted by the City. Even if the Class 4 designation were granted, suggesting Mother Parker's would be "protected from non-compliance with NPC-300" assumes that the RWDI report has accurately represented noise emissions from Mother Parker's facilities (which is commented on further, below), and it makes no consideration of potential future modifications or expansions that could increase sound emissions from the Mother Parker's facilities. It is of clear importance to Mother Parkers that an acceptable degree of "acoustical headroom" be preserved for any such future modifications/expansions to their operations.

Moreover, compliance with NPC-300 does not "protect" Mother Parker's from noise complaints or prosecutions under the City noise by-law or Section 14 of the Environmental Protection Act. Generally, the "burden of proof" of compliance with the Ministry's limits and/or a municipal noise by-law falls on the perceived subject of the complaint. Such a burden would fall on Mother Parker's were the Redevelopment approved, introducing 462 rental apartment units closer and at higher elevation than any existing noise-sensitive uses in the area.

RWDI Noise and Vibration Impact Study

It is firstly noted that the Noise and Vibration Impact Study, dated April 29, 2022, is marked as "DRAFT".

Section 2, entitled "Applicable Criteria" introduces NPC-300, and references an appendix with a detailed outline of the various sound level limits within that publication. The definition of a Class 1 area is cited in reference to the area surrounding the Redevelopment site, along with acknowledgement that "formal classification of [the Redevelopment] lands as a 'Class 4' area" would require coordination and agreements between Mother Parker's, the owner of the Redevelopment, the City and potentially the MECP. Those may not be possible or acceptable to Mother Parker's. Although this section does not include a statement that the Class 4 limits could or should apply in this context, the balance of the report is simplistically premised on the assumption that the Class 4 limits do apply.

Table 5 presents a list of facilities with the potential to cause adverse effects on the Redevelopment, due to noise, odour or dust. Two of the three Mother Parker's facilities are listed as Class II industries, in accordance with MECP Guideline D-6. The paragraph that follows states "The proposed development encroaches on the [Mother Parker's] facility... potentially resulting in Mother Parkers [sic] no longer complying with the applicable sound level criteria, triggering the Class 4 [designation]. The term "triggered" is a misrepresentation of how a Class 4 designation occurs, as defined in NPC-300; it is not and cannot be "triggered" by redevelopment or by non-compliance by industry with the Class 1 limits. It is a discretionary designation that must be formally granted by the land use planning authority in the context of a land use planning process, as stated in NPC-300. Until that occurs, the Redevelopment lands must be considered and assessed against the Class 1 limits.

Mother Parker's Tea & Coffee Inc.
Gowling WLG Letter Dated June 7, 2022, Noise Impacts of Mother Parker's Operations
At 1000 & 1024 Dundas Street East, Mississauga

Page 3

June 17, 2022

Section 3.2.2 discusses acoustical modelling of industries surrounding the Redevelopment site. It is stated "...noise modeling has been conducted to estimate the maximum sound source contribution resulting in compliance with the nighttime levels at the current nearest sensitive receptor to that facility. Establishing those levels in the model allows for an estimation of the most impactful operating condition from Mother Parkers [sic] on the proposed development...". This statement suggests that the sound emission levels of the Mother Parker's facilities were estimated in a backwards fashion, by incorrectly assuming they result in a sound level of 45 dBA (the exclusionary minimum nighttime limit applicable in a Class 1 area) at the nearest existing receptor. However, as noted above, the sound level limits applicable at the nearest existing receptors are greater than the Class 1 exclusionary minimums due to direct exposure to sustained traffic sound from Dundas Street East. Therefore, the sound emission levels of the Mother Parker's facilities can be greater than estimated by RWDI while still complying with the applicable limits at the nearest existing receptors.

Based on our experience in assessing sound emissions from the Mother Parker's facilities since 2006, the non-empirical approach by RWDI yielded a result (a "Mother Parker's Mechanical Equipment" sound power level of 103.5 dBA, reported in Table 6) which considerably underestimates the actual sound emission levels of the facilities at 2470 and 2530 Standfield Road. Moreover, from Figure 1, it appears that RWDI represented sound emissions from 2470 Standfield Road as only a trucking route whereas, in fact, there are numerous noise sources on the facility rooftop.

Notwithstanding the underestimated sound emission levels of the Mother Parker's facilities noted above, the predicted sound levels at the Redevelopment detailed in Table 7 do indeed exceed the stated nighttime Class 1 criterion. This potential exceedance would be exacerbated were more representative sound emission levels employed for the Mother Parker's facilities. No additional details regarding the acoustical modelling are included in the report, precluding any further technical evaluation of the presented results.

In Section 3.3.2, RWDI states "...the proposed development would be acoustically feasible provided... formal confirmation [were obtained] from the land-use planning authority that a Class 4 area classification will be designated for the site...". Once again, the Class 4 designation is a fundamental assumption of the study; in the absence of the Class 4 designation and with consideration of more representative sound emission levels from the Mother Parker's facilities, the conclusions/recommendations would undoubtedly differ.

Trusting this information is helpful, if you have any questions or require anything additional, please do not hesitate to contact the undersigned.

Best regards,

Howe Gastmeier Chapnik Limited


Corey D. Kinart, MBA, PEng

Any conclusions or recommendations provided by HGC Engineering in this letter/memo have limitations as detailed on our website: <https://acoustical-consultants.com/limitations/>.

From: [Tang, David](#)
To: [Fang, Bihui April](#); [Buonpensiero, Tara](#); [Alhabash, Lina](#)
Cc: [Bashar Al-Hussaini](#); [Romas Juknevicus](#); [Luisa Galli](#); [Corey Kinart](#); [Andrew Ferancik](#); [Thomas Dybowski](#)
Subject: RE: Mother Parker Report - Noise and Odour Sensitive Study [MTDMS-Legal.FID11242867]
Date: June 10, 2022 12:56:20 AM
Attachments: [image001.png](#)
[image003.png](#)
[image6e4918.PNG](#)

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Hi April, Tara and Lina:

I wanted to follow up with you on the report back to Council on this matter to see if you had any questions or required any further information. If there is a time tomorrow (Friday) for a call to discuss your progress, that would be wonderful.

I just found out that Peter Gross of Gowling WLG has on behalf of the Ahmed Group made submissions to Council and just reviewed very quickly his submission package, which appears to contain a noise report that even on a very quick review (without review by HGC yet) seems to significantly understate the current noise environment. For example, the Table of the stationary sources only assumes and lists 4 stationary sources of noise (I'm ignoring truck travel noise, which is technically a stationary source).

Table 6: Stationary Source Sound Power Level Assumptions

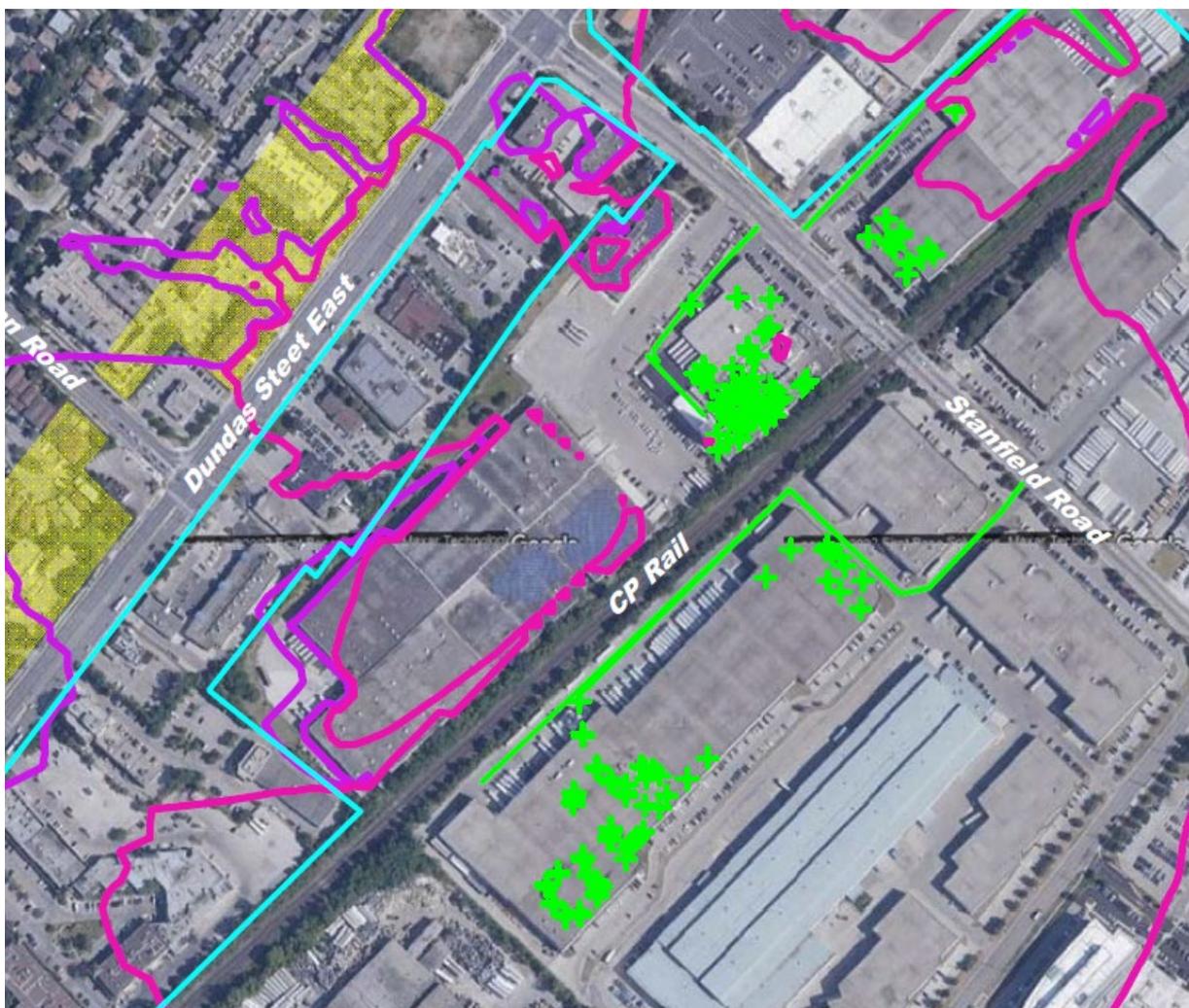
Source	Proxy Data / Calculation	Sound Power Level (dBA)	Duty Cycle	
			Daytime and Evening (07:00h – 23:00h)	Nighttime (23:00h – 07:00h)
HVAC_1Fan	Proxy Data	84	Continuous	Continuous
HVAC_2Fan	Proxy Data	87	Continuous	Continuous
HVAC_4Fan	Proxy Data	90	Continuous	Continuous
Average Transport Truck	Proxy Data	104	2Truck/hour @ 10km/hr	1Truck/hour @ 10km/hr
Mother Parker's Mechanical Equipment	Proxy Data	103.5	Continuous	Continuous

In contrast, the HGC Engineering report provided noted that HGC had to account for “nearly 170 unique outdoor sound sources (Section 3 – Analysis Methodology on page 2).

This is seen very clearly in where the noise sources used by RWDI are shown in green dots by the RWDI Report's Figure 1 (page 33 in the pdf). They assume one single source at 2530 Stanfield Road and none at 2531 Stanfield Road or 2470 Stanfield Road.



The actual situation, with all of the noise sources utilized by HGC Engineering is significantly different:



Once HGC Engineering and our other consultants have reviewed this, we will provide additional comments.

In the interim, it would be helpful for us to have a quick discussion tomorrow to see if there is anything else that you would find helpful. Just let me know a good time to call. If you would like, you can also try me at 416-876-3547. I'll be in a public meeting most of the day but will answer if I can or call right back.

Thank you.

David

DAVID. C.K. TANG

Providing services on behalf of a Professional Corporation
Partner

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April 27, 2022

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Mayor Bonnie Crombie and Members of City Council
City of Mississauga
300 City Centre Drive
Mississauga, Ontario L5B 3C1

Attention: Diana Rusnov, City Clerk and Director
Bashar Al-Hussaini, Planner, Planning Program
Luisa Galli, Manager, Planning Program
Romas Juknevicius, Project Lead, City Planning

And

Regional Chair Nando Iannicca and Members of Peel
Council
Region of Peel
10 Peel Centre Drive
Brampton, Ontario L6T 4B9

Attention: Aretha Adams, Regional Clerk
Duran Wedderburn, Principal Planner

Dear Mesdames and Sirs:

**Re: Mother Parker's Tea & Coffee Inc.
Dundas Connects Master Plan**

We are the solicitors for Mother Parker's Coffee & Tea Inc. ("**Mother Parkers**"), the owner of 2530 and 2531 Stanfield Road and the occupant of 2470 Stanfield Road, at which it manufactures tea and coffee products. Our client uses the services and premises of numerous businesses located within the same existing employment area. Its finished products and raw materials are warehoused in various properties throughout that employment area.

David Tang

Direct Line: 416.597.6047
dtang@millerthomson.com

File: 0022135.0246

RECEIVED

April 27, 2022

REGION OF PEEL
OFFICE OF THE REGIONAL CLERK

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED _____

It is located within the Dixie Employment Area (Map 17-1). That Employment Area includes all of the properties south of Dundas Street East, which are subject to the Mixed Use policies of the Official Plan, which explicitly do not permit residential uses. The area of particular concern to Mother Parkers are those lands located between Haines Road and Ernest Blundell Drive outlined in light blue in Figures 1 and 2 below (the “**Mixed Use Lands**”).

The City has been in the process of determining how best to implement the findings of the Dundas Connects Study (“**Dundas Connects**”) through an Official Plan Amendment, which we understand it hopes to introduce to the public in May of this year. Mother Parkers believes that the Official Plan Amendment should not allow the conversion and redesignation of these Employment Lands so as to permit sensitive land uses such as residential uses in the Mixed Use Lands.

At the same time, the Region of Peel has been considering Major Transit Station Areas and *employment land and employment area* policies and designations within proposed Major Transit Station Areas and for all of the same reasons, Mother Parkers believes that the Regional Official Plan should ensure that the Mixed Use Lands remain *employment lands in an employment area* and an area of employment¹ consistent with the Mississauga Official Plan and the approach set out in this letter.

Impact on Mother Parkers Operations

Our client is a local business that employs between 500-700 employees, depending on volume of business. Well over 90% of these are full-time employees.

As one of the largest coffee companies in North America, Mother Parkers primarily produces private label coffee and tea for some of the world's largest retailers and foodservice brands. These markets are quite fluid and signing a new contract or completion of an existing contract can result in a rapid expansion or contraction of demand. Mother Parkers has had to regularly ramp up and down its production to meet those changing demands. It therefore needs from the Ministry of the Environment and Climate Change periodic Environmental Compliance Approvals and/or registration in the Environmental Activity and Sector Registry. It is those which the proposed introduction of sensitive uses in the vicinity would jeopardize.

Mother Parkers relies upon other businesses and other properties in this Employment Area for its continued success. Well over two hundred Mississauga businesses are suppliers and service and logistics providers to Mother Parkers. The Employment Area allows quick and convenient access and nearby storage of materials, (e.g. Philburn Logistics on the east side of Stanfield Road across from the plant). As a result, Mother Parkers is concerned not just with ensuring that the properties it operates in remain viable, but that the entire Employment Area continues to thrive, without conflicts with more sensitive uses.

As demand changes in the coffee and tea industry, periodic expansions or retooling for different processes or products will be needed. The introduction of sensitive land uses much closer to its lands than currently exist could prevent Mother Parkers and the

¹ As all of those terms are defined in the *Planning Act, the Growth Plan for the Greater Golden Horseshoe* and the Official Plans of Peel Region and the City of Mississauga.



businesses it relies upon from changing their activities and processes to accommodate new market demands. Their activities and processes would be frozen and they would no longer be able to compete.

This is required even for a change in the "rate of production" if more noise or odour is created. So more coffee bean roasting or increased shipping activities could trigger that requirement. Noise, odour and most other air emissions are attenuated over distance. Conversion of the lands south of Dundas Street East to permit sensitive land uses would reduce the distance between industrial operations and sensitive receptors to effectively zero.

Mother Parkers foresees continued growth and opportunities. It is not in decline. It has introduced new processes regularly within its facilities, as often as one every few years to respond to the changing beverage market in North America. The Dundas Connects analysis assumed that some "older employment areas [are] undergoing a slow but steady shift away from industrial and manufacturing uses to service oriented activities such as retail", but that is not the case near the Mother Parkers facility.

Mother Parkers does not oppose other parts of the Dundas corridor from being converted from Employment lands to residential; however, we would suggest this is not appropriate here where the Employment Lands remain functionally and economically viable. That is why we suggest a localized exception to the conversion recommendation.

More Detailed Analysis Carried Out

Mother Parkers has carried out a recent analysis of the potential noise and odour impacts its current operations would have on nearby lands. Those results, at the third storey and fifteen storey levels, are shown in Figures 1 and 2 below.



Figure 1 – Sound Level Contours (Leq [dBA] and Odour Setbacks 3rd Storey Elevation)

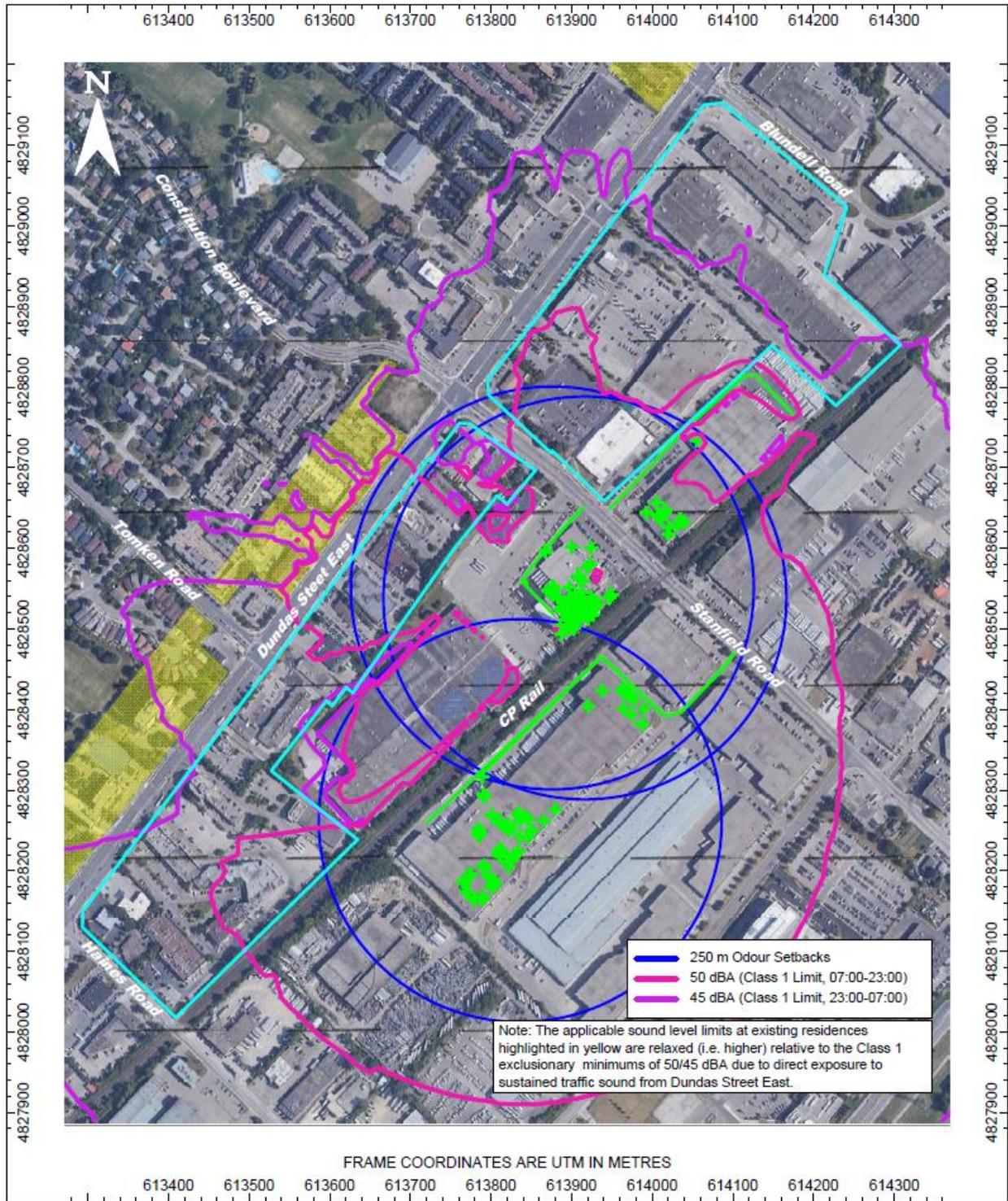
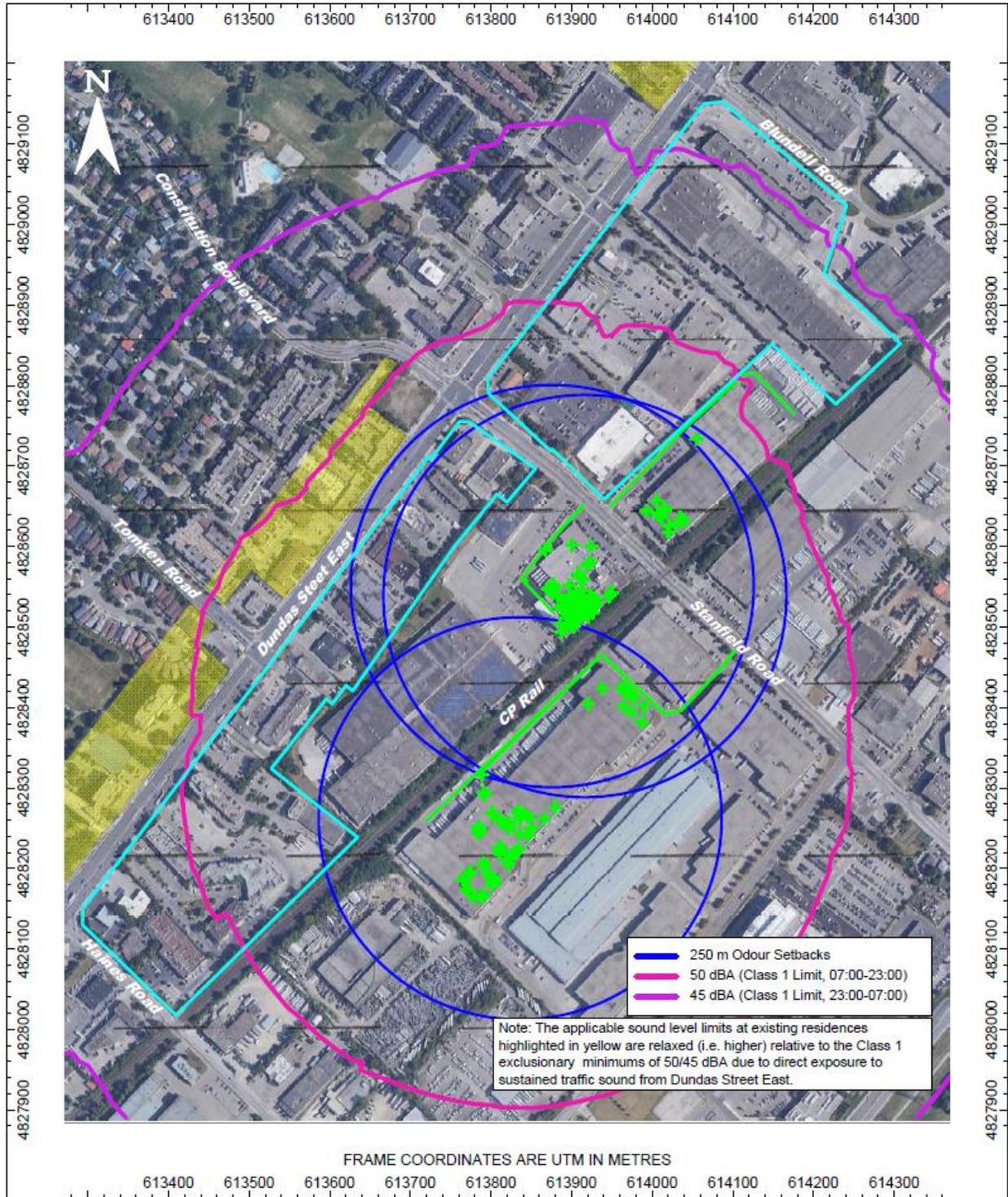


Figure 2 – Sound Level Contours (Leq [dBA] and Odour Setbacks 15th Storey Elevation



To meet the Province of Ontario noise guidelines (NPC-300) lands proposed for noise sensitive uses, such as residential uses, must not be exposed to more than 50 dBA of noise during the daytime hours and not more than 45 dBA of noise in the nighttime hours. The noise contours in Figure 1 show that all of the lands located south of Dundas between Haines Road and Ernest Blundell Drive will experience more than 45 dBA of noise even in the nighttime hours. The nighttime 45 dBA noise contour (purple) extends marginally past those lands if measured at the third storey, and significantly if measured at the 15th storey. The daytime 50 dBA noise contour (pink) covers most of the lands in either case. Expansions or increases in activities at the Mother Parkers facilities would further increase its noise footprint. Practically speaking the lands fronting on Dundas Street East in this area simply would not qualify to be converted for sensitive land uses from Employment Lands.

As the differences between these two figures demonstrate, the impacts of noise are most problematic if taller residential or other noise sensitive buildings are proposed. Those higher floors will experience the industrial impacts directly, without any screening that intervening industrial or commercial buildings provide.

With respect to odour, the Provincial guidelines require a 250 metre setback from facilities producing coffee and tea to any property on which is located any odour sensitive activity. The setback is measured from the property boundary, not the actual odour sensitive activity or building itself. Given the current full-depth configuration of those lots fronting on Dundas Street East, the setback would affect all of the parcels of land upon which any of the three blue 250 metre setback circles fall. These current setback circles are based upon the current configuration of the Mother Parkers plants and additional setbacks could be required if Mother Parkers introduces new lines and exhausts to serve its customers.

Request

Mother Parkers would therefore request of City Council that the lands outlined in light blue in Figures 1 and 2 remain designated as Employment Lands within the Dixie Employment Area and not be redesignated or subject to any policies which would permit any noise or odour sensitive land uses, even conditionally or in principle, by the Official Plan Amendment the City proposes to implement Dundas Connects.

If further requests that the Peel Regional Official Plan, the draft Peel 2051 Regional Official Plan and any upcoming Official Plan Amendments (including those to implement the Major Transit Station Areas) similarly maintain these Mixed Use Lands as *employment lands* within an *employment area* and as areas of employment with no permissions in principle or conditionally for any noise or odour sensitive land uses.

For clarity, Mother Parkers suggests that as a minimum the following land uses should be identified as noise and/or odour sensitive land uses which should be precluded from these Mixed Use Lands and throughout the balance of the Dixie Employment Area: residential uses or any uses involving a dwelling, commercial uses that include one or more habitable rooms used as sleeping facilities such as a hotel or motel, institutional uses including an educational facility, a day nursery, hospital, health care facility, shelter for emergency housing, community centre, place of worship (unless located in commercially or industrially zoned lands), detention centres, child care centre, campsites or campgrounds at which



overnight accommodation is provided, recreational uses unless solely used for a recreational trail.

Mother Parkers would like to thank City Council, Peel Regional Council and the staff who have been engaged in these discussions for their cooperation. If there are any questions, please let us know.

Thank you for your consideration.

Yours very truly,

MILLER THOMSON LLP

Per:



David Tang
Partner
DT/ac

