

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 13
COMMITTEE DATE: September 5, 2012	
SUBJECT/REPORT NO: Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas) (PED12156) (Ward 13)	
SUBMITTED BY: Tim McCabe Planning and Economic Development Department	PREPARED BY: Cam Thomas (905) 546-2424 Ext. 4229
SIGNATURE:	

RECOMMENDATION:

That approval be given to **Amended Zoning Application ZAC-09-010, by Alex Szabo, Owner**, for changes in zoning from the Urban Residential (Single-Detached) "RM1(H)/S-102" Holding Zone to the Medium to High Density Multiple Dwelling "RM3(H)/S-123" Holding Zone, with a Special Exception, to permit a 6-storey, 48 unit apartment building; and from the Urban Residential (Single-Detached) "RM1(H)/S-102" Holding Zone and Open Space (OS) Zone to the Conservation/Hazard Land (P5) Zone, on lands located at 24 Brock Street North, as shown on Appendix "A" to Report PED12156, on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED12156, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (b) That the amending By-law, attached as Appendix "B" to Report PED12156, be added to Schedule "A" of Zoning By-law No. 3581-86.
- (c) That the Draft By-law, attached as Appendix "C" to Report PED12156, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

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- (d) That the amending By-law, attached as Appendix “C” to Report PED12156, be added to Schedule “817” of Zoning By-law 05-200.
- (e) That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, RSO 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning. The Holding Provision will prohibit development of the subject lands until the following condition has been satisfied:
 - (i) A Construction Management Plan has been approved, to the satisfaction of the Manager of Development Planning, in consultation with the Hamilton Conservation Authority.
- (f) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, the Town of Dundas Official Plan, and the Hamilton Urban Official Plan.

EXECUTIVE SUMMARY

The purpose of this application is to amend the Dundas Zoning By-law to permit a tiered 6-storey, 48 unit apartment building at 24 Brock Street North. The subject property is situated at the base of the Niagara Escarpment, and is currently vacant.

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Growth Plan and Hamilton-Wentworth Official Plan, which support residential intensification and the development of Brownfield sites. The proposal would also conform to the Dundas Official Plan, which permits apartments in the “Employment/Residential Mixed-Use” designation with densities of up to 100 units per hectare and building heights of up to 6-storeys. The proposed building would have architectural features and colouration that would allow it to be integrated into the existing neighbourhood and Escarpment backdrop. An ‘H’ Holding Provision is being added to the recommended zoning to address the requirement for a Construction Management Plan. There has been strong opposition from the community concerning issues which include, but are not limited to, over-intensification, parking and traffic concerns, incompatibility with existing development, the Dundas Peak, and concerns with stormwater run-off.

Alternatives for Consideration - See Page 44.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

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Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Chronology:

- March 3, 2008: Development Review Committee Meeting for Formal Consultation PC-08-011 for 24 Brock Street North to discuss a 6-storey “slab-style”, 54 unit apartment building proposal.
- March 06, 2009: Submission of Applications ZAC-09-010 and OPA-09-003, by A.J. Clarke and Associates, on behalf of Alex Szabo, for a 7- storey, 56 unit “slab-style” apartment building.
- March 10, 2009: Applications ZAC-09-010 and OPA-09-003 are deemed complete.
- March 16, 2009: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-09-010 to all property owners within 120m of the subject lands.
- July 30, 2010: Revised Proposal is Submitted for a 6-storey, 48 Unit Apartment Building. OPA-09-003 is requested to be withdrawn.
- February 15, 2012: Niagara Escarpment Commission Meeting, (NEC Offices Georgetown).
- April 3, 2012: Applicant’s “Open House”, Dundas Town Hall.
- July 27, 2012: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Background

The subject property was previously used for a restoration company and a saw and tool manufacturer from 1961, until the 1990s. Two former buildings associated with this industrial use were removed sometime after 2001. The property is traversed by a former rail spur, which has an embankment/berm formation on the northerly part of the site.

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The subject property was included in lands which were rezoned through a Zoning By-law Amendment application in 2002 (ZAC-01-04) for 341 Park Street West. This approval resulted in the creation of the Low to Medium Density Multiple Dwelling (RM1) Zone for the lands south of the subject property, at the corner of Brock Street and Park Street West, which are now developed with bungalow “loft”-style street townhouses. The southerly half of the subject lands, were rezoned to a Site-Specific, Low to Medium Density Multiple Dwelling (RM1-H/S-102) Holding Zone, whereas the northerly portion along the slope of the Niagara Escarpment was zoned to the Open Space-Conservation (OS) Zone. The amending Zoning By-law was intended to permit the range of RM1 Zone uses, which include an apartment building, maisonette dwellings, townhouses, or street townhouses. The ‘H’ Holding provision was applied to the property in order to address the requirements for a noise assessment and the application of noise mitigation measures through Site Plan Approval.

A Site Plan approval application was submitted in 2002 (DA-02-047) to consider the development of a 3-storey, 12 unit apartment building. The application was initially reviewed and circulated, but was never finalized.

The property is currently undeveloped and lightly vegetated within the portion of the site which is currently zoned “RM1-S/102-H” Holding Zone. The remaining balance of the site is zoned Open Space (OS) Zone, and includes lands which are part of the Niagara Escarpment and which extend to the CN Railway Right-of-Way.

The application was initially received and circulated as a Zoning By-law Amendment and an Official Plan Amendment for a 56 unit, 7-storey “slab” apartment building. The proposal was modified in July 2010, to the current design for a terraced 6-storey building, comprising 48 units, in order to conform to the density and height requirements of the Dundas Official Plan. Accordingly, Official Plan Amendment Application OPA-09-003 was withdrawn for the revised proposal.

Revised Zoning By-law Amendment ZAC-09-010

The purpose of the proposed Zoning By-law Amendment is to amend the Dundas Zoning By-law to permit the subject lands to be changed from the Low to Medium Density Multiple Dwelling (RM1-H/S-102) Holding Zone to a Site-Specific, Medium to High Density Residential (RM3) Zone.

The Zoning By-law Amendment also proposes to accommodate the required buffer for the Spencer Gorge ESA in line with the recommendations of staff and the Hamilton Conservation Authority (i.e. 10m minimum buffer). This would involve changing a portion of the lands currently under the “RM1(H)/S-102” Zone to the Conservation/Hazard Lands (P5) Zone. The 10m buffer would include the section of land between the northerly wall of the proposed building and the edge of the ESA.

Proposed Building and Parking Area

The proposed 6-storey, 48 unit, apartment building has been refined through the review process to address height, density, privacy, and design issues. The proposed building would have a 3-storey podium, which would have the architectural appearance of a low-rise apartment building or stacked townhouse development. The height of the podium would generally range from 10.2m to 11.3m along Brock Street, and from approximately 9.7m to 11.7m along the southerly wall, with the exception of a corner roof feature, which would be slightly higher. The overall maximum height of the building would be approximately 19.5m (see Appendix “E” - Elevations).

The building would have 2 stepped back sections above the third floor for the 4th floor and the 5th floor levels to provide terraced outdoor amenity areas for the upper floors, and to reduce the massing and height of the building. The 4th and 5th floor level would be recessed between 8.85m and 10.15m from the front of the building and between 2.9m and 5.2m from the southerly wall of the building, and the design provides for the inclusion of an optional partial green roof. The 6th floor level would be recessed an additional 2.7m to 3.85m along the front and southerly sides of the building (see Appendix “G” - Floor Plans).

The proposed building would be setback 1.6m from Brock Street, 4.4m from the southwesterly side lot line, and between 3m - 5.5m from the northerly side lot line. The southerly facade of the building is articulated to provide recessed areas (architectural bays) to allow the building wall to be setback an additional 4m along two sections of the building, which would each be 2.3m in length. This is to provide variation in the wall for the section facing the street townhouses, and to also provide privacy for the townhouse units.

The proposed parking area would consist of a “covered” at-grade parking area for 37 spaces accessible from Brock Street; and an underground parking area for 36 spaces, plus additional space, if required (see Appendix “F”). Twelve of the main floor parking spaces would be allocated for visitor parking. The ground level parking area would include a loading space that would measure 3.7m by 9.0m, with a clearance of approximately 4.0m.

Details of Submitted Application

Owner: Eco Building Corp. (Alex Szabo)
Applicant: Eco Building Corp.
Location: 24 Brock Street (Dundas) (see Schedule “A”)

Property Size: **Frontage:** 48.66 metres
 Depth: 79.45 metres
 Area: 0.48 hectares
 Developable Area: 0.18 hectares

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Site-Specific “RM1-H/S-102” Holding Zone and Open Space-Conservation “OS” Zone
 <u>Surrounding Lands:</u>		
North	Niagara Escarpment	Rural Industrial “M3” Zone (Town of Flamborough)
South	Street Townhouses	Site-Specific Low to Medium Density Multiple Dwelling “RM1/S-102” Zone
East	Single and Semi-Detached Dwellings and Escarpment/Open Space	Single Detached Residential “R2” Zone, Low Density Residential “R3” Zone, and Parks and Recreation (PR1) Zone
West	Warehouses	Light Industrial “IL” Zone

POLICY IMPLICATIONS

Provincial Policy Statement

The following policies from the PPS are of relevance to the proposed residential intensification project:

- “1.1.1 Healthy, liveable, and safe communities are sustained by:
- (a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - (e) Promoting cost-effective development standards to minimize land consumption and servicing costs;

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- 1.1.3.1 Settlement areas shall be the focus of growth and their vitality, and regeneration shall be promoted.
- 1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including Brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- 1.1.3.7 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure, and public service facilities.”

With respect to the above, the proposal would provide an opportunity for residential intensification within an established residential area, in which full services can be made available and which is relatively close to local amenities such as parks and general convenience retail. The proposal would also allow for the development of compact housing at a higher density intended for smaller households. The proposed development would make use of a designated growth area, and an unused Brownfield site that has received a Record of Site Condition.

In addition, with respect to Housing, the PPS directs:

- “1.4.1 That an appropriate range of housing types and densities, required to meet projected requirements of current and future residents of the regional market area, shall be provided through residential intensification and redevelopment. “

The proposed development would allow for the development of an expanded range of housing types in the form of apartments to serve the neighbourhood through intensification. In this regard, it would allow persons to remain within the neighbourhood by providing options for smaller residential units.

With respect to Long-term economic prosperity, the PPS directs:

- “1.7.1 Long-term economic prosperity should be supported by:
- (c) Promoting the redevelopment of Brownfield sites.”

As a former Brownfield site, the development of this property is important in terms of building stronger neighbourhoods by allowing the site to be integrated into the area, by contributing to the City’s tax base, and by making use of an underutilized property where there is a limited supply of land.

Therefore, based on the foregoing, the proposal is consistent with the PPS.

Places to Grow Plan

The following policies from the Places to Grow Plan relate to policies for managing growth and infrastructure, and for the promotion of general intensification:

- “2.2.2.1 Population and employment growth will be accommodated by:
- a) Directing a significant portion of new growth to the built-up areas of the community through intensification;
 - b) Focusing intensification in intensification areas; and,
 - h) Encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space, and easy access to local stores and services.
- 2.2.3.1 By the year 2015, and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper and single-tier municipality will be within the built-up area.”

The subject property would provide for a higher density form of housing within an intensification area (i.e. a Brownfield site), which is an appropriate location for such proposals. The proposal is located within the built-up area, which is intended to be the focus of a high proportion of the City’s future growth.

Based on the foregoing, the proposal conforms to the Places to Grow Growth Plan.

Hamilton Wentworth Official Plan

The lands are designated “Urban Area” in the Hamilton-Wentworth Official Plan (HWOP). One of the components of the land use strategy for the Urban Area is for a compact urban form, which includes mixed-use areas.

The following policies from the Hamilton-Wentworth Official Plan are considered to be applicable to this proposal:

Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

In addition, Policy C.3.1.1 directs that a compact, higher density urban form with mixed-use development along corridors, best meets the environmental, social, and economic principles of sustainable development. Mixed forms of development within an urban area is preferable to widespread, low density residential development and scattered rural development.

In addition, on Map 3b, Niagara Escarpment Plan areas, the property is designated “Urban Area”, and on Map 4, Environmentally Significant Areas, it is identified as part of the Spencer Gorge ESA.

The Hamilton-Wentworth Official Plan provides the following policies to protect natural features (ESAs):

“1.2.2 Apply the following policies in assessing the merits of proposed changes in land use within and adjacent to Environmentally Significant Areas:

- (a) Land use changes in or adjacent to ESAs will only be permitted where, in addition to meeting other policies in this plan, such development:
 - (i) Will not adversely effect, degrade, or destroy any of the qualities which are the basis for the area’s designation:
 - (ii) Will not cause any significant impacts upon water quality and quantity; and,
 - (iii) Will not adversely affect the implementation of any resource protection policies or plans.
- (b) Proposed changes will be referred to the Environmentally Significant Areas Evaluation Group (ESAIEG) for review. ESAIEG will advise Regional Environmental staff on whether the proposed changes satisfy the intent off Policy C-1.2.2.
- (c) In assessing the appropriateness of the proposed change, the proponent may be required to submit an Environmental Impact Statement, which may include plans/studies, environmental analyses, cumulative impact assessments, buffer requirements, or other associated documentation considered necessary by ESAIEG.”

With respect to the above-noted policies, an EIS was provided for the proposed development and was submitted for review to ESAIEG, the Hamilton Conservation Authority, and City staff. The EIS was supported by ESIAEG, although further changes were agreed to by the applicant concerning requirements to establish a 10m wide buffer based on the position of City staff and the Hamilton Conservation Authority.

Based on the foregoing, the proposal conforms to the Hamilton-Wentworth Official Plan.

Niagara Escarpment Plan

The subject lands are designated “Urban Area” in the Niagara Escarpment Plan. The Urban Area identifies the following Objective:

“To minimize the impact and further encroachment of urban growth on the Escarpment environment, the following development objectives are also applicable:

- 1.7.1 All development should be of an urban design compatible with the visual and natural environment of the escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.
- 1.7.2 New development should not encroach into the Escarpment Natural or Escarpment Protection Areas.”

Concerning Policy 1.7.1, the proposal was the subject of an intensive Visual Impact Study, which examined whether the proposed development would impact the backdrop of the Niagara Escarpment (see Appendix “H”). The proposed building design, while large in scale, is considered compatible with the Escarpment and the local neighbourhood. The design would be sensitive to the Escarpment in terms of providing recessed balconies facing the Escarpment, the colours of the upper floors would blend in with the backdrop of the Escarpment, and the design would incorporate stepbacks and architectural bays to reduce the volume, massing, and height of the building within the neighbourhood. The proposed development was also adjusted to provide a 10m buffer from the ESA (see Appendix “D”). These design attributes, supported by NEC staff, would be secured through the amending By-law and the Site Plan process.

Concerning Policy 1.7.2, Map 2 of the Niagara Escarpment Plan, the proposed development would be entirely within the area designated “Urban Area”, and would not encroach into the Escarpment Natural Area or Escarpment Protection Area.

The Niagara Escarpment Plan also provides policies in Section 2.5 with respect to new development affecting steep slopes and ravines to ensure that development in such areas does not result in environmental damage or unsafe conditions. The following policies are deemed to apply:

- “2.5.1 The crest or brow and toe of the slope or ravine shall be established by means of a site inspection by the implementing authority, and these lines will be plotted on proposed development plans;

- 2.5.2 The implementing authority will establish a minimum development setback from the brow or crest and toe of a slope or ravine, and no disturbance of grades or vegetation below the crest or brow and above the toe shall occur.
- 2.5.4 An engineering report shall be prepared by the applicant if the existing or future stability of the slope or ravine is in question.
- 2.5.5 Structures of any kind permitted by the policies of this Plan should not be placed on slopes in excess of 25% (1 to 4 slope).”

Concerning the above-noted policies, the applicant’s plan identified the toe-of-slope in accordance with Policy 2.5.1. The proposal has provided the required 10m buffer from an Environmentally Sensitive Area, which was recommended by the Hamilton Conservation Authority and City staff. The buffer will be included in the recommended Site-Specific “P5” Zoning, which would restrict development and allow for the area to remain vegetated within a naturalized state. There was no engineering study required, as the proposed development would not involve any steep areas of the site, however, a Geotechnical Study was submitted, and determined that the site would be suitable over the long-term for the proposed multiple unit building. Therefore, on the basis of the foregoing, the proposed development conforms to the policy requirements of the Niagara Escarpment Plan.

Dundas Official Plan

The subject property is part of an area in Downtown Dundas that is designated “Employment/Residential Mixed-Use”. The following goal is provided for development in the “Employment/Residential Mixed-Use” designation:

- “3.4.1 To promote the redevelopment of vacant or underutilized industrial sites to permit a dynamic mix of uses with emphasis on higher intensity residential uses.”

The following objectives of this designation are relevant to the current proposal:

- “3.4.2.2 To foster a more compact form of development consisting of street-oriented and pedestrian supportive development;
- 3.4.2.3 To encourage medium and higher density residential development / re-development to locate on appropriate sites within the Employment / Residential Mixed-Use designation.
- 3.4.2.4 To permit a variety of residential, civic, community, and commercial uses, in appropriate locations.

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3.4.2.5 To ensure that new development is sensitive to and enhances the scale and built form of existing developments in the area.”

With respect to the above, the proposed development would enable the redevelopment of a former industrial site for higher density purposes. The proposed development is considered to be sensitive to the surrounding area, in terms of creating a 3-storey podium from Brock Street and Melville Street, with gable roof features and fenestration to complement the surrounding older neighbourhood and serve as the focal point of the building. The 3-storey podium would also create a similar visual effect along the northerly property line abutting the street townhouses along Park Street (see Appendices “E” and “J”). The provision of 2 architectural bays along the northerly wall would also contribute to architectural interest and reduce the occurrence of overlook onto the neighbouring properties.

The following policies of the “Employment/Residential Mixed-Use” designation are applicable to the proposed development:

“3.4.3.1 Permitted uses shall include multiple family residential such as townhouses and apartments, light industrial uses, research and development, office and business-oriented commercial and service uses, small scale retail uses on the first floor of buildings fronting onto arterial and collector roads, live-work studios, accessory retail and showroom space associated with an industry or studio, institutions and open space and community facilities.

3.4.3.2 Residential density shall be limited to a maximum of 100 units per net hectare.

3.4.3.3 Infilling and redevelopment shall be strictly controlled through Site Plan Control and Zoning.

3.4.3.4 Sufficient off-street parking will be provided for development and redevelopment. Parking areas shall be located away from street frontages, either in rear or side yards, or underground.”

With respect to the above, as apartments are a permitted use, the proposed form of development would be consistent with the range of uses permitted in the “Employment / Residential Mixed-Use” designation. The proposed density of the development at 100 units per hectare would conform to the maximum density requirement for this designation. Concerning Policy 3.4.3.3, the proposal would be subject to Site Plan Approval to address specific development requirements such as landscaping, storm water management, and site servicing. The proposal is subject to a Zoning By-law Amendment, which has determined appropriate performance standards in terms of height, maximum density, setbacks, and parking among others. Finally, the proposal would conform to Policy 3.4.3.4, as the proposed parking would be provided within the

building and in underground parking areas, and would exceed the requirements of the Medium to High Density Multiple Dwelling “RM3” Zone. More specifically, whereas 60 spaces are required for the proposed building, the parking would be in excess of the minimum requirement (i.e. 73 spaces). In addition, since the proposed parking would be located within the building or underground, it would not be visible from the public realm.

“3.4.3.5 Development proposals for multiple unit dwellings, such as apartment buildings, may be permitted only by means of a specific amendment to the implementing Zoning By-law, provided that Council is satisfied that the following principles will be attained:

- a) Development or redevelopment located adjacent to public streets shall reflect the general height and massing of adjacent buildings, and shall not exceed six storeys;
- b) The proposal will not overload existing storm and sanitary sewers;
- c) Schools, parks, and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the proposal;
- d) Ingress and egress to the property will not create congestion on surrounding local streets;
- e) Non-residential uses shall not be permitted above residential uses; and,
- f) The proposal complies with the Urban Design policies of Section 2.5.”

Concerning the requirements of Policy 3.4.3.5, the proposed 6-storey building would be within the maximum limits for building height that is permitted for apartment buildings, as set out in Item a). Concerning Item b), issues of sewer capacities, it is noted that the proposal will be required to have an approved site servicing plan at the Site Plan Approval stage. The proposed building will require Low Impact Development techniques to manage storm drainage on site, which will not impact the existing storm sewer system.

Concerning Item c), the subject property is within an urban area, which is in close proximity to a local park (Witherspoon Park on Melville Street), and it is also adjacent to the Bruce Trail, which traverses the northerly part of the property above Melville Street. The property is located approximately 5 minutes by car from Downtown Dundas, which provides a range of commercial services, as well as community facilities, including the Dundas Arena and Pool.

With respect to Item d), the proposed development and its associated driveways are located near the junction of 2 local streets with generally low traffic volumes. Given the number of local streets available to provide access, as well as the proximity of the property to King Street West, an arterial road, it is unlikely that the proposed development would contribute to congestion on local roads. The proposed development did not require a traffic impact study, and no traffic issues were identified.

Concerning Item f), the following Urban Design policies for Infill, Intensification, and Re-urbanization are of particular relevance to the proposed development.

“2.5.5.1 Infill, intensification and re-urbanization in residential Neighbourhoods, Residential / Employment Mixed-Use; Downtown Mixed-Use; and Residential / Commercial Mixed-Use Areas shall:

- a) Be of compatible size, height, proportions, and conceptual design to surrounding buildings to create a harmonious streetscape. Building height should not exceed or be significantly less than adjoining properties, except where permitted by the policies of this Plan;
- b) Complement the roof profiles of adjacent buildings. In particular, new apartments shall have architecturally finished roofs which mask roof appurtenances;
- c) Be located to reflect the existing pattern of setbacks along the streetscape;
- d) Be designed and sited so that their main entrances and facades front onto public roads;
- e) Be designed and sited to facilitate the location of parking areas in rear or side yards, wherever practical. In this regard, parking areas must be screened from the street and adjacent residential areas with a landscaped buffer strip, as set out in the Zoning By-law. Council shall strictly enforce the provisions of the Zoning By-law and shall utilize Site Plan Control to assure the proper screening of any new parking lots developed;
- f) Be designed and built to minimize impacts, such as overshadowing and over viewing on adjoining residential development;

- g) Not encroach upon, or include, the Escarpment Natural Area or Escarpment Protection Area of the Niagara Escarpment Plan; and,
- h) Lots shall not be enlarged to extend into the Escarpment Natural or Escarpment Protection Area in order to provide more area for development.”

Concerning Policy 2.5.5.1a), the proposed development would contribute to a harmonious streetscape by the provision of a lower podium which would resemble a tall street townhouse (see Appendix “J”). Although the building would have an overall height of 6-storeys, which is permitted in the “Employment/Residential Mixed-Use” designation, the building would be stepped back in 2 sections to reduce the building height and mass, which would allow for the integration of the building with existing development on Brock Street and Park Street West.

Concerning Policy 2.5.5.1b), the proposed building would be developed in a manner that would complement the existing roof styles within the neighbourhood. In particular, the proposed building would incorporate gable style features into the design of the 3rd floor units as a unifying feature, which ties the development to the existing streetscape.

With respect to Policy 2.5.5.1c), the proposed development would have a setback of 1.6m, which would generally reflect the existing pattern of setbacks along Brock Street, which are between 0m-3m.

The proposal would conform to Policy 2.5.5.1d), as the main entrance and façade would front onto public roads (Brock Street and Melville Street).

Concerning Policy 2.5.5.1e), the required parking area would be located within the main floor of the building and underground, such that it would not be visible from the street or any abutting properties.

Concerning Policy 2.5.5.1f) the proposed development would be built to minimize overshadowing by its east-west orientation and terraced design, in which daytime shadows generally fall to the west and toward the escarpment. The proposed development would not create shadows that would impact the abutting townhouses to the south. With respect to minimizing overview, the proposed development would feature 2 architectural “bays” (recessed areas) along the southerly wall that would reduce direct overview onto the townhouses. The terraces would also be designed to prohibit overview towards Park Street West or Brock Street North/Melville Street from occurring on the upper levels.

Concerning Policy 2.5.5.1g) and h), the proposed building design would not encroach into the Escarpment Natural Area or Escarpment Protection Area (which are located offsite on the lands north of the CN Railway lands). Further, to address environmental concerns, the proposed development would provide a minimum 10m buffer from adjacent Environmentally Sensitive Area (ESA).

“2.5.5.3 In addition to the guidelines for Policy 2.5.5.1, the following shall also apply to the Downtown Mixed-Use, Residential-Commercial Mixed-Use, and Residential/Employment Mixed-Use Districts:

- a) Every building façade which fronts onto a public street or open space area should be articulated with windows, doors, and other architectural details, and should be inviting to pedestrians. Under no circumstances, shall loading bays, blank walls, and storage areas be located along public street frontages;
- b) A continuous and harmonious streetscape environment shall be encouraged, with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside buildings;
- c) Council will foster the development of a safe, attractive, and comfortable pedestrian environment by encouraging the use of canopies, awnings, arcades, and pedestrian-scaled lighting.”

As previously discussed, the design of the building is considered to satisfy the above criteria.

“Noise Abatement

2.1.4.1 Exposure of residential and other land sensitive to vibration, dust odours, and other effects caused by transportation or industrial facilities shall be minimized through the use of separation distances, the placement of non-sensitive land uses as buffers, and other means.

2.1.4.2 Noise abatement design addressing the orientation of buildings, vegetative buffers, and other innovative methods shall be preferred over the use of acoustical walls where noise abatement is required along roads.”

Concerning Policies 2.1.4.1 and 2.1.4.2, as the proposed development is adjacent to the CN Railway right-of-way, an acoustical study was required to determine the noise levels from daily train activity and to identify required mitigation measures to address the noise issues in accordance with the CN and MOE requirements.

The acoustical study determined that noise mitigation can be reasonably achieved for the proposed building through the use of materials such as double glazed windows. The proposed design and orientation of the building would provide setbacks for outdoor private amenity areas on the 4th and 6th floors, which are oriented to the easterly and southerly sides of the building. As there was found to be a slight exceedance of the MOE's and CN's noise criteria, a further noise study or design modification may be required at the Site Plan stage to mitigate the noise impacts experienced by the outdoor amenity areas, to within the required levels.

“Contaminated Sites

- 2.1.5.1 Developers shall be required to satisfy all of the requirements of the Town, Region, and Province regarding the assessment, de-commissioning, and remediation of properties proposed for development or redevelopment to ensure that they are safe for the intended use(s), where a potential exists of site contamination. Under these circumstances, proponents will be required to document previous uses of the property(s) affected by the proposal. In addition, when development or redevelopment is proposed on these sites including, but not limited to lands currently or previously used for industrial, transportation, or utility purposes, the Region will:
- (a) Defer or establish conditions of approval for applications involving Official Plan Amendments and subdivision approvals, where site remediation may be necessary;
 - (b) Require the proponents to submit documentation in accordance with Provincial guidelines that determine the presence, type(s), and concentration of contaminants which may be hazardous to the environment and/or to human health and proposed methods to remediate the hazard; and,
 - (c) Not give final approval for an application until the assessment and decommissioning process has been satisfactorily completed. In the interim, conditional approval may be considered.”

With respect to the above-noted policy, the applicant has submitted a Phase 2 Environmental Site Assessment and a Record of Site Condition, to the satisfaction of the City of Hamilton and the Ministry of Environment.

New City of Hamilton Urban Official Plan (Ministry-Approved)

The new Urban Hamilton Official Plan was adopted by Council on July 9, 2009, with the Ministry of Municipal Affairs and Housing issuing its Ministerial Approval on March 16, 2011. However, the Plan has been appealed to the Ontario Municipal Board in its entirety and is, therefore, not in effect.

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The Formal Consultation and submission of the application for this proposed development preceded the Ministerial approval of the Hamilton Urban Official Plan. The following policy review, with respect to the proposed development, is provided for information purposes and general guidance.

The subject lands are designated “Neighbourhoods” in the new Urban Official Plan. The proposed development would be under the Medium Density Residential category, for which the following policies would apply.

- “E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare, and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
 - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
 - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering, if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
 - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians, both on site and on surrounding streets.
 - e) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

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In terms of Policies E.3.5.7 and E.3.5.8, the proposal would be within the maximum range for density and height permitted in the “Medium Density Residential” designation.

Although the proposed development would not have direct access to a collector road or arterial road, the subject lands are in relatively close proximity to King Street West, an arterial road, which is located 5 properties to the south. On this basis, the proposal would conform to Policy E.3.5.9 a).

Concerning Policy E.3.5.9b), the integration of the proposed development with the neighbourhood would be provided through the design of the building, which provides a lower rise, street-oriented built form along Brock Street and along the southerly lot line, which abuts loft style street townhouses. In terms of density, the proposed development would have a higher density than the immediate neighbourhood, which is primarily lower density housing forms, such as singles and street townhouses. However, the subject property may be integrated with the abutting property to the west, an underutilized industrial property known as 10 Bond Street, in the near future. Also, 10 Bond Street abuts the former high school, which has been approved as a condominium apartment and, as such, the property may be regarded as being part of a medium density node.

Concerning Policy E.3.5.9c), the proposal would be developed on a constrained and irregular site that is suitable for the development of an apartment building. Landscaping would be provided along the perimeter of the property, details of which are required through Site Plan Approval. A minimum 10m wide buffer would be provided between the north wall of the proposed building and the edge of the ESA, which is to the satisfaction of the Hamilton Conservation Authority and City staff.

The proposed development would provide for suitable on-site parking, which exceeds the standards of the Town of Dundas Zoning By-law for multiple residential uses. The proposed building height, at the street level and along the southerly property line, would be compatible with existing lower density development, and the proposed building design provides stepbacks, which reduces overall massing and the effects of building height.

Concerning Policy E.3.5.9d), the proposed access would align with an existing driveway to minimize conflicts.

Concerning Policy E.3.5.9e), studies were submitted to address visual impacts and sun-shadow impacts, and detailed drawings were provided to assess overview. The applicant’s sun shadow study identified that the proposal would not result in the overshadowing of adjacent properties because of appropriate stepbacks and orientation. The proposed building would also not result in the loss of privacy for abutting properties. The use of architectural bays along the southerly wall of the proposed building would allow the balconies to face each other instead of the abutting

street townhouses. On the upper floors, balconies would be recessed such that overlook onto abutting properties would not occur.

Policies to address intensification criteria and compatibility include the following:

- “B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- a) The relationship and the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
 - b) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
 - c) The compatible integration of the development with the surrounding area in terms of use, scale, form, and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
 - d) The development’s contribution to achieving the planned urban structure, as described in Section E.2.0 - Urban Structure.
 - e) Infrastructure and transportation capacity;
 - f) The ability of the development to comply with all applicable policies.”

Concerning Policy B.2.4.1.4a), the proposed development would both maintain and enhance the existing neighbourhood character by providing a street oriented podium that would complement the architectural style, materials, and roof profiles of the existing older homes. It will also create an animated facade that is well articulated with windows and a range of materials that will provide visual interest for the street.

Concerning Policy B.2.4.1.4b), the proposed development would contribute to higher density development and an expanded range of housing options through the introduction of apartments.

Concerning Policy B.2.4.1.4c), the proposal would be compatible and well-integrated with the surrounding area through innovative design. The proposal would maintain the character of street townhouses or low rise apartments along Brock Street and the southerly property line, and would allow for increased height and higher density through generous stepbacks, which would not be readily visible at the street level.

Concerning Policy B.2.4.1.4d), the proposal would achieve the planned urban structure, as noted in Section E.2.0, by contributing to the enhancement of the neighbourhood through residential intensification. In this regard, it would provide apartments which would expand the range of available housing types within the north part of Dundas, as the more typical housing forms are single detached dwellings and some semi-detached dwellings and street townhouses.

Concerning Policy B.2.4.1.4e), the proposed development can be appropriately serviced in accordance with City standards. In addition, the proposed development can be accommodated within the existing transportation system.

With respect to compatibility with the existing neighbourhood uses, the following policies are considered to be relevant.

“B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) Complementing and animating existing surroundings through building design and placement, as well as through placement of pedestrian amenities;
- b) Respecting the existing cultural and natural heritage features of the existing environment by reusing, adapting, and incorporating existing characteristics;
- c) Allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) Complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) Encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing, and maximizing light to adjacent properties and the public realm.”

Concerning Policy B.3.3.2.6a), as previously noted, the proposed development would provide a complementary building design that, at street level, would have the same visual effect as a street townhouse, through the incorporation of the aforementioned podium design.

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Concerning Policy B.3.3.2.6b), the proposal incorporates heritage style materials, window openings, ornate balcony openings, and roof styles which are reflective of Dundas' older neighbourhoods.

Concerning Policy B.3.3.2.6d), the proposal provides a high degree of animation along Brock Street and along the southerly side yard through the use of alternating colours, a mix of materials, and complementary fenestration. The facade is further enhanced because there are no parking areas or garages within the front yard.

Concerning Policy B.3.3.2.6e), the impacts of shadowing on adjacent properties are minimized by the building design which features stepbacks, and by the orientation of the building which follows an east to west plane.

In addition to the above, the UHOP also provides the following definition for "Compatibility/Compatible":

"Compatibility/Compatible means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility, or compatible, should not be narrowly interpreted to mean "the same as" or even as "being similar to".

On this basis, it should be recognized that the proposed form of use, while different from many of the surrounding lower density housing forms, is considered to be mutually tolerant within the context of the surrounding neighbourhood and capable of existing in harmony with other uses and, therefore, would be considered a compatible land use.

Policies which relate to "Built Form" requirements for new development include the following:

- "B.3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E - Urban Systems and Designations.
- B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:
 - a) Creating transitions to neighbouring buildings;
 - b) Ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) Minimizing the impacts of shadows and wind conditions.
- B.3.3.3.3 New development shall be massed to respect existing and planned street proportions.

B.3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E - Urban Systems and Designations and in the Zoning By-law.

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) Locating principle facades and primary building entrances parallel to and as close to the street as possible;
- b) Including simple glazing on ground floors to create visibility to and from the public sidewalk;
- c) Including a quality landscape edge along frontages where buildings are setback from the street;
- d) Locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

These matters were previously discussed in the Report under the previous discussion provided for the Dundas Official Plan. Staff is of the opinion that the proposal would address these matters through the use of appropriate design techniques.

Views and Vistas

“B.3.3.5 Public views and vistas are significant visual compositions of important public and historic buildings, natural heritage and open space features, landmarks, and skylines which enhance the overall physical character of an area when viewed from the public realm. Vistas are generally panoramic in nature, while views usually refer to a strong individual feature often framed by its surroundings. Views and vistas created in newly developing areas play a large role in creating a sense of place and neighbourhood identity.

Examples of existing significant vistas include the panorama of the Niagara Escarpment, Hamilton Harbour, and the Downtown skyline as viewed from various vantage points throughout the City. Examples of views include historic and public buildings, natural heritage features, and monuments.

B.3.3.5.2 Views and vistas shall be achieved through alignment of rights-of-way, layout of pedestrian circulation and open space systems, and the siting of major features, public uses, and built form.”

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Concerning the above, public views to the Escarpment were addressed in great detail in the applicant's Visual Impact Assessment. In particular, it was noted that the effect of the building on the Escarpment is from a distance of less than 150m. Beyond 150m, the design elements and colouration would ensure that the building would not dominate the landscape or detract from the amenity of the Escarpment. Also, in certain areas within the neighbourhood, the building would not be visible from this distance (see Appendix "H"). The proposed building would also not impede existing views to the Dundas Peak.

On the basis of the foregoing, the proposal would conform to the Urban Hamilton Official Plan.

PUBLIC CONSULTATION

In accordance with Council's Public Participation Policy, the applications were pre-circulated to all property owners within 120 metres, and a sign was posted on the site. A total of 90 notices were circulated. A total of 33 submissions were received from the public for the revised application (see Appendix "L"). In addition, a total of 24 public submissions were received for the initial circulation, as well as a signed petition with 718 signatures. The introduction and Page 1 of the petition is attached as Appendix "M". The entire petition will also be available through a link on the City Clerk's website for this application and Public Meeting. The issues identified in the revised submission are discussed in the Analysis/Rationale for Recommendation section of the Report.

Submissions were also provided to the City on July 27, 2012, from a neighbourhood group known as "HEARD" (Heritage, Escarpment, and Responsible Development). The submissions include a new petition from residents and a submission of comments and concerns regarding the proposed application (see Appendix "N"). This information is also available on-line through City Clerk's website link.

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.

In addition, an "Open House" was held for the community by the applicant on April 3, 2012, at the Dundas Town Hall (see Appendix "K"). The original application for a 7-storey, 56 unit apartment building was also discussed at the June 17, 2009, meeting of the Dundas Community Council. The application was not supported by the Community Council, and the applicant was advised to work with City staff and area residents to come up with a plan that was more in keeping with the character of the neighbourhood.

RELEVANT CONSULTATION

The following internal departments and external agencies had no concerns or objections to the proposed applications:

- Recreation Division, Community Services Department.
- Budgets and Finance Division, Corporate Services Department.
- Infrastructure and Source Water Planning Section, Public Works Department.
- Traffic Engineering Section, Public Works Department.
- Horizon Utilities.

Niagara Escarpment Commission

The initial comments from the NEC provided in April 2009, were with respect to the initial proposal for a 7-storey, 56 unit apartment building. It was identified that the evaluation of the proposal would require the submission of a Visual Impact Assessment, to be prepared in accordance with the NEC's Visual Assessment Guidelines (2008). At this time, the NEC questioned whether the proposed 7-storey building would be compatible with or preserve the natural environment, whether it was harmonious or served to maintain the existing character of the Escarpment landscape.

The application was revised in March 2010, as a 6-storey, 48 unit building. The development of the applicant's Visual Impact Study, in May 2010, involved the selection of a series of viewpoints within the area of the NEP, where the proposed development may be visible. The agreed upon viewpoints near the subject site were developed into a photographic catalogue to show images of the site, and with the superimposed 6-storey building along the Escarpment backdrop in late fall conditions (i.e. no leaves). The modelling exercise of the viewshed was to ensure that all areas where the building may be visible were appropriately identified.

The NEC advised in April 2011, that the applicant's VIS was consistent with the NEC requirements for the Visual Assessment Guidelines. It was specifically noted that the views in proximity to the site from residential streets and Dundas Peak remained of concern. The views beyond 1 km from the property were evaluated as not being of great concern. The building design, materials, and colours were identified as important considerations to reduce the visibility of the built form.

Observations by the NEC were to encourage an earth tone building material for the treatment of the upper storeys, the use of cladding was not recommended for upper storeys, and a variety of roof profile and detailing was encouraged. In addition to the VIS, the NEC also considered other studies submitted by the applicant, which addressed features of the Escarpment including a geotechnical study, urban design study, and EIS.

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Further refinements to the proposed building design, which were provided in December 2011 and January 2012, were taken into consideration and were received favourably by the NEC. This information was included in the NEC's staff report, which was presented to the Niagara Escarpment Commission on February 15, 2012 (see Appendix "I"). In particular, the NEC noted the following improvements which were:

- Better assimilation of the building into the community;
- Architectural design improvements such as the use of terraces to create stepbacks above the 3rd floor; and the creation of architectural Bays to reduce overlook and improved roof design.

The NEC recommendation supports the approval of the revised proposal, in principle, with recommendations to address final building design, the recommendations of ESAIEG with respect to construction impacts for the protection of the ESA, and to require compatible site lighting (see Appendix "I"). These recommendations will be secured at the Site Plan Approval stage.

CN Railway

As the proposal is adjacent to a Principal Main Line, the applicant was required to submit an acoustical study to address the measures for the mitigation of train noise from the adjacent railway. The required noise study was reviewed by CN and was also peer-reviewed by an independent noise consultant.

The findings from the noise study indicate that approximately 32 trips occur daily by freight, way freight, and passenger trains, with the maximum speeds ranging from 100 km/h for freight and 130 km/h for passenger trains. As a result of the higher speeds from the passenger trains, the allowable CN and MOE noise criteria would be exceeded by 1.0 decibels (dBA) for outdoor amenity areas on the 4th floor. This would require mitigation for the end wall of the building to achieve a reduction by 1 dBA or, alternatively, the area used for outdoor privacy areas on the 4th floor would have to be reduced in width to under 4.0m. This will be further reviewed and secured at the Site Plan Approval stage.

In addition, CN advised initially that the Principal Mainline requirements of CN would apply with respect to safety issues. The requirement for safety features would apply in cases where new buildings would be setback between 30-120m from the CN Rail line. CN has noted that the proposed building would be setback approximately 100m from the railway line, and that it would be subject to reduced requirements for safety features such as berms or ditches. While the provision of a 0.75m high berm or 0.75m deep ditch with side slopes of 2.5:1 was discussed, CN later advised that they were of the opinion that the existing site conditions would be considered satisfactory for the proposed development.

Ministry of the Environment

A Phase 2 Environmental Site Assessment was submitted on March 4, 2010, and on July 22, 2010, a Record of Site Condition (RSC) was filed with the Ministry of Environment (MOE). The completion of the RSC indicates that the site meets the acceptable standard, as determined by the MOE for residential use.

Hamilton Conservation Authority

The Hamilton Conservation Authority undertook a review of the applicant's Environmental Impact Study (EIS) and Geotechnical Investigation.

With respect to the review of the EIS, the HCA has indicated concerns with the proposed buffer, which was initially in the range of 6.45m - 8.42m from the edge of the canopy drip-line. The proposed buffer would be less than the minimum 10-15m buffer typically required, and there is the potential for negative impacts on the edge species. The HCA recommends a minimum 10m vegetated buffer and the preparation of a detailed Construction Management Plan, which explains how the adjacent ESA, edge tree species, and slope will be protected.

In April, 2012, the applicant revised the proposed site plan to provide the required minimum 10m buffer, and has also submitted a Terms of Reference for a Construction Management Plan to ensure that construction operations and processes will remain outside of the buffer area. The HCA confirmed that these revisions and Terms of Reference are acceptable.

With respect to the Geotechnical Investigation, HCA were initially concerned with the impacts of the proposed building foundations and basement on the stability of the Escarpment slope. The HCA comments indicate that they are satisfied, based on the report findings and the drawings submitted, that the proposed building and basement would be geotechnically sound and that slope stability is not a concern over the long term (i.e. more than a 100 year period).

The CN safety berm issue was discussed with HCA, and it was determined that if this was required, it would need to be maintained in a naturalized condition to augment the buffer feature and to be located so that the drainage features of the area, and the roots of existing trees, would not be compromised. However, it was later determined that the safety berm would not be required.

ESAIEG

The proposal required the submission of an Environmental Impact Study (EIS) because the Spencer Gorge Environmentally Sensitive Area (ESA), which forms part of the Niagara Escarpment, is located on a portion of the property and is currently zoned Open Space "OS" Zone.

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The proposal and the applicant's EIS were discussed at the ESAIEG meetings on October 14, 2010, and on November 21, 2011. The main issues that ESAIEG initially identified with respect to this proposal were the adequacy of the proposed buffer (i.e. less than 10m), engineering controls related to storm water runoff, and whether the removal of the former rail spur would affect tree root systems.

The applicant submitted an Addendum to the EIS, as well as additional reports and plans to address the concerns of ESAIEG. ESAIEG accepted the applicant's EIS, and were of the opinion that the buffer could be reduced to 8.45m and 6.45m for the proposed building because the site was previously degraded. It should be noted that in light of the ESAIEG recommendation, City staff and the Hamilton Conservation Authority requested that a minimum 10m buffer should be provided, and the applicant has been agreeable to this change.

ESAIEG recommended that a construction management zone of not less than 2m be provided within the buffer. Staff and the Hamilton Conservation Authority were concerned with the potential damage to the root zones of trees along the edge of the ESA. Accordingly, the applicant, as part of the agreement for the 10m buffer, agreed that there would be no construction management zone adjacent to the north wall of the building in order to preserve the buffer and ESA. The submission and approval of a Construction Management Plan (CMP) will be secured through the recommended 'H' Holding provision to ensure that the construction processes do not intrude into the buffer area.

Traffic Engineering

Traffic Engineering do not object to the proposed development, but have indicated that the north driveway should be narrowed to 4.5m, and the 6m driveway in front of the covered main entrance should be narrowed to discourage 2-way traffic. Additionally, the trees flanking the south driveway should be removed so that sightlines to the north and south are not obstructed. Low foliage plantings should be considered as an alternative. This will be reviewed and secured in greater detail at the Site Plan stage of development.

With respect to existing traffic volumes, for the initial application for a 56 unit building, it was noted that approximately 19 a.m. and 21 p.m. peak hour trips would be generated. For the revised 48 unit building, this would be reduced to 16.5 a.m. and 18 p.m. peak hour trips. In addition, a review of the collision history at Brock Street North and Melville Street indicated that there were no collisions over a 10 year period.

At the Site Plan Approval stage, the plan will need to illustrate minimum 3m x 3m visibility triangles between the south access limits and the ultimate road allowance limits of Brock Street North. An Access Permit will also be required from the Public Works Department.

The Hamilton Municipal Parking System

The Hamilton Municipal Parking System has advised of the following:

- The developer is providing more than the number of parking spaces required under the Dundas Zoning By-law.
- There is an adequate supply of short-term, on-street parking in the neighbourhood to accommodate the needs of the visitors.
- There have been no requests received for parking regulation changes or inquiries as to regulation options in the last 2 years. The finding indicates that the majority of residents can secure adequate parking to meet their needs.

On this basis, there is no reason to believe that the parking will not be adequate for the building and, therefore, is not considered to cause additional strain on the public parking supply in the surrounding area.

Forestry

The Urban Forestry Section initially identified that the proposed development would result in Municipal Urban Forestry conflicts due to the presence of 7 trees that would require resolution through a Tree Management Plan Management condition. The trees include 2 White Ash, 2 Basswoods, 1 Manitoba Maple, 1 Mulberry, and 1 Hop Hornbeam.

Forestry advised that there is a remnant woodlot area on the north portion of the site which may require the removal of edge trees to facilitate construction. There is a concern that this will expose interior trees, which have minimal lateral limbs, to be susceptible to blow over. The new edge trees should, therefore, be inspected by a Certified Arborist to determine which trees may be most at risk.

Note: As a 10m buffer will be provided, which will protect the edge trees, the above noted concerns no longer apply. The application will, however, be reviewed at the Site Plan stage to determine whether further tree protection measures would be required.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, which supports residential intensification and the provision of a full range of housing opportunities, the redevelopment of Brownfield sites, and the enhancement of neighbourhoods.

- (ii) It conforms with the Places to Grow Growth Plan, which encourages the development of higher density housing forms within the built boundary, and, in particular, in intensification areas such as former Brownfield sites.
 - (iii) It conforms to the policies of the Hamilton-Wentworth Official Plan, which supports the development of compact communities and higher density housing forms.
 - (iv) It conforms to the policies of the Dundas Official Plan, which allows for higher density development such as multiple dwellings within the “Residential/Employment Mixed-Use” designation.
 - (v) The proposal is considered to be compatible with existing and planned development in the surrounding area, as well as the adjacent Spencer Gorge ESA.
2. Staff’s recommendation to support of the proposed application to permit a 48 unit, 6-storey apartment building has involved the consideration of a number of factors which include the following:
- (a) Policies supporting Residential Intensification and Higher Density Development;
 - (b) Compatibility within Neighbourhood; and,
 - (c) Resolution of Issues Provided in Technical Studies.

Policies

In terms of the policies which support the proposed form of multiple unit development, the proposal:

- Is consistent with the PPS and conforms to Places to Grow, both of which support residential intensification, compact development, and the use of former Brownfield sites;
- Conforms to the Dundas Official Plan, which designates the property “Residential / Employment / Mixed-Use”, and supports residential intensification to a maximum density of 100 units per hectare, and permits multiple dwellings up to 6-storeys in height;

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- Conforms to the direction of Policy 1.5.3, of the Dundas Official Plan, which states that “due to the limited supply of suitable land for development in the long-term, the Town will increasingly focus on maximizing development opportunities rather than meeting housing projections.” Policy 1.5.3 also states that “as Dundas current urban envelope is almost completely built out, a growing proportion of new housing will be developed through residential intensification or infilling within the existing urban boundaries.” In this regard, the proposal makes good use of an underutilized former Brownfield site in a community with limited supply of land for development;
- Conforms to the Dundas Official Plan in terms of its Guiding Principles (Policy 1.6.2), which state that new residential development will be promoted within the existing community by facilitating infill and intensification in appropriate neighbourhoods. With respect to this policy, the subject property is within a suitable neighbourhood because the property and the adjacent lands to the west have been placed in a designation that would allow for higher density use. It is understood that appropriate intensification is required consistent with the applicable intensification guidelines.

Compatibility

In terms of neighborhood compatibility, the proposed development:

- Conforms to the compatibility criteria in Policy 3.4.3.5 of the Dundas Official Plan for the “Residential/Employment/Mixed-use” designation;
- Would form part of a future higher density cluster with adjacent properties to the west, which include 10 Bond Street , an industrial site which is also in the Residential/Employment/Mixed-Use District, and with the former Dundas District High School, currently a proposed residential condominium;
- Is bounded on 3 sides by non-residential uses, which include the Escarpment to the north, open space to the east, and light industrial uses to the west;
- Would introduce design features that would complement existing built forms and allow it to be assimilated into the neighbourhood. These include the design of a 3-storey podium for the façade and the southerly side of the building, which would be consistent with the height permitted as-of-right under the existing “RM1” zoning. The podium would resemble street townhouses or smaller apartments, and would include an animated façade with windows and gable roofing features that are consistent with

older neighbourhoods. Furthermore, the 2 stepped back sections would reduce the impact of height, and through the use of earthtone colours and materials, would ensure the building blends in with the Escarpment backdrop;

- Would introduce additional design features along the southerly building wall in the form of architectural bays (recessed areas) to provide an animated building wall and optimize privacy by reducing overview;
- Would blend in well with the existing lower density neighbourhood. For example, the building would be only partially visible along Melville Street, as it would be located below the curve and would be less visible from King Street due to existing trees and buildings;
- Would not contribute to any unacceptable sun-shadow impacts, with the exception of some added shade in late afternoon/early evening along the corner of Brock Street and Melville Street; and,
- Would provide adequate on-site parking for both owners and visitors, and is unlikely to contribute to parking or traffic problems within the area, such as congestion.

Resolution of Issues

Various technical studies were required for this application to determine if the proposal would be appropriate for the development of the subject site. Through the review process, the critical issues were resolved, which are noted as follows.

- Provision of an Adequate Buffer - The applicant's EIS proposed a buffer which ranged from 6.4m-8.4m, which is less than the 10m typically required for new development by the City and the Hamilton Conservation Authority. The issue of the reduced buffer was presented on the basis that the site had been previously degraded through industrial use, and was supported by ESAIEG. However, City staff and the Hamilton Conservation Authority were concerned that the reduced buffer would degrade the ESA edge, damage root zones, and would not provide sufficient space for construction practices. A minimum 10m buffer was agreed to by the applicant, which resolved this issue. In addition, the buffer would be improved through re-vegetation which would be addressed at the Site Plan Approval stage.

- Construction Management Plan - The requirement for a Construction Management Plan Terms of Reference was developed through the review of the EIS by the City and the Hamilton Conservation Authority to demonstrate that the proposed development could be constructed without requiring the use of the 10m buffer for any aspect of the construction process. Existing vegetation within the ESA edge would, therefore, be protected. The applicant has established a suitable Terms of Reference that would be examined in greater detail at the Site Plan Approval stage.
- Visual Impact Assessment - The subject property is within an area that is ranked “very attractive” by the Niagara Escarpment Commission’s landscape evaluation study, and is within a 250m distance of the Dundas Peak, a highly visible rock outcrop and viewing area that is considered an iconic feature within Southern Ontario. Concerns were expressed by the NEC in terms of the impact of the proposal on the Escarpment and Dundas Peak feature at the street level, and from the Peak itself. The NEC has taken into account the design features that have evolved with the review of the proposal, such as stepbacks, terraces, façade animation, and roof profiles, as well as the choice of materials and colours (i.e. upper floors should have cladding that is similar to an earth tone instead of light colours, which are more visible).

In particular, NEC has commented that:

- The proposed design features, colour scheme, and materials have assisted with assimilating the proposal into the neighborhood;
 - The proposed development can be accommodated without a substantial negative impact to the Escarpment environmental features;
 - While presenting a distinct change to the neighbourhood, the effect was observed to be only within 150m of the property due to the built features and landscaping within the area (see Appendix “H”).
- Noise Mitigation - The Noise Assessment for the proposed development was found to be satisfactory by CN. It was determined that a minor exceedance of train noise may require further mitigation measures at the Site Plan Approval stage for the use of the outdoor terraces on the 4th floor.
 - Site Stability - The Hamilton Conservation Authority has reviewed the applicant’s Geotechnical Study and determined that the proposal will not result in long-term impacts on slope stability, and that construction will occur in a geotechnically sound manner.

SUBJECT: Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas) (PED12156) (Ward 13) - Page 34 of 45

- Safety Features - The proposal would incorporate the existing former railway spur-line feature for safety purposes;
- Site Servicing - There are public watermains and a municipal sanitary sewer available within the Brock Street North and Melville Street road allowance to service the subject property. To address the need for on-site storm drainage, the site requires Low Impact Design (LID) techniques such as green roofs and cisterns; and,
- Urban Design - As discussed, staff is satisfied that the proposed design has addressed the issues of fit, massing, and overview through the use of such features as terraces, setbacks, complementary roof styles, and architectural bays. Accordingly, the proposed building could be suitably integrated into the existing neighbourhood.

Therefore, on the basis of the aforementioned items, staff supports the proposed Zoning By-law Amendment.

3. The proposed 48 unit apartment building would be placed in a Site-Specific, Medium to High Density Multiple Dwelling (RM3) Zone through an amendment to Dundas Zoning By-law 3581-86.

The proposed apartment building would meet the following requirements of the Medium to High Density Multiple Dwelling (RM3) Zone:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	1,380 square metres	4,820 square metres
Minimum Lot Frontage	30.0 metres	44.20 metres
Minimum Number of Parking Spaces	60 spaces, including 12 spaces for visitor's parking	77 spaces, including 12 spaces for visitor's parking
Minimum Landscaped Area (of Site)	30%	60%
Maximum Density	100 units per hectare	100 units per hectare

The following special zoning provisions would be required.

(a) Minimum Front Yard

- Proposed change from 7.5 metres to 1.6 metres for the building up to the 3rd storey, 11.0m for the 4th and 5th storeys, and 13.75 metres for the 6th storey

The proposed front yard would enable the building to be brought closer to the streetline, which is encouraged for new development. The portion adjacent to the street would be 3-storeys, which would reasonably reflect the surrounding neighbourhood. In addition, the recommended amending zoning would include regulations to provide a transition in the height of the building at the 4th and 5th storeys, and at the 6th storey. The stepbacks provide a reduction in the height of the building at the street level, and will also assist with stormwater management. Therefore, the proposed change can be supported.

(b) Minimum Side Yard

- Proposed change from 45% of the building height to permit a setback of 4.4m up to the 3rd storey; 10.0m for the 4th and 5th storeys, and 12.5m for the 6th storey

The requested side yard is required to establish a variable side yard along the southerly side of the building to address the setback of the building at 3 different levels. The setback for the podium level (up to 3-storeys) would conform to the By-law requirement of 45% building height. In addition, the southerly setback would incorporate architectural bays to provide additional variation in the building wall design and to minimize overview onto the adjacent dwellings. The setback for the fourth and sixth floors would also be based on the By-law requirement for setbacks at these respective heights. The request is reasonable, based on the visual plane model in which the height above the 3rd floor would generally not be visible to neighbours immediately adjacent to the development. Therefore, the proposed change can be supported.

(c) Minimum Rear Yard

- Proposed Change from 7.5m to 3.84m

The proposed rear yard would require a reduction to 3.84 m to address an irregularity (i.e. jog) in the rear lot line at one location. The majority of the rear yard would be slightly over 5m, which would be closer to the RM3 Zoning requirement. As the rear yard abuts an industrial property instead of lower density residential, this change can be supported.

(d) Maximum Height

- Proposed Change from 16.5m to 19.5m

The requested maximum height is required to accommodate the top floor of the building, which would be stepped back from the fourth floor level and the podium. The proposed building height is based on the Dundas Zoning By-law definition of height, which for this site, determined the average height from grade measured from a setback of 4.5m around the building. The effect of the additional height would be diminished by the extent of the stepback. The proposed building height would also be relatively close to the height of the Dundas District High School to the west (i.e. 18.5m), which is being converted to apartment condominiums. Therefore, the proposed change is reasonable and can be supported.

(e) Parking Space Stall Size

- Proposed Change from 2.7m in width by 6.0m in length to 2.6m in width by 5.5m in length

The proposed change in parking space stall size would be consistent with the standard that was introduced in By-law 05-200, which is regarded as the City's new standard. Since 2005, it has been used extensively throughout the City to replace previous standards in the creation of new site-specific zones. Therefore, based on the foregoing, the proposed change is reasonable, and can be supported.

(f) Loading Spaces Dimensions

- Proposed Change from 3.7m in width by 18.0m in length by 4.3m in height to 3.7m in width by 9.0m in length by 4.0m in height

The proposed change in loading space dimensions is to accommodate a smaller loading space within the building. Because of the smaller nature of the proposed units in comparison to a single detached dwelling, the loading requirements for moving to or from the building could be provided by smaller trucks in the 6.0 - 7.5m range. Trucks of this size would have a maximum height of 3.0 - 3.3m, which could be accommodated by the 4.0m clearance. Therefore, the proposed change is reasonable and can be supported.

(g) Loading Space Setback from Public Thoroughfare

- Proposed Change from 7.5m to 5.5m

The proposed loading space would be located within a short section of the driveway to access the building entrance and to permit proper egress onto Brock Street. As the loading area would be covered and would permit egress in a forward manner, the reduced setback would not conflict with traffic. Therefore, the proposed change is reasonable and can be supported.

(h) Balcony, Bay, or Dormer Projections

- Recommended Provision to prohibit the projection of balconies or other projections which face the Buffer and Niagara Escarpment, whereas a balcony, bay, or dormer projection is permitted into a required side yard which is not more than one-third of its width, or 1.5m, whichever is the lesser.

The Hamilton Conservation Authority and City staff supports the provision of a 10m buffer subject to a Construction Management Plan. To further minimize activity within the buffer area and future impacts on the buffer and ESA features, it was agreed that no balcony projections should be permitted in the northerly side yard. Balconies within this part of the building would need to be recessed to the plane of the building wall.

(i) Landscaping Area

- Proposed Change to permit the minimum required landscaped area of 30% to include the outdoor terraces, which will consist of amenity areas and areas for green roofs.

The proposed change is required as the buffer area within the recommended P5 Zone would not be considered part of the landscaped amenity of the site because of its conservation function. As such, the amount of landscaped area on the RM3 zoned portion would be approximately 23% and, therefore, below the minimum 30% requirement. The use of the 4th and 6th floor terraces as outdoor amenity areas, and for green roofs, is reasonable as a means to compensate for the loss of the buffer and to maintain the landscaping requirement of the Dundas Zoning By-law for a multiple dwelling.

(j) Holding Provision

An 'H' Holding provision would be applied in order to evaluate a Construction Management Plan, to the satisfaction of the City of Hamilton and the HCA, that is based on the accepted Terms of Reference. The purpose of this review is to ensure that construction practices are removed from the buffer area between the north wall of the building and the edge of the ESA.

(k) Zoning of Buffer and Escarpment Lands

The minimum 10m buffer was included within the remaining Open Space "OS" Zone lands and will be changed to a new Site-Specific "P5" Zoning in By-law 05-200. This zoning, to be known as "P5, 450", will permit Conservation uses only. The "P5, 450" Zone was created to remove the generic P5 Zone use of passive recreation to restrict human activity within this area in order to properly protect the buffer.

4. The revised proposal for the 6-storey, 48 unit apartment building was the subject of 33 letters from the residents of the neighbouring area. The following issues were identified in the letters and are discussed below:

Design and Fit

- (a) Concern with size.
- (b) Over-intensification.
- (c) Over-shadowing.
- (d) Lack of transition.
- (e) Precedent of allowing building to be erected into the Escarpment.

Concerning Item a) size, the proposed building is within an Official Plan designation that permits a building height of up to 6-storeys. The proposed height would be acceptable because at the street level, the additional 3-storeys would not be readily visible because of the stepped back sections, and the added height can be accommodated without impacts such as overshadow and overview occurring on abutting properties. An example of the streetview simulation of the proposed building is provided in Appendix “J”.

Concerning Item b) over intensification, it is noted that the proposal is consistent with the maximum requirements of the current designation, which is up to 100 units per hectare.

Concerning Item c), overshadowing, the applicant’s sun-shadow study showed that there would be no overshadowing impacts during daytime hours i.e. 10 a.m. - 4 p.m. In the late afternoon, between March and September, there would be only slight overshadowing close to Melville Street. As such, the proposal is considered to be within an acceptable range due to the very limited sun-shadow impacts.

Concerning Item d), lack of transition, the proposed design provides for the transition along the southerly and easterly property lines to allow for the development of a 3-storey podium. The full height of 6-storeys would, as a consequence, be furthest away from these 2 property lines and, as such, achieve an acceptable transition.

Concerning Item e), the proposal is currently zoned to allow for Low to Medium Density Residential use, and is within the “Employment/Residential Mixed-Use” designation, which allows for high density development of up to 6-storeys in height and 100 units per hectare. In addition, the portion of the site that is being developed is designated “Urban Area” in the Niagara Escarpment Plan, which allows for a range of development forms.

The proposed building was subject to a high level of review by the City, as well as outside agencies including the Niagara Escarpment Commission, CN Railway, and the Hamilton Conservation Authority. To address the proposal and the location along the base of the Escarpment, a Visual Impact Study, Urban Design Brief, and Environmental Impact Study were required. In addition to the review of the Visual Impact Study, the NEC also addressed the application formally through a Public Meeting, staff report, and recommendation by the Commission. As noted, the NEC supported the general principle of the proposed development subject to recommendations to address final building design, the protection of the ESA, and to require compatible site lighting. Urban design techniques to reduce the impact of building height were also employed, and include the use of stepbacks above the 3rd floors and the proposed podium design to create the effect of street townhouses along Brock Street.

Traffic and Parking

- (a) Safety concerns with increased traffic.
- (b) Brock Street is too narrow to sustain added traffic.
- (c) Speeding cars and no stop signs for 3 blocks (Peel Street).
- (d) Dramatic increase in traffic on Melville and Park Street West.
- (e) Access is impractical with blind curve along corner of Melville.
- (f) How will site accommodate moving trucks?
- (g) Concern with street parking demand and with development in an area in which some dwellings do not have driveways.

Concerning Items a), c), and d), safety concerns and increased traffic, it has been noted that the a.m. and p.m. peak traffic for the proposed development would be approximately 16.5 and 18 vehicles per day, which is unlikely to create unsafe traffic conditions. As the surrounding road pattern provides a number of options for eastbound and westbound traffic, it is unlikely that there would be congestion of new traffic onto Melville or Park Streets. Concerning speeding traffic, there is no evidence to suggest that traffic calming is required along Melville Street or Park Street West.

Concerning Item b) Brock Street, it is noted that the right-of-way is 20m and the paved portion is 9m. The paved portion can accommodate 2 way traffic and parking on the east side of the street.

Concerning Item e), the proposed access driveways should be able to function adequately as they would be visible from the row of houses along the north side of Melville Street. To date, there have been no reported accidents at the curve of Brock Street and Melville Street.

Concerning Item f) moving trucks, a loading space has been proposed to accommodate moving trucks within the entrance, and it would be accessible from the northerly driveway. The size of the loading space would be in the 9m range, and the location would be determined at the Site Plan Approval stage.

Concerning Item g) street parking, the Hamilton Municipal Parking System has advised there is an adequate supply of short-term, on-street parking in the neighbourhood to accommodate the short-term parking needs of visitors to the neighbourhood. The majority of streets do not have specific parking regulations implemented, with the exception of Witherspoon Street and parts of Park Street West.

It is noted that there are several dwellings which do not have driveways at the end of Brock Street (2 dwellings) and along the north side of Melville Street (8 dwellings), which would necessitate on-street parking as well as for overnight use.

The HMPS is of the opinion that an adequate supply of on-street unrestricted supply is available in the area near the proposed development. On this basis, and in conjunction with the more than adequate parking supply that will be made available for the proposed development, there is no reason to believe that parking in the area will be detrimentally affected.

Neighbourhood Concerns

- (a) Loss of views to the escarpment.
- (b) Value of property.
- (c) Garbage accumulating behind building.
- (d) Privacy concerns.
- (e) How will garbage pickup be handled? Where is garbage to be stored?
- (f) Snow removal.
- (g) Concern with flooded basements.
- (h) Proposed development would be contrary to Dundas Official Plan.

Concerning Item a), the loss of Escarpment views, the proposed development would reduce or diminish certain private views to the Escarpment. Private views, although important to residents, cannot be guaranteed over time. The views from the public realm may also block portions of the Escarpment, but would not block the Peak. The applicant's use of design features, which include stepbacks and the proposed muted colouration of the upper levels of the building, would reduce the impacts of the loss of views to the Escarpment and would allow for better assimilation of the building adjacent to the Escarpment.

Concerning Item b), value of property, there is no market information to suggest that the proposed development would result in the devaluation of existing abutting properties.

Concerning Item c), accumulation of garbage, it is unlikely that garbage would be left to accumulate because of Property Standards By-laws and Enforcement, as well as the standards that would be upheld by the future condominium. Also, since there would be apartment units located around the perimeter of the building, there is no reason to believe that high standards would not be maintained.

Concerning Item d), privacy concerns, it is anticipated that the design of the proposed building would allow the privacy of neighbouring property owners to be maintained. As noted, the southerly side of the building would abut the rear yards of the street townhouses on Park Street West. In addition to a privacy fence and landscaping, the south-facing units below the 3rd level would have no south-facing balconies, except for the end units. The upper level units would be designed to minimize overlook. The front-facing units would generally have smaller balconies to reduce opportunities for overview. The units above the 4th level would also be stepped back considerably (i.e. 10-12.5m), which would also reduce overlook.

Concerning Item e), it is unlikely that the proposal would negatively impact snow plowing operations because the entire parking area is covered. There is no reason to believe that the parking requirements for the proposed building could not be met on site. In the event that parking spillover may occur occasionally onto the street, it is unlikely that street parking would interfere with snow removal operations.

Concerning Item f), regarding garbage pickup and recyclables, as the proposed building would not accommodate on-site pick-up by City services, and curb-side pick-up would not be possible because of the higher volume of units, it would be necessary to arrange for private waste pick-up as a registered condominium.

Concerning Item g), flooded basements, the proposed development at the Site Plan Approval stage, would require stormwater management, which would involve Low Impact Development techniques to manage the stormwater on-site, which may include a combination of green roofs and cisterns. This alternative to the extension of existing storm sewers is required because the existing storm sewer system would not have sufficient capacity to accommodate the stormwater run-off associated with the proposal. LID techniques are considered acceptable for infill projects of this nature, because they do not stress existing systems and would not result in increased downstream flows post development. In order to obtain approval, it would be necessary to demonstrate that the property can be drained properly without affecting other properties, and that the extension of services can occur.

Concerning Item h), staff is of the opinion that the proposal is consistent with the intent of the Official Plan to allow for higher density uses on former Brownfield sites, which are designated “Employment Residential Mixed-Use.” As noted, the designation allows for densities of up to 100 units per hectare and maximum building heights of up to 6-storeys. The proposal would satisfy the requisite criteria for development within this designation through innovative design to allow for compatibility with existing development.

Services

- (a) Concern with sewer capacity and functioning.
- (b) Run-off from escarpment and effects on drainage.
- (c) Concern with insufficient water pressure.

Concerning Item a), sewer capacity and functioning, and c) water pressure, as part of the Site Plan Approval process, it would be necessary to submit site servicing drawings to address sewer requirements including capacity. A water use study may also be required to demonstrate that the proposal would have sufficient capacity. Preliminary comments indicate that the proposed development fire flow capacity and hydrant coverage.

Concerning Item b), storm run-off from the Escarpment, a stormwater management brief would be required at the Site Plan stage to demonstrate that the site would be able to manage its run-off through the use of on-site retention techniques without affecting neighbouring properties. An example of this type of facility would be a cistern. It has been noted that it would not be possible to extend the existing storm sewers along Park Street due to capacity issues.

Escarpment/Environment

- (a) Impacts on the Dundas Peak.
- (b) Removal of trees.
- (c) Construction would weaken and destabilize the slope of the Escarpment.

Concerning Item (a), the potential impact of the proposed development on the Dundas Peak was recognized by the Niagara Escarpment Commission because of the iconic nature of this feature within this part of the Escarpment. In considering the proposal, NEC Planning staff indicated in their recommendation that the proposed use of muted and mid to dark exterior tones, as opposed to lighter colours, and the use of architectural enhancements and techniques such as terraces, bays, step-backs, the articulation of the façade, and varied use of materials, would not substantially detract from the value of the Peak feature.

Concerning Item (b), the proposal would result in the removal of only those trees which are south of the building footprint. Trees which are within the 10m buffer area between the north wall of the building and the edge of the ESA would be protected.

Concerning Item c) the weakening of the slope, there would be no construction along the slope of the Escarpment, and at least 10m from the buffer. In addition, a Geotechnical study was submitted to ensure that the proposed building and underground parking area can be supported. The study was supported by the Hamilton Conservation Authority.

5. The development of the proposed 48 unit apartment building would be subject to Site Plan approval, which would allow for a detailed review of the development proposal, including matters such as conformity to the approved zoning, grading, stormwater management, landscaping, access, parking, and building design. Site lighting, in particular, night lighting, has also been included as a further area of review by the Niagara Escarpment Commission. A further noise study may be required to address the use of the 4th floor terrace as an outdoor amenity area. A standard condominium application will be required to facilitate the development of the residential project under condominium ownership. As the existing storm sewer system along Park Street is currently operating at capacity, it would be necessary for the applicant to develop a system for on-site storage of stormwater using Low Impact Development Techniques, such as green roofs and cisterns.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed Zoning By-law Amendment application be denied, the property could be developed for an apartment building, townhouses, street townhouses, or maisonette dwellings under the current Low to Medium Density Multiple Dwelling (RM1-H/S-102) Holding Zone of the Dundas Zoning By-law. Development under the current zoning would require the removal of the 'H' Holding provision.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Effective and sustainable Growth Management.

Growing Our Economy

- ◆ Newly created or revitalized employment sites.

Environmental Stewardship

- ◆ Natural resources are protected and enhanced.

Healthy Community

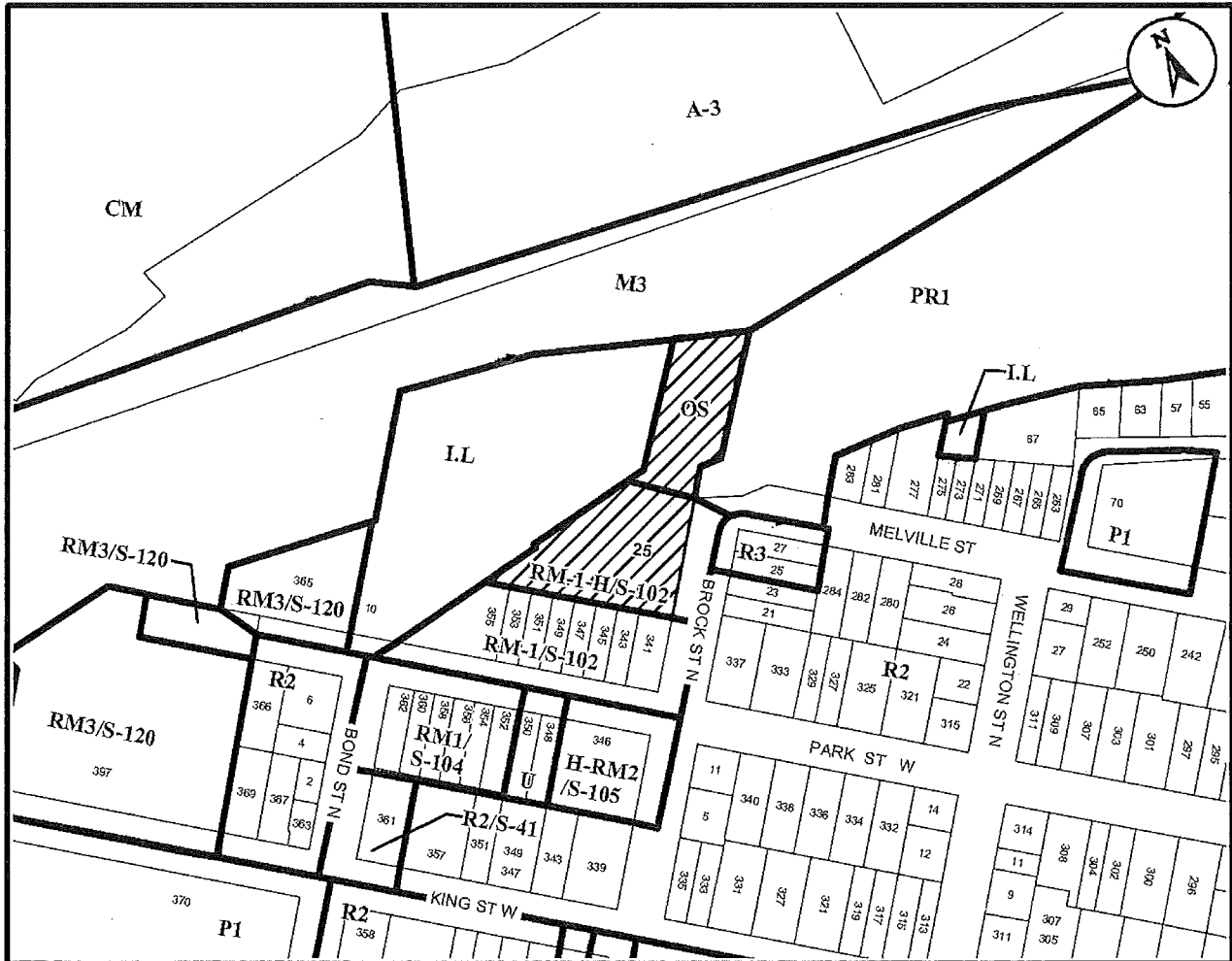
- ◆ Plan and manage the built environment.

APPENDICES / SCHEDULES

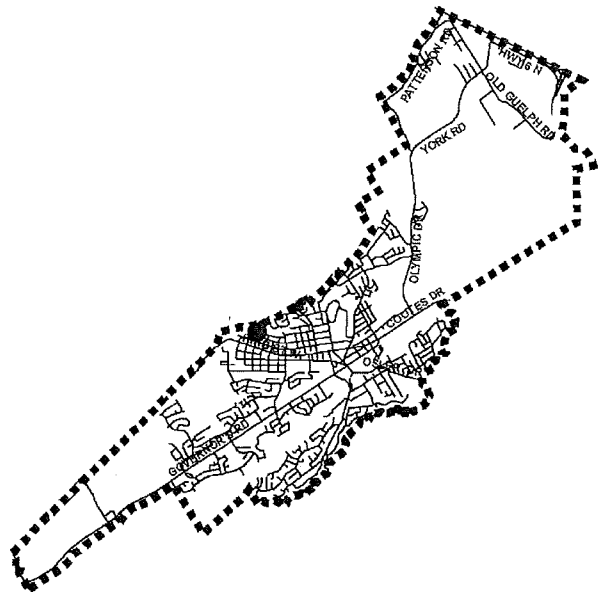
- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment (Dundas By-law)
- Appendix "C": Draft Zoning By-law Amendment (05-200 By-law)
- Appendix "D": Proposed Development Concept
- Appendix "E": Proposed Building Elevations
- Appendix "F": Proposed Parking Areas
- Appendix "G": Proposed Floor Plans
- Appendix "H": Superimposed Views of Proposal (V.I.A)
- Appendix "I": NEC Report
- Appendix "J": 3D Rendering Showing Streetview
- Appendix "K": Sign-In Sheet and Comments from April 3, 2012, "Open House"
- Appendix "L": Public Correspondence Received for Revised Proposal
- Appendix "M": Petition (Submitted 2009) (See also City Clerk's Weblink for September 5, Planning Committee)
- Appendix "N": Signed Form Letter and Petition (July , 2012) (See also City Clerk's Weblink for September 5, Planning Committee)

:CT

Attachs. (14)



● Site of the Application



Ward 13 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-09-010

Date:
July 6, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
CT/AL

Subject Property

24 Brock Street North

Authority: Item [REDACTED]
Planning Committee
Report: 12-[REDACTED] (PED12156)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 3581-86 (Dundas) as Amended
Respecting Lands Located at 24 Brock Street North**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Town of Dundas" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former Regional Municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Dundas Official Plan, in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "B" (Colborne) of Zoning By-law No. 3581-86 (Dundas) is hereby further amended by deleting the lands, the extent and boundaries of which are shown as Block "1" on a plan hereto annexed as Schedule 'A'.
2. That Schedule "B" (Colborne) of Zoning By-law No. 3581-86 (Dundas) is hereby further amended by changing the zoning from the Low to Medium Density Multiple Dwelling (RM1-'H'/S-102)-Holding Zone to the Medium to High Density Multiple Dwelling (RM3-'H'/S-123) Holding Zone, Modified, on the lands the extent and boundaries of which are shown as Block "2" on a plan hereto annexed as Schedule 'A'.
3. That Section 32 - "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following Sub-section:

RM3-'H'/S-123 That Notwithstanding the provisions of Section 14: Medium to High Density Multiple Dwelling Zone (RM3), the following Special Provisions shall apply to lands known Municipally as No. 24 Brock Street North, shown as "RM3/'H'/S-123" on Schedule "A".

(a) For the purpose, of this By-law, the following shall apply:

(i) The setbacks which apply to the apartment building shall also apply to the underground parking area.

(b) Notwithstanding Section 14.2 Regulations for Apartment Buildings, the following special regulations shall apply:

14.2 REGULATIONS FOR APARTMENT BUILDINGS

14.2.2.1 FRONT YARD

Minimum: 1.6 metres for the first 3-storeys; and,

11.0 metres for the 4th and 5th storey building wall; and,

13.75 metres to the 6th storey building wall.

14.2.2.2 SIDE YARD (southerly)

Minimum: 4.4m shall be provided for the first 3-storeys, except 2 sections of the façade, having minimum dimensions of 4.0m in depth and 8.3m in width, shall be recessed, having a minimum side yard of 8.4m; and,

10.0 metres for the 4th and 5th storey building wall; and,

12.5 metres for the 6th storey building wall.

Notwithstanding Section 14.2.2.2, the setbacks from the northerly side yard shall not apply.

14.2.2.3 REAR YARD (westerly, being 25.61 metres in length).

Minimum: 3.8 metres.

REAR YARD (westerly, being 32.34 metres in length).

Minimum: 5.3 metres.

14.2.3 HEIGHT

Maximum: 19.5 metres (excluding a mechanical penthouse).

14.2.4 DENSITY

Maximum: 48 units.

14.2.7 LANDSCAPED AREA

Minimum: 30% of the site area which may include outdoor terraces used for amenity areas and green roof areas.

(b) Notwithstanding Section 6.6 Encroachment into Yards, the following shall apply:

6.6.1 BALCONIES

No projections shall be permitted into the northerly side yard located adjacent to the "P5" Zone.

- (c) Notwithstanding Section 7.6, 7.13 Off-Street Parking and Loading, and Section 7.14 Dimensions for the Design of Parking Areas, the following shall apply:

7.6 LOADING SPACES

7.6.3 A loading space may be located a minimum distance of 5.5 metres from a public thoroughfare.

7.13 OFF-STREET LOADING REQUIREMENTS

7.13.1 RESIDENTIAL USES

Minimum Width: 3.7m
Minimum Length: 9.0m
Minimum Height: 4.0m

7.14 DIMENSIONS FOR THE DESIGN OF PARKING AREAS

7.14.1 MINIMUM DIMENSIONS

Angle: 90 degrees
Width: 2.6m
Length: 5.5m

4. That an (H) Holding Symbol, pursuant to Section 36 of The Planning Act, R.S.O. 1990, c.P. 13 and Sub-section 4.9 of By-law No. 3581-86, is hereby applied to the RM3/S-123 Zone category as it applies to 24 Brock Street. Such Holding Symbol (H) shall continue to apply to the subject lands until removed by subsequent By-law Amendment. Council shall remove the (H) Holding Symbol by By-law Amendment upon the following requirement having been addressed:
- (i) A Construction Management Plan has been approved, to the satisfaction of the Manager of Development Planning, in consultation with the Hamilton Conservation Authority.
5. That By-law No. 3581-86 (Dundas) is amended by adding this By-law to Section 32 as Schedule S-123.

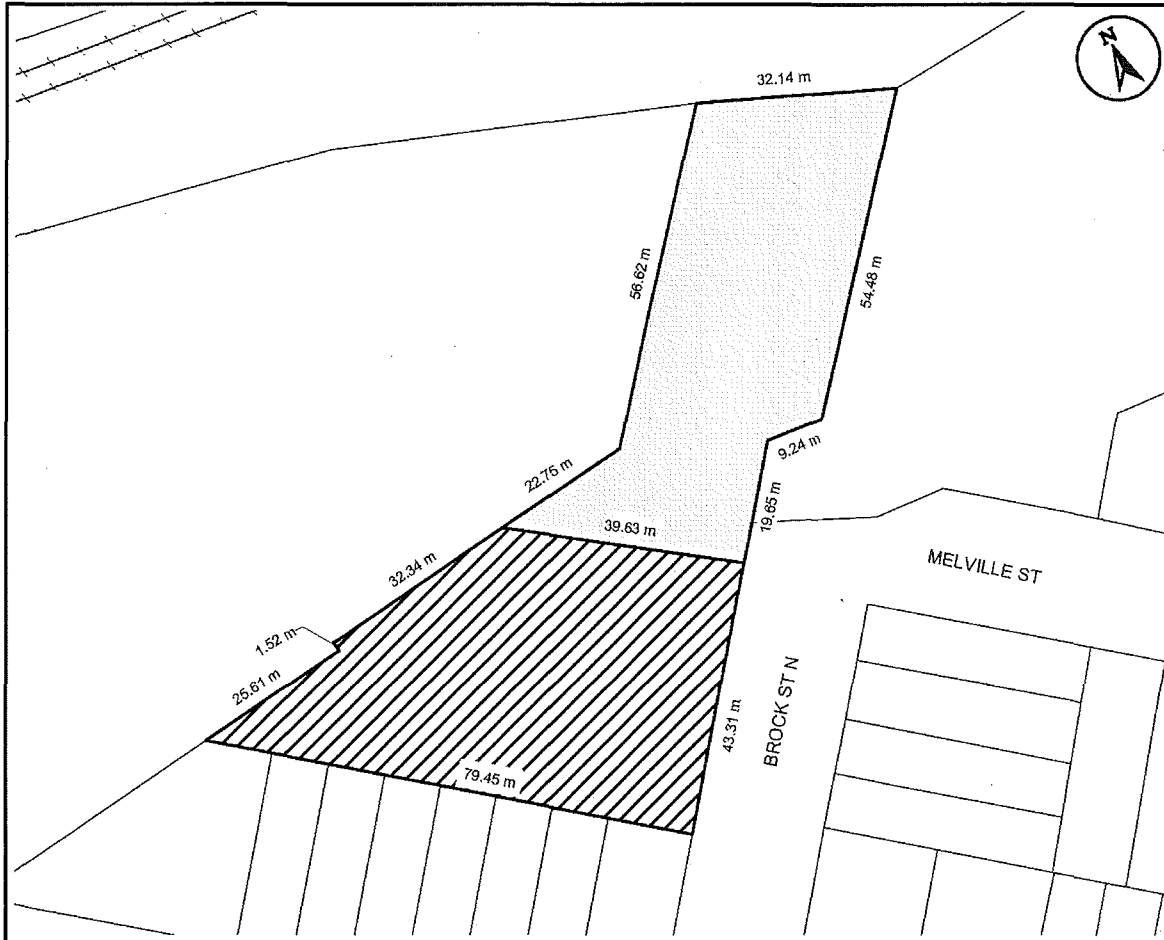
6. That Schedule "A" of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 1 of this By-law as S-123.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2012.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-09-010



<p>This is Schedule "A" to By-Law No. 12-</p> <p>Passed the day of, 2012</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p style="text-align: center;">Schedule "A"</p> <p style="text-align: center;">Map 1 of 2</p> <p style="text-align: center;">Map Forming Part of By-Law No. 12-_____</p> <p style="text-align: center;">to Amend By-law No. 3581-86</p>	<p>Subject Property 24 Brock Street North</p> <p> Block 1 - Lands to be Removed from By-law 3581-86</p> <p> Block 2 - Change in Zoning from the Low to Medium Density Multiple Dwelling "RM1-H/S-102" Zone to the Medium to High Density Multiple Dwelling "RM3-H/S-123" Holding Zone with a Special Exception.</p>
--	--

Scale: N.T.S.	File Name/Number: ZAC-09-010	<p>Hamilton</p>
Date: Aug. 3, 2012	Planner/Technician: CT/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item [REDACTED]
Planning Committee
Report: 12-[REDACTED] (PED12156)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 05-200, as Amended,
Respecting Lands Located at 24 Brock Street North (Dundas)**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law 05-200 be amended as hereinafter provided;

AND WHEREAS the By-law is in conformity with the Official Plan of the City of Hamilton (Formerly the Official Plan of the Town of Dundas) in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 817 of Schedule "A" to Zoning By-law No. 05-200, is amended, by incorporating additional Conservation/Hazard Land (P5) Zone boundaries, in the form of a Site-Specific Conservation/Hazard Land (P5, 450) Zone for the lands, the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" of By-law 05-200 is amended by adding an additional exception as follows:

"450. Notwithstanding Section 7.5.1 of this By-law, within the lands zoned Conservation/Hazard Land (P5) Zone, identified on Map No. 817 of Schedule "A" to By-law 05-200, and described as 24 Brock Street North, the following shall apply:

 - a) PERMITTED USES

Only the following use shall be permitted:

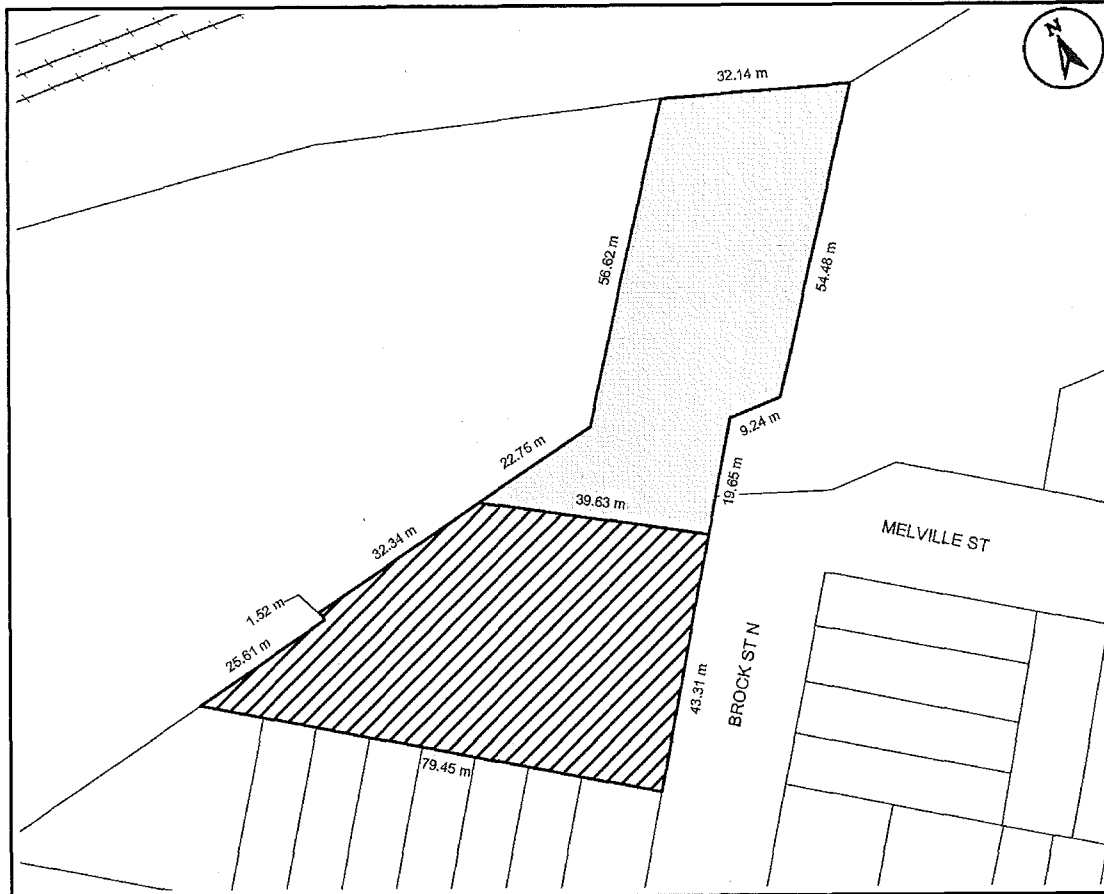
 - (i) Conservation
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
4. That this By-law No. [REDACTED] shall come into force and be deemed to have come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as provided by the said Sub-section.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2012.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-09-010




This is Schedule "A" to By-Law No. 12-
 Passed the day of, 2012


 Mayor

 Clerk

Schedule "A"
 Map 2 of 2
 Map Forming Part of
 By-Law No. 12-_____
 to Amend By-law No. 05-200
 Map 817

Subject Property
 24 Brock Street North

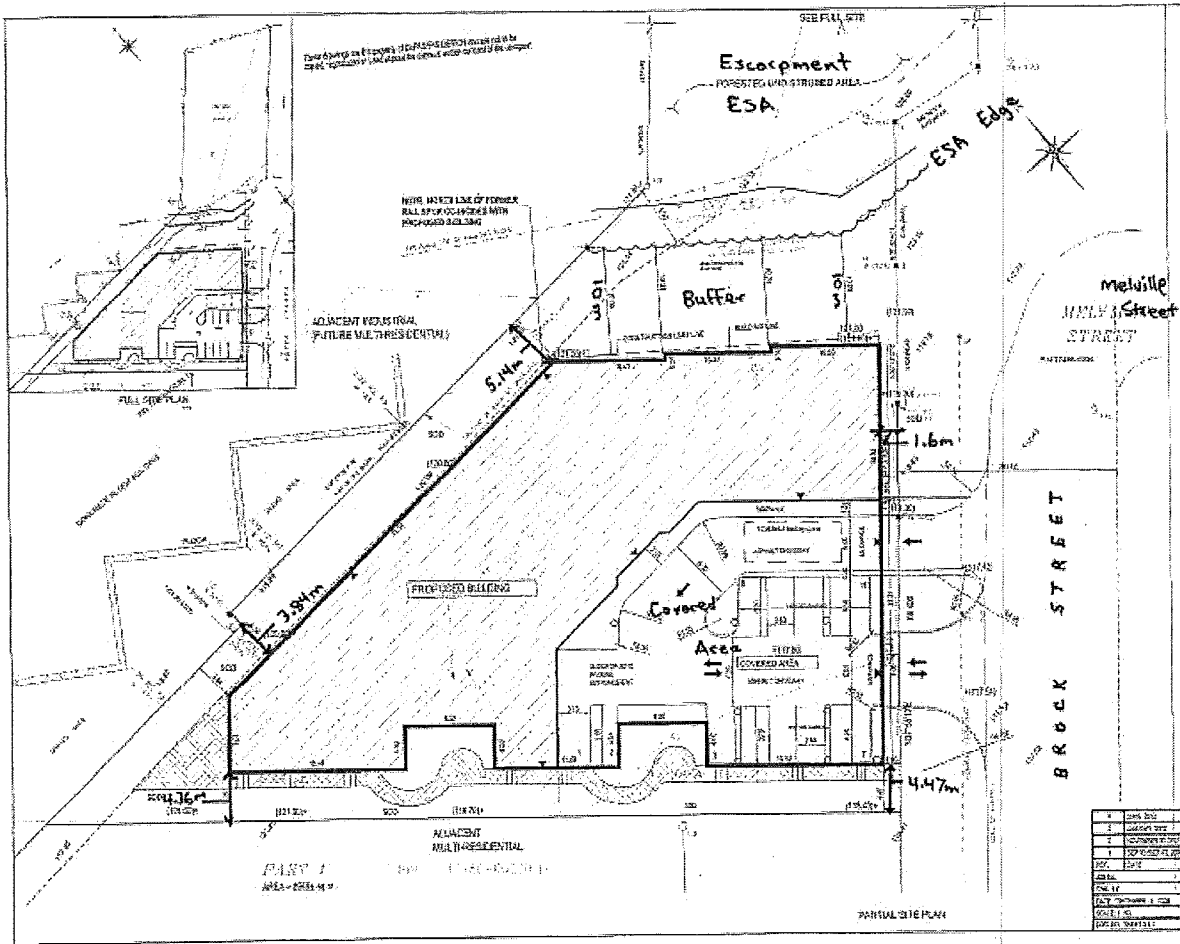
 Lands to be zoned Conservation/Hazard Land (P5,450) Zone

 Refer to By-law 3581-86.

Scale: N.T.S.	File Name/Number: ZAC-09-010
Date: Aug. 8, 2012	Planner/Technician: CT/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

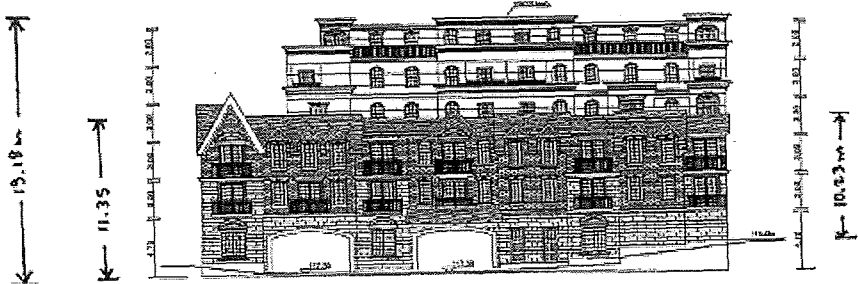


Appendix "D" to Report PED12156
 Proposed Development Concept
 (Page 1 of 1)







Appendix "E" to Report PED12156
 Proposed Building Elevations
 (Page 1 of 2)

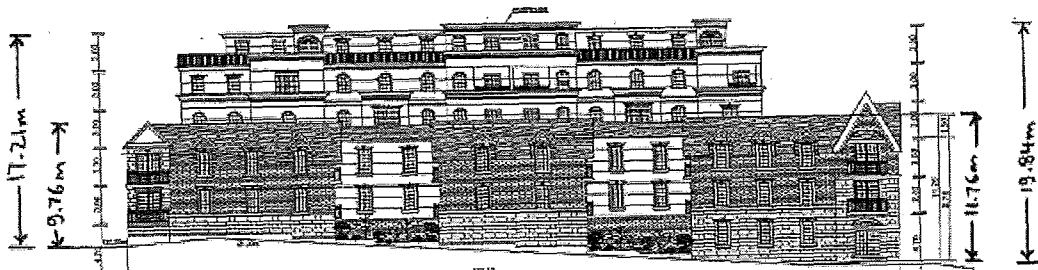
Facing Brock St. N.



SOUTH EAST ELEVATION

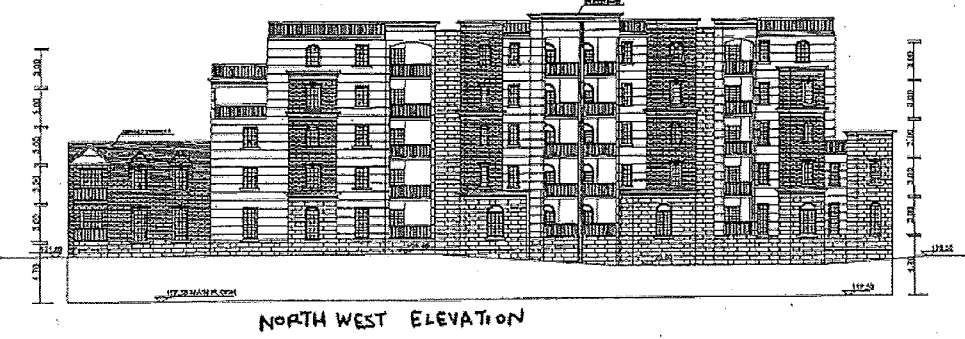
- LEGEND
-  SHINGLES - DARK EARTHWOOD BROWN
 -  STUCCO - DARK EARTHWOOD TAUPE
 -  BRICK - EARTH TONE BROWN
 -  STONE - DARK OLIVE
- ALL GRASS AREAS - APPROXIMATE GRASS TYPES INDICATED





Facing Park Street



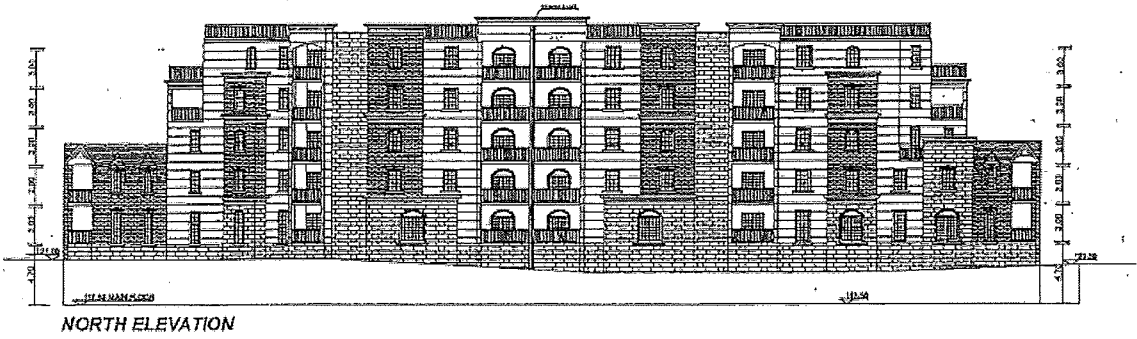
SOUTH WEST ELEVATION

Facing Escarpment

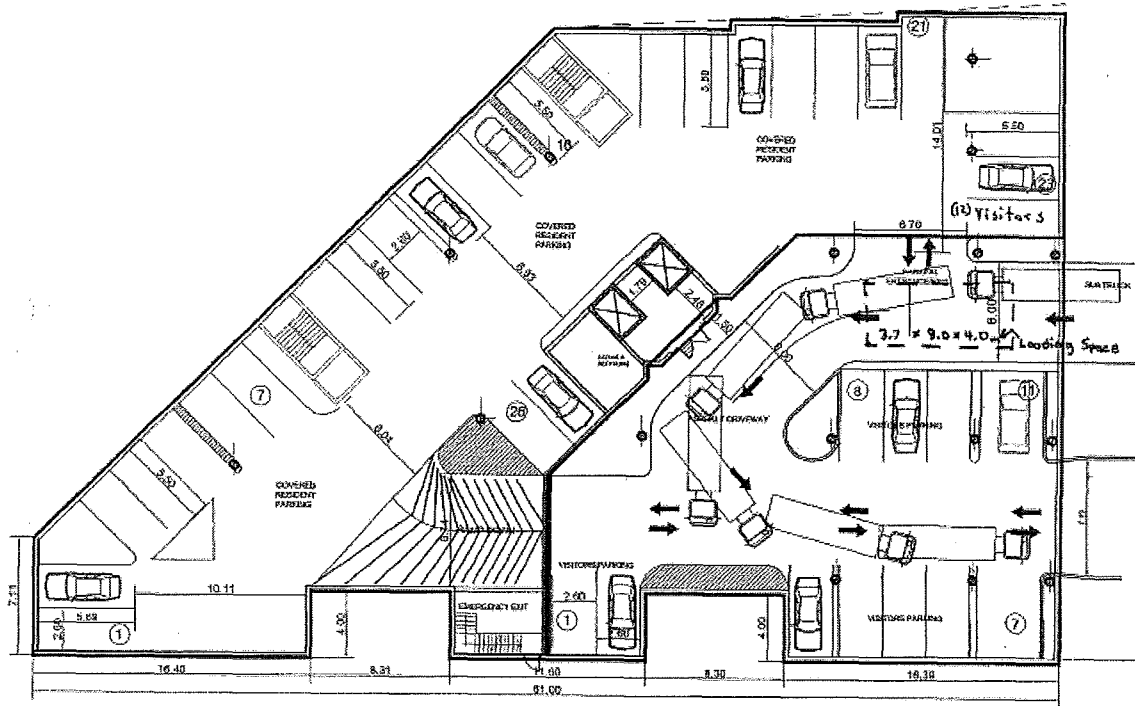


- LEGEND
-  SHINGLES - DARK DRIFTWOOD BROWN
 -  STUCCO - DARK EARLHSTONE TAUPE
 -  BRICK - EARLHSTONE BROWN
 -  STONE - OAK SCALE
- ALL FINISHES - POWDER COATED DEEP BRONZE COLOUR

Facing 10 Bond St.



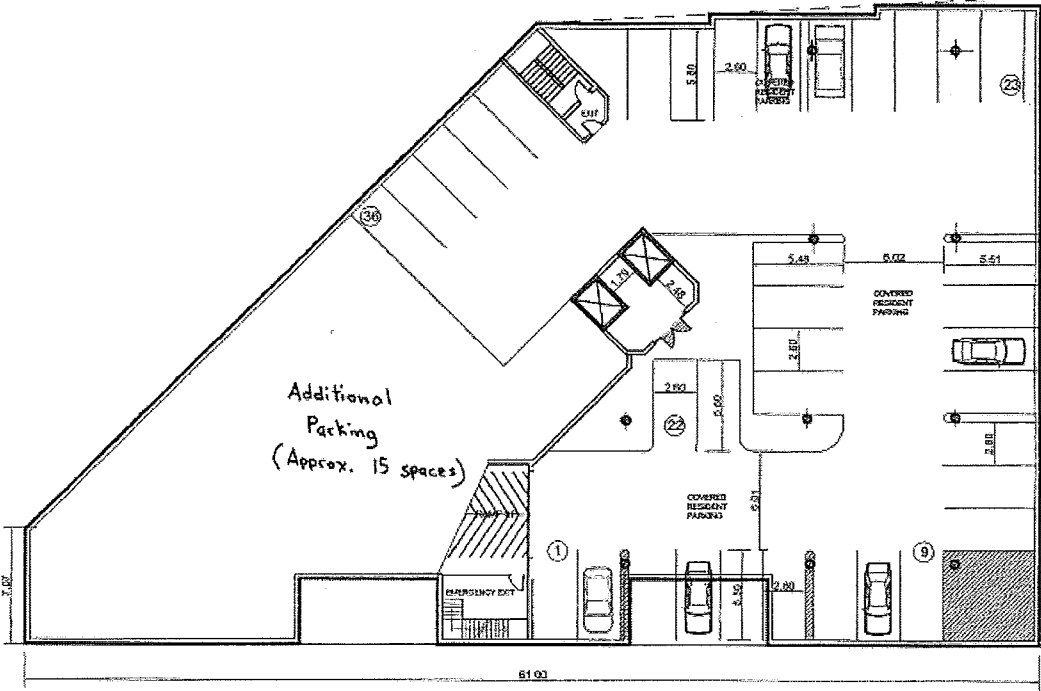
Appendix "F" to Report PED12156
 Proposed Parking Areas
 (Page 1 of 2)



MAIN FLOOR PARKING LEVEL

37 Parking Spaces
 incl. 12 Visitors Parking Spaces

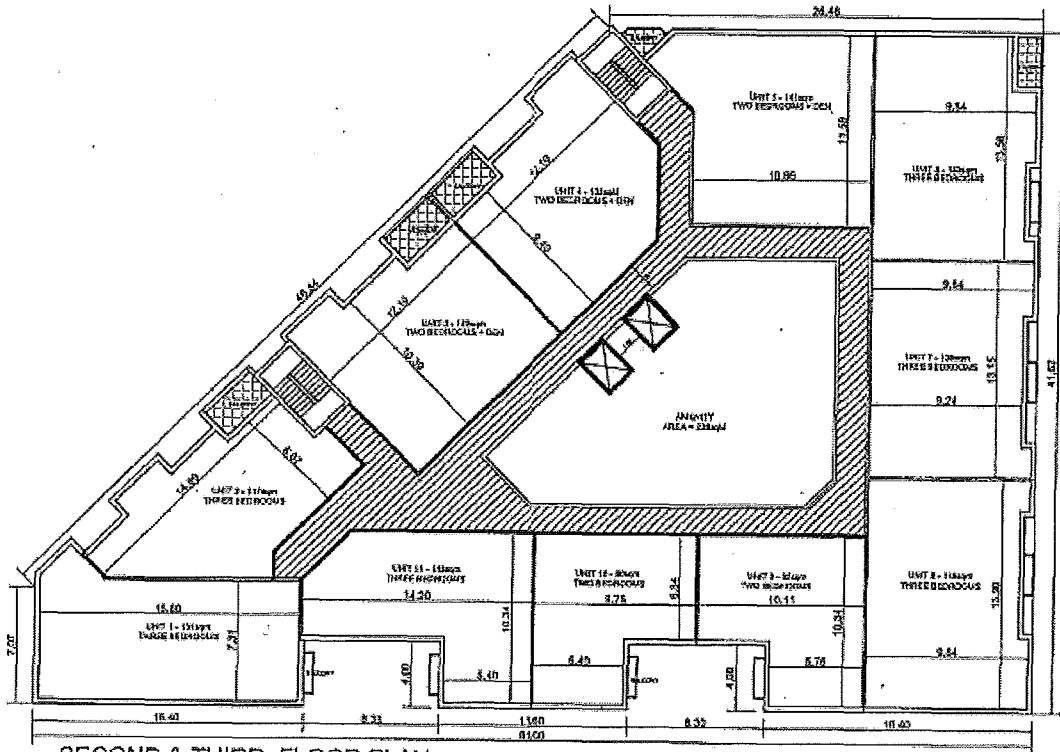
Appendix "F" to Report PED12156
 Proposed Parking Areas
 (Page 2 of 2)



UNDERGROUND PARKING LEVEL

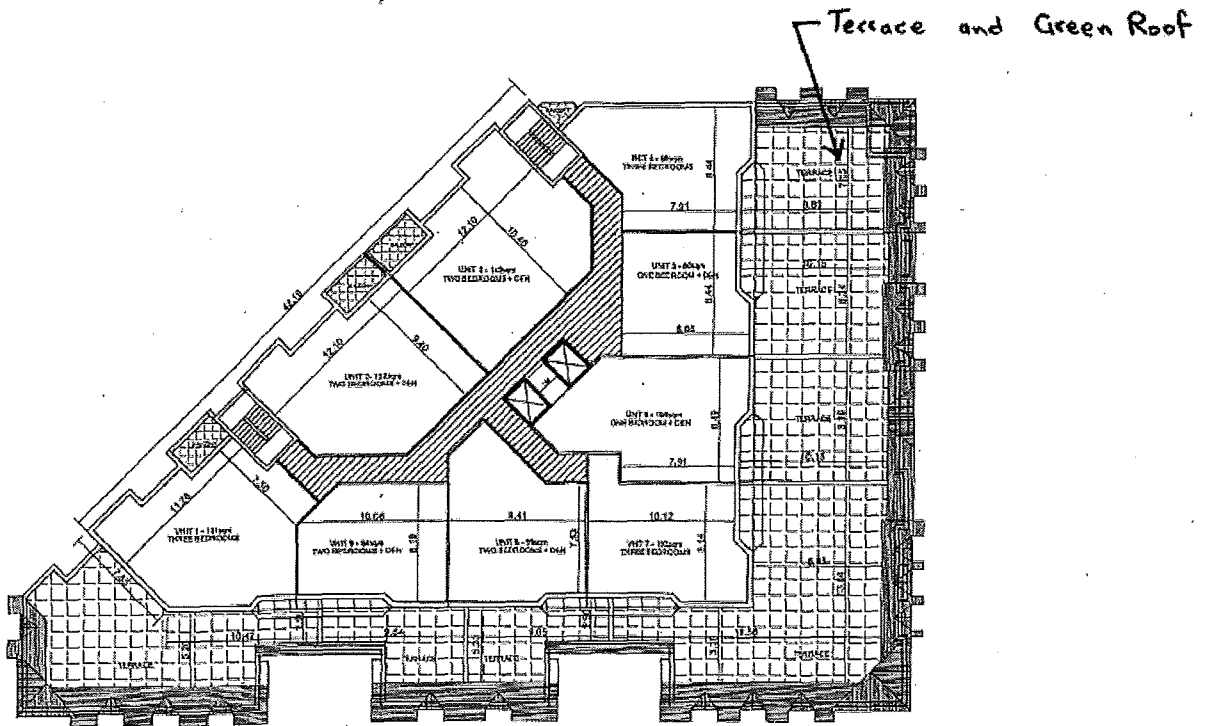
36 Parking Spaces

For Information Purposes Only



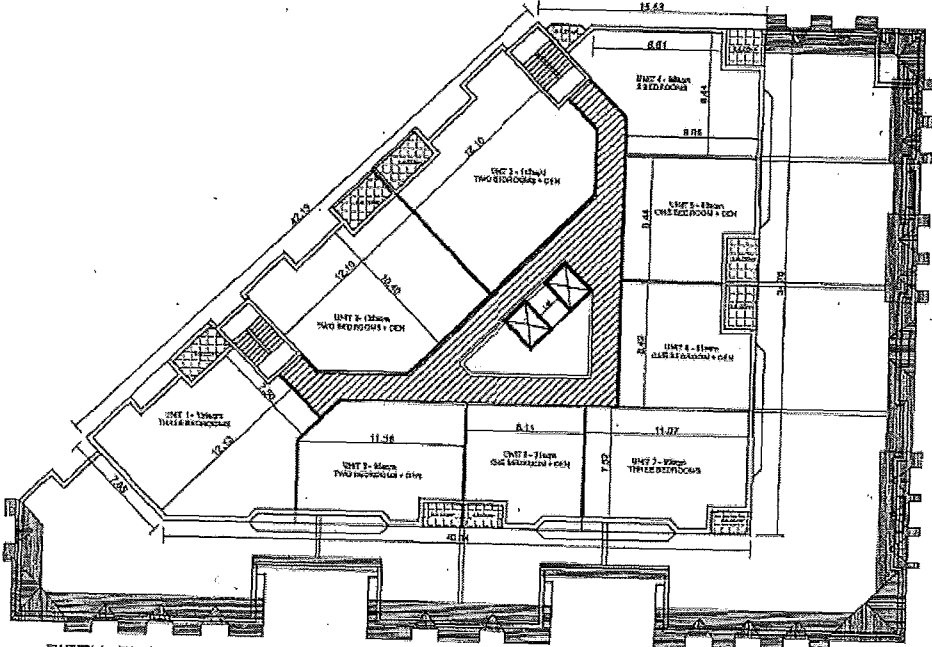
SECOND & THIRD FLOOR PLAN

For Information Purposes Only

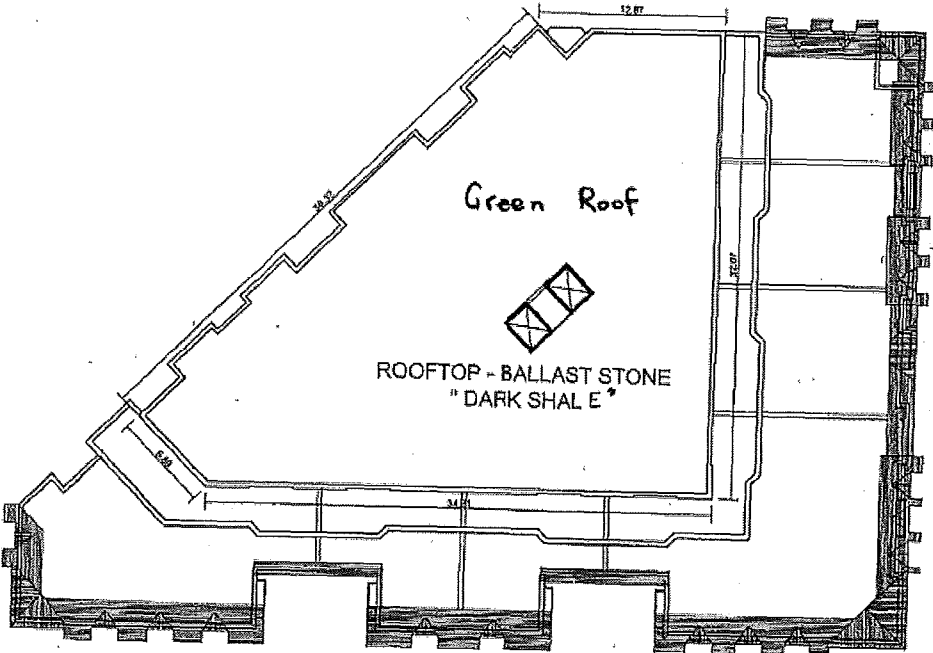


FOURTH FLOOR PLAN

For Information Purposes Only

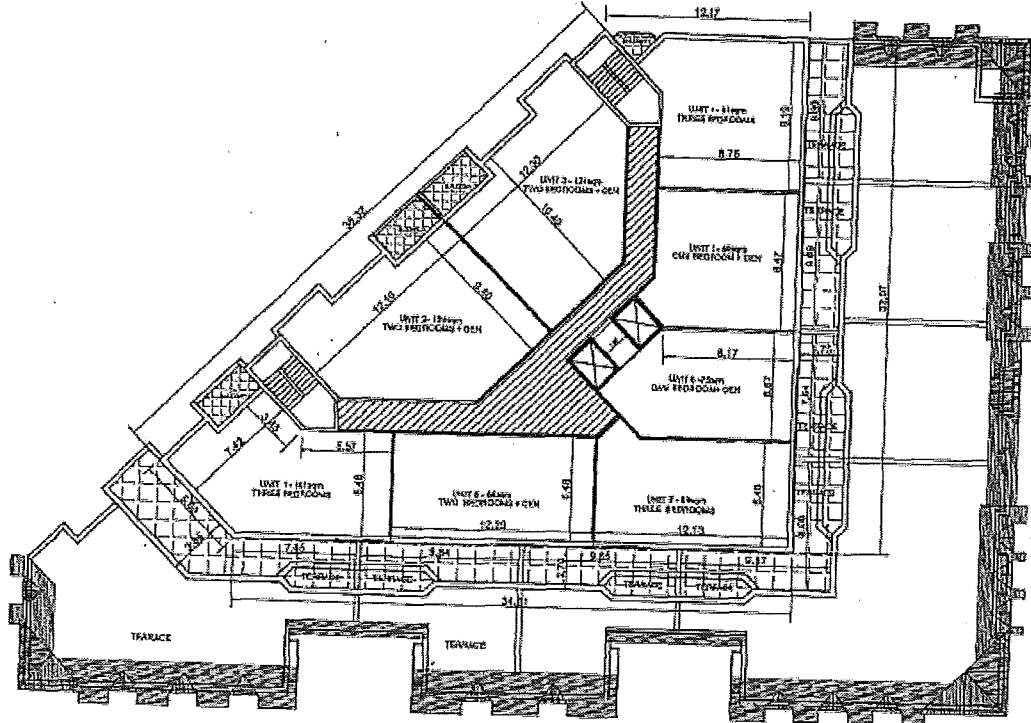


FIFTH FLOOR PLAN



ROOF PLAN

For Information Purposes Only



SIXTH FLOOR PLAN

King Street View

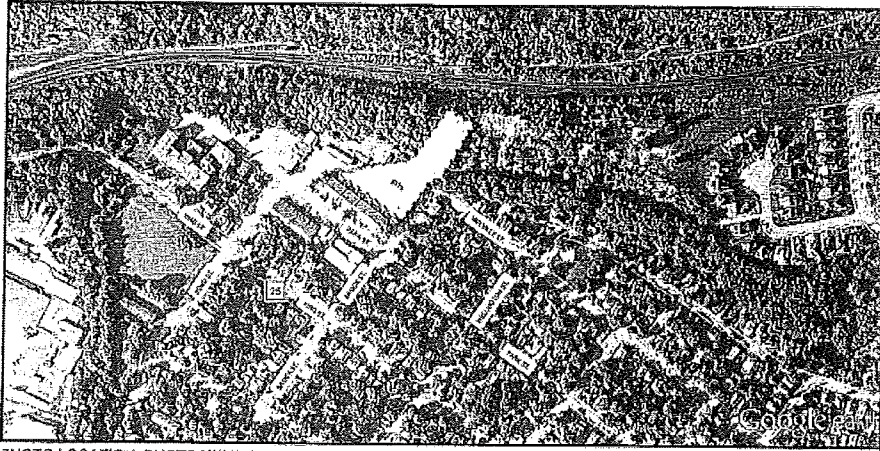
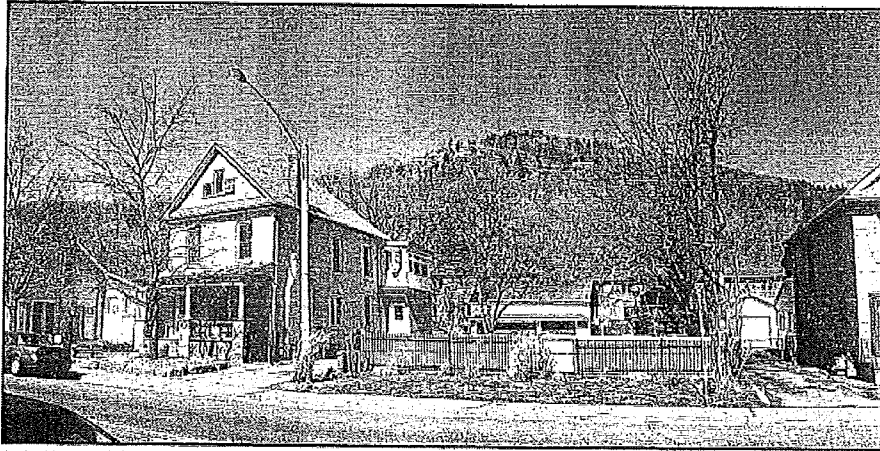


PHOTO LOCATION, PHOTO NUMBER & VIEW DIRECTION KEYMAP



ORIGINAL SITE PHOTO - NORTHERN VIEW - GPS: 43° 18' 16" N 79° 58' 13" W

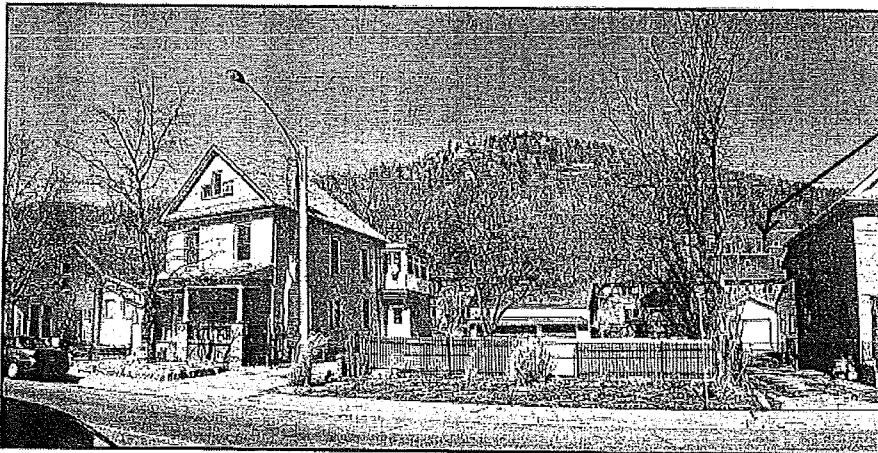
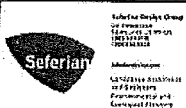


PHOTO SIMULATION



VIS STUDY - DUNDAS VALLEY
 PHOTO SIMULATIONS FOR PROPOSED CONDOMINIUM DEVELOPMENT

24 BROCK STREET, DUNDAS ONTARIO

PHOTOGRAPH 75

PREPARED BY: JB

LOCATION 8

CHECKED BY: HS

KING STREET

DATE: FEB 08, 2012

BLDG

Park Street View

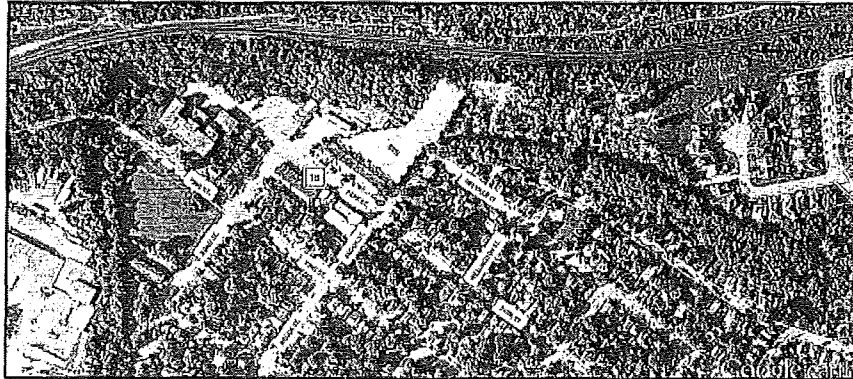
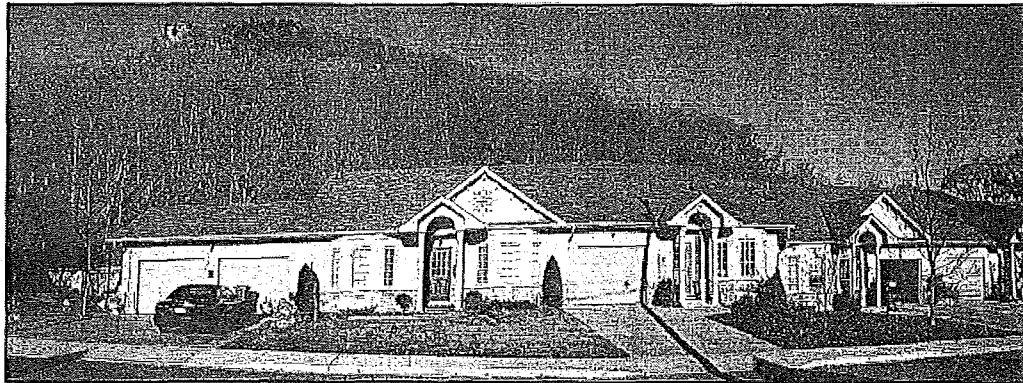


PHOTO LOCATION, PHOTO NUMBER & VIEW DIRECTION KEYMAP



ORIGINAL SITE PHOTO - NORTHEAST VIEW - GPS: 43° 16' 19.15" N 79° 58' 10.13" W

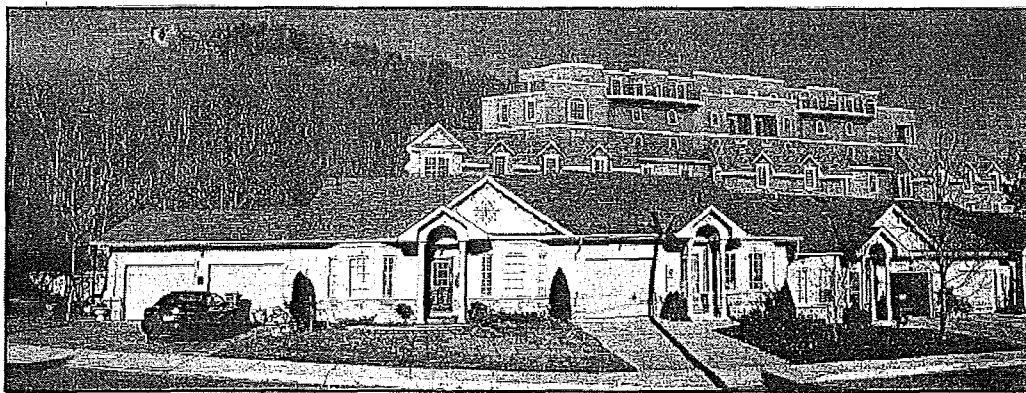
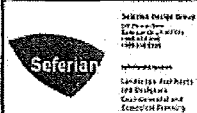


PHOTO SIMULATION



VIS STUDY - DUNDAS VALLEY
 PHOTO SIMULATIONS FOR PROPOSED CONDOMINIUM DEVELOPMENT

24 BROOK STREET, DUNDAS ONTARIO

PHOTOGRAPH 16

PREPARED BY: JB

CHECKED BY: HS

DATE: FEB 08, 2012

LOCATION 8

PARK STREET

PAGE 16

Wellington St. View

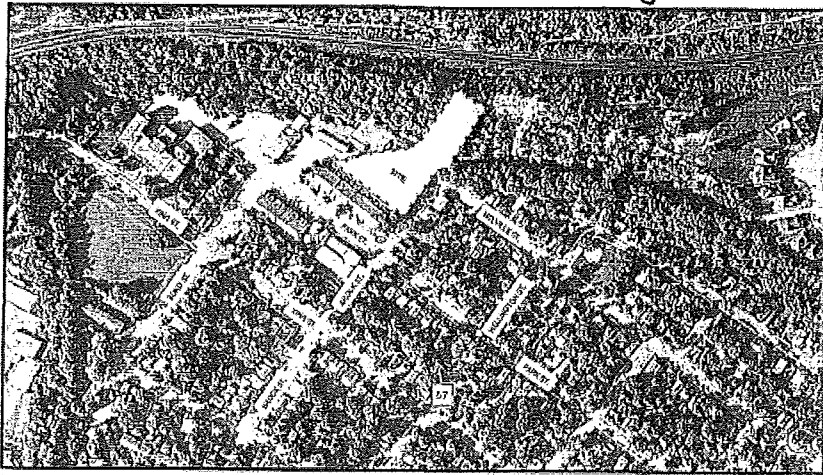
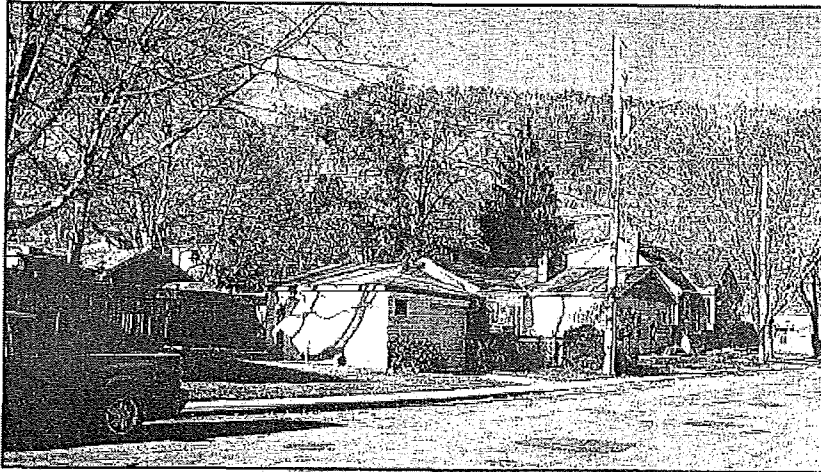


PHOTO LOCATION, PHOTO NUMBER & VIEW DIRECTION KEYMAP



ORIGINAL SITE PHOTO - NORTHEAST VIEW - GPS: 43° 16' 13.22" N 79° 58' 04.96" W

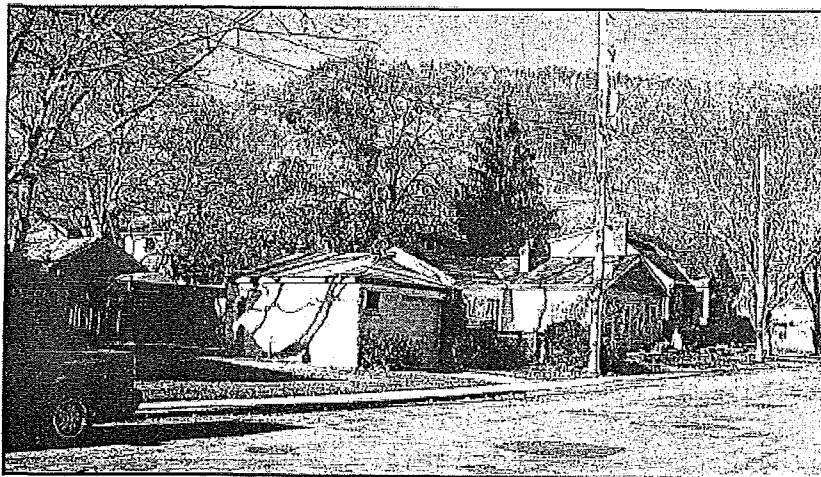
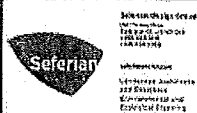


PHOTO SIMULATION

Bldg is
not
Visible



VIS STUDY - DUNDAS VALLEY
 PHOTO SIMULATIONS FOR PROPOSED CONDOMINIUM DEVELOPMENT

24 BRock STREET, DUNDAS ONTARIO

PHOTOGRAPH 57

PREPARED BY: JE	LOCATION 8
CHECKED BY: HS	WELLINGTON STREET
DATE: FEB 08, 2012	
PROJECT No. 09-063	PAGE 26

Brock and Melville View

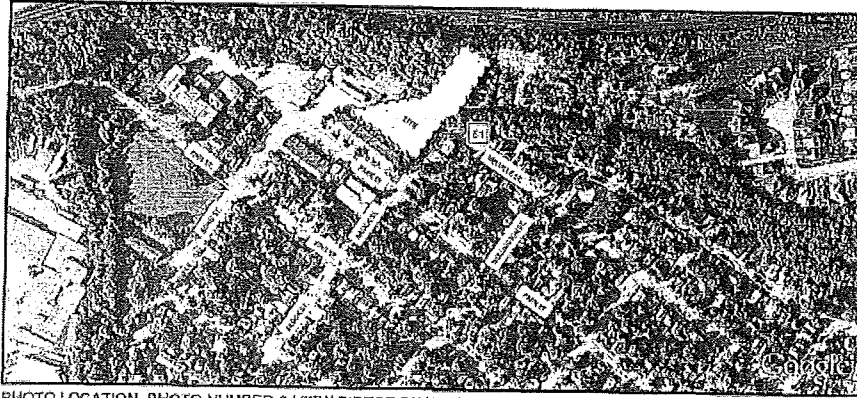
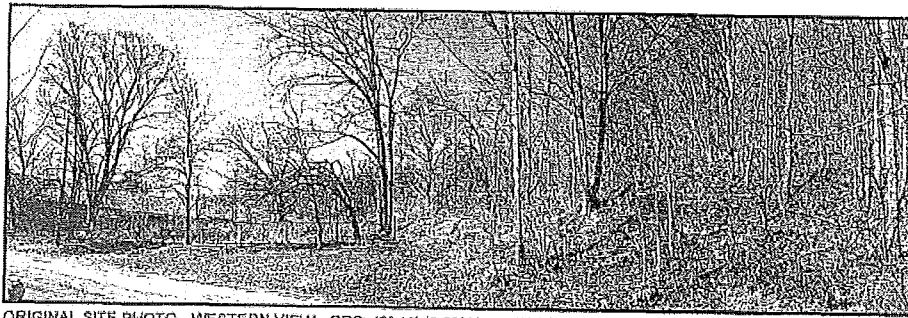


PHOTO LOCATION, PHOTO NUMBER & VIEW DIRECT ON KEYMAP



ORIGINAL SITE PHOTO - WESTERN VIEW - GPS: 43° 16' 19.82" N 79° 58' 05.37" W

Prop. Bldg

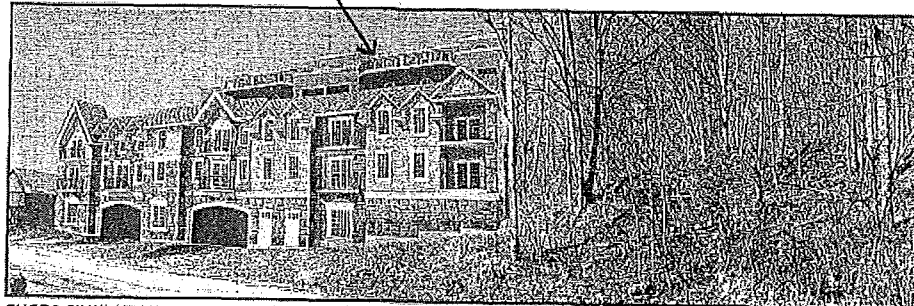


PHOTO SIMULATION



Seferian Design Group
 100 Dundas Street
 Toronto, Ontario M5G 1L5
 416-593-8888
 www.seferian.com
 Landscape Architecture
 Civil Engineering
 Environmental and
 Geotechnical Services

VIS STUDY - DUNDAS VALLEY
 PHOTO SIMULATIONS FOR PROPOSED CONDOMINIUM DEVELOPMENT

24 BROCK STREET, DUNDAS ONTARIO

PHOTOGRAPH 51

PREPARED BY: JB

CHECKED BY: HS

DATE: FEB 08, 2012

PROJECT No. 09-063

LOCATION 8

BROCK STREET

PAGE 25

Corner of Brock and Park

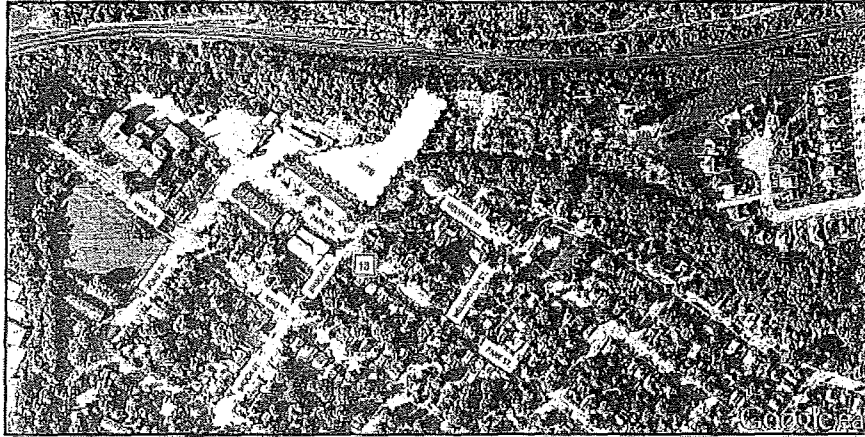
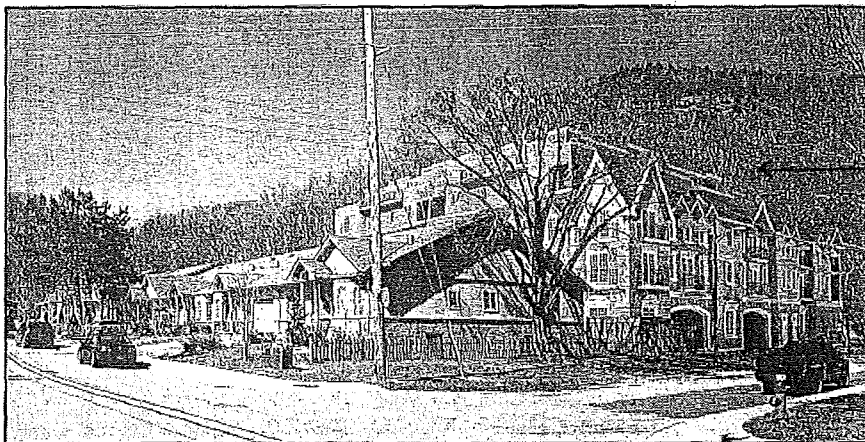


PHOTO LOCATION, PHOTO NUMBER & VIEW DIRECTION KEYMAP




ORIGINAL SITE PHOTO - NORTHERN VIEW - GPS: 43° 16' 17.29" N 79° 58' 07.69" W



Prop. Bldg

PHOTO SIMULATION

 <p>Seferian 2000 Hwy 104 Unit 10 Dundas, ON L9H 4R7 Tel: 905.279.1111 Fax: 905.279.1112</p>	VIS STUDY - DUNDAS VALLEY PHOTO SIMULATIONS FOR PROPOSED CONDOMINIUM DEVELOPMENT		PREPARED BY: JB CHECKED BY: HS DATE: FEB 08, 2012	LOCATION 8 PARK STREET
	24 BROCK STREET, DUNDAS ONTARIO			
	PHOTOGRAPH 13			

Dundas Peak View

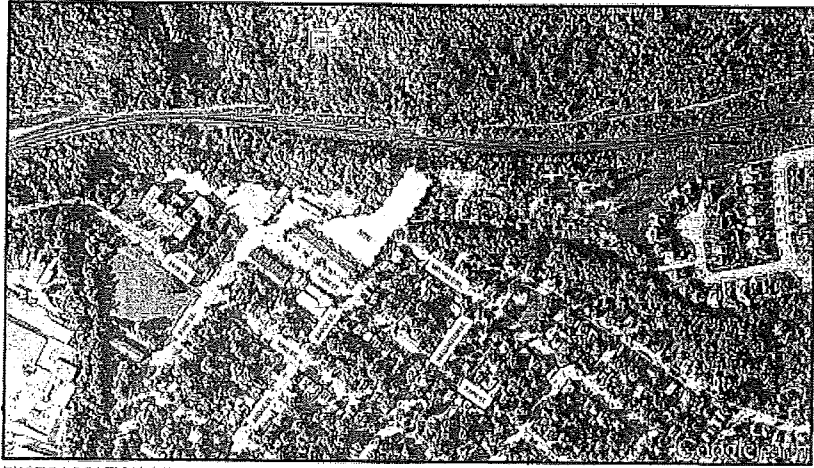
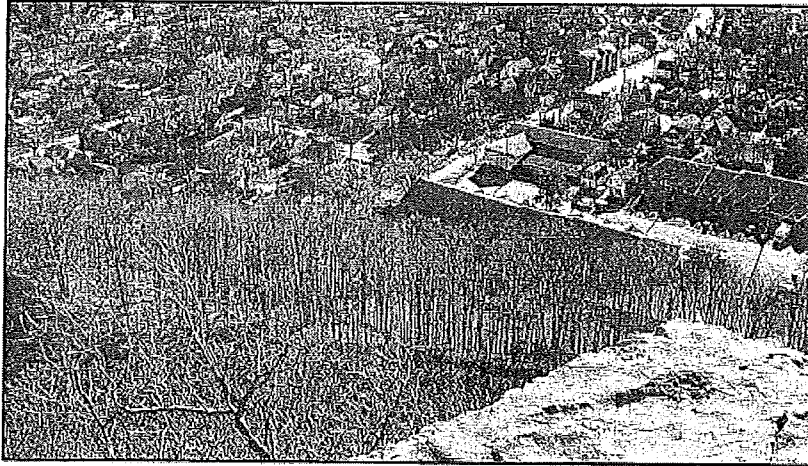


PHOTO LOCATION, PHOTO NUMBER & VIEW DIRECTION KEYMAP



ORIGINAL SITE PHOTO - SOUTHERN VIEW - GPS: 43° 16' 26.80" N 79° 58' 08.40" W

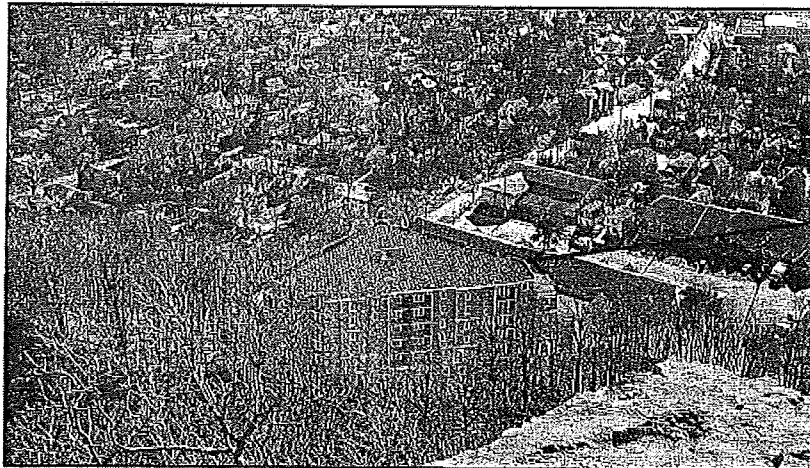


PHOTO SIMULATION

Prop.
Bldg



Seferian
 20 Years of
 Experience
 in
 Landscape Architecture
 and Site Planning
 1992-2012

VIS STUDY - DUNDAS VALLEY
 PHOTO SIMULATIONS FOR PROPOSED CONDOMINIUM DEVELOPMENT

24 BROCK STREET, DUNDAS ONTARIO

PHOTOGRAPH 28

PREPARED BY: JR

CHECK BY: HS

DATE: FEB 08, 2012

PROJECT NO. 08-008-01007

LOCATION 6

BRUCE TRAIL
 LOOKOUT POINT

Niagara Escarpment Commission

232 Guelph St.
Georgetown, ON L7G 4B1
Tel: 905-877-5191
Fax: 905-873-7452
www.escarpment.org

Commission de l'escarpement du Niagara

232, rue Guelph
Georgetown ON L7G 4B1
No de tel. 905-877-5191
Télécopieur 905-873-7452
www.escarpment.org



Ontario's Niagara Escarpment
A World Biosphere Reserve

February 16, 2012

REQUEST FOR COMMENTS

Proposed Zoning By-law Amendment ZAC-09-010
(Eco Building Corporation – Applicant/Owner)
(DeFilippis Design – Agent)
24 Brock Street North (Lots 5 and 6, Plan 1473)
(Former) Town of Dundas City of Hamilton

DATE RECEIVED: March 23, 2009 (later revision received on June 16, 2010)

SOURCE: City of Hamilton Planning and Economic Development Department
Planning Division, Development Planning, West Section

PROPOSAL:

To amend the current zoning designation given the western portion of the ± .48 ha (± 1.19 ac) property by the Town of Dundas Zoning By-law 3581-86 from Low to Medium Density Multiple Dwelling (RM1-H/S-102) Holding Exception Zone to a Medium to High Density Multiple Dwelling (RM3) Exception Zone (Site Specific) to permit the development of a 6 storey, 48 unit apartment complex as a condominium project.

Also, to re-zone the eastern portion from Open Space-Conservation (OS) to Open Space-Conservation (OS) Exception Zone to establish buffer requirements and setbacks necessary to facilitate the project development.

Together, there are some specific exceptions to the RM-3 Zone (about 10 in all) under consideration including:

- Minimum Front Yard of 1.6 m instead of 7.5 m;
- Minimum Side Yard (along west side) of 4.41 m instead of 9 m;*
- Minimum Rear Yard (along north side) of 3.84 m instead of 7.5 m;
- Minimum Interior Side Yard (along northeast side) of 5.1 m instead of 9 m; and,
- Maximum Overall Building Height of 19 m instead of 16.5 m**

(* - NEC staff understands that a specific by-law provision is being considered to recognize an average side yard along the west side given that the developer proposes what NEC staff terms as "bump backs" or "architectural bays" on the lower 3 storey portion (about 4 m deep and 8.3 m across in at least two locations) and given that the upper three storeys are being "stepped back" in appearance from the outer edge of the lower 3 storeys.

Therefore; there is no sustained or defined 6 storey "straight wall effect" along the west side or along the Brock Street frontage).

(** - The Zoning By-law measures maximum building height as the *vertical distance from ground level to the highest point*. The proponent seeks an exception to the 16.5 m height in the RM-3 zone to 19.7 m. A special by-law provision will also reflect the height and appearance of the 3 storey lower portion relative to the overall project).

The architectural renderings, images, site plan, landscape plan, colour rendering of the building façade from Brock Street and an addendum to an Urban Design Brief prepared in consideration of the proposal before the NEC, are attached as **Appendix 1**.

SUMMARY RECOMMENDATION:

That the Niagara Escarpment Commission (NEC) advise the City of Hamilton that it is not opposed, in principle, to the proposed Re-Zoning Application in the Urban Area designation of the NEP. Architecturally, the application of mid to dark exterior tones as opposed to lighter colour, articulation of the building façade with the varied use of materials and design (i.e. bays), the lower three storeys capped by a mansard-like roof, and the incorporation of terraces, bays and stepped-back appearance of the upper three storeys, going forward for City consideration would not substantially detract from the Escarpment's visual and natural environment and views from public vantage points, and in particular from the prominent "Dundas Peak " feature.

GENERAL BACKGROUND:

NEC staff understands that in 2002, a former owner of the property re-zoned the lands incorporating a RM1-H/S-102 Holding Exception Zone on the western portion and an Open Space-Conservation (OS) Zone on the eastern portion.

In March 2009, NEC staff received from the City of Hamilton a request for comment in regards to a proposed Zoning By-law Amendment (same City file number) and an Official Plan Amendment (OPA) on this property to permit a 7 storey, 56 unit building. The Town Official Plan provides an "Employment/Residential Mixed Use" designation to the property and, among other things, sets design standards of 100 units per net hectare and a maximum building height of 6 storeys. The proponent was seeking to amend the OP for a development at a density of 116.6 units per net hectare and a 7 storey building. The Zoning By-law Amendment to the RM-3 Exception Zone being sought was to initially permit the development, but with special by-law provisions including the 116.6 units per net hectare and a maximum building height of 25.1 m instead of 16.5 m.

On behalf of the NEC, staff reviewed the proposal and preliminary comments were contained in a letter dated April 28, 2009 (attached as **Appendix 2**). In the letter, NEC staff seriously questioned whether a 7 storey building would be compatible with or preserves the visual or natural environment, whether it was harmonious or served to

maintain the existing character of the Escarpment landscape. Staff pointed to Development Objective 1 of the Urban Area Niagara Escarpment Plan (NEP) designation and three (3) General Development Criteria in Part 2 as important considerations to the review of this proposal (more on these in the Niagara Escarpment Plan and Comments and Conclusions Sections to follow).

The concerns expressed were that the scale and mass of the structure could substantially alter views such that the Escarpment, and in this regard the Dundas Peak would no longer be visible from many vantage points in the surrounding neighbourhood. However, staff also provided an early indication on page 5 that the visual impact from atop the Escarpment at the Dundas Peak would be of particular significance. A Visual Impact Assessment Study (VIA) had not been provided with the application. It was staff's recommendation that it must be undertaken to measure the potential impact of the proposed building on the Escarpment's scenic resources. A VIA should be prepared in accordance with the NEC Visual Assessment Guidelines approved in July 2008.

l) Landscape and Visual Context:

As will be identified in the NEP section of this report, the subject lands are entirely within the Urban Area NEP designation. Escarpment Natural Area-designated lands are to the north and east above the main Canadian National (CN) Rail line. Much of the Natural Area is "Public Land" within the Niagara Escarpment Parks and Open Space System (NEPOSS) including the nearby Spencer Gorge Wilderness Area and Webster's Falls Conservation Area.

In addition, the NEC is advised that:

- The subject property is immediately west of and below an area ranked as "Very Attractive" for scenic resources within the Landscape Evaluation Study for the Niagara Escarpment Planning Area (1976);
- A Dundas Valley Viewshed Mapping Study was undertaken by the NEC in 1985. The study provides an overview of the Valley and the features visible from viewpoints or as continuous views. The study also makes recommendations regarding development but does not speak to the introduction of structures such as apartment buildings. It does note on page 18:
"New building forms (shape and colour) should be muted and conform to traditional building heights."
- The subject property is located approximately 250 metres west of the Dundas Peak and Lookout. It is accessed by a Bruce Trail side trail. This lookout presents as a visibly dramatic rock outcrop on the Escarpment Brow and is a landmark from numerous areas within both the Town of Dundas and in the Valley as well as the Bruce Trail and side trails. The Peak affords a panoramic view of the urban Escarpment landscape, the Town of Dundas and the Dundas Valley beyond. The Peak itself is approximately 66 m above the top floor of the building based on the present plan and design.

- The route of the Bruce Trail travels along Brock Street North in front of the property;
- The surrounding built-form is largely made up of 1 to 2 storey dwelling units. Immediately to the west is an on-street townhouse project fronting along Park Street that is fairly uniform in height (about 1 ½ storeys);
- Immediately to the northwest are lands that may, in future, be re-developed. NEC staff notes that in 2009 this property, known municipally as 10 Bond Street and which currently contains low-rise industrial buildings, was being considered by a local developer as a site for a possible 6 storey, 84 unit condominium apartment. Initially, the preparation of the visual assessment was being pursued jointly for 24 Brock Street and 10 Bond Street;
- Subsequently, 24 Brock Street progressed independently and the assessment concentrated on this property. To staff's knowledge, there has been no recent activity concerning 10 Bond Street;
- Re-development of the former Dundas District High School to condominium apartments has been approved and is currently underway. This Gothic-architectural style building located on King Street West to the south and west of the subject property is an iconic feature on the local as-built landscape and is one of the larger buildings in the immediate area in terms of mass and height. It has a staggered roof configuration with overall heights that are generally in the 12 to 16 metre range. The residential conversion will maintain the current 3 storey building configuration. The NEC was not opposed to the re-development.

ii) The Visual Impact Assessment (VIA) Study:

A VIA Study was prepared for the proponent over the course of 2009 and into the spring of 2010 by the Seferian Design Group in Burlington and was based on the methodology of the NEC Visual Assessment Guidelines and input from NEC and City staff. A final document was produced dated May 6, 2010. Potential viewpoints/locations were based on the 1985 NEC-produced "*Dundas Valley Viewshed Analysis*" and on other areas identified through the assistance of NEC and City staff within a 5 km radius of the property. A total of 53 viewpoints/locations were identified and photographic images taken during off-leaf conditions (fall 2009). Of those 53 viewpoints, NEC and City staff identified upwards of 27 that had the potential to show, fully or partially, the proposed building on the landscape. The consultant then digitally inserted the building into the photographs simulating the change on the landscape that would result from the proposed development. Essentially, the VIA presented NEC and City staff with current photographs (as a Part A) and with the building inserted at a proper scale into the same photographs as a post-development image (as a Part B) so that the impact could be more fully demonstrated on existing landmarks such as houses and other structures, streets, trees, the Escarpment and the Dundas Peak.

In early spring 2011, NEC staff attended a meeting with City staff, the proponent and his consultants to discuss any preliminary comments and flag any matters for further investigation. NEC staff also took the opportunity to provide the City and proponent with the status of the staff review of the VIA.

NEC staff was satisfied that the simulations for the VIA Study met the NEC requirements as set out in the Visual Assessment Guidelines (2008). Views in proximity to the property, from residential streets in the neighbourhood and from the Dundas Peak, remained of concern. The views beyond 1 km distance from the property were evaluated as being of no great concern as the proposed building mass and scale would not substantively impact on existing views to the Escarpment and the Dundas Peak. However, building design, materials and colours remained important considerations to an overall reduction in the visibility of the built-form.

NEC staff offered some specific observations/recommendations on components of building design that should be incorporated if the proposed Zoning By-law Amendment was to be recommended by City staff to its Council for approval. They included:

- The treatment of the upper storeys with an earth-tone building material as a lighter tone as was being advanced had the potential for greater visual impact;
- The use of certain other cladding (metal roofing, extensive fenestration or glass curtain walls) was not recommended particularly for the upper storeys but, if it was to be so carried forward, its practical application should be kept to the absolute minimum on all building elevations (elevation facing the Dundas Peak was given specific reference); and,
- Use of a variety of roof profiles and detailing at the roof line.

iii) Re-Circulation of Proposal in 2010:

As a result of the initial comments that were received by City staff through agency circulation and consultations; review of other technical documentation submitted for the benefit of appropriate City staff including geotechnical and natural heritage; the VIA Study; and, detailed internal review of the project by City staff from various other City Departments, the proponent re-considered the project and decided to pursue a design and architectural approach that would comply with the OP standards for design (therefore; not requiring an OPA) but that would still require special exception and regulations through the re-zoning application. The revision was circulated by City staff in June 2010 that also included an Environmental Impact Assessment (EIA), the aforementioned VIA, an Urban Design Brief, a conceptual plan and architectural details for a 6 storey structure containing 48 units to be built in a tiered fashion (upper 3 storeys to be off-set from lower 3 storey levels). The overall height was being reduced to about 19.7 m. The total number of parking spaces was increasing by one (71 from 70).

Since that time, there have been further refinements recommended through the City Community Planning and Urban Design Section which the proponent has incorporated. NEC staff last met with the City, proponent and consultants on January 25, 2012. The latest design and architectural details were presented. The proponent and consultants have worked fairly extensively with City staff in arriving at a design that:

1. Provides for a better assimilation of the building with the surrounding built-form in the neighbourhood;

2. Provides for a somewhat greater degree of setback to the west side lot line shared with a townhouse development along Park Street and incorporation of a series of indents or 4 m deep architectural bays along the exterior wall to reduce the overall wall effect on those neighbours. The area between the west-side building façade and the rear yard of the townhouses is to be landscaped;
3. Provides architectural design and details to create the appearance of a 3 storey building to those immediate properties within close proximity to the building;
4. Provides a mansard roof to the top of the third storey in a southeast, west to southwest facing direction. This roof is to serve as a solid barrier to increase privacy and reduce the "overlook" onto neighbour amenity space in the townhouse development to the west and across Brock Street to the south;
5. Provides a stepped-back upper 3 storey level;
6. Provides for the articulation of the faces of the building viewed from the Dundas Peak with balcony indents, building projections, and bays along with building materials/colouration that blend harmoniously with the landscape; and,
7. Provides for a variable roof line finished with metal railings (dark bronze colouration).

The proponent and consultants agreed to a further revision on exterior colouration (particularly on the upper 3 storey level) to that of a mid to dark earth-tone from a lighter tone. This had been recommended by NEC staff earlier in 2011. The design and architectural renderings resulting from this meeting are those attached in Appendix 1.

iv) Environmental Impact Assessment (EIA):

The eastern part of the subject lands is comprised of a wooded slope that has been identified as part of the Spencer Gorge Environmentally Significant Area (ESA) by the City. This portion of the property has been evaluated by the City's Environmentally Significant Areas Impact Evaluation Group (ESAIEG) and the Hamilton Conservation Authority (HCA) and the ESA edge has been staked. The proponent prepared an Environmental Impact Assessment (EIA) in 2010 which was presented to ESAIEG in late 2010 at which time it was concerned that the proposed recommended buffer to the ESA varying from 6.45 to 8.42 m may not be adequate to protect the features and functions of the ESA. The Urban Hamilton Official Plan contained guidelines for a minimum 15 m buffer. An addendum report, including a drainage and grading plan; slope stability addendum and an Arborist report, was prepared and submitted in 2011. ESAIEG reviewed the addendum information in November 2011 at which time it recommended that the proposed buffer could be smaller than the recommended guidelines in the Urban Hamilton Official Plan because the site is adjacent to a historic railway spur line (a site degraded through previous fill placement); the proposed development is surrounded by existing urban development; and, additional impacts on the ESA are expected to be negligible. It further recommended that the proponent provide clear measurements at certain points along the north side of the building to the north edge of the rail spur line and at the northwest corner. It remained concerned with construction impacts on the ESA edge and sought to minimize disturbance within the

buffer. Since construction will be occurring within a portion the 6.45 to 8.42 m wide buffer, the construction zone should be no greater than 2 m in width. The City Natural Heritage Planner (and staff liaison with ESAiEG) and Hamilton Conservation Authority (HCA) staff recommend the establishment of a minimum 10 m buffer to the ESA edge. If this cannot be accommodated, the proponent should then prepare and implement:

- a Construction Management Plan which is intended to show how the ESA and Vegetation Protection Zones will be protected from construction impacts;
- a Landscape Plan; and,
- Tree Protection Plan.

At this time, the site development plan does not yet reflect all the construction constraints and protection measures required by the ESAiEG and HCA. NEC staff support the conclusions and recommendations of ESAiEG and HCA.

v) **Geotechnical Investigation:**

The HCA is satisfied with the conclusions of the proponent's various studies that there will be no long-term impact on slope stability and the construction of the project will be undertaken in a geotechnically sound manner. However; additional mapping information showing the location of the stable toe of slope and development setback line remains outstanding.

ANALYSIS:

1. **Niagara Escarpment Plan (NEP):**

The property is located entirely within the **Urban Area** designation.

The lower portion (subject of the proposed building) is a previously disturbed site (former industrial) and the upper portion to the east is a steeper, treed Escarpment-related slope below the main CN rail line which the City identifies as being within the Spencer Gorge ESA. The wooded slope constitutes part of a larger woodland system along the Escarpment. A berm that serves to generally separate the slope from the remainder of the property at one time supported a former spur rail line (abandoned and removed) that would have cut across the property serving this site and light-industry to the south and west. It would have extended along what appears to be the Bond Street road allowance (road to west of Brock Street) south to and beyond King Street and then appears to have headed east along Hatt Street to service the former industrial areas on the west side of the old downtown portion of the Town. The ESA portion is not being developed by this proposal.

The NEP Urban Area objective seeks: *"To minimize the impact and further encroachment of urban growth on the Escarpment environment"*.

A proposed use is to be identified in an official plan and, where applicable, zoning by-law, that are not in conflict with the NEP. As stated in the April 28, 2009 letter from staff to the City (Appendix 2), one of the key Development Objectives under consideration is #1 which states:

"All development should be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape".

As noted earlier, the former Town of Dundas Official Plan permits, in principle, a 6 storey building. As a result, it is therefore; of necessity that the development incorporates certain design elements that reduce the level of impact on the Escarpment landscape as dictated by the NEP Objective and Development Objective which speak to minimizing impact. Though impacts can be minimized, they will never be totally eliminated, especially on the immediate neighbourhood.

The proponent has considered and adopted recommendations of City and NEC staff that would minimize, in so far as possible, the impact not only on the residential neighbourhood but on the Escarpment landscape and on public views from the Dundas Peak. An architectural style has been presented that is sympathetic to the local architectural character of the area. The design incorporates such elements as cornices, brick and stone detailing, variable roof configuration, balconies, and metal work that can also be found elsewhere in this and other older neighbourhoods. The incorporation of architectural bays and balconies into the façade assists in minimizing the appearance of building mass from the street. The main garage entrances are recessed into the building. The stepped-back or terrace effect at the third storey assists in reducing the effect of height along the street and adjacent west property line which minimizes the overview into those areas. The practical application of mid to dark earth tones on the upper three storeys, in particular, assists in providing acceptable visual blending into the Escarpment landscape to the north.

The application of a light exterior building colouration would cause the building to stand out against the Escarpment backdrop. Instead, the use of a mid to dark earth tone serves to better blend into the landscape therefore; diminishing the overall visual mass of the building.

The design elements, together with the protections being afforded the ESA portion of the property, serve to adequately address the NEP Urban Area Objective and Development Objective.

The Development Criteria in Part 2 applicable to the review of this application are as follows:

- 2.2.1 a) and b),
- 2.2.4,
- 2.2.6; and,
- 2.5.1 through 4

Though there will be an impact on the neighbourhood, it is NEC staff's opinion that with the incorporation of the design elements into the proposal and submission of the additional plans as recommended through the City ESAIEG and HCA, the site can accommodate the development without a substantial negative impact to the Escarpment environmental features [Part 2.2.1 a)].

In consideration of Part 2.2.1 b), there may be a future multi-storey development proposal for abutting lands to the north at 10 Bond Street in which case, there will be consideration given to the cumulative impact of two (2) abutting and multi-storey projects on Escarpment environmental features. If re-development plans for 10 Bond Street are resurrected, NEC staff would recommend a VIA that addresses the cumulative visual effect of both buildings.

The variable facades; brick and stone construction; mid to darker earth tones; stepped-back effect; terraces; balconies; and building recesses (i.e., bays) assist in assimilating the development into the neighbourhood. In staff's opinion, the introduction of a multi-storey building presents a distinct change to the immediate residential area. NEC staff estimates the effect on the immediate area to be approximately 150 m from the property, an observation borne out on the photographic inventory and simulations provided in the VIA. The VIA however; satisfactorily demonstrates that existing street patterns, development density, mature landscaping and built-form minimizes or blocks most (or all) of the proposed building beyond 150 m. Where parts of the building may be visible from a greater distance, (1 km or more), its presence is minimized through design elements such that it does not dominate the landscape.

Therefore; Part 2.2.4 is satisfactorily addressed.

Elements of design minimize the contrast of the built-form within the Escarpment landscape and present a more harmonious blend with the existing landscape. The panoramic vistas available to the Dundas Valley from the Dundas Peak remain largely unchanged thus maintaining the existing character of the Escarpment landscape (Part 2.2.6).

The geotechnical investigation and reports made available to City and HCA staff provide sufficient safeguards to the slope at the north end such that any stability concern has been addressed. Parts 2.5.1 through to 2.5.4 are met.

The proposal, with design elements incorporated, can achieve compliance with the pertinent NEP Objective, Development Objective and Development Criteria.

2. Provincial Policy Statement (PPS):

The lands are contained within a "Settlement Area" which the PPS defines as "urban areas....that are:

- a) *built up areas where development is concentrated and which have a mix of land uses; and,*
- b) *lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2".*

Lands that are within a settlement area shall be the focus of development, growth and intensification where possible.

There are a number of policies that would be applicable to the proposal including Policy 1.1.2 under Part 1 (Building Strong Communities) which prescribes that a sufficient extent of land be made available through *intensification* and *re-development* and, if necessary, in *designated growth areas*, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years.

The Natural Heritage provision 2.1.6 does not permit development or site alterations on adjacent lands to natural heritage features and areas unless the ecological functions of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The EIA carried out by the proponent is considered acceptable, in principle, to the City ESAIEG and HCA. A setback of between 6.45 and 8.42 m will be maintained from the ESA edge. The construction zone within the buffer will be restricted to 2 m. A Construction Management, Landscape and Tree Preservation Plans shall be prepared for City and HCA approval.

The proposal is consistent with the PPS.

3. Growth Plan:

The lands lie within the area of the Growth Plan. The Growth Plan promotes intensification in existing urban areas (including those in the NEP) where infrastructure exists to accommodate such growth and natural features are not compromised. The proposal is consistent with the policy direction in the Growth Plan.

4. Former Hamilton-Wentworth Regional Official Plan:

The property is designated "Urban" and "Escarpment Urban Area".

Policy C-1.5.2 a) states that lands designated as "Escarpment Urban Area" permit a range of uses consistent with Policy C-3.1. Policy C-3.1 permits a wide range of urban uses defined through municipal official plans and based on full municipal services in

Urban Areas. Mixed forms of development is preferable to widespread low density development (Policy 3.1.1) and there are a number of sub-policies identified including, but not restricted to, good use of available urban land; higher densities make more efficient use of existing services and reduce per capita servicing costs; efficient and affordable public transit systems can be established; effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and, compact community makes walking and bicycling viable options for movement.

The application appears consistent with the former Regional Official Plan.

5. Former Town of Dundas Official Plan:

The lands are designated "*Employment/Residential Mixed Use*".

The stated goal of this designation is to "*promote the redevelopment of vacant and under-utilized industrial sites to permit a dynamic mix of uses with emphasis on higher intensity residential uses*". The proposed Zoning By-law Amendment to permit a higher density residential development would, in staff's opinion, address the goal. Of relevance to the NEC consideration of this application are the following OP policies:

- 3.4.3.2 – "*Residential density shall be limited to a maximum of 100 units per net hectare*" (NEC staff comment: Understand through City staff that application complies);
- 3.4.3.3 – "*Infilling and redevelopment shall be strictly controlled through Site Plan Control and Zoning*" (NEC staff comment: Proposed Zoning By-law Amendment best tool to apply special regulations to proposal. City staff have undertaken extensive in-house review and have presented the proponent with suggestions and recommendations as to how best the proposal could fit within community and Escarpment setting); and,
- 3.4.3.5 a) – "*Development or redevelopment located adjacent to public streets shall reflect the general height and massing of adjacent buildings, and shall not exceed six storeys*" (NEC staff comment: The proposal does not exceed a height of six storeys. The applicant has paid considerable attention to proposing a design incorporating building material and colouration that assimilates into the existing neighbourhood as well as the natural environment).

The application is consistent with the local Official Plan.

COMMENTS AND CONCLUSIONS:

Provincial and municipal planning policy permits (and promotes in certain circumstances), the re-development of urban property. In this case, the change would be from a brownfield former industrial site to a multiple residential site.

The proposal has changed rather markedly from that which was initially presented to the present. Eliminated from the original proposal are:

- i. One full storey (and overall lower building profile);
- ii. As a result, six (6) fewer overall units (48 from 54);
- iii. Original proposal sought to allow the Open Space-Conservation (OS) zone to be used as private outdoor amenity space with interlocking walkways. OS amendment going forward to provide buffers and setbacks and not as outdoor amenity space);
- iv. Building design elements that better blend the development into the local neighbourhood and Escarpment landscape.

The application is in accordance with the Town Official Plan and no Amendment to that document is required. The City proposes a number of site exceptions to the RM-3 zoning, some of which are minor and deal with parking space and loading space requirements. Others deal with setback and building height which have been identified in the Proposal section at the commencement of this report and in other Sections.

NEC staff has worked extensively with City staff and the proponent over the last 2 ½ years in the review of the design and architectural detailing to ensure that the project is in satisfactory compliance with NEP policy and the impact on the Escarpment visual environment is minimized. This said there is neighbour opposition which is unlikely to be resolvable. In general, the objections are to the scale and intensity of the proposal.

The VIA Study, prepared by the proponent based on the NEC Visual Assessment Guidelines, was an extremely helpful exercise. It demonstrated that the visual impact of the project will be most experienced from surrounding neighbourhood streets within approximately 150 m of the property and from the Dundas Peak (i.e., public views). NEC and City staff has been of the consistent view that the overall visual impact on existing built-form and the Escarpment landscape could be reduced through appropriate building design, materials and colour. While not required to be addressed as part of the VIA terms of reference, it has been NEC staff's experience that exterior lighting increases visibility and impact on the landscape. Exterior building and property lighting to be installed for this project should be designed so as to minimize the night time effects on the Escarpment environment. The design should be required to incorporate Dark Sky Compliance principles because of the site location adjacent to, and beneath, the Escarpment.

The architectural renderings and plans in Appendix 1 present a design that, in staff's opinion, does not significantly detract from the Escarpment environment and visual landscape.

RECOMMENDATION:

The Niagara Escarpment Commission (NEC) send the following comments to the City of Hamilton Planning and Economic Development Department on Zoning By-law Amendment Application ZAC-09-010:

"The Niagara Escarpment Commission is not opposed, in principle, to proposed Zoning By-law Amendment ZAC-09-010 (Eco Building Corporation) proposing a 6 storey, 48 unit condominium apartment building on lands comprising Part Lots 5 and 6, Plan 1473, municipal address 24 Brock Street North, subject to the following recommendations being implemented into the Urban Design brief:

1. *The final building design shall be consistent with the architectural renderings, plans and supporting information currently available to the NEC. This includes, but is not limited to, architectural treatment, height, terracing, mass, materials and colouration.*
2. *That, the site plan be revised to reflect all the construction constraints and measures recommended by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) dated November 21, 2011 to protect the adjoining ESA and woodland resources from the impacts of construction. An appropriate development setback from the building site to the edge of the ESA shall be established.*
3. *Site lighting shall be compatible and harmonious with the surrounding landscape character and visual conditions. Therefore, the City shall give due consideration to the following principles and guidelines in the development of a lighting plan for the development and property:*
 - *Lighting for the project be designed to have a minimal effect on the surrounding environment ("less is more") and vistas and viewsheds available along neighbourhood streets, the Bruce Trail and from Public Land (i.e. urban neighbourhood parks and the Dundas Peak) pursuant to the findings of the Visual Impact Assessment Study;*
 - *Lighting of the roof, terraces and exterior of the building should be downward directed;*
 - *Lighting is to have minimal effect on adjacent properties;*
 - *Implementation of the lighting plan does not create a "glow in the night" effect;*
 - *Implementation does not result in light spillage onto the adjoining natural areas, including the ESA.*

A copy of the Staff Report on which the NEC decision is based is attached for your consideration and information."

Prepared by:



David Johnston, Planner

and

ORIGINAL SIGNED BY:

Linda Laflamme, Landscape Architect

Approved by:



Ken Whitbread
Manager

Appendix "J" to Report PED12156
Artists Rendering of Streetview
(Page 1 of 1)



MARZ HOMES HOLDINGS INC.

24 Brock Street North

PUBLIC INFORMATION OPEN HOUSE

DATE: April 3, 2012

SIGN-IN SHEET

Name:

Address / Telephone Number (Optional):

Ron Ulrich	35 Witherspoon St.
Low Nasy	5 Brock St. N
P. Unaluy	24 Dundas St.
J. Gowland	331 KING ST W.
STAN NOWAK	125 PARK ST. W. 905-027-8832
Sally Watson	"
Mark McLomb	277 Melville St
Christy McLomb	277 Melville St.
Catherine Murch	221 Melville St. 905334-4635
SUSAN MUNO	98 Craighton Rd.
DEB DECAJES	26 BRIDGETTE DR.
Allan Shand	59 Annabell way Hamilton
Patricia	500 Park St. W. Dundas
Wayne Allen	274 Park St. W Dundas.
Judy Marget	17 Newcombe Rd Dundas.
Mary Smith	1000 Creekside Dr Dundas
Allan Sharp	1000 Creekside Dr. Dundas.

Appendix "K" to Report PED12156
 Sign-In Sheet and Comments for Information Meeting
 (Page 2 of 9)

Cannon Paddy Doreen	132 Melville St.	905 628-4310
JEFF Norris / Josh Norris	105 LORNA GOSSEL	905 335 3042
TRIPENA SOCAJA	29 JEROME PARK DR	905 628-1935
Val Nagy	5 Broch Hill	905 628-1554
Max Kesho	35 Witherspoon St	905 628 2320
John Cotes	341 Park W	905 628 5162
Jeanie Cotes		
STEVE COLEMAN	573 MACNAS ST.	628-7911
ERIN HORRILL	87 BROCK ST. N.	628 1805
Shannon Horrill	27 BROCK ST. N.	905-628-1805
Curt Zorn	284 Melville St	905 628 3095
Max Valvasori	7049 Twenty road east	905 730 9083
MIKE VALVASORI	"	905-961-4671
BRIAN WOSZCZUK	77 MERCER	905-627-5458
CHICO	77 MERCER	905-627-5458
Joekristoff	77 Mercer	905-627-5458
JENNIFER TRIMBLE	219 PARK ST W	
Harold Ottawa	250 Melville ST	627-7721
Stephen Jenvey	333 King St. W	627-7279
Sandra Jenvey	"	"
DAWN FALLON	343 PARK ST W	627-9267
Heather BRAUN	160 Ogilvie	628 1289
Judy Morales		628-2200
Deborah Deen	132 Melville St	

Jean and Clive Freeman
Jim Mac
Peter Archibald (627-9450)
Sage Pearson 289-238-9731
Kim McDonald 905-627-0985
Cam Thomas 905 546 2424 x4229
Lauren Dukas 905 627 9786
Reuben Dukas "
Ben Dukas "
Jim Bolton 208 Melville St.
Annette Lawson 17 Napier St N
Janice Flaherty
Ken Hall 43 David St 905-627-1320
Patricia Redish 39 Park St W
Anne Redish 45 Park St W
Tom Reitz 309 Park St W
Steve Coice OPPOSED!
Ann Redish
Keith Green

Eco Building Corp.

24 BROCK STREET NORTH

PUBLIC INFORMATION OPEN HOUSE

April 3, 2012

OPTIONAL COMMENT SHEET

Please provide further comments below and forward to:

Stephen Fraser, MCIP, RPP
A. J. Clarke and Associates Ltd.
25 Main Street West
Suite 300
Hamilton, Ontario
L8P 1H1

Please provide us with any comments you have regarding the proposed rezoning/project.

Too much traffic in such a small area &
very small quiet neighborhood. Totally spoils the
area & affects all local businesses. Too much of an
increase of population in the area.
Is there anything that you believe has not been adequately addressed?

How tremendous traffic increase will be addressed

Name and Address (Optional)

Catherine Murch 921 Melville (at Henry) - 2 block away
*please keep me informed of any future meetings
about this issue*

Eco Building Corp.

24 BROCK STREET NORTH

PUBLIC INFORMATION OPEN HOUSE

April 3, 2012

OPTIONAL COMMENT SHEET

Please provide further comments below and forward to:

Stephen Fraser, MCIP, RPP
A. J. Clarke and Associates Ltd.
25 Main Street West
Suite 300
Hamilton, Ontario
L8P 1H1

Please provide us with any comments you have regarding the proposed rezoning/project.

This project is a monstrosity that does not fit in with the neighbourhood.

Is there anything that you believe has not been adequately addressed?

Water pressure in the area is already inadequate

An aesthetically pleasing project that highlights the beauty of the neighbourhood has not been ~~considered~~ considered. There are so many low-rise lovely designs with large glass walls that could fit in and would be pleasing to the homeowners and the neighbourhood.

Name and Address (Optional)

*LEANN YARWOOD
362 PARK ST. W.*

Eco Building Corp.

24 BROCK STREET NORTH

PUBLIC INFORMATION OPEN HOUSE

April 3, 2012

OPTIONAL COMMENT SHEET

Please provide further comments below and forward to:

Stephen Fraser, MCIP, RPP
A. J. Clarke and Associates Ltd.
25 Main Street West
Suite 300
Hamilton, Ontario
L8P 1H1

Please provide us with any comments you have regarding the proposed rezoning/project.

Why not just build something exactly like what is
already there? If it is just the profit that is
the wrong motivation.

Is there anything that you believe has not been adequately addressed?

The concerns of the existing households.

Name and Address (Optional)

Eco Building Corp.

24 BROCK STREET NORTH

PUBLIC INFORMATION OPEN HOUSE

April 3, 2012

OPTIONAL COMMENT SHEET

Please provide further comments below and forward to:

Stephen Fraser, MCIP, RPP
A. J. Clarke and Associates Ltd.
25 Main Street West
Suite 300
Hamilton, Ontario
L8P 1H1

Please provide us with any comments you have regarding the proposed rezoning/project.

*No storage, building would be completely
unacceptable & out of keeping with the neighbourhood.*

Is there anything that you believe has not been adequately addressed?

*Community antipathy to this project. No one
wants anything more than 3 storage max.*

Name and Address (Optional)

Eco Building Corp.

24 BROCK STREET NORTH

PUBLIC INFORMATION OPEN HOUSE

April 3, 2012

OPTIONAL COMMENT SHEET

Please provide further comments below and forward to:

Stephen Fraser, MCIP, RPP
A. J. Clarke and Associates Ltd.
25 Main Street West
Suite 300
Hamilton, Ontario
L8P 1H1

Please provide us with any comments you have regarding the proposed rezoning/project.

The height of the building will impede the visual view of the escarpment. The high density of the structure will impact the nature of the community -> too much traffic.

Is there anything that you believe has not been adequately addressed?

The city of Hamilton has not prevented high density housing in a largely single family dwelling area. The heritage committee is so strong in Dundas, how can they allow this to happen.

Name and Address (Optional)

Annette Lawson 17 Napier St N

Shame on you YAF Sykes! Not a wise decision for a Dundas business owner, Greed!

Eco Building Corp.

24 BROCK STREET NORTH

PUBLIC INFORMATION OPEN HOUSE

April 3, 2012

OPTIONAL COMMENT SHEET

Please provide further comments below and forward to:

Stephen Fraser, MCIP, RPP
A. J. Clarke and Associates Ltd.
25 Main Street West
Suite 300
Hamilton, Ontario
L8P 1H1

Please provide us with any comments you have regarding the proposed rezoning/project.

This is an unreasonable development that will severely impact the local community. This is currently a quiet corner of this community with much to lose from this gross overdevelopment.

Is there anything that you believe has not been adequately addressed?

Why was the community not contacted directly before the plans for a six storey plus development was designed? Why is Mr. Szabo's bottom line ^{is it} only impacted by the technical requirements and not the logical, reasonable requests of the community?

Name and Address (Optional)

Thomas, Cameron

From: Thomas & Carol Classen
Sent: Saturday, April 28, 2012 9:07 AM
To: -
Cc: Powers, Russ; Thomas, Cameron
Subject: 24 Brock St. N.

Dear Mr. Szabo,

We attended your recent public meeting at Dundas town hall, which left us with many concerns regarding your proposal for the development of 24 Brock. St. N.

The current infrastructure of this neighborhood does not support a building of the size you are proposing. It is inarguable that there is not enough water pressure in this part of town as it is, your oversized concept will add to this already existing problem.

The increased traffic on Brock, Melville and Park streets will put undue stress on all area residents and, because your plan does not provide adequate parking, the increase of cars and larger vehicles parked on these streets will also be a significant hindrance. There are many families in the area who purposefully came here so that their smaller children would not be exposed to high traffic density. Your proposed building would diminish that very important asset in the lives of all these families.

Your intention to excavate up to 17 feet deep to create the lower level parking in the building leaves many of us questioning what will happen to adjacent properties and the water table. The previous reshaping of the lower slope led to flooded basements for the houses along Brock and Melville and there is an obvious concern that this will happen again.

We feel that the current version of the plan still means an irreversible change of character of our part of Dundas. Please understand, it is commonly agreed among area residents that there is a need for growth, but your concept is an attempt to intensify development to the maximum. And even if that is a generalized directive of the province, it does not mean it is appropriate or right for every location.

Your argument that a lower density approach would not be economical is in our view not based on the real numbers, but an attempt to justify maximizing your profits at our expense. Your desire to exploit this property – and with it the neighbors around it – does not supersede the concerns of the majority of people who live here and care about the escarpment. Your proposal is being viewed by the community as an extremely unwelcome precedent for the future and it will be met with opposition every step of the way.

Lastly, we were very disappointed to find that you portrayed your minor modification of the initial proposal as a substantial compromise. Let me assure you: it was not. We again appeal to you as a Dundasian to consider the legacy that will be left behind by your actions.

Respectfully

Thomas and Carol Classen

04/30/2012

Appendix "L" to Report PED12156
Correspondence for Revised Proposal
(Page 2 of 37)

April 26/12

cam site plan.txt

To: Cameron. Thomas
Subject: 24 Brock St. N. Dundas

Cam

Thank you for the Construction Management Plan.

I was expecting the complete site plan. Showing the following:

- showing either the sloping or shoring of all the excavation walls
- the method the developer is going to use to drain the ground water and run off water from the excavation area and where is it going
- where will the construction equipment be stored
- where will the site office be located
- where will the workers' trailer be located
- where will the portable toilets be located
- where will the material receiving area be
- where will the laydown area be
- where will the garbage and waste material be stored
- where will the site vehicles and worker vehicles assigned parking be

Any word on the water Management Plan.

Thanks
Bill

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Correspondence for Revised Proposal
(Page 3 of 37)

Page | 1

RECEIVED
MAY 03 2017

Robert Van Amelsvoort
25 Brock Street North
Dundas, Ontario
L9H 3A6

April 26, 2012

Cam Thomas
Hamilton City Hall
5th floor
71 Main St. West
Hamilton, ON
L8P 4Y5

Re: Development at 24 Brock Street North Dundas, Ontario

Mr. Thomas,

Thank you for meeting with us the other day and providing the documents concerning traffic and on street parking.

Further to our discussion, traffic and parking are still major issues which need to be resolved. I will be expecting a full review of both traffic and parking based on the latest proposed plan.

Traffic

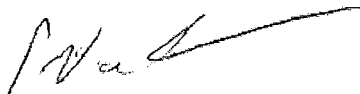
- 1) The April 3, 2009 letter from Tanya McKenna C.E.T. Project Manager, Traffic Planning West is not reflective of the current plan. It does not discuss traffic, parking or anything relative to the current situation. In paragraph 5 the statement "The municipal sidewalk, if any" indicates clearly the facts of the development are not known.
- 2) The email McKenna, Tanya to Thomas, Cameron RE: File OPA-09-003 and ZAC-09-010 dated Thursday, April 02, 2009 3:16 pm. is also not reflective of the current plan. The exit and entry point changes (and amendments) may present safety concerns due to "on street parking" affecting line of sight and visibility of pedestrian traffic. This requires review. The email discusses a "review of the collision history at Brock St N at Melville". This is a non sequitur. The majority traffic entering and exiting this new development will not pass through this intersection but will head south on Brock Street North to King Street West. The cars parked along King Street West block the line of sight and an accident review, Brock Street North to King Street and Wellington Street North to King Street West will reveal several accident/safety concerns.

Parking

- 1) A discussion with Sebastian Stula on Thursday afternoon confirmed no review of on street parking was completed based on the current situation. The file notes reviewed indicated comments provided by Parking were; very preliminary in nature, not complete, and not based on the current plan. The responsibility of this file has now been transferred to Kerry Davron.
- 2) There are many concerns which need to be reviewed, a few examples are; the width of the street with cars parked on each side, a study to estimate of how many cars will be parked on the street based on similar designs (1.25 cars per unit), the cost of additional resident on site parking in on the plan, how the garbage pick up will be handled, incorporation of a resident permit system barring condo dwellers from parking on the street, snow removal, etc...

It is clear that the City of Hamilton obligations for an appropriate review of traffic and parking have not been completed. Based on comments from the developer, at a recent meeting, it is clear he has been misled by the hodgepodge of inconsistent correspondence surrounding these two issues. A clear complete assessment needs to be done prior to any further discussions or planning.

Regards,



Robert Van Amelsvoort

cc: Tanya McKenna,
Martin White,
Sebastian Stula,
Kerry Davron,
Russ Powers - Councillor.

Attachments: 1) **Letter:** Tanya McKenna C.E.T. Project Manager, Traffic Planning West to Jason Thompson Senior Project Manager, West Section, Attn:Cam Thomas April 3, 2009.
2) **Email:** McKenna, Tanya to Thomas, Cameron RE: File OPA-09-003 and ZAC-09-010, Thursday, April 02,2009.

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(Page 5 of 37)

Thomas, Cameron

From: Bill Hilson
Sent: Thursday, April 26, 2012 9:07 AM
To: Thomas, Cameron
Subject: RE: 24 Brock St. N. Dundas

Cam

Has the developer applied for a specific by-law provision to recognize "an average side yard along the west side". If so how do I reference it. Secondly, 'a special by-law provision will also reflect the height and appearance of a three storey building'. My question is, have these requested by-law changes been entered in writing into the file.

Thanks
Bill

-----Original Message-----

From: Thomas, Cameron [mailto:Cameron.Thomas@hamilton.ca]
Sent: Thursday, April 26, 2012 8:49 AM
To: Bill Hilson
Subject: RE: 24 Brock St. N. Dundas

What do you mean by status report? - this would be addressed in the staff report, but I don't have that available yet. You would need to refer to the Dundas Zoning By-law definitions section, and RM3 Zone provisions for the general information.

-----Original Message-----

From: Bill Hilson [mailto:will.hilson@cityofhamilton.ca]
Sent: Wednesday, April 25, 2012 4:31 PM
To: Thomas, Cameron
Subject: 24 Brock St. N. Dundas

Cam

In reference to NEC report dated February 16, 2012, as noted on the bottom of page 1 (* NEC staff understands that a specific by-law provision is being considered to recognize an average side yard along the west side given that the developer proposes what NEC staff terms as "bump backs" or architectural bays" on the lower 3 storey portion (about 4 m deep and 8.3 m across in at least two locations) and given that the upper three storeys are being "stepped back" in appearance from the outer edge of the lower 3 storeys. Therefore; there is no sustained or defined 6 storey "straight wall effect" along the west side or along the Brock Street frontage). (** The Zoning By-Law measures maximum building height as the vertical distance from the ground level to the highest point. The proponent seeks an exception to the 16.5m height in the RM-3 zone to

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Correspondence for Revised Proposal
(Page 6 of 37)

Thomas, Cameron

From: Bill Hillson
Sent: Wednesday, April 25, 2012 4:31 PM
To: Thomas, Cameron
Subject: 24 Brock St. N. Dundas

Cam

In reference to NEC report dated February 16, 2012, as noted on the bottom of page 1 (* NEC staff understands that a specific by-law provision is being considered to recognize an average side yard along the west side given that the developer proposes what NEC staff terms as "bump backs" or architectural bays" on the lower 3 storey portion (about 4 m deep and 8.3 m across in at least two locations) and given that the upper three storeys are being "stepped back" in appearance from the outer edge of the lower 3 storeys. Therefore; there is no sustained or defined 6 storey "straight wall effect" along the west side or along the Brock Street frontage). (** The Zoning By-Law measures maximum building height as the vertical distance from the ground level to the highest point. The proponent seeks an exception to the 16.5m height in the RM-3 zone to 19.7m. A special by-law provision will also reflect the height and appearance of the 3 storey lower portion relative to the overall project). Could you provide me with all the documentation and a status report to 1) specific by-law provision to recognize a average side yard setback. 2) A special by-law provision regarding the height from 16.5 to 19.7.

Thanks
Bill

Thomas, Cameron

From: Adele Barrett
Sent: Wednesday, April 25, 2012 11:29 AM
To: Powers, Russ
Cc: Thomas, Cameron
Subject: 24 Brock Street, Dundas building

Re: More condo-versy brewing in Dundas, The Hamilton Spectator article

Mr. Szabo says his building is not a huge monster. But for those of us who live within sight of his proposed condo, at 24 Brock Street, it will be a looming hulk in the neighbourhood.

The Niagara Escarpment Commission did not give an unqualified thumbs up to his project. They are still requesting a larger setback from the escarpment than Szabo requires for construction of his behemoth.

The neighbours have never been opposed to responsible development. What we are opposed to is over-intensification, lack of transition, and overshadowing the Niagara Escarpment and our neighbourhood of small homes.

Mr. Szabo claims that it isn't economical to build less than six storeys. Perhaps he should not have purchased a property that was zoned for three storeys or less?

He has gambled on receiving dramatic variances and a zoning change to allow a 100 percent increase (almost double) the height allowance.

Why should our community be forced to suffer the consequences of Mr. Szabo's risky roll-of-the-dice?

Adele Barrett
Heritage, Escarpment, and Responsible Development (H.E.A.R.D.)
353 Park St. W, Dundas

Thomas, Cameron

From: Andrea Dalrymple
Sent: Tuesday, April 24, 2012 2:37 PM
To: Powers, Russ; Thomas, Cameron
Cc:
Subject: RE: 24 Brock Street Development

Three years ago when the first notice went out about this proposal, I was opposed to it and e-mailed my concerns at that time. Even with the modifications to a 6 story instead of 7 building and less units, my opinion has not changed.

This property is zoned for 3 stories. There is a reason for this - so it will fit into the neighbourhood. There are no 6 story buildings in the area. In order to get the maximum use out of the space, Mr. Szabo also wants 10 variances so he can build a BIGGER building onto a postage sized lot. Where is the green space? How will digging into the escarpment affect the drainage?

I realize that a traffic impact study has been completed, however, I do not feel it accurately depicts the traffic flow if this development goes ahead. Human nature dictates that people will try to find the fastest and most convenient way to get from place to place. That means they will avoid King Street because of the stop lights and will focus on side streets such as Park, Melville and Witherspoon that have only stop signs (that are mostly ignored). There is a safety issue around increased traffic as there are many families with young children in the area and Witherspoon Park is 1/2 block away. Added to this, is the parking issue. Common sense dictates that most families/couples have more than 1 vehicle (I'm sure there have been studies on this issue). The proposal has barely enough parking spots/unit so where will the extra vehicles park - on the street! Many of the homes on Melville do not have off street parking. They will now have to compete with condo owners.

In conclusion, as a long standing resident of Dundas (21 years), I request that you please respect the voice of all the people who live in this neighbourhood and in Dundas who are opposed to this 6 story development. Keep the current zoning in place, keep a HUGE out of place condo out of the neighbourhood and only allow a development that fits not only into the space but into the neighbourhood.

Sincerely,

Andrea Dalrymple

Thomas, Cameron

From: Bill Hillson
Sent: Thursday, April 19, 2012 9:46 AM
To: Thomas, Cameron
Subject: 24 Brock St. N.

Cam

We had a meeting with a number of our neighbours last night.
A couple of questions came up.

1) At the developer's open meeting, A number of our neighbours ask questions regarding the runoff and flooding along Melville Street. The response was from Mr. DeFilippis was it is taken care of, we have a Water (Run-off) Management Plan. The neighbour asking the question is a P. Eng. works in Public Works for Halton in the area of roads, services and water (run-off) issues. She is very interested in reviewing the Water Management Report that Mr. DeFilippis referred to. Is this Water Management Report

on file with the City and can I obtain a copy of it for review.

2) Has the Construction Site Plan been revised and submitted and if so is it available.

Thanks
Bill

Thomas, Cameron

From: louis nagy
Sent: Thursday, April 19, 2012 9:09 AM
To: Thomas, Cameron; Powers, Russ
Cc:
Subject: 24 Brock St

Good morning

Just in case you missed the article, these sentiments are echoed by several hundred people in the neighbourhood and several hundreds more within Dundas that have signed a number of petitions challenging this ridiculous proposal. This project would be a blemish on a beautiful and historical area. It is ridiculous that a project requiring so many variances and altering so many long standing by laws and rules for settlement has been allowed to come this far. There are dozens of reasons this is a really BAD idea, but the endangerment of the local children who play in the adjacent park and attend the nearby school should be the only one required to reconsider this proposal.

Behemoth on a postage stamp

The Hamilton Spectator's April 14 feature on the Bruce Trail's 50-year anniversary makes this writing timely. This is a story about a small piece of land on the Bruce Trail and Niagara Escarpment, and how a developer wants to use it to construct his idea of a dream condo building, which will destroy my husband's dream of a peaceful retirement, and the dreams of a neighbourhood in the process.

We downsized from our home of 27 years on the West Mountain; we wanted to stay in Hamilton and relocate to Dundas, to a quieter community within walking distance of historic downtown, nestled against the natural beauty of the Niagara Escarpment and below the Dundas Peak.

This is an area of historic and smaller character homes, young families, all economic levels, and retirees. Newer town homes, one of which we now own, are low profile in this area, providing the higher-density housing desired by city and provincial planners who espouse urban development, without imposing on the neighbourhood.

Behind these town homes is narrow strip of land tucked into the escarpment that was slated for townhouses but was sold instead. The address is 24 Brock St., and it is zoned low to medium density for a three-storey building or townhouses.

The new owner wants to force a six-storey behemoth onto this property. I say force, because in order to build the enormous structure he plans, he will need rezoning to high-density, along with ten variances that allow him to build unbelievably close to the existing properties and escarpment, forever changing the character of the neighbourhood, negatively affecting bordering property values and traffic flow, to name only a few of the neighbourhood's concerns.

Situated directly on the Bruce Trail, this behemoth on a postage stamp will block a section of the escarpment from view and set a dangerous precedent of overdevelopment here, where nothing of this size and height now

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exists.

Railway tracks run partway down the escarpment immediately above this proposed building. If you live here, you accept the sound of passing trains; as one resident describes it, old-fashioned, familiar and comforting.

What is not comforting is the sound of increased traffic from a possible 96 vehicles, the absence of children playing road hockey, the stench of large garbage cans loaded onto the street from the proposed 48 condo units, the noise of service trucks, not to mention the unimaginable construction issues.

Then there is the equally incomprehensible privacy issue of six storeys of condo apartments overlooking the neighbouring homes and back yards, because the builder requires that his huge structure will be much closer to the street and other properties than current bylaws allow.

There is no proper transition planned, which would consist of enough land to plant grass and large trees to allow proper distance and breathing space between the neighbouring homes and the new building. If the builder gets the variance reduction that he has applied for (about half of the bylaw requirement), the new highrise building will just shoot skyward within a few feet of the townhouses' tiny back gardens, with numerous windows overlooking, eliminating the current view of woodland and wildlife. One can only imagine the sense of unease this will cause, not to mention the lack of sunlight and blue sky for our neighbours. This is all the more disconcerting to longer-term residents who were promised when the townhomes were built that only additional townhomes would be built here.

Why should the builder be allowed to impose on the neighbours, creating a lower standard of living and property values, reducing well-being and enjoyment of their homes — for one man's profit?

Also at issue are a myriad of water, traffic and parking concerns. Adjacent Melville Street and Brock Street residents are already dealing with them; there is a lack street parking (some of these small homes have no driveways) and sewer drains. Flooding down the escarpment has been a problem. The water issues are bound to be exacerbated by the huge mass of concrete.

The homeowners want to know who will pay for the upgrades. Will their taxes go up to cover the costs? Will they be compensated if their property values go down?

There is both a children's playground and Dundas Central Elementary school, on adjacent Melville Street. Picture 96 or more additional cars using this street daily, which is already suffering from outside traffic taking advantage of the lack of stop signs and using it as a freeway to avoid King Street traffic lights. Children's safety must be considered a top priority.

Why would the Niagara Escarpment Commission (they have already signed off on this), City of Hamilton planning department and Hamilton Conservation Authority even consider allowing this over intensification to blemish our precious escarpment and charming neighbourhood?

I hope the developer will reconsider his plans and see the value of fitting into, rather than overpowering, this special community and our escarpment, which is, to quote Jon Wells of The Hamilton Spectator, "unique in the world."

Adele Barrett is a member of Heritage, Escarpment and Responsible Development in Dundas (HEARD)

Thomas, Cameron

From: Stephen Coleman
Sent: Wednesday, April 18, 2012 8:21 PM
To: Thomas, Cameron; russ.power@hamilton.ca
Subject: 24 Broick street Dundas, On

Gentlemen

I recently attended a meeting at the Dundas town hall concerning the proposed development on 24 Brock street.

To say the citizens feel deeply about this proposed development would be an understatement. Almost all in attendance were against the proposed development in some manner or other, we did what a group normally do, some spoke of street safety, some of extra stop signs, some spoke of drainage/run off from escarpment, but this should not take away from the general thought that this proposal is not right as it sits right now. I am concerned that this proposal could be precedent setting and not in keeping with the Dundas neighbourhood in this part of our town.

The specifics are obvious, the proposed building is too big and too high for such a tiny lot in a low level neighbourhood against one of our area's most treasured resources...the Niagara escarpment. Dundas is now a real tourist destination due to its shops, main street, lack of highways, noise and big box stores and many who live here want to ensure we do not lose that special town feel and this is all aside from the real concerns from the residents from the homes in that specific area. The big picture is Dundas is a heritage destination that brings valuable dollars into the Hamilton area. Paving over or allowing unsuitable development is not the answer to increasing tax dollars without a broader look at real commerce

We were also told in this meeting that a 3 story building would in fact be approved without further delay (meeting all requirements of course) and yet, when the Developer and Architect were asked what plan was made to accommodate the present allowable by-law, we were told none existed. I was amazed to see both parties evade this simple question initially and we had to insist on a response. The people of Dundas are not thick, we know what this means and so should the City of Hamilton. This means there Never was a plan to meet the needs of this particular area and it has always been about "largest return on investment" for the developer.

Mr. Thomas, we as citizens expect nothing less than a new look at the real issues here and kindly ask the city to look at the big picture concerning the long term affects of irresponsible development in this sensitive area.

The City of Hamilton is sitting on a valuable resource with its proximity to the desirable Niagara escarpment, our waterfalls our trails and our nature. This is our time to turn the corner and take another look at this situation

I and many expect nothing less than our city to take our concerns seriously

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Thomas, Cameron

From: louis nagy
Sent: Thursday, April 05, 2012 8:25 AM
To: Thomas, Cameron
Cc:
Subject: 24 Brock St. North

Good morning

My name is Louis Nagy and I am a resident at 5 Brock Street North. I am new to the neighbourhood, but a Dundas resident for over 25 years, and I attended a meeting at the Town Hall on Tuesday of this week. I was absolutely shocked at the proposal that was being put forward by the developer for the lands at 24 Brock St. North. There were some 200 area residents who shared my disbelief. How one individual can have priority over the rights of the entire community to me is incomprehensible. The fact that he has applied for at least 10 variances and that he may be approved, I also find unbelievable. Why are the rules there in the first place, if someone with enough time and money can simply have them removed and build what they want? The community is filled with single family homes and several century homes. To put a " Toronto " like high rise development on this property would destroy the character of the neighbourhood that is over a century old. The landscape, traffic, noise, view, parking, pollution, water run off, size of the sewers, destruction of habitat for animals, removal of trees, and integrity of the land are just a few of the issues that were brought up at the meeting. I cannot believe this project has reached this far in the implementation stage, as I said I am new to the area so was relatively uninformed. I will see to it that moving forward this will not be the case. My hope is that common sense at the needs of the majority will be the guiding forces behind any decisions made regarding the development of this property.

I understand everyone has a right to try and make money, but there are; I am sure, many viable options, such as single family homes or a SMALLER condominium complex that would not devastate the entire local community. Are the decisions at city hall made based on who has the most money? To my knowledge in a democratic process, the majority usually wins. I do not see this evident in the decision process happening with this development. Thank you for your time

Mr. Louis Nagy
5 Brock Street North
Dundas

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(Page 14 of 37)

Thomas, Cameron

From: C M YOUNG |
Sent: Monday, April 09, 2012 10:19 AM
To: Thomas, Cameron
Subject: 24 Brock Street

Dear Mr Thomas,

I would just like to voice my concerns re the proposed changing of the zoned property of 24 Brock Street, Dundas to the city planning department. It is bad enough that the property is zoned for a 3 story condo building, but please, please don't allow it to be changed to 6. So many will be affected by this as you heard at the meeting at the town hall last Tues. Mr Szabo didn't appear to be affected by our concerns, but I pray that you at the City of Hamilton will see that a building of that size would be a horrendous sight in our neighborhood!

Thank you for taking the time to read my concerns.

Sincerely,

K. Young
24 Wellington St. North, Dundas

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(Page 15 of 37)

Thomas, Cameron

From: Bill Hilson
Sent: Wednesday, February 22, 2012 3:33 PM
To: Thomas, Cameron
Cc: Jane Lowry
Subject: 24 Brock Street N

Cam

Further to the NEC meeting last week, a number of questions have generated.
NEC "Request for Comments: report Dated February 16, 2012.
Page 7 - 1st and 2nd paragraph - "The City Natural Heritage Planner (and staff liaison with ESAIEG) and Hamilton Conservation Authority (HCA) staff recommend the establishment of a minimum 10m buffer to the ESA edge. If this cannot be accommodated, the proponent should then prepare and implement:
- a Construction Management Plan which is intended to show how the ESA and Vegetation Protection Zones will be protected from construction impacts;
- A Landscape Plan
- Tree Protection Plan

At this time, the site development plan does not yet reflect all the construction constraints and protection measures required by the ESAIEG and HCA. NEC staff support the conclusions and recommendations of ESAIEG and HCA."

- 1 - Where is it in the file the ESAIEG and HCA recommendations and comments? Could I view or obtain this written documentation?
- 2 - Failing the filing of the requested Plans in the NEC report, the minimum 10m buffer to ESA edge is the recommended standard.
- 3 - Would you please verify, based on the above, the NEC ESA setback is a minimum 10 m buffer.

Page 7- Geotechnical Investigation - "additional mapping information showing the location of the stable toe of slope and development setback line remains outstanding" Has this been completed and is a copy of this report available.

Thanks
Bill

Thomas, Cameron

From: harold ottaway
Sent: Friday, April 01, 2011 12:25 PM
To: Thomas, Cameron; Powers, Russ
Subject: 24 Brock St.North,Dundas

Mr Thomas,Mr Powers

My name is Harold Ottaway and live at 250 Melville St.,Dundas.

As a long time resident at this location I would like to let you know of my opposition to 24 Brock St as proposed.

It is my understanding that there are condo units going into the old Dundas District High School ,to which I have no objections,and am glad that the owner of the property is using the existing shell of the school that will fit in quite nicely with the surrounding area.

This makes sense to me and welcome the development.

It will cause more traffic at this end of the town,but can live with it,although you may want to consider lowering the speed limit in the area because of schools,churches and a playground across the road from our home.

Now in the case of the Brock St location.This proposal makes no sense at all for the following reasons:

- extra traffic. An extra 48 units with lets say 1 1/2 cars /unit means 72 cars in the area,going up and down Melville or Park Sts.More and more cars are using Melville as there are no stop signs at this end of the street,and many are travelling in excess of the speed limit of 50 and probably should be 40 because of the park at this end of the street.

-height of the building. How in the world does a 6 storey building fit into the surrounding area.How would you like a 6 storey building in your backyard,which is what the people that live on Park would have if this goes through.Not only would it block off any view of the escarpment they have it would certainly limit their privacy in their backyards.I would also imagine it would lower the value of their property.Would you buy one of those homes on Park st or Bond st once this building is in your backyard?

If the owner of this site would build some high end one or two storey units similar to the ones built down on the east end of Park ,across from the apartments and behind the homes on Park St or even similar to the ones built on the west end of Park ,that this development would back into,I am sure the residents of the surrounding area would be much more agreeable.

Thanks for taking the time to read my email

Harold Ottaway

Thomas, Cameron

From: KT
Sent: Wednesday, October 27, 2010 5:44 PM
To: Thomas, Cameron
Subject: Opposition to redesign at 24 Brock Street North

Mr. Thomas,

Our neighbourhood is very concerned about 24 Brock Street North in Dundas. The developer, Mr. Szabo has made changes to the initial proposed building, but this redesign will not decrease the impact of this building on our homes and the natural escarpment here.

The intensification directive is supposed to prevent urban sprawl, not destroy neighbourhoods. Intensification on such a small parcel of land seems to be a deliberately twisted interpretation of that directive. A forty-eight unit building is completely incongruous here!

Many residents and visitors hike along the popular escarpment trails adjacent to this site. If we allowed the view to be marred by a six storey building, everyone would peer down from the landmark Dundas Peak and see very clearly what our priorities were. That would be very sad. Please help us make sure this does not happen. Preserving the escarpment environment and the beauty of our neighbourhoods is what will most benefit our children and grandchildren.

Thank you,
Kris Teixeira
314 Park Street West
Dundas

Thomas, Cameron

From: Sylvia Mackrory
Sent: Wednesday, October 20, 2010 9:47 AM
To: Powers, Russ
Cc: Thomas, Cameron
Subject: 24 Brock Street North, Dundas

Gentlemen,

I am writing to express my complete displeasure with the proposed 6 storey building at 24 Brock Street. I know you are aware of all the reasons.

Sylvia Mackrory
356 Park Street West
Dundas

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Thomas, Cameron

From: Jim Wiebe
Sent: Tuesday, October 19, 2010 9:49 AM
To: Thomas, Cameron
Subject: 24 Brock Street North, Dundas

Cam Thomas

I live on James Street in Dundas which is just across King Street West from 24 Brock Street N. I have been concerned about the proposed development on Brock Street N., ever since I saw the first notice of this proposal go up.

My concerns are two fold:

1. The streets in this corner of the town are not meant to handle the kind of traffic this intense development will add. As you know, the Brock Street access to King Street is at the foot of the hill coming down the escarpment. Typically the traffic on King Street at this point is fast making the intersection dangerous.
2. Architectural conformity to the surrounding neighbourhood. I am unable to envision how a 56 unit building could possibly be made to fit in with the neighbourhood.

I ask that you oppose this development until these major issues are dealt with to the satisfaction of the local taxpayers.

Thank you.

Jim Wiebe
38 James Street
Dundas

Thomas, Cameron

From: Nelan Family
Sent: Sunday, October 17, 2010 2:20 PM
To: Powers, Russ; Thomas, Cameron
Subject: 24 Brock St. N proposed construction

We would like to voice our concern about the possible development of a multi-storey building at 24 Brock St. N in Dundas.

Although we applaud the efforts to develop brownfield sites, we feel this is too dense an application. We are worried that a building that large would impact the privacy of current residents, that the size of lot is too small to support parking, and that the building certainly does not conform with current use in this area. We wonder if down the road, other residents might be tempted to sell off their small homes for redevelopment once that door is opened. It would certainly change the character of this small residential neighbourhood.

We would support construction of a 2-3 storey building.

Thank your for the opportunity to add our opinion.

Bill and Susan Nelan

13 Brock St. S.

Dundas, ON

L9H3G6

Thomas, Cameron

From: stevecooke1
Sent: Friday, October 15, 2010 8:16 PM
To: Thomas, Cameron
Subject: Re: 24 Brock Street North Dundas - OPPOSED

My wife and I are long time Dundas residents, with several properties in this area.

I would like to express my displeasure with the proposal to construct an apartment building on Brock Street.

Regards,
Stephen D. Cooke

Appendix "L" to Report PED12156
Correspondence for Revised Proposal
(Page 22 of 37)

Thomas, Cameron

From: Carol Overing
Sent: Thursday, October 14, 2010 1:23 PM
To: Thomas, Cameron; Powers, Russ
Subject: 24 Brock St. N.

I've just been informed that Alex Szabo, the purported developer of 24 Brock St. N., Dundas, has revised the initial proposed building from a 56 unit terraced seven story building to a 48 unit six storey building. I would like to go on record as being opposed to this redesign; it varies little from the original one and would negatively impact the neighbourhood just as heavily.
Carol Overing, Dundas

Thomas, Cameron

From: Wiseman Innovation
Sent: Wednesday, October 13, 2010 1:03 PM
To: Thomas, Cameron
Subject: NO to 24 Brock St N Development

Hello,

I am a Dundas resident and small business owner and I just wanted to express my disdain for the proposed six story building on Brock St N.

Besides being an obvious eyesore next to a beautiful natural landmark, this will drastically change the pace of the area. There is nothing like this on this end of Dundas. Traffic is steady but reasonable but this building would turn the area into a jampacked parking nightmare. It's just too many people in one small space.

The value of the homes would go down which were purchased on the assumption there is an unobstructed view of the escarpment.

On top of all that it would be the first thing that visitors to the area would see after coming down highway 8. Do we really need a random building sticking out like a sore thumb amongst the many blocks of nice older homes?

This development will make a lot of residents angry and I am one of them.

Jason Wiseman
General Manager
Wiseman Innovation

Thomas, Cameron

From: Marcia Kash
Sent: Wednesday, October 13, 2010 1:06 PM
To: Thomas, Cameron
Cc: Powers, Russ
Subject: 24 Brock St North, Dundas

Dear Sirs:

I am writing to voice my opposition to the redesign proposed for 24 Brock Street North in Dundas. I truly believe that the construction of a 48 unit, SIX STOREY building is completely out of keeping with our neighbourhood and is too large for the site that it is designated to be built on. This neighbourhood needs to be preserved and respected. As a new resident of Dundas who bought a home in good faith that this town would be developed with sensitivity and with an eye to preservation, I feel as though I am witnessing the erosion of its history. I also object strenuously to the encroachment that this proposed building will make upon the escarpment. Further more if this goes ahead the density of the area will increase traffic and produce problems with street parking--all to the detriment of our neighbourhood and property values.

I urge you to stop this from happening.

Yours truly,

Marcia Kash

For This Moment Alone a new play by Marcia Kash
Premieres at Theatre Aquarius March 25-April 10 2011

Appendix "L" to Report PED12156
Correspondence for Revised Proposal
(Page 25 of 37)

Thomas, Cameron

From: Gerry Maloney
Sent: Tuesday, October 12, 2010 4:39 PM
To: Thomas, Cameron
Subject: Redesign of 24 Brock St. N.

Dear Mr. Thomas

I am a neighbor of the property in question. I live at 366 Park St. W., directly across from it, and am opposed to the redesign. It was a bad idea to begin with, and the redesign does not diminish that. It still is a bad idea.

Gerry Maloney

Thomas, Cameron

From: carol&thomas classen
Sent: Thursday, August 05, 2010 10:10 PM
To: Thomas, Cameron
Subject: 24 brock St. N.

To the Planning and Development Department of the City of Hamilton:

We are the owners and residents of 11 Brock St. N. and the purpose of this letter is to express our opposition to the amended proposal pertaining to 24 Brock St. N., Dundas.

Our concerns are as follows:

1. The overall height of the building represents a drastic departure from the current character of this neighborhood which, with the exception of the former District High School, consists entirely of 1- to 2-storey detached homes and low-rise town houses. The 6-storey building being proposed by the developers does not in any way integrate with the existing landscape.
2. The proposal calls for 46 units. Assuming there will be an average of two occupants per unit, this constitutes a sharp increase in area population density, which again does not match the rest of the neighborhood.
3. There would be an overwhelming increase in traffic on Brock and Melville. We can expect an additional 90 vehicles associated with a 46-unit development. This would be disruptive, noisy and congested on these small neighborhood streets.
4. The corner of Brock St. N. and Melville has been prone to car accidents in the past and we feel that with the increased number of vehicles the likelihood of further incidents will only increase. These are the streets on which dozens of children travel and play.
5. Any occupants of 24 Brock St. N. above the second floor would have an unencumbered view of all of our backyards. We strongly feel that this poses an unreasonable violation of our privacy.

We did not come to live in this neighborhood by chance or accident. We carefully chose it for its quiet streets and because it offered the kind of community where people know each other and stop to chat, or shovel each others sidewalks to help out. It is indisputable that the same friendly, caring nature of this neighborhood would not survive with such a rapid and disproportionate increase in population density.

We realize that development as such is imminent in this area, but it should surely integrate into the existing architectural character and social fabric of its surroundings and Mr. Szabo's proposal will not achieve that.

We hope that the committee will take our concerns into consideration and note that the people who live here, as a community, are in opposition to the ECO BUILDING CORP. proposal.

Thomas and Carol Classen

Thomas, Cameron

From: Sharp
Sent: Thursday, July 29, 2010 11:30 AM
To: Thomas, Cameron
Cc: Powers, Russ
Subject: 24 Brock St. N. Dundas - revised proposal

Good morning, Cameron:

We have seen the minor revisions proposed for the development at 24 Brock St. N. While almost any change would be an improvement on the original proposal, we see these amendments only as a token attempt to try and appease the area residents. The major issues, site lines, parking, traffic, sewer capacity. etc. still remain as do the numerous concerns expressed by other agencies. The over riding fact of the matter is that a development of this scale does not fit well in this location and, in fact, does not belong in any residential zone where the predominant building structure is a one or two storey dwelling. We urge the Planning and Development Committee to reject this application and encourage the proponent to return with a proposal more suitable to the neighbourhood.

Yours truly,

Elaine and Keith Sharp
335 King St. W.
Dundas, L9H1W5
corner of King and Brock

PS please provide specifics regarding the August 5th. meeting

Comments regarding the revised proposed building for 24 Brock street N

I would like to respond to the proposed modifications (recently received by e-mail) to the above project as follows:-

1. The Developer publicly stated that he was willing to listen to neighbours concerns. The 1000+ residents that signed the petition sent a clear message that the original proposed building was not compatible with this neighbourhood, from a natural beauty and historic perspective (copy attached) The reduction of one floor and eight units does nothing to relieve neighbours concerns.
2. The developer of the former Dundas District school has gone to great length (and expense) to preserve the natural beauty and historic architecture of the neighbourhood. He has also kept the community involved in the process. It seems that a few hundred meters from the DD school where the historic architecture is being respected and preserved a gigantic building should be permitted with so little regard for these features.
3. In June 2009. The Dundas Community Council unanimously passed a motion to oppose the original 24 Brock Street N. proposal for similar reasons.
4. It is our understanding that the visual impact study required by the N.E.C. clearly shows the bulk and position of the proposed building as detrimental to the natural beauty of the escarpment. It will be interesting to see what the N.E.C. will say in reviewing it.
5. There is significant wildlife in this area of the escarpment. Many turkey vultures sore around this particular area. I have safety concerns about the proximity of the proposed building to the C.N.tracks. The C.N. specification is vague regarding requirements when the tracks are 30+ meters above the proposed building with a steep bank.. I feel the City of Hamilton maybe incurring some un-necessary liability
6. I hope the planning department will not support this proposal, so as to risk another internal conflict between the Planning and economic development department and the City council.

John Coles
341 Park Street West
Dundas On.

Appendix "L" to Report PED12156
Correspondence for Revised Proposal
(Page 29 of 37)

Re: The Revised Modifications to the Proposed Building at 24 Brock St. N, Dundas.

I feel that the revisions do not address any of the concerns previously stated in the Petition that over 1000 people signed and is still out of keeping with the surrounding area.

- The surrounding area consists of 1 or 2 story single or multiple family homes
- The construction of the proposed building would interfere with the escarpment slope and possibly weaken and destabilize it.
- The proposed access to the building on Brock St. is impractical and Brock and Melville Streets are already connected by a blind corner
- Traffic and Parking is already an issue - i.e. the developer of the Dundas District School is seeking permission for an alternative access to his development because of the amount of traffic that will affect Park St. W. add vehicles from another 48 unit building and we will really have a problem.
- Obviously such a building will impact the view of the Dundas Peak, not just for the neighbours but for Dundas as a whole, as it attracts visitors and I would like to hear the N.E.C's comments on such a proposal.
- A presentation was made to our Community Council in June 2009, and they unanimously agreed to oppose this proposal all.
- I trust that the Planning Department will take into consideration the response of the neighbourhood and other Dundas citizens and not support this proposal.

Janet Coles
341 Park St. W
Dundas, ON. L9H 1Z3

July 6, 2010

Mr. Cameron Thomas
City of Hamilton,
Building Department

RE: Development Proposal for 24 Brock Street North, Dundas, ON

After reviewing the revised proposal for 24 Brock Street North, Dundas, ON, I remain opposed to any development of this size and intensity for the following reasons:

- ▶ A 6 story, 48 unit condo building does not fit into this residential area of 1 and 2 story single family homes and town homes. There are no other such structures in this neighbourhood which includes a number of designated heritage homes.
- ▶ I am concerned about the parking spaces in the proposal. I find most people have 2 vehicles (1 per person) and there are not enough spaces to accommodate this. Condo owners will utilize the surrounding street parking which is already limited especially on Melville Street. Many of those homeowners don't have off street parking available to them.
- ▶ A 48 unit building would increase the traffic on Park, Brock and Melville Streets. There are many children in the area and Witherspoon Park is 1 block away. This would increase the risk of accidents involving children and vehicles. Additionally, the children in this area walk to and from school and the separate school board bus stops at the corner of Brock and Park Streets.
- ▶ I am also concerned about what impact digging into the escarpment will have on the natural flow of runoff water from the escarpment. There have been issues in the past. The previous property owner had to dig a large pit to capture the runoff so it would not flow down Melville.

My suggestion to this potential builder would be to create town homes or single family homes on this property which would be more in keeping with the surrounding neighbourhood.

Thank you for allowing me to review the proposal yesterday and helping a lay person understand what all the documents meant.

Sincerely

(Mrs.) Andrea Dalrymple

Appendix "L" to Report PED12156
Correspondence for Revised Proposal
(Page 31 of 37)

Thomas, Cameron

To: Steve Fraser; Alex Szabo; Powers, Russ
Subject: FW: 24 Brock St. N. Dundas

Steve, Alex -- Additional comments. I expect more will come as I sent an email out because of the interest in the proposal.

Cam

..... Original Message

From: Jane Lowry
Sent: Tuesday, July 06, 2010 12:44 PM
To: Thomas, Cameron
Subject: 2,1. Brock St. N. Dundas

351 Park St. W.
Dundas, Ontario
L9H 1Z3
July 6, 2010

Re: 24 Brock St. N. Dundas

Dear Cam

Thank you for taking the time yesterday to review the latest proposed development at 24 Brock St. N. This new proposal mirrors the original one in regards to its density and impact on our community. I was shocked to see how overwhelming this development will be to our neighbourhood from the images in the Visual Impact Study.

My concerns remain and have increased. They are:

- o One third of the property is not suitable to building or landscaping for a common area as it runs up the escarpment. The developer is manipulating the net hectare area to suit his purpose.
- o There does not appear to be an area for 26 parking spaces on the lower level for resident parking. Parking is limited in our neighbourhood and street parking is the only option for many residents on Melville Street. This could have a major impact for many in the neighbourhood.
- o The closest stop light to access King St. is at Peel Street, which is three blocks from this development. There will be a dramatic increase in local traffic on Melville and Park St. W. as residents access this stop light.
- o There does not appear to be an area for garbage dumpster storage or removal in the latest plan.
- o **The Hamilton Conservation Authority** has developed a 50 year Dundas Valley plan. This development is contradictory to this plan's vision.

- o This proposal is in opposition to the **Dundas Official Plan** and the new City of Hamilton Official plan in regards to blending in with the existing neighbourhood.

It appears that Mr. Szabo does not have the well being of the town of Dundas in mind with this latest plan. As neighbours, we would accept this property developed for single family homes that would fit in the neighbourhood. Anything other than that is contrary to the welfare of our special town.

Please keep me informed as this plan evolves.

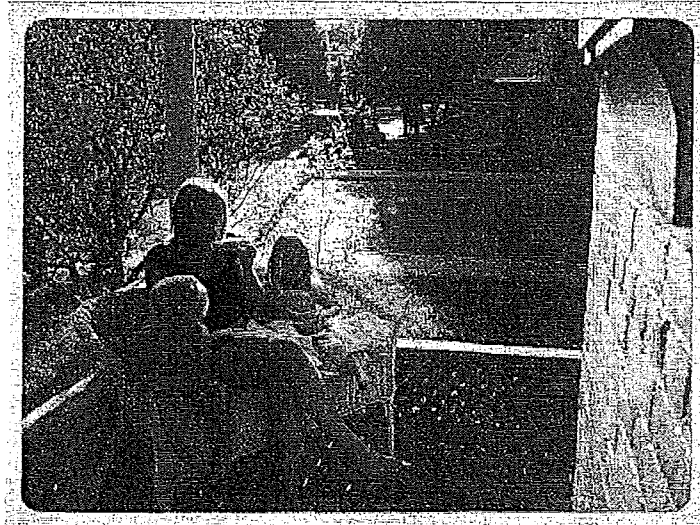
Best regards

Jane Lowry

Thomas, Cameron

From: kevin archibald
Sent: Friday, June 01, 2012 12:43 PM
To: Thomas, Cameron
Subject: Fwd: 6 Story Development at Tammy's

Hello Cameron! Let me share a picture with you I snapped last week...



This is my family enjoying the nice weather, sitting on our porch. Our modest century home on the corner of Brock & James enjoys some beautiful views of the Dundas peak and surrounding escarpment, and it was a huge pull for us to settle here in Dundas.

So you can imagine our extreme concern at reading about the proposed **6 story building** that is being proposed on the site of Tammy's restaurant in the Dundas star this week ([link here](#)).

We're concerned about our neighbourhood of century homes being dwarfed by this tower. We're concerned about the volume of people and traffic it will bring, the amount of garbage that will no doubt accumulate in the rear of the building. We're concerned the value of our property will take a big hit. And we're concerned about losing one of the biggest draws we had to buying our house - our view of the escarpment from our neighbourhood.

We aren't against progress or redevelopment; **we believe a 2 or at the most a 3 level structure would be much more fitting to the landscape**, and less of a jarring presence to the neighbourhood. I truly hope you will, also consider this, and it's my hope that you'll come to the same conclusion Keith Sharp did in the article : *"The next six storey building is seven blocks away. Anything over three storeys is a problem. If this were on John Street...great.... Personally, I can't support it."*

I thank you for your time and consideration -
All the very best

Kevin Archibald

47 James Street
Dundas

Thomas, Cameron

From: Deborah and Patrick Doran
Sent: Monday, June 04, 2012 7:32 AM
To: Clark, Brad; Thomas, Cameron; Powers, Russ
Cc: Clark, Brad; Thomas, Cameron
Subject: 24 Brock Street North

Greetings Russ,

Although we have only met casually, I respect the many years of service which you bring to your office and I have consistently voted for you as our representative.

This letter is about the 24 Brock Street North development. This proposal by Alex Szabo got off to a bad start by being outrageously oversized to begin with. The first proposal even wanted to encroach on Escarpment lands such as to deny access to trails which have been well worn for at least 60 years. That design threatened to be higher than the railway gradient and would have blotted out the neighbourhood's view of the 'Peak', the most iconic view of our town. Now the proposal has been cut back slightly but has done little to alleviate the concerns for the neighbours.

People at the north end of Melville and Park Streets bought into their residences never suspecting that they could be disrupted by a full scale development that threatens to turn that end of town into a little Eglington Avenue. My understanding is that this scale of development was not envisaged or proposed by the Town of Dundas Official Plan. Immediate neighbours are justifiably distraught by the threat to their privacy and their enjoyment of the life that Dundas offered when they bought in. They have raised concerns about storm sewers and on street parking and the lack of appropriate infrastructure but the sheer scale of the proposal violates the nature of the neighbourhood.

Dundas was saved from massive overdevelopment by being hemmed in by the escarpment. The recommendations of the Gertler Report in the late 1960's also helped to preserve in the unique and sensitive Dundas Valley. We are seeing large scale development in the south side of town. There is no need to overstress the north end of town. I support the conversion of the old DDHS building to condos because it is an existing and interesting structure but it seems to have run into some hitch, which should be expedited. As for Mr. Szabo's property, it should abide by the zoning that is in place. That is plenty of development. It's a shame that the property in question, a small plot in itself, should not have been purchased with some of those excessive tax dollars that we pay for the privilege to live here, and reserved as greenspace.

As a resident of Dundas since 1948 I celebrate it's special virtues. Access to escarpment for recreation and some relief from urbanization is the keystone to my enjoyment of this place. Please support my neighbours in refusing to change zoning or easements to accommodate this inappropriate proposal.

Thank you for considering the intent of this letter,

The Reverend Patrick Doran
132 Melville Street,
Dundas, Ontario
L9H 2A5

Thomas, Cameron

From: wnelan
Sent: Saturday, June 02, 2012 9:09 AM
To: Thomas, Cameron
Cc: Heard
Subject: 24 Brock St. N

Dear Mr. Cameron Thomas

We are writing to voice our opposition to the development of 24 Brock St. N. We live at 13 Brock St. S. and this development, if approved, will be visible from our house, standing well above the surrounding properties.

According to information we have received from HEARD:

- This proposal is over intensification of a very small piece of property, abutting the base of the escarpment.
- This property is presently zoned for a maximum of three stories, 27 units building and the developer is requesting six stories with 48 units. We are concerned that this may also open the door to development on the site of Tammy's Restaurant at King and Brock- across the street from our home..
- All variances ask for reduced setbacks that would allow for this building to be closer to the road, escarpment and neighbours.
- Brock St. is very narrow and cannot sustain the possibility of 48 plus vehicles daily, nor can the adjacent residential streets sustain this increased traffic. We certainly have experienced this traffic on Brock S, once the street was widened.
- The infrastructure is not in place for storm sewers or watershed runoff.
- The development runs contrary to the Town of Dundas Official Plan by not conforming to the character of the neighbourhood of one and two storey family homes. On our side of Brock, many properties have been improved, and the neighbourhood has become more desirable- what will happen when other housing is introduced?
- This development will overshadow the homes in the neighbourhood and reduce the privacy home owners should expect.
- Many homes in this area do not have driveways and require on street parking. These parking spaces will be used by residents and visitors of this building as underground and visitor parking is limited. When Tammy's was open, cars were parked all along our side of Brock, and people turned around in our driveway constantly. We did not complain however, because Tammy's was open when we moved in.
- This development could set a dangerous precedent of allowing buildings to be erected into the escarpment that would obstruct our views of the escarpment and compromise the integrity of the landscape.
- Concern exists about how neighbouring properties will be devalued due to: over intensification, lack of privacy, parking issues, increased traffic, and decrease in quality of life with home ownership to neighbours.

We are counting on your support. Thank you for your attention to this matter.
Bill and Susan Nelan

06/04/2012

From: Janet Coles
Sent: Wednesday, July 04, 2012 10:14 AM
To: Powers, Russ; Thomas, Cameron; Clark, Brad
Cc: Heard Dundas
Subject: 24 Brock St. N. Dundas
Gentlemen:

I am writing to express my concerns as to the proposed six stories – 48 unit development at 24 Brock St.N. Dundas. Listed below are what I feel obvious reasons.

1. The **OVER INTENSIFICATION** of a very small piece of property at the base of the escarpment.
2. The number of variances being requested that would allow the building to be closer to the road, escarpment and neighbours.
3. Brock St. N. Is very narrow and could not sustain the increased number of vehicles (approx. 48 or more) – nor could the adjacent residential streets sustain this increased traffic
4. Many homes in this area do not have driveways and require on street parking. As the underground and visitor parking is limited this will mean more people requiring to park on the street.
5. Concerns exist as to how neighbouring properties will be devalued due to – lack of privacy, parking issues, increased traffic due to this OVER INTENSIFICATION , and will affect the quality of life .

However my biggest concern is that this development runs contrary to the Town of Dundas Official Plan and does not conform to the character of the neighbourhood. It was of great importance to preserve the Dundas District School Building in order to keep the character and heritage of Dundas, and yet this proposed building at 24 Brock St. N wants to set precedent of changing the uniqueness of Dundas, with the beauty of the escarpment and the accessibility of the Bruce Trail, all of which attracts visitors to our community.

Regards

Janet Coles

341 Park St. W

Dundas, L9H 1Z3

City Clerk
Economic Development and Planning Committee
City of Hamilton
77 James Street North, Suite 220
Hamilton, On
L8R 2K3

Re: 24 Brock Street North, Dundas, Ontario
File Nos. OPA-09-003 and ZAC-09-010

We the undersigned, oppose the application to amend the Dundas Official Plan and Zoning By-law for 24 Brock Street North, Dundas.

We wish a separate notice be mailed to each of us confirming the date of the Public Meeting and where and when the proposed Official Plan Amendment and information and material related to the proposed By-laws to amend the Zoning By-law will be available for public inspection.

We wish to be notified of the adoption of the proposed Official Amendment or Zoning By-law, or the refusal of a request to amend the Official Plan or Zoning By-law.

Please consider our signatures as comments that oppose this proposal as per the attached petition. We request to be provided with a copy of the staff report prior to the public meeting to be held by the Economic Development and Planning Committee of City Council.

Respectively
Concerned Citizens of Dundas

P E T I T I O N

We the undersigned Property Owners and/or Residents of Dundas do hereby strongly oppose the change in Zoning and Amendments to the "Dundas Plan" to permit the construction of a 7 storey 56 Unit Apartment building at 24 Brock Street North, Dundas.

The Town of Dundas Official Plan was developed to safeguard the neighbourhood from the type of development that would detract from the Heritage and Natural Beauty of the Niagara Escarpment. – To quote the Dundas Official plan clause 3-4-4-1(g)

"New residential and mixed use buildings shall generally be in scale and compatible with the low profile character of buildings in the Town in order to maintain view of the escarpment and new buildings shall be carefully integrated with the character of established residential areas. In order to minimize conflicts, the location, form, scale, bulk and design of new buildings shall be sensitive to and compatible with the density and form of existing residential development."

The proposed development is in violation of the Dundas official plan for the following reasons:

- The surrounding area consists of 1 to 2 storey single family homes. The proposed development is contradictory to the character and environment of the neighbourhood.
- The size of the building covers a large portion of the useable property, making the proximity to adjacent dwellings unacceptably close (a 3 storey wall with windows and balconies less the 1.5m from the lot line running 120 metres in length).
Section 3.4.4.1 (h) provides "The development of the subject lands shall be appropriately designed to buffer and/or separate adjacent land uses and shall respect the sensitive nature of the existing urban fabric".
- The bulk and 7 storey height of the proposed building would block residents from seeing the most valued Historical landmark known as "The Peak"
- The construction of the proposed building would interfere with the escarpment slope and possibly weaken and destabilize an already unstable area. Residents have already suffered mudslides, drainage and flooding issues.
- The access to the proposed building from Brock Street N is impractical as Brock and Melville Streets meet at a blind corner. Neighbours could completely lose their front yards if road improvements were made.
- Traffic and Parking is already difficult in the subject area, 70-100 more vehicles to contend with would compound the existing problems. Section 3.4.3.5 (d) of the official plan provides "Ingress and egress to the property will not create congestion on surrounding local streets". The location of the proposed driveway to the development would also impede access to and from existing resident's driveways.
- Other issues include: Safety for children at Witherspoon Park, environmental concerns, emergency access to the proposed building, sewers, storm sewers, and water supply, the downloading of infrastructure upgrades to existing residents, and vibration and noise amplification from the railway due to the construction of the building.

To allow developers to obtain Zoning changes and plan revisions to the Dundas official plan to suit their business needs and profit would set a dangerous precedent.

(Page 1 of 2009 Petition: 718 signatures in Total)

Petition To Stop Proposed Building & Zoning Amendment For
 24 Brock St., Dundas

Print Name	Address	Signature
ROBERTA	126 KING ST. WEST, DUNDAS	
J. Stepan	153 KING ST E DUNDAS	
S. O'KEEFE	142 1/2 KING ST. DUNDAS	
Brett Chilcott	1371 CONCESSION RD	BE
RICK Kennedy	40 San greco dr	
DARYL Steckham	139 Roxborough	
Wayne Fulko	21 Market St. N	
Scott Emmink	272 melville st	
WAYNE BUCK	252 MELVILLE ST.	
JIM FARRER	40 NOTTINGHAM AVE	
KEVIN BRENN	1184 5TH CON WEST FLAMBOROUGH	
Kevin Jowett	110 Rosina Ave	
Allison JOWETT	110 ROSINA AVE.	
Ralph Wenisch	16 shidley st.	RW
CHRIS BRISDALE	282 MELVILLE ST	Chris Dingle
SARA GRISDALE	282 melville st	
PATRICIA KENNEDY	40 SAN GRECO DR.	
BRIAN KENNEDY	40 SAN GRECO DR.	
PETER HILL	40 SAN GRECO DR	
Dave Hill	/ /	
David Hill	/ /	
Phil BKL Hill	"/	

Rezoning and Variances Application
 24 Brock Street, North, Dundas

Name(s): DON + JUDY BASKOTT
Please Print

Address: 2 BOND ST. N.
Please Print

I am in favour of the proposed Rezoning and Variances Application for 24 Brock Street, North, Dundas.

I am opposed to the proposed development at 24 Brock St. N., Dundas because of the following concerns:

Rezoning and Variances	
<input checked="" type="checkbox"/>	The developer is requesting a rezoning of the property from Low/Medium Density to High Density.
<input checked="" type="checkbox"/>	The developer is requesting a total of 11 variances all of which deal with substantial changes to the dimensions and clearances for the building and property.
<input checked="" type="checkbox"/>	The 11 variances the developer is requesting are not minor in nature but significant regarding to size. (50% larger than present zoning limits)

Site Development	
<input checked="" type="checkbox"/>	One third of the property runs up the escarpment and is not land that can be used for building. Thus the developer's density formula is questionable as per the net hectare density formula used by the City of Hamilton.
<input checked="" type="checkbox"/>	The proposed development is too large for the site.
<input checked="" type="checkbox"/>	If built, the development will fully or partially obstruct the view of the escarpment and the Dundas Peak.
<input checked="" type="checkbox"/>	The proposed development does not fit in with the character of the neighbourhood which is of one and two storey residential homes.
<input checked="" type="checkbox"/>	Will the city allow the developer to remove the four large trees on Brock Street adjacent to the development site?
<input checked="" type="checkbox"/>	The proposed development will overshadow and create privacy issues for the residents on Park Street.
<input checked="" type="checkbox"/>	The development lacks a transition from residential homes to a multi-storey building.
<input checked="" type="checkbox"/>	Construction will clear many of the trees on the site. What effect will this have on the bird environment of the area?

Services	
<input checked="" type="checkbox"/>	This site is not serviced with storm sewers. Where will the runoff water from the escarpment go?
<input checked="" type="checkbox"/>	How will the rainwater from the building and site be contained and be disposed?
<input checked="" type="checkbox"/>	Currently the water pressure in the area is very low. Can the water supply system handle 48 more households?
<input checked="" type="checkbox"/>	Brock Street between Park and Melville and the west end of Melville is extremely narrow. Will they meet the requirements of the increased traffic flow?
<input checked="" type="checkbox"/>	Where will the garbage and recycling containers be housed and where will they be accessed for pick up?
<input checked="" type="checkbox"/>	If these services need to be upgraded, will the costs be the responsibility of the developer?

Parking	
<input checked="" type="checkbox"/>	The developer is requesting a variance in the number of residential parking spaces, to approximately one parking place per unit or 48 parking spots. Studies show the average household has 2.28 vehicles. Where will the extra vehicles park?
<input checked="" type="checkbox"/>	The developer is requesting a variance to make the parking spaces smaller. Since approximately 30% of vehicles are large vehicles, where will these vehicles park?
<input checked="" type="checkbox"/>	Many neighbours on Melville have only street parking. Where will they park when construction workers take their spots?
<input checked="" type="checkbox"/>	Where will the Melville Street neighbours park if residents of 24 Brock St. N. require street parking to accommodate two car families and large vehicles? Will street parking permits be required?
<input checked="" type="checkbox"/>	Since the proposed development has underground and/or indoor parking, where will the CO, pm 10 and pm 2.5 be exhausted?

Traffic	
<input checked="" type="checkbox"/>	Traffic will increase on Brock, Melville and Park Streets. Has the safety of this issue been reviewed?
<input checked="" type="checkbox"/>	Will large vehicles such as delivery trucks, garbage trucks and recycling vehicles be able to service the development from Brock Street?
<input checked="" type="checkbox"/>	The proposed development entrance is on Brock Street, which is at a bend in the road onto Melville Street. The road is extremely narrow at this point which will create a scenario for potential traffic accidents.

Safety	
<input checked="" type="checkbox"/>	Since the water pressure is extremely low in the area, is there sufficient water pressure/supply to service the required sprinkler system and fight a major fire?
<input checked="" type="checkbox"/>	How will the emergency services access the north, west, and south sides of the development?
<input checked="" type="checkbox"/>	Is the entrance to the development capable of accommodating emergency vehicles?.

Flooding	
<input checked="" type="checkbox"/>	In recent years, major flooding and mudslides have occurred in the area. How is this going to be controlled?
<input checked="" type="checkbox"/>	How is the developer going to control any runoff to adjacent properties?

Construction Issues	
<input checked="" type="checkbox"/>	Where will all of the construction equipment, trailer, storage bins, trucks and workers' vehicles park?
<input checked="" type="checkbox"/>	Where will the area for receiving and storage of construction materials be located?
<input checked="" type="checkbox"/>	Heavy excavation and/or pile driving will take place within 10 feet of the property lines of the residents of Park Street. How will the developer protect their foundations from damage?
<input checked="" type="checkbox"/>	Noise, dust, vibration and water issues will be evident during the construction of this site. Has the developer proposed a plan to control these issues?

Other: _____


Signature

Jan 3 / 2012
Date

LUNDAS RESIDENTS ONLY,
 Petition

I oppose the Application for Rezoning and Variances for 24 Brock St. N. Dundas.
 I request inclusion of distribution of information regarding this project.

PLEASE
 THX!

Date	Signature	Print Name	Address	Phone/E-mail
MAY 9	<i>WR Trunk</i>	WILLIAM R TRUNK	296 PARK ST W	905 627 593
May 9	<i>[Signature]</i>	KANSAS SANDERSON	348 Park St W	905 628 5032
MAY 9	<i>Claude Perdue</i>	CLAUDE PERDUE	99 Davidson Blvd.	905 627-9605
May 9	<i>Maureen Costello</i>	Maureen Costello	21 Westpark, Ham.	905 528 1905
"	<i>Lita Mills</i>	LITA MILLS	160 OGILVIE ST. DUNDAS	905-628-3758
"	<i>Elizabeth Inman</i>	ELIZABETH INMAN	50 York Rd. Dundas	905-628-5783
May 10	<i>Sue Hockridge</i>	SUE HOCKRIDGE	PO Box 77, Copetown	905 628 5783
May 14	<i>Nora Prosser</i>	NORA PROSSER	312-50 Dundas E	905 628 9600
"	<i>Donna Stevens</i>	DONNA STEVENS	304-17 King St E	905-628-1772
MAY 15	<i>Paul Locke</i>	PAUL LOCKE	150 OGILVIE #207	905-627-2367
May 15	<i>Connie Rice</i>	CONNIE RICE	42 Brock St S	905 516 5095
MAY 17	<i>Sandra Anderson</i>	SANDRA ANDERSON	45-11 PINE DR. DUNDAS	905-628-6449
May 17	<i>Patricia Harvey</i>	PATRICIA HARVEY	1614 Huntingwood Ave	905-627-3660
May 22	<i>Bed Brooks</i>	BED BROOKS	501-9 GRANT BLVD.	905 628 8648
May 22	<i>Jackie Butler</i>	JACKIE BUTLER	32 MATILDA ST S	905 628 2497

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