

City of Hamilton,

Dec. 16, 2013.

Attn: Timothy Lee  
File ZAC-137046.

Dear Sir:

In response to your notification dated Dec 4/13 re zoning by-law amendment I am against this change.

I might exit my parking lot in Barton is extremely difficult now due to the number of vehicles using the road, now especially since using the road marked "Local Traffic Only" as a shortcut to avoid the stopped traffic on Highway 5 Dundas St E. The additional vehicles will lead to our environmental problems also.

Removing the fuel will also displace the wild life using it as their habitat. The current residents will not appreciate them appearing in their yards.

I'm sure no one will consider these concerns as the almighty dollar seems to be the bottom line & as long as you get the tax revenue from 4 Klemmingshugh you don't really care what happens there.

I thank you for possibly considering my concerns.

Sincerely,

Steve Brown  
307 - 1 Hamilton St  
Katerbach, Ont. L2H 4H4

RECEIVED  
DEC 17 2013

September 21 2012

35 Head Street

Hamilton ON

Re: City Planning Files OPA-12-011 and ZAC-12-028

To Whom It May Concern,

Please accept the following comments related to the proposed Official Plan and Zoning Change with a representation of the intended development to follow such amendments as distributed to nearby residents.

***King Street Property.***

General Comments:

Vehicular traffic at this corner is already at a level that is detrimental to safety, both for pedestrians and drivers<sup>1</sup>. It is well documented that it is one of the most dangerous intersections in the city.

In keeping with the goal of walkable neighbourhoods, the development of this corner property needs to increase pedestrian traffic while reducing vehicular traffic.

As things stand right now:

People frequently turn northbound out of the parking lot onto Dundurn then pulling a u-turn at the end of the median strip. It is certainly not a high percentage of patrons of either Tim Hortons or Shoppers, but it does happen regularly, and I have not seen a single person do this without having to virtually or actually come to a stop, and either reverse to complete the turn, or drive up onto the west sidewalk in front of the Esso station. The alternative that many others do is to turn either left onto Hunt or right onto Head and do a circle through the neighbourhood. These are legal and the safe vehicle options, but are not desirable from the standpoint of extra traffic on residential streets.

The entrance/exit on King is also a point of congestion, particularly with the number of buses using the stop out front. Drivers coming out behind buses will try to push over into the next lane over, creating a collision risk when traffic is moving and an extra knot when traffic is stopped at the light.<sup>2</sup>

If the development proceeds as proposed:

It is the stated purpose of Shoppers Drug Mart to increase the vehicular traffic in and out of the property to support the retail sales volume required to make this store profitable.<sup>3</sup> As mentioned above,

it is this author's view that vehicular traffic at this corner should be reduced for the safety of currently unavoidable traffic (this being one of only two ways to cross the 403 westward by road and a major commuter interface with the 403) and for pedestrian safety; on that view, deliberately adding traffic to this corner is entirely undesirable.

The addition of the extra exit from the Shoppers/Tim Horton's parking lot may seem to solve the left turn problem discussed above, but it actually does not, because at commuter times the southbound lane(s) of Dundurn are packed, and there will not be reliable space for people to be turning left here. Additionally, based on observations of people making left turns onto other busy streets, people WILL still turn left into the stopped line of cars, blocking northbound lanes, waiting until someone lets them in, or they push themselves in. I've observed this behaviour recently on Franklin St in Cambridge, Plains Road in Burlington and many other streets in Hamilton, both downtown and on the Mountain.

This extra exit/entrance is also problematic from the standpoint what it does to traffic flows; it certainly allows for extra access to the property from southbound lanes on Dundurn, which is lacking now, but which are lacking for good reasons; the before-mentioned problems with southbound left-hand turns, and the flow problem of vehicles stopped waiting for northbound traffic to clear, which would block southbound flow. Even with most commercial vehicles being excluded from Dundurn Street in this area, traffic still backs up significantly at key times of the day, which would likely coincide with the highest traffic movement in and out of the property.

Further, the circulation patterns of the planned parking lot are poor; vehicles trying to turn left onto southbound lanes on Dundurn will re-circulate around the building, with interaction hazards with pedestrians crossing the parking lot and with the queuing lines for the drive-through.

To be fair, one possible improvement that may be realized is that it appears the King entrance/exit has moved slightly east, which may improve the ability of cars to pull out onto King without tangling with the buses; however this is speculative, depending on where the bus stops are moved, and may be completely offset by the increased traffic in and out of the development.

A well, the conversion of what is now backyard space to paved parking lot will be detrimental to noise levels in the neighbourhood. Even now, residents are receptors for noise from the streets, the highway interchange and the local businesses<sup>5</sup>. The pavement would replace an acoustically "soft" and somewhat absorbent surface of dirt, gravel and grass with a hard reflective surface, increasing both the intensity of noise at current receptors, and the distance that noise will penetrate into the neighbourhood.

### ***Head Street Development***

Current state of affairs:

The Strathcona neighbourhood has already been the site of considerable recent intensification, both in general and in the immediate area of Head Street. The seniors apartments at the corner of Head and Strathcona streets and the housing intended for students around the corner on Strathcona have directly impacted Head Street residents. These have been infill developments in areas zoned for such uses. This process has all been accomplished within the City of Hamilton's Official Plan and existing zonings with some minor variances, which have been formulated with intensification in mind. It is fair to

say that this immediate neighbourhood has already made a significant contribution toward the overall goal of urban intensification.

The purchase of the subject properties by Shoppers, and the way former tenants have subsequently vacated these properties has not yet allowed the natural flow of people, vehicles, and parking allowed according to current zoning<sup>4</sup> to achieve any sort of temporary equilibrium. For example, prior to the virtual emptying of the houses, finding on-street parking for residents without driveways had been an issue. Lately it has not been too bad, but whether the previous issues would likely return if the properties were occupied again in a legal fashion according to existing zoning is a question to be answered before any additional development is considered.

The vacated homes have formed a dead zone on the street where there is none of the usual neighbourhood interaction including children to play with, greeting people on porches while walking by, etc.

#### **The Proposed Development**

While urban intensification is a stated policy of the Provincial Government, this proposal is the third time developers have proposed developments that have required them to inform residents on Head Street of plans for significant additions of living units to the neighbourhood. When is "enough" enough for one street that has seen many recent significant changes to the neighbourhood carried out in the name of intensification?

Unlike previous developments, this plan requires much more than minor variances; it requires changes to both the official plan and the zoning bylaw.

Further, the proposed development is not simply on the fringe of the community; it is proposed to be put in the centre of the street, not as a buffer between commercial and residential uses, but actually increasing the flow of vehicular traffic past single and two-family residences.

Unless done extraordinarily well, the architectural details of the development (especially as presented in the plan view of the development) will give the feel of the street in that area a sense of unwelcome and detachment from the street, making it a less pleasant place to walk by, and will disrupt the sense of connection to community even of those living across the street, walking out of their houses and looking out their windows.

Even with care to prevent an architectural disconnection with the street, the condo, by virtue of its number of residents, will likely form its own sub-community and fail to connect communally with the immediate street neighbourhood. In fact, this tendency is encouraged by the sidewalk access provided on the east side of the property, joining Head Street to the back of the Shoppers space. While it could be viewed as a convenience to the entire neighbourhood, is very likely to turn the new development away from engaging with Head street neighbours by drawing pedestrian traffic from the condos away from Head Street, funnelling it into the Shopper's Store, then only incidently and with significant exposure to moving vehicles while crossing the parking lot across to buses and other businesses on King Street.<sup>6</sup>

#### ***The Combined Development***

It appears to me that the developments proposed here are trying to take advantage of visions for the future, while creating a development anchored in the past. The idea of intensification is being discussed as a justification for the Head Street development, while the major provisions in the existing zoning for the King Street development, that is, the inclusion of residential units above the commercial space, is being ignored or discounted. The King Street property has been specifically rezoned to allow urban intensification, but instead, this development wants to take away current residential greenspace and to pave it over. Noise issues impacting the community have already been discussed above, but the indicated plan puts idling cars under the windows of the new residential building!

#### Alternatives

Recently Shoppers has done some interesting and more appropriate development of new stores; I am thinking particularly of the store across Main Street from the entrance to McMaster University. This development, close to the street and pedestrian-friendly, seems a model that could be duplicated here if sufficient incentive could be supplied to the Tim Horton's to break conditions of the current lease agreement with Shoppers. Partnering with a developer who will take advantage of the residential possibilities will likely maximize the potential of the property.

Further, there is perhaps a level of intensification for the Head Street properties that would be appropriate. If the six subject head street properties were redeveloped as a townhouse development<sup>7</sup>, it could be a reasonable intensification that restores the health of the community if executed correctly.

#### Closing:

These comments and views are those of someone who understands that there are more than just the interests of the community at stake. Shoppers, wisely or unwisely has made significant investments in properties and business development. My impression is that they may have not been treated fairly by other businesses. That said, ill-treatment by others and significant investment is not sufficient justification for Shoppers to impose on the community for the sake of their profitability. I want to clearly state that the request by Shoppers and their agents to change the official plan and zoning bylaws, which are intended to provide general protection of the community against imposition of inappropriate and undesirable development, is effectively removing that protection in this instance. It can be demonstrated that the benefit the development attracts to its beneficiaries imposes significant cost on many who receive no unequivocal compensation, as well as impeding the course of development intended by the careful planning of the community.

#### Notes:

- 1) Cyclists have seen improvement of their transport mode, now that the bike lanes are in on King going west and Dundurn going north, though the lack of a bike lane on King leading up to Dundurn, and the lack of a northbound bike lane south of King still leaves some cyclists feeling exposed and riding on sidewalks.
- 2) The congestion is actually partially relieved at this time by the lane closure on the King St. Bridge crossing the 403. Because the lane that currently exits to the eastbound 403 is the 2<sup>nd</sup> from the

right at the King/Dundurn traffic lights, the only vehicles in the rightmost lane are the buses, visitors to businesses on the north side of King Street, people making right turns on Dundurn and Breadalbane, and drivers unfamiliar with the construction lane configurations. Once the bridge is reopened and the rightmost lane is again the ramp lane, the congestion will return to normal, increasing again.

- 3) This intention was articulated in a pre-submission community meeting held at St. Demetrios Church in the spring of 2012.
- 4) Business-associated noise includes deliveries and garbage pickup at various businesses, the drive-through order board at Tim Hortons and trucks delivering fuel at the local gas stations.
- 5) Prior to Shopper's purchase of some of the properties, it was clear that one property had recently been illegally intensified in disregard of specific conditions of the issued building permit, and was actually in a process of going to the OMB. Discussions with long-term street residents indicated that another house may have been a non-conforming multiplex residence, but had been so for decades, and had been in a sort of equilibrium with the rest of the community.
- 6) If a pedestrian walk is to be provided, it should provide protected access all the way from Head Street to King, even at the risk of people bypassing Shopper's door on their way to make retail purchases. This is again to keep pedestrians safe and un-intimidated by vehicular traffic.
- 7) The idea would be to have as many units facing Head Street as possible, with an unassumed lane leading behind to parking for the units fronting on Head Street, and perhaps additional townhouse units behind. It seems conceivable to have as many as 11 or 12 complying units in place of the 6 existing buildings without the need for extreme zoning changes, or redrawing the commercial/residential boundaries.

Respectfully,

Tim Rosenberger

Lee, Timothy

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**From:** kevin wiens  
**Sent:** Sunday, September 23, 2012 7:43 PM  
**To:** Lee, Timothy  
**Cc:** McHattie, Brian  
**Subject:** comments: File # OPA-12-11 and ZAC-12-028

Dear Mr. Lee,

I have some comments regarding the proposed expansion of Shoppers Drug Mart at Dundurn/King and the proposed construction of a condominium on Head Street. While some of my concerns stem from my ownership of the property adjacent to the proposed condominium (39 Head Street), I'm also concerned about how the proposal is, in some ways, inconsistent with the City of Hamilton's objectives.

One positive aspect of the condominium proposal is the resulting densification near a major transit corridor.

My main concern with the proposed condominium relates to scale. Since the houses on Head Street are predominantly 2 ½ stories, a four story condominium may have poor continuity. I trust that before the city proceeds with amendments to the Official Plan and zoning, more renderings of the condo will be made available to get a better sense of how the condo will fit physically and aesthetically with the existing buildings on Head Street.

I was disappointed to see the Shoppers Drug Mart expansion retaining its front parking lot, as opposed to having the building near the sidewalk with the parking lot behind the building - a more pedestrian-oriented layout. The area surrounding Shoppers Drug Mart is currently a terrible environment for pedestrians, despite being located near a major transit stop. I would hope that the city will take every opportunity, such as the subject rezoning, to bring more balance to this location.

Thank you for considering my comments.

Kevin Wiens  
39 Head St.  
Hamilton, ON

Charles Gregory  
55 Head Street  
Hamilton, ON  
L8R 1P8

To: Timothy Lee  
City of Hamilton Planning and Economic Development Department  
Planning Division – Development Planning – West Section  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, ON L8P 4Y5

Re: File No: OPA-12-011 and ZAC-12-028  
(Shoppers Drug Mart development, King and Head Streets)

Dear Mr. Lee,

I am writing to comment on the zoning/bylaw applications submitted by the Shoppers Drug Mart (or its agents) for proposed redevelopment of the lands between King and Head Streets, near Dundurn Street. I have been a resident on Head Street since 1995, and have enjoyed the benefits of raising my children in a relatively quiet neighborhood close to urban conveniences, so I am naturally concerned with changes that affect this quality of life, both positively and negatively.

This past spring, I attended an information session hosted by IBI group on behalf of the Applicant, outlining their intentions. Representatives of the City were in attendance. The Application before you is essentially the same as what was presented at this meeting, and so I believe that the various comments made at that this meeting, by myself, and other residents of Head Street and nearby lands, continue to be valid:

1. There appears to be strong support for the improvement to retail service proposed by Shoppers Drug Mart. A full-service drug store would be welcome in this neighborhood.
2. As far as zoning/usage is concerned, there were no serious objections made to the repurposing of the sizable back yards of the Head Street properties to make room for the drive-through waiting area, as shown on the map. I am slightly concerned about the closeness to the backs of the residence(s) on Head Street of the exhaust fumes from idling vehicles in the proposed drive-through lane. I trust that the City Health Department will review/consider this aspect.
3. I am most concerned, and several other people at that meeting expressed similar concerns, over the proposal to permit zoning for construction of a 4 story, 27 unit condominium on Head Street in place of the existing houses. Based upon the maps, it is obvious that there is no **need** to demolish any of the houses on Head Street in order to achieve the objectives of the retail purposes on the King Street side. So I ask that you consider the Head Street part of the Application separately, on its own merits, with the following comments in mind.....



Several points were raised in objection to the proposed changes on the Head Street side:

- The strongest concerns expressed were of losing some of the characteristic "ground level neighborhood" that is a valuable quality of this (or any) residential street. Condominium Units tend to be a micro-community unto themselves, with less interaction with street level.
- Residents of the north side of Head street expressed concerns about being overshadowed and losing sunlight due to the height of the proposed building on the south side. Some people argued that at the least, the new zoning should limit the height of any new development to the equivalent of the existing housing. Suggestions were made of zoning for townhouses.
- Concern was expressed about the impact on vehicular traffic volume and patterns/flow on Head Street. The intersection with Dundurn St. is difficult to negotiate at certain times of day, and so even now drivers will occasionally drive east on Head, to Strathcona Ave, in order to get to King Street. If this pattern may be presumed to continue, the impact of the additional dwelling units to traffic will not just be felt at the western end of the street, but impact traffic all along it at different times, possibly when children are out playing. Concern was also expressed about the impact to on-street parking of visitors to the condominium building.
- The applicant has stated clearly that they have no intent to develop the proposed 27 unit building themselves, but only seek the rezoning to make the property more attractive for resale to prospective developers. This means that issues such as providing sufficient visitor parking for the condominiums cannot be negotiated with a developer as part of the rezoning Application process at this time. Indeed, except for the broadest of parameters, we really have no idea what will \*really\* be built on that part of the street if rezoning is permitted. It's a "blank check".

I would like to re-emphasize that the locations of the main buildings on each of the Head Street lots is such that the primary purpose of this Application – to repurpose the back part of these lots for retail use – can be met with only the demolition of a few outbuildings (garages/sheds), while retaining ample space at the rear of each house for fire safety, and sufficient room for their parking. There is NO necessity to rezone or demolish the buildings on Head Street to meet the primary desired goal.

In summary, I strongly urge the City to approve the portions of this application that separate the back yards of Head Street properties for repurposing, and permit the retail development proposed, but withhold approval for any rezoning of the remaining, shortened Head Street lots until such time as a concrete proposal for a specific development/building is presented to the City by an Applicant actually intending to build it. Then it can be appropriately considered by the residents of Head Street.