

University Plaza Area Resident's Association Inc. (UPARA) was formed to promote the interests of residents in the area surrounding University Plaza and to advocate for the neighbourhood's livability and general welfare.

On behalf of the Dundas and West Hamilton residents it represents - particularly the seniors, many of whom are frail and do not drive, students and those living on low or fixed incomes -UPARA opposes converting the existing Metro grocery store space to a Canadian Tire store and automotive centre with ten vehicle repair bays, as proposed in Site Plan File SPA 18-038.

Our opposition rests on the following arguments:

1. Misplacement of the proposed Canadian Tire in a C6 rather than a C7 zoning area.
2. Significant gaps between this proposal and the requirements clearly outlined in the Urban Hamilton Official Plan, and
3. The objective, documented need for a full-service grocery store in this part of Dundas.

This handout contains background and justification for each of the above items.

**The delegation will speak to item 3.**

Re: Site Plan File SPA 18-038

Site Plan Amendment Application by Zelinka Priamo Ltd. For Lands Located at 119 Osler Drive, Dundas

Specifically, an application to convert the existing Metro food store into a Canadian Tire retail store along with an approximately 740 square metre addition into the existing parking lot for a service centre.

Conditional site approval was granted on August 31, 2018.

On December 6, 2018 the Committee of Adjustment granted minor variances related to the above Site Plan, under Application No. DN/A-18:240. The Committee heard then- UPARA President Ms. Adele Wojtowicz, speak against the application. Significantly, they indulged her speaking at length to the broader

issues that are directly derived from the minor variances heard that day and from the planned conversion.

During the hearing, 2 members openly concurred with the importance of these issues, and both said these were beyond the scope of the Committee of Adjustment and should be heard by the Planning Committee.

Following the hearing, 2 different members spoke at length with Ms. Wojtowicz and myself. Both expressed their disappointment that they were unable to address these important issues in the Committee of Adjustment forum. They suggested we go before Planning and possibly General Issues Committee. Both advised us of the option to appeal to LPAT, however on advice of counsel and after consideration with our treasurer, we decided against that option, despite our disagreement with the decision. These issues are broader than what the LPAT could review according to the rules.

Our aim is to bring these broader yet directly related issues to the fore in an appropriate forum.

We are opposed to the loss of one of only 2 grocery stores in Dundas to accommodate a Canadian Tire with 10-bay auto repair centre and provide the following for your consideration.

There are numerous references in Chapter E, Urban Systems and Designations that indicate that there is a distinction between a commercial use that caters to the daily and weekly needs of the surrounding neighbourhoods and a commercial use that is a discretionary and occasional shopping need. District Commercial is defined many times in the UHOP by the stipulation that the commercial uses “*serve the **daily and weekly shopping needs of residents in the surrounding neighbourhoods***”. (E.2.4.6, E.4.0, E.4.1.4, E.4.2.5, E.4.7, E.4.7.1, etc.).

**University Plaza is a grocery-anchored plaza on a Secondary Corridor surrounded by Neighbourhoods as defined by the UHOP, and as a grocery-anchored plaza it has serviced the daily and weekly needs of the surrounding residents since 1960. The neighbourhood of the Plaza has a high proportion of seniors and of low-income residents as per the 2016 census data, the highest proportion of both of any ward in Hamilton (and the lowest proportion of youth). The number of seniors will continue**

to grow with the heavy population of 55+ in the area. The demographics and needs of seniors in Dundas are discussed in the Dundas Asset Mapping Study of May 2017 conducted by the Social Planning and Research Council of Hamilton. The AARP Public Policy Institute lists “access to grocery stores” as one of the essential elements of a livable community (Table 1 of Research Report: Is This A Good Place to Live - Measuring Community Quality of Life for All Ages, April 2014).

Canadian Tire stores with their large automotive centres cater to a broader regional market, are not small-scale retail stores, and are mainly, and appropriately, located in big box plazas. Section 2.6.5 of the UHOP states that “Commercial uses that cater to a broader regional market **shall be directed to appropriate Urban Nodes.**”

Section 4.1.4 District Commercial directs: “Maintain an **appropriate distribution of retail and commercial services in each neighbourhood in order to meet the day-to-day and weekly shopping needs of residents...**”

Dundas is already underserved with only two grocery stores providing 2.92 sq ft per capita of grocery retail. Under 3 sq ft per capita is a “food desert” (PED12120, pg. 10). By contrast, the area is over-saturated with auto repair shops (17+), and there are already 7 auto repair bays at the Plaza with Beverly Tire. There are four Canadian Tires (which is a discretionary and occasional shopping need) within 20 minutes: the closest one is in downtown Dundas on Cootes Drive, the next closest, a big box store located in Waterdown is an 11-minute drive away. There is a Home Hardware located in University Plaza, which serves the occasional hardware shopping needs for residents in the neighbourhood.

In 2012, the City of Hamilton studied the need for a grocery store in Ward 2 (Report No. PED12120 dated June 20, 2012). The report states that the ratio of grocery store space serving one person in the lower city was 2.35 sq ft. The need for a grocery store in the downtown core was considered so important that the report recommended a financial incentive by way of a one-time only forgivable loan of up to \$650,000 to attract a grocery store. Losing the largest grocery store in Dundas due to the proposed conversion will reduce its ratio to **less than 1 sq. ft per person.**

The Hamilton Commercial Strategy Study Module 2, Table 14, indicates that supermarket sales in Dundas and West Hamilton exceed Ancaster’s, and are projected

to continue to exceed Ancaster's demands through to 2031. Ancaster has **six** full-service grocery stores compared to the **four and soon to be 3** in the Dundas/West Hamilton study area.

The Study also states that grocery stores and supermarkets are the strongest retail format and that *"grocery anchored centres, in particular, are viewed as recession-proof"* (Module 1, p. 14). It discusses the importance of having full service grocery stores in Neighbourhood Scale Shopping Centres (Module 1, pg. 71).

**University Plaza is in fact specifically addressed in the Hamilton Commercial Strategy Study as a Neighbourhood Node plaza, providing a neighbourhood function where the main tenant is a supermarket (Module 3, pg. 31).**

Module 3 of the Study discusses the importance of the planning process to *"assess the merits of any proposal with respect to public interest concerns such as "planned function"* (Module 3, pg 7). It further states that the *"concern of the planning process is not for the merchant or landlord... Rather the concern is for the public interests, which are affected by such questions as:*

- *whether, on balance, the availability of goods and services required by the public will be significantly diminished as a consequence of the new facility and the anticipated adverse effects on existing facilities;*
- *whether blighted conditions will be created, such as ...unsightliness or deterioration;*
- *whether the ability of an area or centre to provide a service or function ...to the public is detrimentally impacted by the loss of a retail facility; and*
- *whether there are other effects detrimental to the public interest, such as...adverse municipal fiscal impact because of additional costs in blighted areas or loss of tax revenue."* (Module 3, pg. 9)

*"As the Municipal Board noted in a very influential decision:*

*... It is not enough that stores will close, as tragic as that may be to owners, workers and patrons. The test in planning terms is a public interest test based on whether there will be a deleterious impact on the planned function, such as a significant diminution of service or potential for blight."* (Module 3, pg. 9)

It is our firm opinion that the proposed change in use from a large anchor grocery store to a Canadian Tire with 10-bay auto repair centre will create an inappropriate distribution of retail, will have a deleterious effect on the planned function of the Plaza which is to cater to the day-to-day and weekly shopping needs of residents, will cause a significant diminution of service in putting the area in a much worse food desert situation, and has the potential for blight including refuse in the parking lot.

The proposed conversion is not in keeping with the general intent and purpose of the Official Plan which requires development to be considered in the context of the neighbourhood and maintained to cater to the daily and weekly needs of the residents.

Due to the significant impact that the change in use and building will have on Dundas and environs, we are asking that the City deny full approval.

We request a Commercial Needs and Impact Assessment in accordance with E 4.2.11 and F 3.2.7 of the Official Plan. We consider it vital for the City to consider the demographics and the needs of the neighbourhood, as they did in Ward 2 in 2012.

We also request Council to develop a Neighbourhood Plan and/or a Site-Specific Policy in accordance with F1.2.7 and F1.3 of the UHOP for the area of University Plaza in the absence at present of a Secondary Plan. These policies would *“provide detailed direction for individual properties or geographic areas of the City where more detailed direction for land use, infrastructure, transportation, environment, urban design or similar issues are required beyond the general framework provided by this Plan due to unique local circumstances not capable of being addressed by Volume 1 or secondary plans.”*

We further request Council and its delegating authorities to obtain additional information on the proposed development including reports, studies, plans, calculations, information or materials. This may include, without limitation, Land use/Commercial Needs Assessment, Contaminant Management Plan, Market Impact Study and an Environmental Impact Statement as per F.3.2.1 due to the proximity of the 10-bay automotive repair centre to the adjacent Core Area, which is designated under UHOP as:

1. Niagara Escarpment Plan Designation Natural Area (Schedule A);
2. Key Natural Heritage Feature Life Science Area of Natural and Scientific Interest (Schedule B-1);

3. Key Natural Heritage Feature Significant Woodland (Schedule B-2); 4. Environmentally Significant Area (Schedule B-6); 5. Key Hydrological Feature – Stream (Schedule B-8).

The change in use from retail to a 10-bay automotive repair centre adjacent to a Core Area is an environmental concern

The environmental risks of a grocery store or other retail use are not the same as those of an automotive repair centre. Auto repair shops represent the largest generators of hazardous waste among small businesses (Dr. I. Petrisor, ToxStrategies, [environmentalpollutioncenters.org](http://environmentalpollutioncenters.org)). **This is not in keeping with the UHOP.**

Due to all the concerns and need for studies and further information, we will also be investigating the possibility of requesting that Council implement a Holding By-law on the property as per F.1.8, or Interim Control By-law or Community Improvement Plan until studies are complete and conditions are met.

Since the news first came to light last March that the Site Plan application had been submitted, residents have submitted requests to our City Councillor and the Planning Department. Despite repeated requests for information and the promise of a neighbourhood meeting before Site Plan approval to become informed and provide feedback to the Planning Department as well as the applicants, this did not occur and the Site Plan was given conditional approval on August 31st. Notwithstanding that the Site Plan process is not a “public process”, a change this significant impacts the entire community and the opportunity for some knowledge of the development and consultation should have been afforded as promised. A neighbourhood meeting did not occur until late September, which has generated the public activism in the community and the need for a neighbourhood association to obtain information, ask questions and provide our significant concerns.

At the Committee of Adjustment in late October, Councillor VanderBeek asked that the variance be tabled in order to allow the applicant to meet with and address the community’s concerns. The applicant refused to do so. In the weeks that followed we have sent letters, made phone calls, provided research and demographics, and still RioCan and Canadian Tire refuse to address the community’s concerns.

Furthermore, we submit that both RioCan and Canadian Tire have sustainability policies and reports that tout their community engagement, responsibility and commitments to the protection of the environment and reduction in greenhouse gases.

RioCan extols their “*community commitments*”, stating that they are “*community stewards by proactively building relationships with while contributing to the communities in which we operate*” (<https://riocan.com/about/social-responsibility/>). The sustainability policy states:

*Make our mark in communities across Canada by investing in natural spaces, community support, local skills and job development. Minimize the environmental impacts of our developments, assets and procurement by protecting the natural environment, reducing resource consumption and pollution and increasing waste diversion and renewable energy use.*

Canadian Tire’s sustainability report states that “*No other company understands the needs of Canadians quite like Canadian Tire. We are Canada’s store, and it’s a responsibility we do not take lightly.*” Stephen Wetmore, President and CEO is quoted: “*We are a part of the fabric of this nation, and we understand that our actions have the power to positively impact the environment, our customers and the communities in which we operate.*”

[https://s22.q4cdn.com/405442328/files/doc\\_downloads/sustainability/2017/Raport-6975\\_CTC\\_SDR\\_PDF\\_English\\_v8.pdf](https://s22.q4cdn.com/405442328/files/doc_downloads/sustainability/2017/Raport-6975_CTC_SDR_PDF_English_v8.pdf)

We are asking the applicants to live up to those claims and have been very disappointed in the applicants’ lack of engagement with the people of Dundas to consider the negative impacts that the proposed development will have on the community as well as the adjacent Environmentally Significant Area. They have put us in the position of now needing to take this matter to various Committees and to Council to get the appropriate consideration and studies done. We now ask the Planning Committee to investigate all the above-referenced opportunities under the UHOP.

Regarding the noise study:

The noise study is in its second revision and still contains incorrect data and assumptions and is barely 10 pages long (see Nov. 20<sup>th</sup> letter to the Planning Dept, appendix 7); by contrast the noise study that was done for the new Beverly Tire

adjacent to the Plaza is 143 pages long and contains comprehensive data. The City Planning Department has commissioned a peer review, for which we are grateful, and we are awaiting those results.

We ask you to consider the 1800+ signatories to the petition, which specifically requests that the City defer any further approvals pending appropriate studies. If this development is seen as one of that will have no impact to the needs of the community and or to the environment of the Core Area adjacent, we are requesting that the applicants and the City prove this through appropriate market and environmental studies before forcing a change on the community that they will have to live with for decades to come.

We implore you to protect the residents of the communities of Dundas and West Hamilton from a significant and undesirable development, and to ensure that all area residents, particularly our most vulnerable and compromised, do not lose vital access to full service neighbourhood grocery store. We request the City's assistance and involvement to that end. We will welcome any opportunity to work collaboratively with the City, the Plaza owner, and potential grocery retailers.

We are grateful for your consideration and thank you for the opportunity to speak to this important issue.