

**From:** Jennifer Williams

**Sent:** August 11, 2024 7:10 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca); McMeekin, Ted <[Ted.McMeekin@hamilton.ca](mailto:Ted.McMeekin@hamilton.ca)>

**Subject:** Please include in Public Record for August 13th council meeting Fw: RHOPA-18-20/ZAC-18-045 Proposed Development at 173-177 Dundas Street Waterdown

**External Email:** Use caution with links and attachments

Good Evening,

Upon receipt and careful review of the Planning Committee Agenda for the meeting to be held on August 13th, 2024 it has come to our attention that there are multiple missing emails, letters and photographs which have been send to Alaina Baldassara and the City Planning Department from myself and my neighbours over the past few years pertaining to the proposed development at 177/173 Dundas Steet in Waterdown. We have included the missing photos and one of our previous emails dated May 10/2019 and ask to have it included in the public record and Appendix H (H-1) for the above noted meeting along with our updated comments below.

We also wish to stress how disheartened we are to learn that the City Planning Committee has recommended that this development to be approved as it is currently proposed. After careful review it would seem that the planning committee has failed to comprehend the vast difference in elevation between where the development will be built and the difference between the elevation of those that surround it. Nowhere was the elevation difference of a total of 4++ meters mentioned in the report and we find that unjust and unfair. The back of the proposed development will literally be 4++ meters higher then the majority of the backyards of homes located on Scott street. That is an absolutely dramatic difference which appears to have gone unaddressed. The effects of this development are many and we do not feel the vast majority have been adequately considered or addressed. Also important to mention are the studies completed for traffic were done in 2018 at a time when there were far fewer residents in Waterdown and much less traffic. This also appears to not have been addressed in the recommendation. For these reasons and multiple others we wish to reaffirm our opposition to this development as it is being proposed.

We support some type of lower density building in those two lots such as 4 detached homes, or 2-3 semi detached homes. There must be a level of compromise to appease the developer, the need for more homes in our area, and also address and respect the overwhelming and genuinely legitimate concerns of the current homeowners in the neighbourhood. We are not asking for a "all or none" resolution as this is NOT a case of "Not In My Backyard" but rather the appropriate and safe use of the space.

Please ensure my below email and photos from May 10/2019 are also included along with my updated comments above.

Thank you for your cooperation with this matter.

Jennifer & Brett Gallant

**From:** Jennifer Williams

**Sent:** May 10, 2019 10:24 AM

**To:** Alaina Baldassarra <[alaina.baldassarra@hamilton.ca](mailto:alaina.baldassarra@hamilton.ca)>

**Cc:** [judi.partridge@hamilton.ca](mailto:judi.partridge@hamilton.ca) <[judi.partridge@hamilton.ca](mailto:judi.partridge@hamilton.ca)>; Judi Partridge

**Subject:** RHOPA-18-20/ZAC-18-045 Proposed Development at 173-177 Dundas Street Waterdown

RHOPA-18-20/ZAC-18-045 Proposed Development at 173-177 Dundas Street Waterdown

Dear Alaina,

We write to you with tremendous concern regarding the proposed development at 173-177 Dundas Street in Waterdown. Our initial concerns were sent to the previous City of Hamilton Planner, Brynn Nheiley on September 26/2018 with an additional email sent December 4/2018 containing a photo for reference. We ask that you please add the following letter to the file which outlines our updated questions and concerns.

In January an equally concerned neighbour attended City Hall to review all of the documentation submitted by the developer to date (as of January). This information has been shared with some of our neighbours. We attended the developers information session in December 2018 and reviewed the additional documentation submitted to City Hall. The following are our up-dated concerns:

### **1. Impact of the development on the nature of the existing neighbourhood:**

The reports submitted by the developer make it sound as if the townhouses will fit in with the existing two-storey homes that are located in our neighbourhood. They explain that the 10 units on the north side of the development will only be two storeys high. However, the report fails to take into account the difference in elevation between these units and the existing homes located on Riley and Scott Street. The proposed site is located on a hill which slopes downward towards the north (my backyard). The developer proposes to raise the back section of the lot by an additional two meters. This means that the townhouses will tower above our homes and the properties will not be comparable whatsoever to the existing homes in the neighbourhood. Not to mention the enormous "wall" like structure consisting of a block retaining wall with a fence on top that will then become the back fence for all of the homes along Scott Street.

### **2. Traffic Concerns:**

We received a copy of the Transportation Impact Study that was submitted by the developer. On page 26 they recommend that the development be allowed to proceed as planned. The report states *"Dundas Street East has a relatively straight vertical curve in the approximate area of the proposed site driveway. There are slight downgrades to the west and the east of the driveway. The available sight distance to the east is approximately 200m which meets the minimum desirable sight distance...Sight distance is not a concern"*.

We note that this is not correct. Rather, there is an increase in grade to the east of the proposed driveway, not a downgrade as suggested. It is impossible for there to be 200m of sight distance to the east because the 200m mark east from the proposed driveway falls east of the crest of the hill. The hill and a dip in Dundas Street to the east blocks this sight line. I understand that our neighbours, Stephanie and Brent Card have submitted a photo from the proposed driveway site to further explain this.

The Traffic report submitted also states that in 2020 all intersections are forecast to operate at an acceptable level of service *"with the exception of the eastbound left-turn movement at Dundas Street East and Riley Street which is forecast to operate at LOS F with a v/c ration of 1.02"*. We understand that the v/c ratio of LOS F is the worst possible grade available in this grading system which means that this intersection is insufficient to accommodate the vehicular demand and that it will be over capacity. Since this intersection will already be over capacity adding in additional traffic caused by the proposed development, their vehicles, delivery trucks, maintenance vehicles and visitors will only prove to further worsen this intersection.

### **3. Water Run-Off Concerns:**

During the developers information session this topic received much discussion from our community and little from the developer. The potential for water run-off directly effects us as our back yard is behind the lot in discussion. The developer's representative advised that their study shows flow of water will decrease by 70% because they plan to raise the level of the back portion of the development by two meters. A resident of Scott Street asked what would happen if the adjacent homes are damaged with mudslides or runoff during construction. The representative advised that they "should not be" and that if they are damaged "the builder would offer full restitution". We do not feel that these answers were sufficient or reassuring to those of us who live downhill from the lots. It also clearly demonstrates a lack of confidence on the developer's part that the runoff will not be an issue during the process.

We had a chance to review the Functional Servicing and Storm Water Report that was prepared for the Developer and we continue if not more so to be extremely concerned about the potential for water runoff. The report states: *"Note that a portion of the site in pre-development conditions drained northerly away from Dundas Street and into the rear yards of the adjacent houses to the north. It is assumed that the proposed development's drainage design that the proposed development will not be allowed to drain into these neighbouring properties, except a negligible portion that is necessary to retain the existing trees on the*

*property line". It further states "Catchment E will drain uncontrolled off the site to the north. This is such that the line of existing trees along the north property line can be retained in the proposed development. That is, those trees are at a lower elevation than Dundas, therefore runoff from that area cannot be received in the site's drainage conveyances".*

The report states that they post-development flow will be lower, but we are concerned that the dramatic changes to the property grade, the addition of the large areas of paving, and removal of grass and trees that runoff will continue to be an issue if not more so than it is presently. The fact that Catchment E will drain uncontrolled is very troubling to us as this is the area of our home [REDACTED] [REDACTED]. It is important to note that we are well aware that this area currently drains uncontrolled as evidenced by the multiple photos that have been submitted of our flooded backyard (including the additional photos attached to this email) we have concern that with such drastic alterations to the landscape (less grass/trees, and more concrete/paving/downspouts etc.) that the uncontrolled drainage of Catchment E will only serve to further compound these concerns. A common question among the residents on Scott Street is who will take responsibility for these issues post-construction?

\*Please see the attached photos indicating the flooding of our backyard. They were taken on March 15/2019, April 15/2019, April 20/2019, May 3/2019, and May 4/2019 respectively.

#### **4. Parking Issues:**

The developer explained that they will accommodate more than the legal minimum for parking spaces by including a single car driveway plus a single car garage for each unit proposed. Plus an additional 5 visitor parking spaces. We feel that this is insufficient based on a few things. 1) it is evidenced by driving around any suburban area that street parking is exceptionally common. This is evidenced further by visiting streets containing townhouses or semi-attached houses. 2) a survey was conducted by Brent Card [REDACTED] to 155 individuals who reside in the Waterdown area and live in townhouse developments with similar parking situations as those indicated in the proposed development. It was concluded that only 64% park one car in the garage and one in the driveway. The remaining 36% use a combination of solutions including parking on nearby streets, parking on the lawn or boulevard, or parking with a portion of the car overhanging the street (all solutions were found to be by-law infractions). We are concerned that if some of the owners at the proposed development don't utilize their designated parking spaces, or if visitor parking spaces are insufficient that parking overflow will spill onto area side streets such as Riley and Scott Street. Currently, overflow from the houses in or near the proposed development site utilize Riley Street. It has been noted on multiple occasions that this causes traffic delays and backlogs during peak times since vehicles cannot properly queue in the right turn lane. Allowing the parking allotment to proceed as it has been proposed will only further add to an already congested intersection during peak times. Please note that the Dundas and Riley Street intersection will be assigned an LOS F rating. Adding in any way to that will create an unsafe area for both pedestrians and vehicles.

#### **5. Noise Concerns:**

Currently, our home shares its property lines with 3 other households. One on Scott Street and two at the corner of Scott and Riley Street. The proposed development would mean sharing with a total of 21

households (3 currently, 18 added). There was a study submitted by the developer pertaining to noise feasibility. This study entirely omits mention of the noise impact that would ensue for the existing area residents. The obvious impacts would be from items like the residents themselves, air conditioning units, pets, vehicle noise, patios and roof top terraces. We would like the noise concerns of the current tax paying residents effected by this proposed development to be heard. Potentially more consideration ought to be given to us then to prospective buyers of the townhouses as we purchased our homes in a single family detached neighborhood and paid a premium to ensure this type of environment for our families.

## **6. Privacy:**

When we were looking to move into Waterdown one of our main "must have's" was a backyard where our future children could play and we could all enjoy. We did not want to move into a high density area with a postage stamp property. One of the highlights of our home was the backyard which while smaller, was very private and surrounded by large and mature trees. We were willing to pay a premium in order to obtain this, and that is exactly what we did. If this proposal is approved people from 18 additional households will have a bird's eye view into our yard and all sense of privacy will be lost rendering our backyard completely undesirable. We will loose so much of what we bought this home for.

## **7. Loss in Property Value:**

Along with our neighbours we consulted with 3 area realtors who all agreed that we would stand to loose approximately 10% of our property value if the development were to be approved. They explained that this would cause a ripple effect that would effect all of the homes that border onto the development as well as the entire neighbourhood. This is concerning given the current value of our properties.

## **8. Review of Developer's Urban Design Brief**

Section 3.2.4. Neighbourhoods Designation-General Policies:

The report states: *"The existing character of established neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood"*. The proposed development absolutely does not fit in with the character or scale of the current neighbourhood. Cramming 18 units into two single-detached lots and building two and three storey units (with rooftop terraces) that will tower over the surrounding properties in all directions definitely will not enhance our existing neighbourhood nor is it compatible with it.

Section 2.4.1.4. General Residential Intensification Policies:

The report states that residential intensification developments shall be evaluated on the following criteria: *"...the relationship of the proposal to existing neighbourhoods character so that it maintains and where possible, enhances and builds upon desirable established patterns and build form"* and *"the compatible integration of the development with the surrounding are in terms of use, scale, form and character."* The proposed addition of 18 townhouse units on two single-family detached lots in no way maintains, enhances, or builds upon the existing single-family detached home mature neighbourhood that we enjoy today. It will most certainly detract from it, and will irreparably alter the look and feel of

our neighbourhood. Additionally, it is to be noted that the proposed density of 18 units on what was 2 single family detached home lots is not compatible with the density of the surrounding area.

Section 2.4.2 Residential Intensification in the Neighbourhoods Designation:

The report states: *"when considering an application for a residential intensification development within the Neighbourhoods designation, the following matters should be evaluated a) the matters listed in Policy B,2.4.1.4; b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic and other nuisance effects; c) the relationship of the proposed building(s); d) the consideration of transitions in height, massing and scale of nearby residential buildings; e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;"*.

We would like to address part "b)" and note that placing two and three story units on an elevated lot that will result in the units towering over existing neighbourhood homes is 100% incompatible with adjacent land use. The proposed height of the units and loss of mature trees will cause shadowing and overlook issues and loss of privacy. Among this is also added noise, additional traffic impact, pedestrian concerns, vehicle and bicycle safety at the poorly located driveway proposal, loss of mature trees and loss of our property value.

To address part "c) and d)" the proposed buildings are not at all similar in height and scale to those in the surrounding neighbourhood which comprises of bungalows, split level and two-storey homes. Both the height and density are indefinite contrast with the abutting properties and general neighbourhood.

Section 3.3.2. General Urban Design Policies and Principles

This section discusses that urban design should foster a sense of community pride and identity by respecting the existing character, development patterns, and landscape. It should also demonstrate sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm and contribute to the character and ambiance of the area through use of appropriate design of streetscapes and amenity areas. In absolutely no way does the proposed development foster a sense of community pride. It does not respect the character of nor is it consistent with the local neighbourhood. We understand that the developer is not a Waterdown resident, and thus has not shown via his proposal that he is sensitive towards our community identity. We believe that this opinion is consistent for all of our neighbours as indicated by the number of residents who attended the December information session, and who sent in their concerns via email and letter.

Section 3.3 Landscape Design

This section states: *"Landscaping should consider and reflect established neighbourhood landscape character."* As you are likely aware by now (due to your site visit which occurred earlier this year) this is a mature neighbourhood with many mature trees. Multiple of these mature trees are located in our homes general vicinity. The developer proposes to cut down several of these mature trees and replace them with small, young trees. While we appreciate the dedication to nature by replacing what is being removed comparing a multiple decades (and even a century old tree) old mature tree with a small very young tree is not comparing apples to apples. It will not reflect the established neighbourhood landscape character and is incompatible with the existing landscape on adjacent properties (ours being one of them) and therefore does not result in a positive effect or impact with the street.

Section 4.6. Design of Buildings on Infill Sites

This section states: *"New building design should complement established neighbourhood character through consideration of the following: new buildings should be scaled to existing adjacent structures; existing setbacks and building heights should be respected in determining an appropriate setback and height of new buildings..."* This proposed development does not complement the established neighbourhood. It is not at all scaled to the adjacent structures. The building heights are extremely different than the surrounding homes especially when you factor in the raised elevation of buildings two and three, and the roof top terraces on building one. They are completely opposite of the surrounding single detached homes and do not fit in and certainly do not compliment the existing area.

Section 2.1.2 explains that the stepping down from three storeys to two storeys at the back of the property will *"provide an appropriate transition to the existing single detached dwellings adjacent to the rear and side of the site. A backyard-to-backyard condition will be created to protect the privacy of neighbouring properties, and fencing and landscaping along the site boundaries will help to minimize concerns of overlook"*. Our privacy is not protected by raising the back of the lot by two meters, and adding fencing on top of this will not be sufficient in reducing the overlook that will occur from the 10 units towering above all of our homes.

#### **9. Future Precedent:**

We are concerned that if this proposal is approved that it will set a precedent for future similar applications requesting to tear down single detached homes on large mature lots and replace them with dense housing. This will have a domino effect on traffic (which is already a major concern in Waterdown), privacy and property values among others. Building on lots that are already zoned other than single residential is one thing, but to change the zoning of what is currently single residential will only stand to pave the way for other similar minded applications.

To concluded, as you can see we have many concerns and fears about the future of our neighbourhood and community. We love Waterdown for all of the many reasons that it is so different from any other area of Hamilton and we want to ensure that this remains the case for future generations. If this development is approved it will be very upsetting for many of the reasons stated above but will also surely begin to slowly destroy what Waterdown is known and loved for. We ask you to see our concerns, support us as current lifetime residents of Hamilton and rule in favour of what is best for the neighbourhood those who call Waterdown home. We feel 173-177 Dundas Street is simply not the right place for the proposed development.

Regards,

Brett & Jennifer Gallant























