TO: Chair and Members Planning Committee  
WARD(S) AFFECTED: WARD 13

COMMITTEE DATE: August 13, 2013

SUBJECT/REPORT NO: Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas) (PED13135) (Ward 13)

SUBMITTED BY: Tim McCabe  
General Manager Planning and Economic Development Department

PREPARED BY: Heather Travis  
(905) 546-2424 Ext. 4168

SIGNATURE: 

RECOMMENDATION

(a) That approval be given to Zoning Application ZAR-12-054, by Shed Brewing Company Limited, (Applicant), for a change in zoning from the Central Area Commercial (C.A.C.) Zone to the Central Area Commercial - Holding (H - C.A.C./S-125) Zone, Modified, with a Special Exception, to permit a craft brewery within the existing building, on lands municipally known as 65 Hatt Street (Dundas), as shown on Appendix “A” to Report PED13135, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED13135, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Town of Dundas Official Plan.
(b) That Urban Hamilton Official Plan Amendment No. [deleted], to amend Schedule E-1 - Urban Land Use Designations, attached as Appendix “D” to Report PED13135, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and following such final decision, that Planning and Economic Development Department staff be directed and authorized to hold a Public Meeting, pursuant to the provisions of the Planning Act, to consider the proposed Urban Hamilton Official Plan Amendment, for lands located at 65 Hatt Street (Dundas).

EXECUTIVE SUMMARY

The purpose of this application is to rezone the subject lands to permit a craft brewery within the existing building. Included within the proposed craft brewery would be areas for brewing, storage, retail, and a tour/tasting area. Modifications to the amending Zoning By-law are required to remove the requirement for off-street parking and loading, and to restrict the maximum size of the retail and tasting area within the building. In addition, the amending By-law includes a Holding provision to be lifted upon issuance of an Environmental Compliance Approval (ECA) from the Ministry of Environment (MOE).

The proposal has merit and can be supported, since the changes in zoning are consistent with the Provincial Policy Statement, and conform to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Town of Dundas Official Plan. Further, the proposed development represents an adaptive reuse of an existing building, and is considered to be a form that is compatible and complementary to existing development.

Alternatives for Consideration - See Page 17.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

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

Proposal:

The subject lands, located at 65 Hatt Street (Dundas), contain an existing vacant building. The building, which is listed on the City’s Inventory of Buildings of Architectural and/or Historical Interest, was most recently used as a warehouse. Prior previous uses include the fabrication of wood products for the Valley City Manufacturing Company and a curling rink. The subject application proposes to establish a craft brewery within the existing building on the subject lands. The craft brewery will include a brewing and bottling area, as well as a small retail and tour hosting area. A concept plan has been included as Appendix “B”. The existing building has a gross floor area of approximately 1,240 sq. m. and occupies almost the entirety of the lot. As such, the applicant has requested relief from the Zoning By-law requirements for off-street parking and loading, as there is no opportunity to accommodate a parking area on site.

Chronology:

July 26, 2012: Formal Consultation Application FC-12-080 regarding the subject lands is submitted.

December 18, 2012: Submission of Zoning By-law Amendment Application (ZAR-12-054).

January 2, 2013: Application ZAR-12-054 is deemed complete.

January 11, 2013: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all residents within 120m of the subject lands.

July 26, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Application:

Location: 65 Hatt Street (Dundas)

Owner: 336477 Ontario Ltd.

Applicant: Shed Brewing Company Limited

Agent: WEBB Planning Consultants
Property Description:

Lot Frontage: 24.2m
Lot Depth: 58.0m (approximately)
Total Lot Area: 0.128 hectares

EXISTING LAND USE AND ZONING:

<table>
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<th>Subject Lands:</th>
<th>Existing Land Use</th>
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<td>Subject Lands:</td>
<td>Warehouse</td>
<td>Central Area Commercial (C.A.C.) Zone</td>
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<tr>
<td>North</td>
<td>Mixed-Use - Commercial Ground Floor with Residential Above</td>
<td>Central Area Commercial (C.A.C./S-20a) Zone, Modified and Central Area Commercial (C.A.C./S-91) Zone, Modified</td>
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<td>South</td>
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<td>East</td>
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POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. This application is consistent with Policy 1.1.3.1 of the Provincial Policy Statement, which focuses growth in Settlement Areas.
Specifically, Policy 1.1.3.2 states that:

"1.1.3.2 Land use patterns within Settlement Areas shall be based on:

a) Densities and a mix of land uses which:
   1. Efficiently use land and resources;
   2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
   3. Minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with Policy 1.8; and,

b) A range of uses and opportunities for intensification and redevelopment, in accordance with the criteria in Policy 1.1.3.3.

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.

1.7.1 Long term economic prosperity should be supported by:

a) Optimizing the long term availability and use of land, resources, infrastructure, and public service facilities;

b) Maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;

c) Promoting the redevelopment of Brownfield sites;

e) Planning so that major facilities (such as airports, transportation / transit / rail infrastructure and corridors, intermodal facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries and resource extraction activities) and sensitive land uses are appropriately designed, buffered, and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety;

f) Providing opportunities for sustainable tourism development.
2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

The application proposes the redevelopment of a vacant Brownfield site (warehouse formerly used for furniture manufacturing) for use as a craft brewery. The re-use of this building represents an efficient use of land and existing infrastructure. The building, which fronts onto Hatt Street, is easily accessible to King Street and the Dundas Community Core. The proposed craft brewery will contribute to the vitality of the Dundas core through increased tourism opportunities.

Policy 1.7.1(e) speaks to the importance of protecting sensitive land uses from industrial development through appropriate design and buffering. The proposed craft brewery would be located within the existing building on the subject lands. There is existing mixed-use development to the rear of the subject lands, in the form of apartments over offices, which front onto King Street West. In order to ensure that these sensitive land uses are protected from potential adverse impacts created by the proposed brewery, the applicant will be required to apply for and receive an Environmental Compliance Approval (ECA) from the Ministry of Environment (MOE), prior to establishing the brewery on the site. This ECA will ensure that any potential air (odour) and noise emissions from the brewery are controlled, and will not adversely impact surrounding properties. As such, staff finds that it is appropriate to include a Holding provision within the amending Zoning By-law, to be lifted upon issuance of the ECA by the MOE. In addition, the applicant will be required to receive approval of a Noise Impact Study as part of the future required Site Plan Control application. Any required noise mitigation measures will be implemented through the Site Plan approval.

Further, staff notes that the existing building on the subject property is listed in the City's Inventory of Buildings of Architectural and/or Historical Interest. The applicant is proposing only minor alterations to the exterior of the building. At the Site Plan Control stage, the building plans will be reviewed to ensure the heritage value of the property is conserved.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

**Growth Plan for the Greater Golden Horseshoe (Places to Grow):**

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.2.1(a) states that population and employment growth will be accommodated by directing growth to the built up area through intensification. Further, Policy 2.2.2.1(h) states that cities and towns should 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. Staff notes that the subject proposal will contribute to the mix of uses within the Dundas community through the
efficient use of an existing building. As such, the proposal conforms with the policies of Places to Grow.

**Hamilton-Wentworth Regional Official Plan:**

The subject property is designated as "Urban Area" in the Hamilton-Wentworth Official Plan. 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. Further, the Plan promotes a compact urban form, including mixed-use areas.

In addition, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As noted above, the building plans will be reviewed at the Site Plan Control stage to ensure the heritage value of the property is conserved. Based on the above, the proposal conforms to the Hamilton-Wentworth Regional Official Plan.

**Town of Dundas Official Plan:**

The subject lands are designated “Employment/Residential Mixed-Use” on Schedule “A” - Land Use to the Town of Dundas Official Plan. The Objectives of this designation include the following:

"3.4.2.1 To support the continuation of viable industrial and employment uses, and to enhance the integration of these uses into the surrounding urban environment.

3.4.2.4 To permit a variety of residential, civic, community, and commercial uses, in appropriate locations.”

Further, Policy 3.4.3.1 states the following regarding permitted uses:

"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.
3.4.3.3 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.”

The subject proposal is for a craft brewery within the existing building on the subject lands. The brewery will include a traditional manufacturing component, as well as office space, a small retail component, and an area for tasting of the finished product, all in accordance with the permitted uses for this designation. The reuse of the existing building for light industrial purposes supports the stated objective for this designation by allowing for the continuation of an industrial use in a manner that is compatible with the surrounding community. Further, the inclusion of the retail and tour/tasting component contributes to an overall mix of uses within the area, and is complementary to the adjacent King Street community core area.

Policy 3.4.3.4 above states that sufficient off-street parking should be provided to accommodate a proposed use. The existing building on the subject lands occupies almost the entirety of the lot. As the proposal is to reuse the existing building for the brewery, it is not possible to provide any off-street parking on the subject lands. Staff has reviewed the proposed request to eliminate the requirement for off-street parking. It is staff’s opinion that due to the nature of the use, which will require only 3 employees, off-street parking is not required for this use. Further, there are several municipally owned parking lots within close proximity of the subject lands which can accommodate any overflow parking when tours or tastings are being held. This will be further discussed below in the Analysis/Rationale for Recommendation section of the Report.

In addition, staff notes Policy 2.1.4.1, which states the following:

“2.1.4.1 Exposure of residential and other land uses sensitive to vibration, noise, dust, odours, or 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/or other means.”

As noted above, the applicant will be required to receive approval of a Noise Impact Study at the Site Plan Control stage, and receive approval of an Environmental Compliance Approval from the MOE to address any potential adverse effects on adjacent properties. The Zoning By-law Amendment will include a Holding provision, to be lifted upon issuance of the ECA from the MOE. Further details on these requirements will be discussed in the Analysis/Rationale for Recommendation section below.
Finally, regarding heritage resources, staff notes the following Objective of Section 2.4, Historic and Architectural Resources:

“2.4.2.1 To promote the preservation, restoration, or appropriate re-use of historic and architecturally significant landmarks, buildings, and districts throughout the Town.”

In addition, Policy 2.4.3.4 states:

“2.4.3.4 Where a structure is on the heritage inventory, and is located within a development proposal, Council shall ensure that the structure is protected and incorporated into the overall development to every extent possible.”

Staff notes that the applicant is proposing to re-use the existing building, which is listed in the City’s Inventory of Buildings of Architectural and/or Historical Interest. The applicant has stated that only minor alterations to the exterior of the building will be required. This will be reviewed as part of the future Site Plan Control application to ensure the heritage integrity of the building is maintained.

Based on the above, the proposal conforms to the policies of the Town of Dundas Official Plan.

**Urban Hamilton Official Plan:**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. However, it has been appealed to the Ontario Municipal Board (OMB), and at the time of preparation of this Report, the Urban Hamilton Official Plan is not yet in force and effect.

The subject lands are identified as a “Community Node” on Schedule ‘E’ - Urban Structure. The relevant policies are as follows:

“E.2.3.3.2 Within each Community Node a range of uses shall be provided that allow for access to housing, employment, services, and recreation in close proximity to each other and transit. The Community Nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed-use environment.

E.2.3.3.3 Community Nodes shall provide community scale retail stores and services to the residents within the node and surrounding neighbourhoods.

E.2.3.3.4 Community Nodes shall provide an employment function consisting primarily of employment in retail, services, local institutions, and government services.
E.2.3.3.22 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support transit.”

Further, the subject lands are designated “Mixed-Use - Medium Density” on Schedule ‘E-1’ - Urban Land Use Designations. The following policies of the “Medium Density - Mixed-Use” designation are applicable:

“E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods, as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.

E.4.6.2 The “Mixed-Use - Medium Density” designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated “Downtown Mixed-Use”, and to promote the continuation of these areas as pedestrian oriented, mixed-use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.

E.4.6.5 The following uses shall be permitted on lands designated “Mixed-Use - Medium Density” on Schedule E-1 - Urban Land Use Designations:

a) Commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, and gas bars;

b) Institutional uses such as hospitals, Places of Worship, and schools;

c) Arts, cultural, entertainment, and recreational uses;

d) Hotels;

d) Multiple dwellings; and,

e) Accessory uses.

E.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed-use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted.”
Upon review of the policies of the “Mixed-Use - Medium Density” designation of the Urban Hamilton Official Plan, staff is of the opinion that the proposed craft brewery would not be permitted within this designation. However, the retail store, office, and tasting room components of the operation would be permitted. As such, a site-specific amendment to the Urban Hamilton Official Plan would be required to permit the proposed use of the craft brewery within the “Mixed-Use - Medium Density” designation (see Appendix “D”). Staff has reviewed the proposed Official Plan Amendment and is supportive of the amendment for the following reasons. First, as noted above, the subject lands are located within a “Community Node” on Schedule ‘E’ - Urban Structure. The proposed craft brewery use conforms to the Community Node policies of Section E.2.3.3, which permit a range of commercial and employment uses to serve both local residents and surrounding neighbourhoods.

Second, the proposed brewery use, which includes a commercial and tourism component, more closely aligns to the goals of the “Mixed-Use - Medium Density” designation than the previous warehouse and manufacturing uses on the subject lands. The proposed craft brewery is located in close proximity to the Dundas Community Core and, therefore, complements the goals for this area with its retail presence, pedestrian accessibility, and tourism component.

Finally, the proposed craft brewery, which will reuse the existing building, is consistent in terms of built form with the surrounding neighbourhood and also with the policies of the “Medium Density - Mixed-Use” designation, which encourages buildings to be located close to the street, with minimal surface parking. Based on all of the above, staff finds that the site-specific amendment to the Urban Hamilton Official Plan, to permit the craft brewery use, is appropriate for the development of the subject lands, and can be supported.

Staff also notes Section 3.4, Cultural Heritage Resources Policies. In particular, Section 3.4.1 states the following goals related to cultural heritage:

“3.4.1.3 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

3.4.1.5 Encourage the rehabilitation, renovation, and restoration of built heritage resources in order that they remain in active use.”

As noted above, the existing building on the subject lands is listed in the City’s Inventory of Buildings of Architectural and/or Historical Interest. Any alterations to the exterior of the building will be reviewed as part of the future Site Plan Control application to ensure the heritage integrity of the building is maintained.
As the new Urban Hamilton Official Plan has been appealed to the Ontario Municipal Board (OMB), the applicant is currently unable to amend it, as it is not in force and effect. Therefore, the proposed amendment to the Urban Hamilton Official Plan (see Appendix “D”) will be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, and following such final decision, the Planning and Economic Development Department will hold a Public Meeting, pursuant to the provisions of the Planning Act, to consider the proposed Urban Hamilton Official Plan Amendment.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments on the submitted application:

- Recreation Planning, Community Services Department;
- Traffic Engineering Section, Public Works Department;
- Hamilton Street Railway;
- Hamilton Police Services;
- Emergency Services;
- Horizon Utilities; and,
- Union Gas.

**Operations and Waste Management Division (Public Works Department)** advises that the property is ineligible for weekly collection of garbage, recycling, organics, and leaf and yard wastes.

**Forestry and Horticulture Section (Public Works Department)** advises that there are no municipal tree assets that will be impacted by the development.

**Hamilton Municipal Parking System** advises that it is difficult to identify a parking requirement for this type of use, as there are no similar developments to compare. It has been indicated that there will be 3 employees on site. There are several municipal parking lots in the vicinity, but they can be busy during daytime hours.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 300 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120m of the subject property on January 11, 2013, requesting public input on the application, and a Public Notice sign was posted on the property. Six letters were received in response to the circulation (see Appendix “E”). Three of these letters expressed support for the application. One letter was a request to be notified once a decision had been made on the application. Two of the letters raised objection to the application, citing concerns over noise, odour, and traffic. These
concerns are discussed in greater detail in the Analysis/Rationale for Recommendation section of this Report.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**
(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:

   (i) The application is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan;

   (ii) The application conforms to the policies of the Hamilton-Wentworth Official Plan and the Town of Dundas Official Plan;

   (iii) The proposal represents the adaptive reuse of a heritage building for a use that will complement and enhance the Dundas Community Core; and,

   (iv) The proposed development is considered to be compatible with the existing and planned development in the immediate area.

2. The proposed development is for the adaptive reuse of an existing building for a craft brewery. In order to implement this development, an amendment to the Zoning By-law is required to add the use of the brewery within the Central Area Commercial (C.A.C.) Zone (see Appendix “C”). The modifications to the By-law are discussed as follows:

   **Proposed Use and Definition:**

   The amending Zoning By-law has been modified to permit a craft brewery as an additional use within the C.A.C. Zone, and only within the building existing on the date of passing of the By-law.

   A craft brewery is not a defined term in the Town of Dundas Zoning By-law. As such, it is appropriate to define the term within the amending By-law in order to provide clarity as to what may and may not be included within the proposed development. The definition proposed within the amending By-law is as follows:

   “For the purposes of this By-law, a Craft Brewery shall be defined as a facility at which malt beverages fermented on the premises are packaged and sold for distribution, retail, or wholesale. The facility may include retail sales, tours, and a hospitality and tasting area, but shall not include a restaurant, tavern, bar, nightclub, or take-out food service.”
The critical aspects of this use and the proposed definition relate to the restrictions on the size of the brewery, as it is intended to be a small scale use, and the restrictions on the accessory uses associated with the brewery. With regard to size, the proposed brewery is permitted only within the building existing on the subject lands on the date of passing of the amending Zoning By-law. The existing building has a gross floor area of approximately 1,240 sq. m. Staff is confident that through the restriction on the growth of the brewery by the size of the existing building, which already encompasses the entirety of the lot, the brewery will be maintained at a size which fits the definition of a “craft brewery” (small scale) and, therefore, maintains compatibility with surrounding development.

With regard to accessory uses, the applicant has indicated that a small portion of the building will be used for retail and tour/tasting purposes. The total gross floor area of the existing building is approximately 1,240 sq. m. (13,400 square feet). Of this total, approximately 400 sq. m. will be used for brewing and bottling, and approximately 400 sq. m. will be used for storage of product. The remaining floor area will be used for office space, loading and unloading, and retail and tour/tasting purposes. As such, staff recognizes that the primary use of the property is for brewing purposes, with the retail and tours functioning as accessory uses to the primary brewery use. In order to ensure that these uses are maintained as accessory uses, staff is proposing that the maximum floor area devoted to the retail and tour/tasting uses be limited to 450 sq. m., which has been included within the amending By-law. This is critical, as it relates to the parking and loading requirements, to be addressed in the next section. Further, the definition also indicates that a restaurant or tavern shall not be included within the craft brewery. The applicant has agreed to this definition.

Parking and Loading:

The applicant has requested relief from the Zoning By-law requirements related to off-street parking and loading. With regard to parking, the required parking for the proposed use under the Town of Dundas Zoning By-law would be 28 spaces. However, the applicant has requested relief to provide zero (0) parking spaces on site due to the existing building on the subject lands, which occupies the entirety of the site, leaving no room for surface parking. Staff has reviewed this request and is supportive of the elimination of the parking requirement for the following reasons:

- Due to the small size of the craft brewery, only 3 employees will be present on site. As such, the employee parking requirement is minimal;
- The gross floor area devoted to the retail and tour hosting purposes has been capped at 450 sq. m., thus ensuring that these uses do not grow large enough to generate increased parking demand;
The site is located within a defined Community Node, with easy pedestrian access to Downtown Dundas and frequent transit service; and,

There are several municipal parking lots in close proximity to accommodate overflow parking.

The elimination of the off-street parking requirement applies to the proposed craft brewery use only. As such, should any other use be proposed on the subject lands in the future, the parking requirements of the Town of Dundas Zoning By-law would apply.

With regard to loading, under the Dundas Zoning By-law, one loading space would be required on site. The applicant has requested relief from this requirement. The expected number of deliveries is low, with approximately one transport truck per week. Other deliveries would be accommodated by a smaller cube van or pick-up truck. The applicant has proposed that loading and unloading would occur from Hatt Street for the large trucks. The smaller trucks would load and unload within the building via the existing overhead door on Hatt Street. This request has been reviewed by staff from Traffic and Parking Services. No concerns have been raised, and Parking staff has confirmed that loading and unloading would be permitted within the “No Parking” zone in front of the building on Hatt Street. As such, staff is supportive of the exemption from the requirement for off-street loading.

Location of Building:

The location of the existing building on the subject lands is legal non-conforming, as it does not conform to the setback requirements of the C.A.C. Zone. The applicant has requested that the amending By-law recognize the location of the existing building and, therefore, legalize the existing setbacks. The amending By-law has incorporated this regulation.

3. Two letters of opposition were received in response to the circulation of the application. The primary complaints were centred around odour, noise, and traffic. These concerns will be addressed below:

Odour:

Two letters received from local residents raised a concern over potential odour emissions from the proposed brewery. Staff notes that the applicant is required to apply for and receive an Environmental Compliance Approval (ECA) from the Ministry of Environment (MOE), prior to commencing operation of the brewery. The ECA is required to address all potential emissions from the facility (including both odour and noise), and ensure that no adverse impact will occur to adjacent
OUR Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

OUR Mission: WE provide quality public service that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Values: Accountability, Cost Consciousness, Equity, Excellence, Honesty, Innovation, Leadership, Respect and Teamwork

properties. In order to ensure that the applicant successfully receives the ECA from the MOE, staff is recommending that the amending Zoning By-law include a Holding Provision, which shall be removed upon the issuance of the ECA.

It is further noted that the applicant has provided information from the Ontario Craft Brewers Association regarding the issue of odour and emissions. The information provided indicates that 98-99% of the emissions from the brewery would be water vapour. Any odour would, therefore, result from the remaining 1-2% of emissions. The two potential odour sources result from the brewing kettle and the fermentation process. To address emissions from the kettle, a stack condenser is used to condense vapours back to a liquid state and, subsequently, dispose of them as water, thereby eliminating the potential for odour. To address emissions from the fermentation process, the emissions are piped into a foam trap. Any potential odour-causing compounds are dissolved in the foam trap and removed, thereby reducing potential odour concerns. These methods of reducing and mitigating odour concerns will be reviewed as part of the ECA review process, and any required mitigation will be identified through that process.

Noise/Traffic:

The letters from residents also raised a concern over potential noise impacts resulting from the machinery and also from the loading/unloading of trucks. As noted above, the applicant will be required to apply for and receive an ECA from the MOE. The ECA will review all emissions from the facility, including both noise and odour. In addition, staff will require the completion of a Noise Impact Study as part of the future Site Plan Control application. Any required noise mitigation requirements can be addressed through the ECA and the Site Plan Control approval. It is further noted that all the equipment associated with the use is fully enclosed within the existing building, thereby reducing noise impacts on adjacent properties. In addition, the applicant has indicated that the machinery will operate only during daytime hours, thereby further reducing noise impact.

Regarding concerns over traffic and loading noise impacts, it is noted that the majority of the loading and unloading will take place within the building. Further, loading is restricted to daytime hours only, as per the City’s Noise By-law. The applicant is aware of these restrictions. In addition, the loading area (off Hatt Street) is located away from the nearest residences, which are located to the rear (King Street). As such, staff is satisfied that any potential noise or traffic impacts from loading and unloading will be minimal.

4. It is noted that the conversion of the existing building to a craft brewery will be subject to Site Plan Control. The applicant has indicated that there may be minor alterations to the building exterior (façade) and landscaping proposed. In particular, any changes to the building exterior will be reviewed by Heritage
Planning staff to determine whether or not a Heritage Impact Assessment may be required, and to ensure that the heritage value of the property is maintained. Further, any recommendations from the Noise Impact Study and the Environmental Compliance Approval can be implemented through the Site Plan Control application.

5. For the information of the applicant, it is noted that there is a 375 mm storm sewer for surface runoff, a 375 mm sanitary sewer suitable for wastewater collection, and a 200 mm water service within the Hatt Street road allowance to service the subject property. The applicant should satisfy themselves that the existing service laterals are in adequate working condition. The applicant has provided a Water and Wastewater Servicing Report, prepared by S. Llewellyn & Associates, which concludes that the existing infrastructure in the area is more than adequate to meet the needs of the proposed facility. This Report has been reviewed and accepted by staff.

### ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the proposed Zoning By-law Amendment is not approved, the subject lands could be redeveloped for the range of uses permitted within the Central Area Commercial (C.A.C.) Zone, which includes a range of retail, service and office uses, and also residential uses in the form of apartments above commercial uses or a retirement home.

### ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

**Strategic Priority #1:**
A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective:**

1.1 Continue to grow the non-residential tax base.

1.3 Promote economic opportunities with a focus on Hamilton’s downtown core, all downtown areas and waterfronts.

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).
APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Concept Plan
- Appendix “C”: Zoning By-law Amendment
- Appendix “D”: Proposed Amendment to Urban Hamilton Official Plan
- Appendix “E”: Resident Letters

:HT
Attachs. (5)
CITY OF HAMILTON

BY-LAW NO. 

To Amend Zoning By-law No. 3581-86, Respecting Lands Located at 65 Hatt Street, in the former Town of Dundas, now in the City of Hamilton

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 of Report 13- PED13135 of the Planning Committee, at its meeting held on the day of , 2013, recommended that Zoning By-law No. 3581-86, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former 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 Schedule “A”, appended to and forming part of By-law No. 3581-86 (Dundas), as amended, is hereby further amended by changing the zoning from the Central Area Commercial (C.A.C.) Zone to the Central Area Commercial - Holding (H-C.A.C./S-125) Zone, Modified, on the lands the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this By-law.

2. That Section 32 - “EXCEPTIONS” of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following Sub-section:

CAC/S-XXX

That notwithstanding the provisions of Section 18 Central Area Commercial Zone (C.A.C.) and the provisions of Section 7 Off-Street Parking and Loading, the following Special Provisions shall apply to the lands known municipally as 65 Hatt Street, shown as H-C.A.C./S-125 on Schedule “A”.

1. PERMITTED USES:

The following additional use shall be permitted, and only within the building existing on the date of the passing of this By-law, being the ______ day of ______, 2013:

Craft Brewery (SIC 1131)

For the purposes of this By-law, a Craft Brewery shall be defined as: a facility at which malt beverages fermented on the premises are packaged and sold for distribution, retail, or wholesale. The facility may include retail sales, tours, and a hospitality and tasting area, but shall not include a restaurant, tavern, bar, night club, or take-out food service.

2. YARD REQUIREMENTS

The building existing at the date of passing of this By-law, being the ______ day of ______, 2013, shall be deemed to comply with the provisions of the Zoning By-law.
3. **GROSS FLOOR AREA**

The maximum gross floor area devoted to the retail and tasting component of the Craft Brewery shall not exceed 450 sq. m.

4. **OFF-STREET PARKING AND LOADING:**

No off-street parking or loading is required for the use identified in Clause 1 above.

3. That the ‘H’ symbol may be removed at such time as the following has been satisfied:

   (i) That the applicant/owner applies for and is issued an Environmental Compliance Approval (ECA) - Air from the Ministry of Environment (MOE) to address and mitigate any potential odour and noise emissions from the proposed Craft Brewery, to the satisfaction of the City of Hamilton, Director of Planning.

4. That By-law No. 3581-86 (Dundas) is amended by adding the By-law to Section 32 as Schedule S-125.

5. 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 H-C.A.C./S-125.

6. 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 __ day of __, 2013,

__________________________________________  __________________________________________
R. Bratina                                               Rose Caterini
Mayor                                                   Clerk

ZAR-12-054
Appendix "C" to Report PED13135 (Page 4 of 4)

This is Schedule "A" to By-law No. 13-
Passed the .......... day of ......................, 2013

---
Mayor

---
Clerk

Schedule "A"

Map Forming Part of
By-law No. 13-____
to Amend By-law No. 3581-86

Subject Property
65 Hatt Street

Change in Zoning from the Central Area Commercial (C.A.C.) Zone to the Central Area Commercial - Holding (I-C.A.C./S-125) Zone, Modified
Schedule ‘I’

DRAFT Amendment No. [xxx] to the
Urban Hamilton Official Plan

The following text constitutes Official Plan Amendment No. [xxx] to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:
The purpose of this Amendment is to create a site-specific policy to permit a craft brewery within an existing building.

2.0 Location:
The property affected by this Amendment is located at 65 Hatt Street, within the former Town of Dundas.

3.0 Basis:
The basis for permitting this Amendment is as follows; the Amendment:

- Is consistent with the Provincial Policy Statement and the Places to Grow Growth Plan.
- Represents the adaptive reuse of a heritage building for a use that will complement and enhance the Dundas Community Core.
- Is compatible with the existing and planned development in the immediate area.

4.0 Changes:

4.1 Text Changes:

Volume 3 - Special Policy Areas, Area-Specific Policies and Site-Specific Policies

4.1.1 Volume 3, Chapter B - Urban Site-Specific Policies is amended by adding the new Site-Specific Policy, as follows:
“1.0 In addition to the uses permitted in Policy E.4.6.5 of Volume 1, for the lands designated “Mixed-Use - Medium Density”, located at 65 Hatt Street, a craft brewery for the production of malt beverages shall be permitted within the existing building. The following uses may be permitted as part of the craft brewery, in accordance with the provisions of the Zoning By-law: fermenting, packaging, distribution including both retail and wholesale sales, tours, and a small hospitality and tasting area.

4.2 Mapping Changes:

4.2.1 Urban Hamilton Official Plan Volume 3, is amended by:

a) Identifying the lands known as 65 Hatt Street as Site-Specific Policy UDC-65, as shown on Appendix “A” attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment will give effect to this Amendment.

This is Schedule “1” to By-law No. __________ passed on the ____ day of ____ , 2013.

The
City of Hamilton

__________________________________  ________________________
R. Bratina  Rose Caterini
MAYOR  CLERK
February 6, 2013

City of Hamilton
Planning and Economic Development Department
71 Main St.West, 5th Floor
Hamilton, Ontario
L8P 4Y5

FAX: (905) 646-4202

RE: File No: ZAR-12-054

We have been on vacation and are the owners of properties located at 10 and 16 Foundry Streets bounded by streets Foundry, Hatt and MoMurray.

Once this Application Decision is made please forward a copy of the decision to our office:

O/o 419207 Ontario Limited
20 King St.West
Dundas, Ontario
L9H 1T7

Thank you,

Jim Mills

one of the property owners
Mihaljevic, Kate

From: City Information
Sent: Friday, January 25, 2013 2:39 PM
To: 'Amber Griffin'
Cc: Mihaljevic, Kate
Subject: RE: Craft Brewery Application, Dundas ON

Dear Amber

Thank you for your email.

Kate is out of the office until Monday. I am forwarding your email to her. Her phone number is 905-546-2424 ext. 4424 and her email is: Kate.Mihaljevic.ca.

Enjoy your weekend.

Barbara

"For additional information or assistance, please feel free to contact the City of Hamilton at 905-546-CITY (2489) or via email at askCITY@hamilton.ca" (or taxsupport@hamilton.ca for tax-related inquiries)

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--- Original Message ---

From: Amber Griffin
Sent: January 25, 2013 11:26 AM
To: City Information
Subject: Craft Brewery Application, Dundas ON

Hello,

I read in the Ancaster news that an application has been made to develop a craft brewery in Dundas (64/65 Hart St.) and that City staff were taking public comments to be included in a report to Council by Feb 1. I fully support this endeavour. Developing a craft brewery in downtown Dundas would surely be a tourist attraction, and would help generate business for the other businesses in the area. The fact that Ed Madronich, a successful winery owner and operator, is the individual seeking this zoning application is a good sign. He already has experience in the industry and will be able to troubleshoot any issues that may arise, making the craft brewery a successful venture. Wondering if you could pass
my comments on to the Planner responsible for the project, Kate Mihaljevic.

Please confirm you have received this e-mail, and let me know if I should have contacted someone else/another department to submit my comment.

Thank you,

Amber Griffin
Mihaljevic, Kate

From: Amenda, Tess on behalf of City Information
Sent: Monday, January 28, 2013 12:07 PM
To: Mihaljevic, Kate
Subject: FW: please pass on to Kate Mihaljevic

-----Original Message-----
From: Justine Hamilton
Sent: January 26, 2013 10:53 AM
To: City Information
Cc: Powers, Russ
Subject: please pass on to Kate Mihaljevic

Hello,

I was just reading the Dundas Star News and saw the article about a craft brewery coming to the old Valley Town building. I live a few blocks from this building and wanted to express my absolute excitement about having a craft brewery operate there!

I have lived in Dundas for the most part of the past 15 years and what I love about this area is the vibrant downtown with small local shops that have character. I hadn't considered the addition of a brewery (although I have often wondered about a wine shop!) until I read this article, but as soon as I saw the idea, it immediately clicked as a perfect fit for our downtown in general and that building in particular.

I don't know if public input matters in issues like this, but as a local resident, I would like to provide my 100% support for having a craft brewery here.

Thank you for your time.

Justine Hamilton
26 Wallingford St S
Dundas, ON


Excellence, Compassion and Accountability since 2000!
From: Scott Emmink  
Sent: Friday, January 25, 2013 12:29 PM  
To: Powers, Russ  
Subject: Proposal for New Micro-brewery in Dundas

Mr. Powers:

I have recently learned that there is a proposal to start a micro-brewery on Hatt St. I think this is a fantastic idea. Truly amazing. I can't even imagine how well a micro brewery will do in this town. Being an avid home-brewer, my only dismay is that I don't have the capital to have started one, first.

From what I understand, there is some local opposition to the idea. There are some concerns around noise, smell, organic waste accumulation, etc. Having toured, other facilities, and being generally knowledgeable of the process of brewing, as well as having some close friends work at breweries, I know that, for the most part, these are misguided concerns. I really hope the environmental impact assessment can put these concerns at ease and the plans can go forward.

If there is anything I could to assist with this matter, I would be happy to.

Regards,

Scott Emmink  
222 Melville St
Mihaljevic, Kate

From: Shiori Kobayashi
Sent: Tuesday, January 22, 2013 8:00 PM
To: Mihaljevic, Kate
Subject: Re: NO to Micro-Brewery in Dundas. File No: ZAR-12-064

Dear Kate Mihaljevic,

I would like to express my opinion regarding the building of a micro brewery on 65 Hatt Street in Dundas. File No. ZAR-12-064.

I strongly disagree with the plans of building a micro brewery at the core of the beautiful city of Dundas, also known as Valley Town. A micro brewery would hamper the economic growth of our community and surrounding areas.

Most of the stores in Dundas are independently owned and people help each other to make this community a better place. People, including myself, choose to start their lives or retire in Dundas because of the serenity, beauty, and sense of community that it offers.

As an independent instructor of music, I have young students who walk or bus to my private residence alone. The reek of the beer and yeast and the noise associated with the brewery, including industrial fans will make parents wary for the safety of their children and locations and may choose to have musical instruction at a more child-friendly location. Also, I will not be able to continue my business in Dundas and will need to consider moving out to somewhere safe and friendly environment for my business.

I appreciate your consideration of this letter.
Thank you for your time.

Shiori Kobayashi, M.Mus.
Apt 21, 7 Foundry Street,
Zoning amendment application File No. ZAR-12-054

Inbox
x

Lizbeth Gerow
Dear Ms. Mihaljevic; Microbrewery in Downtown Dundas at 65 Hatt St.....OH NO!!
Jan 16 (2 days ago)
Dear Ms. Mihaljevic; Microbrewery in Downtown Dundas at 65 Hatt St.....OH NO!!
Lizbeth Gerow <nobrewerydundas@gmail.com>

Jan 16 (2 days ago)
to Kate.Mihaljevic
Dear Ms. Mihaljevic;

Microbrewery in Downtown Dundas at 65 Hatt St.....OH NO!!

NOISE:  Beer-making machinery must run 24 hours a day, seven days a week. You cannot turn off a fermentation vat at night, nor can you turn off the large fans that are required to keep the building ventilated and the air breathable. Currently Dundas is quiet after dark. There are occupied apartments over many of the surrounding stores on King and Foundry Sts, some with multiple units; large condo buildings; and a townhouse complex (Motherwell Mills, owned by the City of Hamilton) and a number of single family houses within a block and a half of the proposed brewery. Apartments at 7 Foundry St are within 25 FEET of the brewery building. All night beer machinery and fans will likely reduce the value of these residences - few people will want to live near machinery that's operating all night long. During hot weather - last year from March to October - the noise will be worse, because manufacturing floors are not air conditioned, and employees will open windows and doors to get relief from the heat. People in nearby residences will NOT be able to open their windows, because of the noise and smell.

ODOURS:  Beer mash smells TERRIBLE!! Pass any brewery in Toronto and the smell lingers you like a wail from at least 100 meters away from the brewery - and that's on a flat plain with the whole of Lake Ontario to blow away the odour. Dundas is surrounded on three sides by the Escarpment - North, West and South - trapping the smell in the Downtown Core and nearby Residential areas. Who will want to pay $100 for a beautiful dinner at the lovely Quatrefoil Restaurant while sitting in the stench of beer mash? Smaller, cozier cafes, bistros and restaurants will suffer as well - the Domestique, Adeline's outdoor patio, the Esspresso, the Valley Char-Broiled Restaurant, India Village, the Tammuz Falafel house, all doing well now, will be at risk - outdoor patios of businesses and residences alike will be unusable in the summer when the brewery opens doors and windows to let out the heat.

TRAFFIC:  Breweries usually have delivery trucks, often operating at night. Currently, there has had to be Installed a Stop sign at John and Hatt Streets for the children of Motherwell Mills, and a special crossing light for the Seniors at the Creekside Drive condo... and that's before delivery trucks are present! All roads that the trucks will travel pass through Residential only zones as well.

PRECEDENT?: Many microbreweries fail. With the amended zoning, a truly loud and toxic industry could move into the building should this micro-brewery be one of the many.
In conclusion, there are numerous Industrial Parks around Hamilton that have been designed for noisy, smelly industries such as a Brewery. Please do NOT allow the destruction of the quiet enjoyment of hundreds of Residents and commercial small businesses in the downtown core of Dundas by this brewery!

Thank you for your attention to this matter. I have added a list of the number of residences in a hundred meter radius of the building at 85 Hatt St.

Yours sincerely, Dr. Lizbeth R. Gerow

75 King St W
Dundas, Ont L9H 1T5

4000 Creekside Drive - 56 condos  3000 Creekside Drive, with the same number of condos, is barely outside the 100 meter limit.

Miller's Lane 12 - upper storey apartment  Nos 14 and 16 = single family houses

McMurray Street - Nos 8 and 16 + single family houses

Hatt Street  Nos 35,37,115,117,119,123,140 = single family houses  Motherwell Mills Townhouse/Apartment complex = 22 units, most with children

King St W  52 - one apartment; 54 - one apartment; 56 - two apartments; 60 - 2 apartments; 67 - 3 apartments; 71 - one apartment; 75 - one apartment; 89 - 8 -10 apartments.

Sydenham Rd  2 houses with single families, 2 houses with multiple families

Foundry St  Music Mews at 7 Foundry St = 22 apartments
Archives
COLLECTIONS>NOISE
NEIGHBORHOOD REPORT: UPPER EAST SIDE/CENTRAL HARLEM; Microbrewing: Macromelly?
By BRUCE LAMBERT
Published: November 12, 1995

* Sign In to E-Mail
* Print

Yorkville was once famed for breweries, which flourished as a major local industry in the 1800's and dwindled away in the mid-1900's. One of the last bottlers, the sprawling multiblock Ruppert complex, with copper vats with capacities up to 23,000 gallons, shut down in 1963.

Now braumeisters are back. They have a new format, scaled-down in size and upscaled in style: microbreweries, with restaurants and bars. For some neighbors, however, the accompanying aromas and sounds have not made for a charming return to yesteryear.

What exactly is the nose of a microbrewery? Yeasty? happy? After notes of malt?

"A kind of rotten smell that sits in your apartment," said Jana Emerick, who lives above the Carnegie Hill Brewing Company at 1600 Third Avenue, at 80th Street.

Some say the odor, arising on certain days of the brewing process, is skunky. "Others describe it as even uglier than I have," Ms. Emerick said. "The smell is so offensive that it wakes people up."

Advis by Google

Councilman Charles Millard has similar complaints about the Yorkville Brewery and Tavern at 1359 First Avenue, at 73rd Street. Not only constituents' complaints, but his own -- his office adjoins the brewery.

"On a really bad day it permeates everything," said Judy Marcus, Mr. Millard's director of district services. Assemblyman John A. Ravitz, who represents the area, said, "Usually you just hear about noise problems at bars, but here, since they are brewing on site, odor is a new problem."

Noise is also an issue at both breweries. Since the Carnegie opened in July, Ms. Emerick said, she has been bombarded by music, sometimes till 4 A.M. "The constant pounding of the bass comes through the mattress and pillow right into your head all night," she said. Her husband, Darrell, said he suddenly developed high blood pressure.

The microbreweries, which have related ownerships, defend their record. "We've done everything to be considerate and harmonious neighbors," said Kevin O'Shea, the president of the Carnegie Hill Brewing Company. "We put $40,000 into soundproofing here." A city inspector found no violations of odor or noise regulations, Mr. O'Shea said.

The Carnegie is across the street from the Ruppert Towers apartments, built on the old brewery site. Its name is one of the few reminders of the bygone era, but that scores no points on Mr. Emerick's nostalgia meter. "Now we know why they got rid of breweries in the first place," he said. BRUCE LAMBERT

ps: There seems to be quite a variation among microbreweries. One schedules deliveries only during the day, after 6 P.M., and causes no odours for only 3 hours at a time. Several days a week. THAT! Microbrewery would be welcome in Dundas -- it's just that you never know which type your getting, until it's too late.

Yours sincerely, JochumGerow DM