



# City of Hamilton

## PLANNING COMMITTEE ADDENDUM

**Meeting #:** 22-002  
**Date:** February 1, 2022  
**Time:** 9:30 a.m.  
**Location:** Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:  
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

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<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

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### 5. COMMUNICATIONS

- \*5.2. Communications respecting 310 Frances Avenue (Item 7.3) 3
- (i) Sherry Hayes
  - (ii) Michelle Blanchette
  - (iii) Colleen Saunders

Recommendation: Be received and referred to the consideration of Item 7.3.

### 6. DELEGATION REQUESTS

- \*6.1. Ryan Sneek respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1) (For today's meeting)
- \*6.2. Viv Saunders, Lakewood Beach Community Council respecting Items 7.2 and 7.3 (For today's meeting)

### 9. PUBLIC HEARINGS / DELEGATIONS

9.1. City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 1400 Baseline Road, Stoney Creek (PED20002(a)) (Ward 10) (Outstanding Business List Item)

\*9.1.b. Added Delegation Requests:

- (i) Viv Saunders, Lakewood Beach Community Council
- (ii) Tammy Felts, WCECC #479

## 12. NOTICES OF MOTION

- |        |   |           |
|--------|---|-----------|
| *12.1. | Nuisance Party By-law   | <i>10</i> |
| *12.2. | Amendment to the Removal of Snow and Ice By-law respecting the definition of "clearing" | <i>11</i> |

**From:** Sherry Hayes

**Sent:** Sunday, January 30, 2022 8:08 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Planning Committee Meeting - Item: 7.3 Regarding: Status Update for Site Plan Control Application DA-19-020 for Lands Located at 310 Frances Avenue, Stoney Creek (PED19115(a) Ward 10)

RE: City of Hamilton Planning Committee Meeting Agenda  
Meeting #22-002

February 1, 2022, 9:30 a.m.

**Item: 7.3**

Regarding: Status Update for Site Plan Control Application DA-19-020 for Lands Located at 310 Frances Avenue, Stoney Creek (PED19115(a) Ward 10)

Please see our letter(s) below for submission to the meeting agenda as noted above and below.  
Thank you.

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TO: Members of the Planning Committee, Planning Staff, Councillors and Mayor

RE: City of Hamilton Planning Committee Meeting Agenda, Meeting #22-002

RE: Item: 7.3

Regarding: Status Update for Site Plan Control Application DA-19-020 for Lands Located at 310 Frances Avenue, Stoney Creek (PED19115(a) Ward 10)

To Elected Officials and Staff:

In regard to this item, please see our notes below:

Firstly, we presume that our letter submitted December 6, 2021 (as well as all other community members letters) sent to the December 9th Committee of Adjustments Meeting Regarding 310 Frances Avenue, Stoney Creek Variance Application (Ward 10) are also within this agenda for review by the planning committee. Should these letters not have been included, we have added ours to the bottom of this letter.

Further to that, please note our continued opposition to the request for variances noted in the agenda information:

1. Dwelling Units: Zoning By-law 3692-92 requires apartment dwelling units to be located above commercial uses. This is clearly stipulated. Commercial space should be considered for use by all of the residents in the community and provide services that are of value to everyone and not just 310 residents. Particularly so, as there are no retail stores or services in the entire area, which forces all area residents to drive distances for even basic items or services. Ground level accessory apartment uses provide no value to the community in regard to commercial/retail and/or services such as a general store, postal services, dentist, doctors, etc. For these reasons and more, the stated By-law should be maintained and therefore, this variance request should be denied.

2. Amenity Space: As the size, scope and population of these proposed towers is extensive and as there are apparently no further areas designated for community recreational activities, there will be an immense strain on this limited and isolated community area for such an increased use of the existing public spaces. The activity level in public spaces has increased dramatically with the previous developments that were built in just recent years. As a result of this strain, the amenity space required within this property should be maintained and therefore the variance request should be denied.

3. Landscaped Open Space: Zoning By-law 3692-92 requires a minimum of 50% of the Property as landscaped open space. Due to the massive footprint and height of this proposal, there is a potential for dangerous environmental impacts such as area flooding. As well, there is the potential for wind tunnels and extensive heat generated by tall glass buildings. Providing extensive green and landscaped spaces that can house large ground level gardens and sodded lawn areas will assist with groundwater issues, particularly with the increase of storm and weather events. A large volume of full sized trees (as opposed to only ornamental types and small shrubs) also helps to mitigate groundwater, excessive heat and the carbon footprint that is associated with massive buildings and vehicles within small footprints. Keeping the 50% green space will also provide the appropriate transition within the existing properties. Given multiple concerns, the required minimum 50% percent of landscape open areas should be maintained and therefore, this variance should be denied.

4. Parking: The zoning By-law requires parking at a rate of 1.5 spaces per dwelling unit. This proposed development sits on two dead end streets with minimal neighbourhood parking. Should the parking requirement be reduced to 1.25 spaces and with the excessive amount of units proposed on this small lot, the overflow of vehicles onto the street for the necessary parking requirements will overtax the space available for the existing neighbourhood, especially given the recent approval of the adjacent high-rise building and its potential overflow of parking onto the local streets. It is common practice for families or couples residing in one bedroom units to maintain two vehicles, particularly for work and general use purposes. As there is no public transportation in this area, multiple vehicles are a normal occurrence. By reducing the requirements by 25 percent, there is potential for hundreds of vehicles to be 'dumped' onto the streets. As a result, the required zoning for 1.5 spaces per unit should be maintained and therefore this variance should be denied.

For the reasons noted above and that are within many letters provided by concerned community members and as required by the current Zoning By-law, all of the variance requests, including those not stated within this letter, should continue to be denied in accordance with the Committee of Adjustments decision.

As well, beyond the variance requests, this development proposal, even with its latest revisions, clearly does not conform to previous city staff concerns of the "transition of scale to the surrounding lands". We ask that this committee seriously weigh the clearly stated concerns of the Committee of Adjustments, the current By-laws and the overwhelming concerns from current citizens/residents of this affected area and come to the same conclusion that all variance requests be permanently denied.

Thank you,  
Sherry Hayes & Dennis Facia

Green Road, Stoney Creek, ON

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Please note below our previous letter of opposition sent to the Committee of Adjustments regarding opposition to the variances request:

Dated: Mon, 6 Dec 2021, 14:14

Dear Committee of Adjustments Members,

Please include our comments in the agenda of the December 9<sup>th</sup> Committee of Adjustments Meeting  
Regarding 310 Frances Avenue, Stoney Creek Variance Application (Ward 10)

Please note and consider our comments below:

The variances that have been requested for this property and the proposed development are too significant to be considered minor in any form. It will surely impact every property/resident in this isolated residential area and have the potential for devastating consequences to the entire community and beyond.

The extreme density of these triple towers adds substantial burden to this small area and is clearly out of balance with the overall Residential Intensification Targets. As well, application as submitted does not appear to meet the general intent and purpose of the Zoning By-Law.

In Reference to:

**Variance 1 – Accessory and Communal Areas**

Based on the current by-law, these must be located above commercial. With this variance request, it no longer complies with the by-law therefore it cannot be considered as minor. There should be no exception for this request.

**Variances 2 and 3 – Amenity Space Reductions**

As the amenity space requirement was previously requested to be varied and subsequently denied (2010), there should be no approval for that variance at this time. One must presume that it was designed then to control density, given the lack of community amenities.

While high-density buildings have continued to fill the area between Green and Millen Roads, the addition of public/park space does not appear to have increased to accommodate the additional population of this isolated area. Given this, these variance requests should not be considered minor and therefore should be denied.

**Variance 4 – A reduction to Landscaped Open Space to 36% of Lot Area from 50%**

The removal of green space on such a massive concrete footprint cannot be considered in any form as minor in nature.

In comparison to the two existing 18-storey high-rises, the minimal percentage of overall green space proposed for this site pales in comparison to these buildings. It also shows little correlation to the original proposal for the area and this lot with its two like-minded buildings and extensive green spaces.

The proposed addition of small rain gardens cannot compensate for vast, open green spaces that provide more percolation during rainfalls or sudden storms.

As well, within the variance application, it is difficult to determine whether patios and sidewalks are being requested as part of the green space. If so, even when it may be suggested that 'permeable' surfaces could be incorporated, this will likely make little difference to disperse surface water as it surely cannot accommodate drainage, especially during heavier events. Permeable surfaces cannot substitute for true green surfaces such as spacious sodded lawn areas and large gardens.

#### **Variance 5 - Reduced Landscaped Strip**

This is yet again another serious reduction in green space and one that should not be acceptable. This appears to push buildings closer to the street and adds more concrete and pavement surfaces, thus overwhelming the adjacent areas while providing little to no space for the development of mature trees and their important role in carbon and heat reduction, water mitigation and overall neighbourhood aesthetic value. It also becomes completely disproportionate to the existing buildings.

With the seriousness of these potential issues, this variance request should not be considered as minor and therefore not accepted or approved.

#### **Variance 7 - Reduced Parking Requirement**

Given the size, scope, footprint and density of these massive towers, along with the lack of public transit in this area, this variance cannot be considered minor in nature.

The amount of additional parking spaces required and therefore dumped onto the surrounding streets will surely be beyond the capacity for the adjacent and surrounding streets. This small area with its recent residential building growth strains with the overflow of vehicles that exceed current spaces available.

This triple building proposal sits on two dead end streets with limited options for traffic flow and street parking. To allow the addition of hundreds of vehicles for street parking will exacerbate an already congested area.

Further, to reduce the 2010 approved 1.5 space per dwelling to 1.25 on a proposal of such magnitude and high-density is beyond a minor variance therefore this request should not be approved.

#### **In summary:**

This triple tower high-rise proposal is a high-density development and beyond the appropriate balance of lot size to building/hard surface footprint/ratio.

The variance requests appear to far exceed anything that could be considered minor as has been detailed in our above notes.

Further, with all of its current extensive deviations from the style, height, density and footprint, in comparison to all adjacent and nearby residential structures, it is beyond over-development and incomprehensible for this small area.

We implore this committee to deny any approval of this application and all variance requests.

Respectfully submitted for your review,  
Sherry Hayes & Dennis Facia

Stoney Creek Residents

From: Michelle Blanchette  
Sent: Monday, January 31, 2022 11:43 AM  
To: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
Subject: Re: proposed build on Frances Drive, Stoney Creek

We have been residents of this area for 15 years & are well acquainted with the outrageous traffic congestion to get off our street - Drakes Dr - in rush hour, as well as the lack of public transit & sidewalks.

To pretend that these monstrous buildings with insufficient green space & laughably lacking parking won't have an extremely negative impact on all of the residents of the area is ridiculous.

The environmental impact alone should make this build unacceptable, let alone how it affects the people who will have to deal with it for decades to come.

Please see beyond potential profit & take responsible action.

Respectfully,  
M. Blanchette



**From:** COLLEEN SAUNDERS

**Sent:** Monday, January 31, 2022 12:02 PM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** Planning Meeting Feb 1, 2022: Agenda Item 7.3: Site Plan Control Application for Lands Located at 310 Frances Ave. Stoney Creek

To Whom It May Concern:

I am writing with regard to the variances requested by New Horizon Development Group for the proposed mega development at 310 Frances Ave in Stoney Creek. I oppose these proposed variances. I endorse the written submissions from Lakewood Beach Community Council.

I am very aware and suspect of the decisions that were made in the past regarding the unlimited height and density of this development. A development of this size should never have been approved for this cul-de-sac in our well established lakeside area of Stoney Creek. Shame on those involved in such a development, including our City Council!

Colleen Saunders

# CITY OF HAMILTON

## NOTICE OF MOTION

PLANNING COMMITTEE DATE: February 1, 2022

**MOVED BY COUNCILLOR M. WILSON.....**

### **Nuisance Party By-law**

WHEREAS, section 10 of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of person; the protection of persons and property; and structures, including fences and signs;

WHEREAS, section 128 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

WHEREAS, thousands of students participated in a “fake homecoming” party near McMaster University on Saturday October 2, 2021, which resulted in personal injuries, damage to property, an overturned vehicle and garbage and glass strewn throughout two neighbourhoods;

WHEREAS, there have been other situations and incidents in the city of Hamilton, including but not limited to, student orientation, St. Patrick’s Day celebrations, tail-gating parties and other sports-related celebrations, where parties quickly became uncontrollable, disruptive and dangerous to city of Hamilton residents;

WHEREAS, as a result of these types of nuisance parties, there is a significant strain put on city emergency services to ensure the safety and well-being of all residents;

WHEREAS, a number of other Ontario municipalities have implemented a nuisance party by-law that gives law enforcement personnel a mechanism to control and disperse people when an event has become a public nuisance;

WHEREAS, Municipal Law Enforcement and Hamilton Police Service have reported that they would benefit from additional enforcement options beyond those available under existing City By-law and Provincial Statutes;

WHEREAS, a Nuisance Party By-law would provide Municipal Law Enforcement and Hamilton Police Service additional tools to address the negative impacts on neighbourhoods of behaviors associated with large social gatherings.

**THEREFORE BE IT RESOLVED:**

That Licensing and By-law Services be requested to consult with Hamilton Police Service and other community stakeholders, to identify best practices from other Ontario municipalities, and report back in the second quarter of 2022 next steps for the development and implementation of a Nuisance Party By-law in the City of Hamilton.

# CITY OF HAMILTON

  

## NOTICE OF MOTION

Planning Committee: February 1, 2022

**MOVED BY COUNCILLOR M. PEARSON.....**

**SECONDED BY COUNCILLOR .....**

**By-law 03-296, Being a By-law to Provide for the Removal of Snow and Ice from Roofs and Sidewalks**

WHEREAS, Section 130 of the *Municipal Act*, Chapter 25, S.O. 2001, provides that a municipality may regulate matters related to the health, safety, and well-being of the inhabitants of the municipality;

WHEREAS, the Council for the City of Hamilton enacted the Removal of Snow and Ice from Roofs and Sidewalks By-law No 03-296 to provide for the removal of snow and ice from roofs and sidewalks, abutting the highways in front of, or alongside, or at the rear of any occupied or unoccupied lot or vacant lot;

WHEREAS, the Removal of Snow and Ice from Roofs and Sidewalks By-law No 03-296 currently does not provide for a specific definition of “clearing” snow and ice making it inconsistent and unclear for property owners on their responsibilities and what constitutes compliance; and,

WHEREAS, contractors working on behalf of the City of Hamilton have a specific definition of “clearing” snow and ice in their contract;

THEREFORE, BE IT RESOLVED:

That Licensing and By-law Services staff be directed report to the Planning Committee with recommended changes to amend By-law No. 03-296, being a by-law for the Removal of Snow and Ice from Roofs and Sidewalks By-law to include a definition for “clearing” snow and ice consistent with the contractor contract in the City of Hamilton.