



PLANNING COMMITTEE

REPORT 18-005

9:30 a.m.

Tuesday, April 3, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors A. Johnson, (Chair), J. Farr (1st Vice-Chair), D. Conley (2nd Vice-Chair), C. Collins, M. Pearson, D. Skelly, M. Green, R. Pasuta and J. Partridge

Absent with Regrets: Councillor B. Johnson, illness

Also Present: Mayor F. Eisenberger and Councillor T. Jackson

THE PLANNING COMMITTEE PRESENTS REPORT 18-005 AND RESPECTFULLY RECOMMENDS:

- 1. Committee of Adjustment Minor Variance Application – GL/A-17:368, 2301 Kirk Road, Glanbrook – Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (Ward 11) (PED18070 (Item 5.1))**

That Council take no action with respect to the Ontario Municipal Board, either in support of the Committee's decision or against the decision for Committee of Adjustment Minor Variance Application – GL/A-17:368 (see Appendix "C" to Report PED18070), for the property known as 2301 Kirk Road, Glanbrook, as shown on Appendix "A" to Report PED18070, supported by the Planning and Economic Development Department but denied by the Committee of Adjustment.

- 2. Expanding Administrative Penalty System (APS) to include the Parks By-law 01-219 (PED18071) (City Wide) (Item 5.2)**

That the Administrative Penalty By-law 17-225 (APS) be amended to include By-law 01-219 being a By-law to Manage and Regulate Municipal Parks (Parks By-law) by adding Table 12 to Schedule A, in accordance with the amending by-law attached as Appendix "A" to Report PED18071 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

3. Hamilton Municipal Heritage Committee Report 18-003 (Item 5.3)

(a) Recommendation to Include the Maintenance Covers Located in front of 201 Robert Street and 10 Mulberry Street, Hamilton, in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest (Ward 2) (PED18067)

- (i) That the maintenance cover located in front of 201 Robert Street, Hamilton, as shown in Appendices "A" and "B" to Report PED18067, be included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest.
- (ii) That the maintenance cover located in front of 10 Mulberry Street, Hamilton, as shown in Appendices "C" and "D" to Report PED18067, be included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest.

(b) Education Working Group's List of Heritage Nominations 2018 (Added Item 8.2)

That the following Nominations for the Heritage Recognition Awards be approved:

(i) Property Recognition Awards Nominations:

- 1. 6 Forest Avenue, Hamilton, Rastrick House (Quarrington House)
- 2. 2844 Governor's Road, Ancaster
- 3. Medical Arts Centre, 4 Yonge Street, Hamilton
- 4. 76 Mill Street N., Waterdown, (The Slater House)
- 5. 25 Mill St. N., Waterdown (Brown Financial Security, former East Flamborough Town Hall)
- 6. 23 Lake Ave. S., Stoney Creek, Church of the Redeemer
- 7. 262 McNab Street N., Hamilton, ("Painted Lady")

(ii) Education in Heritage Award Nominations:

- 1. Donna Reid for the Hamilton Store and Graham Crawford
- 2. Brian Henley, Historian and Author
- 3. Nathan Tidridge, Historian and Author

(iii) Making Heritage Accessible Award Nominations:

- 1. Waterdown Memorial Hall, 317 Dundas St. East, Waterdown
- 2. Binbrook Soldiers' Memorial Hall, 2600 Hamilton Regional Rd. 56, Binbrook

(iv) Heritage Group/Society Award Nominations:

1. Friends of the Gore
2. Restoration Team for 992 King St. E at St. Clair (also 2 St. Clair Avenue) (Inventoried) Date of Construction 1920– Owners Amanda and Mike Herman, Julia and Doug Veenstra, Bill McTaggart – This community group bought the building, an eyesore in their community and have restored it over the past two years.
3. Waterdown Mill Street Heritage District Committee

(v) Heritage Landscape Award Nominations:

1. 1468 Hamilton Regional Road 8, Stoney Creek, Puddicombe Farms, Winery & Cider
2. Shaver Family Cemetery (Repair of stone walls), Shaver Family & Restoration Company

(vi) Adaptive Reuse of a Heritage Property Award Nominations:

1. 7-11 Brock Street, Hamilton (Conversion from Industrial commercial to Residential)

(vii) Heritage Property Developer Award Nominations:

1. Ralph Naccarato for purchase and restoration of multiple heritage properties, including 5 Mill Street S., Waterdown (Old Weeks Hardware) and 49 Main St. N. (McGregor House).
2. Don Husack, Dawn Victoria Homes - Owner/builder/developer, for the purchase and restoration of multiple heritage properties including 297 Dundas St. E., Waterdown (White Tea House or Crocker House)

4. Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) (Item 6.4)

- (a) That Zoning By-law Amendment Application ZAC-16-063, (Dr. A. Cattafi, Owner), for a modification to the “C” (Urban Protected Residential, Etc.) District, to permit limited commercial uses, being a business or professional person’s office; a photographer’s or artist studio, but not including motion picture studio, and personal services uses within the existing single detached dwelling on lands located at 1011 Fennell Avenue East (Hamilton), as shown on Appendix “A” to Report PED18069, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED18069, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow); and,
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.
- (b) That there were no public submissions received regarding this matter.

5. Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 412 Aberdeen Avenue, Hamilton (Ward 1) (PED18072) (Item 6.5)

- (a) That Amended Zoning By-law Amendment Application ZAR-17-040 by Mario Neves and Susana Da Silva, Owners, for a further modification to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to legalize an existing illegal triplex within the existing building, for lands located at 412 Aberdeen Avenue, Hamilton, as shown on Appendix “A” to Report PED18072, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18072, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law attached as Appendix “B” to Report PED18072, be added to District Map No. W14 of Zoning By-law No. 6593;
 - (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning;

The Holding Provision “D/S-1758-‘H’” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified, be removed conditional upon:

- (1.) The Owner apply for a Building Permit to legalize the two dormer additions and internal renovations to create three dwelling units, to the satisfaction of the City’s Chief Building Official.
- (2.) The Owner undertake a noise study

- (3.) The Owner submits and receives approval of an updated wastewater generation assessment, to the satisfaction of the Senior Director, Growth Management.
 - (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan;
 - (b) That upon finalization of the amending By-law, that the Kirkendall North Neighbourhood Plan be amended to re-designate the subject lands from "Single and Double" to "Low Density Apartment";
 - (c) That there were no public submissions received regarding this matter.
- 6. Proposed Official Plan Amendment and Amendment to Hamilton Zoning By-law No. 05-200 to rezone Industrial Zones for the Port Lands, Certain Remnant Industrial Zoned Lands, and Institutional and Open Space Zones, and Amendment to Hamilton Zoning By-law No. 6593 to delete Harbour Zones (Wards 2, 3, 4 and 5) (PED18064) (Item 6.6)**
- (a) That approval be given to Official Plan Amendment (UHOPA) No. XX to the Urban Hamilton Official Plan (UHOPA) to amend the Employment Area – Shipping and Navigation Designation policies in Volume 1, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "A" to Report PED18064, be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment (OPA) No. XX is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe 2017.
 - (b) That approval be given to amended City Initiative CI-18-B for portions of the Urban Area, to add two new Industrial Zones to Hamilton Zoning By-law No. 05-200 for lands around Hamilton Harbour; introduce parking provisions related to Marine Service; amend definitions associated with the new Industrial Zones; amend the administrative section of the By-law to implement the new Industrial Zones; and add a Holding Provision requiring studies to permit certain industrial uses for lands located in the former municipality of Hamilton on the following basis:
 - (i) That the Draft By-law, attached as Appendix "B" to Report PED18064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

- (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No. ___.
- (c) That approval be given to amended City Initiative CI-18-B to incorporate the following lands located in and around Hamilton Harbour, as shown in Appendices “D1” and “D2” from Hamilton Zoning By-law No. 6593 and into Hamilton Zoning By-law No. 05-200:
 - (i) That lands located at 440 Victoria Avenue North be rezoned from the “K” (Heavy Industry, etc.) District to Light Industrial (M6) Zone with a Special Exception;
 - (ii) That Windemere Basin be rezoned from the “L-s” (Planned Development Special Study) District to Conservation/Hazard Land (P5) Zone, and the northerly lands that surround Windemere Basin be rezoned from “A/S-1450a” (Conservation Open Space Park and Recreation) District to Open Space (P4) Zone, with a Special Exception;
 - (iii) That the Draft By-law, attached as Appendix “C” to Report PED18064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (iv) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP).
- (d) That approval be given to amended City Initiative CI-18-B to delete the “F-2” (Open Space Harbour) District and “F-2A” (Harbour) District from Hamilton Zoning By-law No. 6593 for Hamilton Harbour (water) on the following basis:
 - (i) That the Draft By-law, attached as Appendix “D” to Report PED18064 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) The proposed changes in zoning is in conformity with the Urban Hamilton Official Plan (UHOP).
- (e) That there were no public submissions received regarding this matter.

7. Community Energy Plan Terms of Reference (City Wide) (PED18057) (Item 8.1)

- (a) That the City of Hamilton Community Energy Plan (CEP) Terms of Reference, attached as Appendix “A” to Report 18-005, be approved;

- (b) That staff be directed to undertake a process to develop a Community Energy Plan in accordance with the Community Energy Plan (CEP) Terms of Reference as set out in Appendix "A" to Report PED18057;
- (c) That staff be directed and authorized to prepare a Request for Proposal (RFP) to retain a consultant to prepare the Community Energy Plan (CEP);
- (d) That staff be authorized to submit an application to the Federation of Canadian Municipalities' Green Municipal Fund or the Province of Ontario's Municipal Energy Plan Program to obtain additional funding sources for the project;
- (e) That should the City be successful in an application for funding, from the Federation of Canadian Municipalities' Green Municipal Fund and/or the Province of Ontario's Municipal Energy Plan Program, the Mayor and Clerk be authorized and directed to execute the Agreement together with any ancillary documentation, in a form satisfactory to the City Solicitor.

8. Ontario Municipal Board Appeals to Zoning By-law Amendments 17-095 and 17-096 and Draft Plan of Subdivision Approval for lands located at Pier 8, 65 Guise Street East (LS18013) (Ward 2) (Item 12.1)

That Report LS18013 respecting Ontario Municipal Board Appeals to Zoning By-law Amendments 17-095 and 17-096 and Draft Plan of Subdivision Approval for lands located at Pier 8, 65 Guise Street East be received and remain private and confidential and restricted from public disclosure.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED WRITTEN COMMENTS

6.6(a) Written comments from Ian Hamilton, President and CEO of the Hamilton Port Authority requesting deferral of Item 6.6. which is the Proposed Official Plan Amendment and Amendment to Hamilton Zoning By-law No. 05-200 to rezone Industrial Zones for the Port Lands, Certain Remnant Industrial Zoned Lands, and Open Space Zones, and Amendment to Hamilton Zoning By-law No. 6593 to delete Harbour Zones (Wards 3, 4 and 5) (PED18064) (copy attached)

2. CHANGE TO REPORT TITLE OF ITEM 7.1 AND REMOVAL FROM AGENDA

- For the record, the correct title of Item 7. 1 is: *Bill 139, Building Better Communities and Conserving Watersheds Act, 2017* and the new Local Planning Appeal Tribunal (LS16027(d)) (City Wide)
- And as Council referred this report on March 28, 2018 to the General Issues Committee, it is removed from the agenda.

3. UPDATES TO THE OUTSTANDING BUSINESS LIST

11.1 Outstanding Business List

(a) Items requiring new due dates:

Item “Q” – That staff report back on any past resolutions or ongoing engagement between the HMHC and the property owners’ surrounding the Gore and how these resolutions or ongoing dialogues may be affected as a result of proceeding with a Heritage Conservation District and the merits of a Heritage Conservation District

Due date: April 3, 2018, 2018

New due date: September 4, 2018

Item “R” – That staff report back with legislative options and alternatives to the regulation of driving schools in Hamilton that seeks to address the practice areas utilized by driving schools and individual driving instructors, and that the information contained in the report include, but not be limited to, legislation adopted by neighbouring municipalities who have adopted driving school rules and regulations.

Due date: April 3, 2018

New due date: May 15, 2018

Item “T” – Staff to report back on Class 4 Noise receptor status for Downtown Secondary Plan and/or broader city-wide policy.

Due date: April 3, 2018

New due date: April 17, 2018

4. MISSING REPORT NUMBER

Private and Confidential Item 12.1 respecting Ontario Municipal Board Appeals to Zoning By-law Amendments 17-095 and 17-096 and Draft Plan of Subdivision Approval for lands located at Pier 8, 65 Guise Street East (Ward 2) is missing a report number on the printed agenda. The number is LS18013.

The agenda for the April 3, 2018 meeting was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) March 20, 2018 (Item 3.1)

That the Minutes of the March 20, 2018 meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

The following delegation requests were approved to address Committee at a future meeting when the related staff report is on the agenda:

- 4.1 Joe Pyziak, 1771 Acadia Drive, Hamilton to speak to the staff report regarding Sonoma Homes Zoning By-laws for 1518 Upper Sherman Avenue
- 4.2 Paul Busnello, 126 Cartier Crescent, Hamilton to speak to the staff report regarding Sonoma Homes Zoning By-laws for 1518 Upper Sherman Avenue
- 4.3 Helen McKenzie, 91 Cartier Crescent, Hamilton to speak to the staff report regarding Sonoma Homes Zoning By-laws for 1518 Upper Sherman Avenue
- 4.4 Patricia A. Kay, 39 Halo Street, Hamilton to speak to the staff report regarding Sonoma Homes Zoning By-laws for 1518 Upper Sherman Avenue

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Bill Johnston, First Unitarian Church of Hamilton, Affordable Housing Sub-Committee to support waiving the fees for applications for affordable housing projects and also to request that first priority be given to the processing of such applications. (Approved March 20, 2018) (No copy) (Item 6.1)**

Bill Johnston addressed Committee. Copies of a hand-out were distributed and are available for viewing on the City's website. He summarized the content of the hand-out.

The delegation by Bill Johnston was received and referred to staff for consideration in preparing their report regarding the waiving of fees for the

applications for affordable housing projects including the feasibility and costing.

(ii) Aaron Murphy, respecting issues with Municipal Law Enforcement procedures regarding his complaint of mould in his residence. (Approved March 20, 2018.) (No copy) (Item 6.2)

Aaron Murphy addressed Committee and expressed concerns with the procedures followed by Municipal Law Enforcement and Public Health staff in response to his complaint of mould in the rental property where he is residing. He provided a summary of his experience regarding this matter. He requested that staff be given the resources needed to effectively deal with these complaints.

The delegation by Aaron Murphy was received.

(iii) Christina Sousa, requesting support for changing the by-law to allow for backyard hens in Hamilton. (Approved March 20, 2018) (Item 6.3)

Christine Sousa addressed Committee with the aid of a PowerPoint presentation and several hand outs were provided. Copies of the presentation and the hand outs were included in the agenda and are available for viewing on the City's website. She requested that backyard hens (but not roosters) be allowed in Hamilton and she outlined the benefits.

The delegation by Christine Sousa was received.

The following motion was DEFEATED:

WHEREAS; since a 2012 Backyard Hens report to Council, it appears that all of Hamilton's neighboring communities now allow backyard hens;

WHEREAS; since 2012 Backyard Hens report to Council, ticks have become a major health concern in the City of Hamilton;

WHEREAS; it is suggested that chicken poop out nitrogen-rich fertilizer which may be composted with yard waste;

WHEREAS; backyard hens address the issue of food security; and

WHEREAS; a chicken makes a great pet;

THEREFORE, BE IT RESOLVED:

- (a) That the appropriate staff be requested to provide the Planning Committee with an update related to their 2012 Backyard Hens Report;
- (b) That the staff update include an analysis of previously identified issues that included, but are not limited to, health, odor, nuisance, etc.
- (c) That by-laws respecting the permissions of backyard hens in all neighboring municipalities be considered in the staff report.

The following motion was DEFEATED:

WHEREAS; since a 2012 Backyard Hens report to Council, it appears that all of Hamilton's neighboring communities now allow backyard hens;

WHEREAS; since 2012 Backyard Hens report to Council, ticks have become a major health concern in the City of Hamilton;

WHEREAS; it is suggested that chicken poop out nitrogen-rich fertilizer which may be composted with yard waste;

WHEREAS; backyard hens address the issue of food security; and

WHEREAS; a chicken makes a great pet;

THEREFORE, BE IT RESOLVED:

- (a) That the appropriate staff be requested to provide PED Committee with an update related to their 2012 Backyard Hens Report;
- (b) That the staff update include an analysis of previously identified issues that included, but are not limited to, health, odor, nuisance, etc.
- (c) That by-laws respecting the permissions of backyard hens in all neighboring municipalities be considered in the staff report;
- (d) That the report be considered in informing a potential pilot for Wards 1, 2 and 3.

(iv) Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) (Item 6.4)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

Dr. A. Cattafi, the owner, was in attendance and indicated that he is in support of the staff report.

The staff presentation was waived.

Ward Councilor T. Jackson was in attendance and indicated that he is in support of the proposal

The recommendations were amended by adding the following subsection (b) and re-lettering the balance accordingly:

- (b) That there were no public submissions received regarding this matter.

For disposition of this matter refer to Item 4.

(v) Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 412 Aberdeen Avenue, Hamilton (Ward 1) (PED18072 (Item 6.5)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal

Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward,

The public meeting was closed

The staff presentation was waived.

Mario Neves and Susana Da Silva, the owners, were in attendance and indicated that they are in support of the staff report.

The recommendations were amended by adding the following subsection (c):

(c) That there were no public submissions received regarding this matter.

For disposition of this matter refer to Item 5.

(vi) Proposed Official Plan Amendment and Amendment to Hamilton Zoning By-law No. 05-200 to rezone Industrial Zones for the Port Lands, Certain Remnant Industrial Zoned Lands, and Institutional and Open Space Zones, and Amendment to Hamilton Zoning By-law No. 6593 to delete Harbour Zones (Wards 2, 3, 4 and 5) (PED18064) (Item 6.6)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Added Written Comments

6.6(a) Written comments from Ian Hamilton, President and CEO of the Hamilton Port Authority requesting deferral of Item 6.6

The added written comments Item 6.6(a) were received.

No members of the public came forward.

The public meeting was closed.

Timothy Lee addressed Committee with the aid of a PowerPoint presentation and provided an overview of the Report. A copy of the presentation is available for viewing on the City's website.

The following motion was DEFEATED:

That the staff Report be TABLED until the May 1, 2018 Planning Committee meeting in order to permit consultation between the Port Authority and City staff and to allow any interested parties to submit delegation requests to address Committee at the meeting.

That the recommendations be amended by adding the following subsection (e):

- (e) That there were no public submissions received regarding this matter.

For disposition of this matter refer to Item 6.

(f) STAFF PRESENTATIONS (Item 7)

- (i) ***Bill 139, Building Better Communities and Conserving Watersheds Act, 2017 and the new Local Planning Appeal Tribunal (LS16027(d)) (CITY WIDE) (To be distributed) (Item 7.1)***

This Item was removed under changes to the agenda.

(g) DISCUSSION ITEMS (Item 8)

- (i) **Community Energy Plan Terms of Reference (City Wide) (PED18057) (Item 8.1)**

Subsection (a) of the recommendations was amended by deleting the words "received for information" and inserting the word "approved" therein to read as follows:

- (a) That the City of Hamilton Community Energy Plan (CEP) Terms of Reference, attached as Appendix "A" to Report PED18057, be ~~received for information~~ **approved**;

For disposition of this matter refer to Item 7.

(h) **GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

(i) **Outstanding Business List (Item 11.1)**

(a) The following new due dates were approved:

Item “Q” – That staff report back on any past resolutions or ongoing engagement between the HMHC and the property owners’ surrounding the Gore and how these resolutions or ongoing dialogues may be affected as a result of proceeding with a Heritage Conservation District and the merits of a Heritage Conservation District

Due date: April 3, 2018, 2018

New due date: September 4, 2018

Item “R” – That staff report back with legislative options and alternatives to the regulation of driving schools in Hamilton that seeks to address the practice areas utilized by driving schools and individual driving instructors, and that the information contained in the report include, but not be limited to, legislation adopted by neighbouring municipalities who have adopted driving school rules and regulations.

Due date: April 3, 2018

New due date: May 15, 2018

Item “T” – Staff to report back on Class 4 Noise receptor status for Downtown Secondary Plan and/or broader city-wide policy.

Due date: April 3, 2018

New due date: April 17, 2018

Item “Y” - That staff consult with the Feds and the Prov and review and report back on the revisions to the Economic Development Strategy, Official Plan Policies and Zoning Regulations with respect to medical & recreational marijuana (cannabis) production, distribution and sales and staff review the appropriate standards for recreational marijuana, using the current standards for medical marijuana as a guideline, and report back to the Planning Committee

Due date: April 3, 2018

New due date: June 19, 2018

(b) The following Item was identified as complete and removed:

Item “G” – Report back with Terms of Reference for Community Energy Plan (i.e. renewable such as solar energy)
(Item 8.1 on this agenda)

Staff were directed to list the Downtown Secondary Plan report as the last Item on the April 17, 2018 Planning Committee Agenda.

(i) **PRIVATE AND CONFIDENTIAL**

12.1 Ontario Municipal Board Appeals to Zoning By-law Amendments 17-095 and 17-096 and Draft Plan of Subdivision Approval for lands located at Pier 8, 65 Guise Street East (LS18013) (Ward 2)

Committee moved into Closed Session at 12:20 p.m. to discuss Item 12.1 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee reconvened in Open Session at 1:40 p.m.

Direction was given to staff in Closed Session with nothing to report in Open Session.

For further disposition of this matter, refer to Item 8.

(j) **ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee was adjourned at 1:46 p.m.

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Community Energy Plan

Terms of Reference

A Community Energy Plan (CEP) is an integrated, comprehensive, long-term plan to meet local energy needs while improving energy and water efficiency, reducing greenhouse gas (GHG) emissions and fostering local sustainable and community supported energy solutions in a municipality. Community Energy Planning takes an integrated approach to local energy planning by aligning energy, infrastructure and land use planning to help meet community energy goals and reduce GHG emissions. As part of the City of Hamilton's strategic priority to become a clean and green city that is environmentally sustainable, and as part of the City's Community Climate Change Action Plan to reduce GHG emissions and adapt to a changing climate, the City has initiated a process to develop a CEP with the input of energy stakeholders and the community.

By year 2041, the City is expected to grow to achieve a population of 780,000 and 350,000 jobs. Most of this growth will be achieved through intensification; as such, by 2031, and for each year thereafter, a minimum of 60 per cent of all residential development will occur within the built-up area. The intent of the CEP is to develop an action plan based on community priorities around energy and water with a goal to improve efficiency, cut GHG emissions, increase the use of renewable energy, achieve energy security, and drive economic development. Through the implementation of the CEP, Hamilton is expected to benefit from establishing a healthier community; supporting the development of complete, compact and healthy communities; keeping energy investments local; supporting local businesses to reduce energy costs and encourage new investments; contributing to local job creation and energy costs savings; and, reducing energy spending for residents while increasing property values.

1. Background:

The City undertook Community Energy mapping in 2011, and there are a number of energy-related initiatives being undertaken locally by the City of Hamilton (with respect to its corporate assets) and by utilities, and local groups to improve energy conservation. Still, Hamilton does not have a comprehensive city-wide, community based (i.e. non-City assets in the residential, commercial, health care and industrial sectors) energy plan to achieve established targets.

Hamilton City Council passed a motion on July 7, 2015, directing "That Planning and Public Works staff investigate and report back on the feasibility and Terms of Reference for a Community Energy Plan including but not limited to Renewable Energy Projects;

appropriate planning policies; methods and uses, in consultation with Hamilton Utilities Corporation".

In October 2015, Council endorsed the Community Climate Change Action Plan, which was developed as a collaborative effort from multiple City departments and community partners through extensive community consultation. This Action Plan outlines an approach to address climate change by the Hamilton community and establishes long-term goals and directions within nine themes to guide the community on taking action on climate change. Ten priority actions were identified for community action in the short term (1-3 years), including to "Develop a Community Energy Plan to guide the Hamilton community's energy future".

This Terms of Reference for a CEP responds to Council's direction, and to the City of Hamilton's Community Climate Change Action Plan (2015) priority action.

Policy Direction:

Provincial planning policies include an emphasis on energy conservation, air quality and climate change adaptation. The 2014 Provincial Policy Statement (PPS) requires planning authorities to support energy conservation and efficiency, improved air quality, reduce GHG emissions, and climate change adaptation through land use and development patterns that create compact urban forms. Municipalities shall promote design and orientation which maximizes energy efficiency and conservation, and maximizes opportunities for the use of renewable energy systems and alternative energy systems.

Similarly, the recently updated Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2017) mandates local municipalities to coordinate the planning for new or expanded infrastructure with land use planning through the development of integrated plans including community energy plans. Municipalities will also develop and implement official plan policies and other strategies to support water conservation, energy conservation, air quality improvement and protection, and integrated waste management. In order to achieve energy conservation for existing buildings and planned developments, municipalities will identify opportunities for conservation, energy efficiency and demand management, as well as district energy generation, renewable energy systems and alternative energy systems and distribution through community, municipal and regional energy planning.

Municipal Initiatives and Partnerships:

Although the City of Hamilton does not have a formal Community Energy Plan, the City has demonstrated municipal leadership in addressing climate change, energy conservation and renewable energy. The City's first Corporate Energy Policy, passed by Council in 2007, called for targeted energy reductions in energy intensity of City-owned facilities and operations of 20% by year 2020. The Corporate Energy Policy was updated in 2014 with new targets, including the reduction of energy intensity in City-owned facilities by 60% by 2050; 20% improvement of corporate average fuel efficiency (CAFÉ) in City fleet vehicles by 2030; reduction of 80% Greenhouse Gas emissions by 2050; and track energy intensity by Hamilton Water.

The City of Hamilton has established GHG emissions reduction targets of 2006 baseline GHG emissions in the community. These targets are:

- 20% by 2020;
- 50% by 2030; and,
- 80% by 2050.

Currently the community has achieved the 2020 emissions targets and are aiming to progress towards achieving the 2030 and 2050 targets. In addition, the City has been a member of the Federation of Canadian Municipalities' Partners for Climate Protection (PCP) program since 1996. The PCP program is a network of Canadian municipal governments that have committed to reducing GHG and to acting on climate change. Hamilton completed the PCP program's 5-milestone process in 2013 and has become one of the leading Canadian municipalities taking action to mitigate and adapt to climate change. The City is also a member of the Compact of Mayors since 2015. The Compact of Mayors is the world's largest cooperative effort among mayors and city officials to reduce greenhouse gas emissions and climate risks in cities.

More recently, in June 2017, the City of Hamilton, City of Burlington and Mohawk College formed the Bay Area Climate Change Partnership. The three organizations will share resources and coordinate efforts to reduce greenhouse gas emissions. The goal of the partnership is to create a Centre for Climate Change Management within the next two years and establish a Campus Carbon Management Office, an Industry Partnerships Office and a Bay Area Climate Change Coordination Office and modelled after the successful Bay Area Restoration Council.

Commented [41]: Possibly update based on recent announcement. <https://www.thespec.com/news-story/8000197-mohawk-home-to-new-climate-change-centre/>

2. **Goal:**

To develop a meaningful CEP that guides Hamilton towards the creation of a healthy, reliable and sustainable energy future by continually increasing water and energy conservation, improving energy efficiency and reducing GHGs emissions while meeting Hamilton's energy needs.

3. **Objectives:**

The objectives of the plan are:

- To reconnect with stakeholders, agencies, landowners, and the public.
- To confirm community-wide energy consumption and GHG emissions.
- To identify opportunities for energy and water conservation, generation, efficiency as well as sustainable, cleaner and energy efficient transportation throughout the City of Hamilton.
- To develop community priorities for implementation around renewable energy and other energy infrastructure, including a HERO/LIC program for the City.
- To develop actionable items for economically viable and environmentally sustainable energy solutions.
- To support sustainable energy policies, climate change initiatives, and practices in Hamilton.
- To identify appropriate planning policies to support sustainable growth and compact urban forms, energy consumption reduction, sustainable transportation solutions, and renewable energy generation.
- To ensure that the energy system in Hamilton assists the City and community in reaching carbon reduction targets.

4. **CEP Scope:**

The Community Energy Plan will be developed in three phases as follows:

Phase 1: Confirming the Baseline

- i. Prepare Community Energy Plan Advisory Team Terms of Reference.
- ii. Develop Engagement Plan drawing on engagement work already completed during the Community Climate Change Action Plan and Our Future Hamilton. The Engagement Plan will be executed throughout the three phases of the CEP development.
- iii. Complete background research:
 - a. Review of existing conditions, including land use patterns and growth, planning regime, building stock, energy use from all sources (e.g., residential, commercial, industrial, transportation, City operations, landfills,

Commented [42]: Is transportation normally included in community energy plans? Is this going to include private transportation? Commercial? EVs?

- water treatment and infrastructure, goods movement, etc.), current energy sources, current and past initiatives, and actions taken from the Community Climate Change Action Plan.
- b. Update the 2011 Energy Mapping based on current GHG emissions and energy consumption, prepare an emissions profile, and model scenarios.
 - c. Inventory of existing federal, provincial and local energy, climate change and planning policies and regulations, including any relevant Council motions and approved recommendations.
 - d. Inventory of initiatives in Hamilton and Ontario (e.g., Official Plan framework, conservation and demand management programs, use of renewable energy, local generation).
- iv. Goals and Principles
- a. Define Goals and Principles for energy planning.
 - b. Define sector based targets based on best practices, provincial and City targets.

Phase 2: Finding Efficiencies

- i. Define energy efficiency improvements to achieve the defined sector-based targets, including:
 - a. Explore optimal land use planning, net zero communities, smart grid communities.
 - b. Building design - explore improvement beyond the building code, efficiencies related to electricity, gas and water consumption, and infrastructure to support electric vehicles.
 - c. Improvements to industrial and institutional energy practices.
 - d. Sustainable transportation initiatives – public and private.
 - e. Corporate improvements – identify additional strategies.
 - f. Ensure compatibility with corporate and community carbon reduction targets and timelines.
 - g. Explore potential community based programs such as Home Energy Retrofit Opportunity (HERO) and / or Local Improvement Charges (LIC) programs for the City.
- ii. Renewable energy planning, including:
 - a. Best practices for renewable energy planning.
 - b. Opportunities and feasibility to increase the use of renewable sources of energy.
 - c. Review opportunities for community or district energy plants and energy cogeneration.
 - d. Identify suitable areas for locating renewable energy (small and large scales).

- e. Recommend planning policy updates.
- f. Prepare Terms of Reference to evaluate renewable energy projects.

Phase 3: Taking Action

- i. Develop the Action Plan
 - a. Prioritize actions – short, medium and long term.
 - b. Implementation – identify community leaders, responsibilities and resources.
 - c. Monitoring – establish a monitoring plan, including performance measures, reporting schedule, and CEP update.
- ii. Raise community awareness
 - a. Identify community, industry and non-profit energy champions.
 - b. Develop awareness campaign and outreach beyond CEP adoption.
 - c. Celebrate successes.

Commented [BM3]: Under an Implementation Team of the Bay Area Climate Change Partnership

5. Engagement

The CEP will include an Engagement and Communications Plan outlining innovative ways to consult with stakeholders and engage the public, which will build upon the extensive consultation undertaken for the Community Climate Change Action Plan and Our Future Hamilton. The development of the Engagement and Communication Plan will happen in Phase 1 of the project. The community and stakeholders will be engaged through:

- A Community Advisory Committee, which will provide representation of different stakeholders within the City of Hamilton and will be created under the Bay Area Climate Change Partnership.
- Use of wide range of engagement tools, including at least two rounds of community meetings in at least 4 locations throughout the City, stakeholders workshops, surveys, special events, one-on-one stakeholder meetings, on-line engagement, and social media communications.
- Key points for engagement in the plan development process include:
 - Review baseline and development of goals, principles and targets
 - Exploration of actions, initiatives and setting of priorities
 - Reviewing draft and recommended CEP

Community Energy Plan Advisory Committee:

An Advisory Committee will provide support to the Steering Committee (see Section 7 of the Terms of Reference) during the preparation of the Community Energy Plan. This committee will be created as an Energy Implementation team under the Bay Area Climate Change Partnership. The Advisory Committee will provide input and perspective of residents, property owners, industries, business, and other stakeholders into the CEP. This input will assist Staff in preparing recommendations for City Council’s approval of the CEP. The Advisory Committee will be comprised of individuals or organizations with energy industry knowledge or an interest in the energy industry or as a resident in the City. Membership will be on a voluntary basis and subject to the needs of the CEP. To have a better alignment with previous City’s initiative, it is anticipated that some of the stakeholders involved in the development of the Community Climate Change Action Plan will be also part of the CEP Advisory Committee.

The Community Energy Plan Advisory Committee will be responsible for:

- Assisting in the identification of the energy vision for the community, mission statement, goals and principles;
- Assisting in the identification of the community priorities and needs;
- Identifying energy efficient improvements, energy conservation and generation, water efficiency, and transportation opportunities to achieve the goals;
- Providing input during the assessment of available resources and potential partners;
- Providing input on the potential short, medium and long term actions;
- Providing input on the development of the draft implementation plan, including monitoring and reporting processes;
- Providing information to their stakeholder organization about the CEP; and,
- Helping create awareness and be agents of change.

6. Project Process and Timeline:

It is estimated that the CEP will be completed within 12 - 18 months following the selection of a consultant or consultant team, as follows:

Key Milestone	Task/Action/Deliverable
Q2 2018	CEP draft work plan approved Prepare Request for Proposal with the Steering Committee
Q2 2018	Selection of consultant or consultant team
Q2 - Q3 2018	CEP Phase 1: Establishing the Baseline: <ul style="list-style-type: none"> • Prepare Community Energy Plan Advisory Committee Terms of Reference, recruit members and start meetings • Develop Engagement Plan and start executing

	<ul style="list-style-type: none"> • Background research and energy mapping update • Goals and principles
Q4 2018 – Q1 2019	Phase 2: Finding Efficiencies: <ul style="list-style-type: none"> • Finding efficiency improvements • Renewable energy planning
Q1 – Q2 2019	Phase 3: Taking Action: <ul style="list-style-type: none"> • Action plan development • Raise community awareness
Q2 2019	Council approval
Following CEP approval	Implementation

7. Community Energy Plan Steering Committee:

A Steering Committee will govern the delivery of the CEP. The Steering Committee will take the input and feedback from the Advisory Committee and City-wide engagement and will be responsible for:

- Identifying the community energy vision, mission statement, goals and principles;
- Identifying the community priorities and needs;
- Assessing the proposed energy efficient improvements and renewal energy planning;
- Assessing the available resources and potential partners;
- Preparing short, medium and long term actions;
- Developing a draft implementation plan; and,
- Monitoring and evaluating the progress of the action plan and periodically reviewing the CEP.

The Steering Committee will be comprised of:

- City of Hamilton, Community Planning, Planning and Economic Development;
- City of Hamilton, Office of Energy Initiatives, Public Works Department;
- City of Hamilton, Air Quality & Climate Change, Public Health Services; City of Hamilton, Geomatics and Corridor Management Office, Public Works Department;
- City of Hamilton, Transit Planning, Planning & Infrastructure Office, Public Works Department;
- City of Hamilton, Transportation Planning, Planning and Economic Development Department;
- Alectra Utilities; and,
- Enbridge/Union Gas.

8. City Staff – CEP Technical Team

The CEP will be coordinated by Community Planning with the collaboration of staff from multiple departments. The City’s CEP Technical Team will be comprised of the following sections/divisions (tentative):

- Community Planning and GIS Division, Planning and Economic Development Department;
- Development Planning and Design Division, Planning and Economic Development Department;
- Urban Renewal Division, Planning and Economic Development Department;
- Growth Management Division, Planning and Economic Development Department;
- Office of Energy Initiatives, Public Works Department;
- Transportation Planning Division, Planning and Economic Development Department;
- Public Works - Hamilton Water;
- Air Quality & Climate Change, Public Health Services Department; and,
- Neighbourhoods and Community Initiatives Division, Community Services Department.

9. Tentative List of Stakeholders and Indigenous Communities:

Category	Organization/ Affiliation
Elected Officials	Mayor and Councillors
City Sub-Committees	Hamilton Renewable Power Inc. Board of Directors Hamilton Utilities Corporation
Indigenous Communities	Mississaugas of the New Credit First Nation Haudenosaunee First Nations Six Nations of the Grand River Métis Nation of Ontario Hamilton Regional Indian Centre
Environmental Organizations	Environment Hamilton Clean Air Hamilton GTA Clean Air Council Hamilton Industrial Environmental Association (HIEA) Hamilton Wentworth Green Venture
Agencies	Hamilton Port Authority Hamilton International Airport Metrolinx
Academic Institutions	McMaster University Mohawk College Hamilton Public School Board

	Hamilton Separate School Board Reedemer College City Labs
Community Groups	Neighbourhood Associations/ Hubs (City Wide) Local Business Improvement Area Associations (BIAs)
Utilities	Alectra Energy Enbridge Gas (Union Gas) Hydro One Hamilton Community Energy
Industry	Hamilton-Halton Homebuilders' Association Development Industry Liaison Group (DILG) Chamber of Commerce Major energy consumers (e.g., still industries)