

Council Motion

3.1 Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 108 James Street North and 111 and 115 Hughson Street North (Hamilton) (PED15029(a)) (Ward 2)

That in respect of Zoning Application ZAR-15-001, by Diamante Investments Ltd., Owner, for changes in zoning to Hamilton Zoning By-law No. 05-200 from the Downtown Prime Retail Streets (D2) Zone, the Downtown Mixed Use (D3) Zone and the Downtown Multiple Residential (D6) Zone to a modified Downtown Prime Retail Streets (D2) Zone for lands located at 108 James Street North and 111 and 115 Hughson Street North (“Tivoli Theatre Lands”), in order to permit the redevelopment and restoration of the Tivoli Theatre lands comprised of a performing arts theatre with accessory front of house commercial uses, general commercial uses and residential uses in a new 22-storey mixed-use building addition, accommodating a maximum of 106 units with associated parking through combination of surface and stacked parking, and the restoration and adaptive reuse of the existing single detached dwelling at 115 Hughson Street North, for the lands shown on Appendix “A” (hereto attached):

- (a) That Planning and Economic Development Department Report PED15029(a) be received;
- (b) That the rezoning of the Tivoli Theatre Lands be approved in order to permit the redevelopment of the Tivoli Theatre such that the Tivoli Theatre is restored and that the following accessory uses be permitted: accessory front of house commercial uses and general commercial uses and residential uses in a new 22-storey mixed-use building addition accommodating a maximum of 106 units with associated parking through combination of surface and stacked parking, the restoration and adaptive reuse of the existing single detached dwelling at 115 Hughson Street North for residential and commercial uses relating to the Tivoli Theatre;
- (c) That Planning staff be directed to report back to Planning Committee on the *Planning Act* tools, including a recommended zoning by-law amendment, that implements the approval in recommendation (b) and subject to the following:

- i. the design is revised to provide for a revised podium with a maximum height of 5 storeys along James Street North;
 - ii. an increased building setback from James Street North for the portion of the building above the podium;
 - iii. enhanced north and south building facades;
 - iv. parking be provided at a targeted ratio of not less than 0.50 spaces per residential unit;
 - v. the transfer of residential use permissions (including density) from the Tivoli Theatre portion of the subject lands to the portion of the lands on which the accessory condominium use will be permitted;
 - vi. that the accessory front of house commercial uses, the general commercial uses and number of residential units shall be in general conformity with the concept plans attached as Appendix "B" to PED15029a; and,
 - vii. to ensure that the revised proposal is reviewed by the Development Review Panel and that the final site plan is in conformity with the revised building elevations; and,
- (d) Planning staff and the City Solicitor be directed and authorized to meet and negotiate a framework for an agreement, pursuant to the *Planning Act*, the *Ontario Heritage Act* and any other applicable legislation for the implementation of the development proposal to provide for the restoration of the Tivoli Theatre and timing of occupancy of the non-theatre uses, in particular that the Tivoli Theater Auditorium and associated front-of-house component is completed prior to occupancy of any residential units.