



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 19, 2019
<b>SUBJECT/REPORT NO:</b>	Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2)
<b>WARD(S) AFFECTED:</b>	Wards 1 and 2
<b>PREPARED BY:</b>	Edward John (905) 546-2424 Ext. 2359
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to Official Plan Amendment (OPA) No. XX to the City of Hamilton Official Plan to amend the ‘Commercial’ designation within the West Harbour - Setting Sail Secondary Plan to create a Special Policy Area to permit Production Studio as a permitted use for lands located within Barton-Tiffany Area, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18210(a), be adopted by Council;
  - (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 City Initiative CI-19-A to add a ‘Production Studio’ use to the site specific Downtown Mixed-Use Pedestrian Focus (D2) Zone in Hamilton By-law No. 05-200, to permit the development of a production studio on lands located within Barton-Tiffany Area (Hamilton), as shown on Appendix “A” to Report PED18210(a), be approved on the following basis:

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 2 of 20**

---

- (i) That the draft By-law, attached as Appendix “C” to Report PED18210(a), 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 (2014), conforms to the Growth Plan for the Greater Golden Horseshoe 2017, and complies with the Hamilton Official Plan and West Harbour - Setting Sail Secondary Plan subject to the proposed amendment.
- (c) That the matter respecting the Production Studio within the Barton and Tiffany Lands be identified as complete and removed from the Planning Committee Outstanding Business List.

### **EXECUTIVE SUMMARY**

The proposed Official Plan Amendment and Zoning By-law Amendment are for modifications to the ‘Commercial’ Designation of the West Harbour - Setting Sail Secondary Plan (Official Plan) and a modification to the Downtown Prime Retail Streets (D2) Zone in Hamilton Zoning By-law No. 05-200, to add the use of a Production Studio to the existing range of permitted uses within the Barton-Tiffany lands with conditions. Technical changes are also proposed to the existing Zoning By-law applicable to the lands to update the range of uses consistent with recent changes made to City Wide Zoning By-law 05-200.

To accommodate the proposal, further site-specific modifications are proposed to regulate function and built form consistent with the direction within the West Harbour (Setting Sail) Secondary Plan and Barton Tiffany Urban Design Guidelines. The amending By-law also includes additional holding provisions which further address matters related to Design and Traffic Management.

The proposed modifications have merit and can be supported because it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan subject to the proposed amendment. The proposal is compatible with existing development in the area and provides for additional commercial uses using existing infrastructure.

***Alternatives for Consideration – See Page 19***

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

**Legal:** As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

## **HISTORICAL BACKGROUND**

The West Harbour (Setting Sail) Secondary Plan came into effect by way of an Ontario Municipal Board (OMB) decision on December 27, 2012. Setting Sail is the comprehensive land use plan for the West Harbour, with an emphasis on three areas of major change: The Waterfront, the area south of the Canadian National rail yard (Barton-Tiffany), and the former industrial lands along Ferguson Avenue (Ferguson-Wellington Corridor).

City landholdings form a large proportion of the overall Barton-Tiffany area including the Public Works facility on the south side of Barton Street West; Central Park on the south side of Barton Street West; and three large tracts of vacant, former industrial land bounded by Barton Street West, Stuart Street, Tiffany Street and Queen Street North following Council's decision not to locate a new stadium at this location.

More recently the vision of the lands has been considered through the Urban Design Study approved by Planning Committee and subsequent Council in September 2014. The purpose of the study was to provide the design vision for the built form, including building typologies, street networks, street-scaping and other elements.

Previous staff Report PED18210 highlighted the increasing interest from creative cultural uses and a production studio to locate within the subject lands. At the Planning Committee of September 18, 2018, the Committee adopted the following Recommendation:

- “(a) That Planning staff be directed to undertake a review of the West Harbour (Setting Sail) Secondary Plan, the Barton-Tiffany Urban Design Study, and Hamilton Zoning By-law No. 05-200 to assess the alignment of the use of Barton Tiffany lands for creative industries, including but not limited to a Film Production Studio, with the current approved vision for the Barton Tiffany area;
- (b) That staff be directed to undertake community consultation on the review recommended in Recommendation (a) to Report PED18210;
- (c) That the outcome of the review be presented to Planning Committee in the first quarter of 2019.”

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 4 of 20**

---

This Report addresses these matters in detail.

Official Plan Amendment

The purpose of the Official Plan Amendment is to allow for the contemplation of a Production Studio use within the existing 'Commercial' designation of the West Harbour – Setting Sail Secondary Plan. Design and built form directions are proposed to ensure the scale and character of the use aligns within the intent of the 'Commercial' Designation.

Zoning By-law Amendment

The purpose of the Application is to add a use to the Downtown Prime Retail Streets (D2) Zone to add as an additional permitted use a Production Studio. Site Specific modifications have been proposed regarding the following:

- Prohibit outdoor storage;
- Gross Floor Area thresholds to ensure range and variety of commercial uses;
- Active frontages through regulations on façade length and location of parking and access; and,
- Minimum front yard setbacks.

The details of the proposed modifications are further discussed in the Analysis and Rationale for Recommendation Section of this Report.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The following policies, amongst others, have been reviewed in consideration and evaluation of this proposal.

Provincial Policy Statement (2014)

These applications have been reviewed against the Provincial Policy Statement (PPS) which came into effect on April 30, 2014. It has been determined that the application is consistent with the policies found in Subsection 1.1.3.1 of the PPS respecting growth in Settlement Areas as well as Subsection 1.1.3.2 respecting land uses patterns within settlement areas.

The proposal is an appropriate example of intensification consistent with Policy 1.1.3.3, as it would facilitate the redevelopment of an underutilized brownfield property. The proposal is contiguous to existing development, situated with immediate proximity to collector and arterial roads, and municipal services which are planned and/or available.

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 5 of 20**

---

It is noted that the subject lands are adjacent to existing rail line. To address Policy 1.2.6 – Land Use Compatibility, the lands are recommended to be placed under a holding provision until necessary vibration studies are reviewed and determined.

The Growth Plan for the Greater Golden Horseshoe

The Plan's main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services near each other. The subject lands are located within the built-up area.

The proposal satisfies Policy 2.2.3.6 and promotes and facilitates intensification with an appropriate built-form, height, scale, density, and type of development that appropriately complements adjacent land uses. The proposed addition of a Production Studio within the commercial designation is considered to assist in developing a currently vacant underutilised former industrial area with commercial uses that are transit supportive and within a pedestrian friendly environment. The new proposed use achieves the objective to develop as a complete community given the mix of land uses, range and mix of employment and housing types, high quality open space, and convenient access to local stores and services.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry on March 16, 2011. There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the Setting Sail Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP and the Setting Sail Secondary Plan was still under appeal. The lands are currently identified as "subject to future OMB hearing" on Schedule E-1 of the UHOP, as such, the UHOP policies do not apply.

Hamilton-Wentworth Official Plan

The subject lands are not included within the Urban Hamilton Official Plan as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan that are applicable to the subject lands remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan.

### Urban Area

“C.3.1 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. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed-use development identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development.

Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

- Growth can be accommodated by building on vacant or redeveloped land, without taking up agricultural lands or natural areas;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,
- A compact community makes walking and bicycling viable options for movement.”

The proposal is consistent with the above policy direction to encourage compact development, to provide mixed uses that serve the local area and contribute to walkable neighbourhoods and therefore complies with the Hamilton-Wentworth Official Plan.

### City of Hamilton Official Plan

As noted previously, the subject lands are not included within the UHOP as they are part of Non-Decision No. 113. The lands are currently designated “West Harbour” on Schedule “A” Land Use Concept of the City of Hamilton Official Plan, identifying the area as the West Harbour (Setting Sail) Secondary Plan.

### West Harbour (Setting Sail) Secondary Plan

The Setting Sail Secondary Plan establishes the framework for public improvements and private investment, in the West Harbour. The Plan is guided by eight core principles. These principles provide important criteria against which future proposals

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 7 of 20**

---

will be evaluated against to ensure the broad public objectives are realized. Those applicable to the proposed amendment include:

**Strengthen existing neighbourhoods (Policy A.6.3.2.2)**

The proposed amendment would offer the opportunity for land uses that will integrate a mixed-use community upon a former underutilized, brownfield site, which respects and enhances the character of the existing neighbourhoods. It will encourage new commercial uses to serve future and existing local neighbourhood residents, increase activity and vitality of the area through job creation.

**Enhance physical and visual connections (Policy A.6.3.2.5)**

Currently the lands are vacant and underused. It is considered that the proposed amendment would be a catalyst for development, resulting in improvements to the public realm along sidewalks and public rights of way that would foster and enhance the visual and physical connections.

***Promote excellence in design (Policy A.6.3.2.8)***

Considerable emphasis has been made on the importance of design within the proposed lands, one that has been informed through a detailed Council approved design guideline (Barton Tiffany Urban Design Study). The requirements and regulations contained with the proposed amendment and zoning by-law will ensure the development of the lands will be consistent with this intent.

**Barton-Tiffany Area**

The subject lands are identified on Schedule “M-1” as ‘Barton-Tiffany’ Special Policy Area. The Barton Tiffany Special Policy Area is identified as one of three areas of major change with the Secondary plan, over time, it is intended to evolve and intensify into a mixed-use pedestrian oriented area.

With respect to the Barton-Tiffany Area, Policy A.6.3.3.1.16 provides the vision for the area, identifying that development shall help realize this vision. It is considered that the proposed amendment would assist in implementing this vision, providing the opportunity to create a mixed-use area that increases the number of people who work and live within the area.

The Barton Tiffany Special Policy is further divided into three sub-area, a Commercial Area, a Medium Density Residential Area and a Low Density Residential area. The lands subject to this Official Plan and Zoning By-law Amendment are those within the Commercial sub-area and which are designated “Commercial” on Schedule M-2a: Barton Tiffany Area General Land Use. The following is a summary of the Secondary Plan policies applicable to the lands affected by the amendments:

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 8 of 20**

---

- “A.6.3.3.1.16.1 Commercial Designation  
The area designated Commercial is intended to provide retail and service commercial uses to the immediate neighbourhood. The Commercial area shall contain a range of retail shops and services that serve the need of residents in the surrounding neighbourhoods. The preferred format is a variety of commercial uses, buildings and building sizes.
- A.6.3.3.1.16.1.1 Uses permitted shall provide for a range of retail uses to serve the need to residents in the surrounding neighbourhoods and shall not compete with the retail function of the downtown.
- A.6.3.3.1.16.1.3 The following uses may be permitted on lands identified and designated Commercial on Schedule M-2a:
- i) commercial uses; and,
  - ii) open space uses.
- A.6.3.3.1.16.1.4 The following uses shall be prohibited on lands designated Commercial:
- i) residential uses and other sensitive land uses;
  - ii) auto-oriented commercial uses such as drive-through establishments, gas stations, and auto repair garages; and,
  - iii) hotels”.

The above policies seek to ensure the function of the commercial uses do not compete with the retail function of the downtown and instead secure a variety of commercial uses that serve the needs of the surrounding residents. The addition of a Production Studio would involve the creation of accessory and ancillary retail and office uses that would be geared towards the service commercial needs of residents and the future employees of the area.

It is considered that whereas an amendment would be required to accommodate a use that does not directly serve the needs of the residents in the neighbourhood, the employment and associated uses would satisfy the overall intent to animate the area, provide a mix of uses and maintain a scale and impact that does not compete with the retail function of the downtown.

To facilitate this vision, the Secondary Plan policies contain several policies within the commercial designation that require built form limitations with respect to maximum floor areas and building heights.



**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 9 of 20**

---

“A.6.3.3.1.16.1.5 Single retail commercial uses shall be limited to a maximum floor area of 6,000 sq m.

A.6.3.3.1.16.1.6 The maximum height of building shall be 4-storeys.

A.6.3.3.1.16.1.8 Office uses on the same lot shall not exceed 3,000 sq m.”

These limitations have been reflected and secured in the proposed Zoning By-law attached as Appendix “C” to Report PED18210(a). In addition, the scale of the more industrial elements of a Production Studio, such as the soundstage (building in which filming takes place) and warehousing have been limited to 2,000 sq m and are required to be built in conjunction with office/retail and other permitted commercial uses to ensure both the scale and function of the area remains commercial in character.

The balance of the policies for the Barton-Tiffany Commercial lands seek to secure appropriate design and built form objectives to create a sense of place and strong pedestrian realm. These policies include, but not limited to, the following directions:

“A.6.3.3.1.16.1.13 All buildings shall be located up to the street to create a strong pedestrian orientation with the main entrances on a street, and barrier free access at street level.

A.6.3.3.1.16.1.14 Buildings shall be encouraged to locate up to the street with multiple retail units and multiple entrances oriented to the street, or other similar means to animate the streetscape.

A.6.3.3.1.16.1.15 The design and massing of buildings shall minimize shadow and wind impacts on the public realm.

A.6.3.3.1.16.1.16 The design of new developments shall have respect for the light, views, and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.16.1.17 Parking areas shall be provided at the rear of sites, underground and/or in above-grade structures, with access from public streets or laneways, where possible.

A.6.3.3.1.16.1.18 Above-grade parking structures shall be fronted by retail at the street level.”

The existing Site-Specific By-law that applies secures the built form expectations and will be retained with only minor technical changes to the list of permitted uses (see Appendix “C” to Report PED18210(a).

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 10 of 20**

---

Hamilton Zoning By-law No. 05-200

To secure the vision of the area and ensure the development of a production studio achieves the intended mix of commercial uses, the amending By-law will have specific regulations concerning the implementation of this use.

- For every 1.0 sq m of Gross Floor Area (GFA) of production studio developed a minimum of 1.0 sq m of GFA of permitted commercial uses shall be required; and,
- Outdoor storage shall be prohibited.

In addition to the above requirements, additional holding provisions shall be attached to the Production Studio Use. To address these matters, and lift the holding provision, any future applicant shall be required to complete the following:

- Prepare and submit to the satisfaction of the Director of Planning and Economic Development Department an urban design brief and campus masterplan detailing the layout and arrangement of buildings associated with the Production Studio. The design brief and campus masterplan shall be reviewed by the Design Review Panel; and,
- Prepare and submit to the satisfaction of the Director of Transportation Planning and Parking, Planning and Economic Development Department a Traffic Management Plan.

An evaluation of the proposed regulations is included in the Analysis and Rationale for Recommendation section within this Report PED18210(a).

## **RELEVANT CONSULTATION**

Real Estate, Planning and Economic Development Department; and, Community Planning, Planning and Economic Development Department had no comments or objections to the applications.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Public Meeting was advertised in the Hamilton Spectator on March 1, 2019.

In addition, a Public Information Centre was held on November 26, 2018 and advertised in the Hamilton Spectator on November 6, 2018. Comments and considerations arising from the consultation are addressed below.

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 11 of 20**

---

Public Consultation

To date, the immediate neighbourhood has been approached on two separate occasions to gauge an initial response. Both the Strathcona and Central neighbourhood association were provided an overview of the Film Production Studio potential on June 18, 2018 and July 16, 2018 respectively. While general support was provided in principal the following concerns were raised:

- Concerns over traffic particularly truck traffic, intersections and traffic calming;
- Concern over the 24/7 activity of a movie studio;
- Noise and lighting concerns;
- Would want to see it interact with the area. Relationship between studio and community important. Warehousing and unattractive fencing is not desirable;
- Would there be an opportunity for live/work units;
- Would need to create a positive public realm;
- Should not look industrial – trying to shift away from that character; and,
- Would need more information to make an informed decision, as there were many years spent on the previous vision.

A Public Information Centre (PIC) was held on November 26, 2018 and over 80 members of the public attended. As part of the PIC, the public were asked to engage in an exercise to determine the strengths, weaknesses, opportunities and threats that the proposed studio may have. A synopsis of the comments are presented below.

<b>Strengths</b>	<b>Weaknesses</b>	<b>Opportunities</b>	<b>Threats</b>
Innovative Hub	Parking	Cycling/GO train infrastructure	Sale vs Lease
Employment	Traffic	Live/work space for artists	Gentrification
Connectivity to Regional transportation (GO Station)	Site Contamination from previous uses	Surrounding Businesses may flourish	Integration with community
Cultural Event space	Design aspect of the warehousing	Affordable space to rent for artists	Affordable housing
Currently an 'eyesore'	Heights not respected	Sanctuary for the homeless	Large scale commercial uses

In addition, individual comments were received and attached as Appendix "E" to Report PED18210(a). The comments which form Appendix "E" to Report PED18210(a) have been summarized below:

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 12 of 20**

---

- Opportunity for employment;
- Will detrimentally affect planned vision; and,
- Entrench industrial uses.

It is considered that these matters have been discussed throughout and where necessary addressed through the implementing Zoning By-law.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, which encourages the development of compact communities within built-up areas;
  - (ii) It complies with and implements the design and compatibility policies of the West Harbour (Setting Sail) Secondary Plan; and,
  - (iii) The proposal represents good planning by providing a compatible development that is in keeping with existing and planned development in the surrounding area and uses existing infrastructure.

2. Production Studio

Hamilton has experienced increasing interest from the Film Industry. Initially as a destination for on-site filming and now more recently, as a candidate for the location of a new film studio and associated pre and post production. Given the area and locational requirements, the need for good access to transportation corridors and proximity to services both retail and commercial, the lands at Barton Tiffany have proven particularly attractive to this industry.

With respect to the industry and the characterisation of the use, staff most recently addressed this through the Creative Cultural Zoning work, which was approved October 25, 2017. The 2017 focused on assessing how uses associated with the creative industry characterization could be introduced into employment/industrial areas without undermining the planned function of the employment/industrial area. This is because, and as noted in the October, 2017 staff report, creative industry uses such as a production studio are hybrid uses with both commercial and industrial components/characteristics. Furthermore, the October, 2017 staff report noted that uses such as a production studio could provide a buffer between land uses (i.e. industrial and residential) and these uses can be considered positive to the vibrancy and interest of the area and character in general. This work identified the numerous commercial and industrial activities associated with this industry and collectively created a new 'Production Studio' definition. Which is as follows:

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 13 of 20**

---

**'Production Studio**

Shall mean the use of land, building or structure or part thereof,

- a) used for the creation and production of motion pictures or audio or video recordings and the associated warehousing, prop and set design and storage.
- b) Digital media uses such as animation studio, and associated software development and processing.

But shall not include the mass reproduction of film'.

Primarily an employment use with associated commercial operations, film studios often bridge the gap between light industrial type uses and commercial (retail/office) uses. More modern film production studios focus on combining these various roles within a single site creating a campus like setting. Interested groups that have spoken with the City are envisioning between 500 and 2,000 jobs on the site at full build out.

Industrial aspects of this use tend to be involved with the storage and movement of props and studio equipment as well as the large enclosure required to accommodate a sound stage. The commercial components include typical office type settings that focus on pre and post production activities including but not limited to editing/audio recordings and animation. In addition, accessory uses often considered beneficial and complementary given the hours of operation and varied workforce include retail and live/work opportunities either within or nearby the studio. Often residential components such as short stay apartments are incorporated into the film production studio style "campuses". While residential uses are prohibited within the 'Commercial' designation of the Secondary Plan (discussed below), opportunity exists to facilitate such uses in the areas immediately along Barton Street East which are designated residential and which allows for a mix of commercial and residential uses.

With respect to the commercial lands in question, to ensure the Production Studio use can be considered a use appropriate within the commercial areas, restrictions are recommended in the proposed By-law attached as Appendix "C" to Report PED18210(a). These restrictions will limit the scale, design and use of the elements which may be characterized as more industrial in terms of form and function. In this regard, the storage, parking and sound stage have been addressed through the regulations. These matters are discussed further under the 'Zoning By-law' section below.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 14 of 20**

---

Furthermore, the addition of the 'Production Studio' as a permitted use will not extend to the smaller existing commercially designated lots adjacent the future proposed residential lands to the east (see Appendix "C" of Report

PED18210(a)). Given the size of the lots and the adjacency to the residential uses it was considered appropriate to limit the use to those areas that could clearly accommodate the required built form and locational requirements.

3. West Harbour (Setting Sail) Secondary Plan

The Barton-Tiffany area is an important redevelopment opportunity in the revitalization efforts for the West Harbour area in the north end of the City of Hamilton. The vision for the area is principally articulated through West Harbour (Setting Sail) Secondary Plan approved through an Ontario Municipal Board (OMB) decision on December 27, 2012.

As detailed within the Secondary Plan, the lands subject to this Report and which are predominately owned by the City of Hamilton are located south of Stuart Street, north of Barton Street West, east of Locke Street North and west of Bay Street North attached as Appendix "A" to Report PED18210(a). They are designated within the Secondary Plan as Commercial, attached as Appendix "D" to Report PED18210(a).

The Secondary Plan acknowledges the decline in heavy industry throughout the area and the intent to relocate these uses to more suitable locations. The Barton Tiffany Area is intended to evolve and intensify into a mixed use, pedestrian oriented area.

As detailed in Appendix "D" to Report PED18210(a), the portion of the subject lands designated commercial serve as a buffer between the CN Rail yard and the residential and open spaces identified along Barton Street West. Whereas the Medium Density Residential designation located along Barton Street West is intended to transition between the Commercial uses and the lower density residential uses existing within the neighbourhood.

Commercial

Given the location of the area adjacent to a rail yard, the desire to remove heavy industrial uses and the prohibition of residential uses and alter sensitive land uses in close proximity to the rail yard, commercial uses was the most appropriate designation.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

The Commercial designation is intended to serve the needs of the surrounding neighbourhoods without undermining the commercial function of the downtown through providing a range of retail shops and services through a variety of building typologies. Limitations are articulated through polices of the plan in the form of maximum floor areas and restriction of residential and auto-oriented uses. Further, commercial uses are to be located close to the street to

strengthen the pedestrian realm along the street and to allow pedestrians to access without walking through parking. These restrictions and requirements have been ensured through the proposed regulations contained within the amending By-law. It is noted that elements of a production studio (offices, post production video and sound editing, computer animation and software processing) are commercial activities that are located within office buildings. As such, a production studio is consistent with the Secondary Plan principles of removing incompatible land uses and introducing those uses that would be compatible with existing and planned residential uses.

A Production Studio at this location would satisfy several general policy expectations of the area. The uses allows for the transition away from heavy industry, it would create a transition/buffer between the rail corridor, commercial area and potentially residential (Live/Work) possibilities of the Medium Density Residential designation to the south. As detailed above, office and retail uses will be required but will also be limited in overall GFA to ensure they do not compete with the commercial function of the downtown.

4. Urban Design Study

In accordance with Section A.6.3.8.11 of the Secondary Plan the City was required to initiate an Urban Design study to guide development in the area and assist in ensuring development proposals support the objectives of the Plan. As previously mentioned this was finalized and approved in September 2014. The

study took the framework outlined by the Secondary Plan and illustrated the “look and feel” of this new community, translating Setting Sail Policy text in a visual way to help guide the future development process. Recommendations pertaining to matters such as character, massing, sustainability, circulation, accessibility and programming were developed through consultation with the community.

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 16 of 20**

---

In summary the Urban Design Study encapsulated the following design principles:

Commercial

- Integration of the area and easy access by a range of transportation modes;
- Buildings close to the street edge, entrances facing street for strong pedestrian orientation;
- Buildings massed and designed to limit shadow and wind impacts;
- Focus away from parking; and,
- Animated streets.

It is considered that given the range and location of operations, the proposed site would be programmed to achieve the direction contained within the Urban Design Guidelines. The arrangement of built form and strong street edge – would be achieved through the proposed regulations which regulate matters such as minimum setbacks from a street, minimum façade lengths along a street line

and requirement for all principle entrances to have direct access from the public sidewalk.

In addition, parking would not be permitted between a building and a public street and outdoor storage is prohibited. These regulations, in combination with the requirement for an Urban Design Brief and campus masterplan, would ensure any future development of the site would secure the design intent as articulated through the Urban Design Guidelines. Screening of parking and impacts from truck traffic would form an integral part of the assessment. Given the proposed regulations in the amending By-law, all parking areas (including truck parking) would be required to be screened and to exist only on lots that have buildings situated on them.

5. Zoning By-law No. 05-200

The commercially designated lands are currently zoned Downtown Prime Retail Streets (D2 442 (H44)) Zone. The existing uses permitted include a range of commercial uses including ‘Commercial School’, ‘Conference or Convention Centre’, ‘Restaurant’ and ‘Retail’. From a built form perspective, a “Production Studio” and a “Convention Centre” are similar, and that a production studio is less likely to be used in the evening and/or weekends when activities are held at convention centres. As discussed within this Report, policies and directions within the Secondary Plan and Design Guidelines have been secured through the existing By-law through regulations controlling the design and function of the permitted uses.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*



**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 17 of 20**

---

The intent of this zoning application is to maintain and carry forward all these regulations and uses (subject to some minor technical updates) but also extend the permitted uses to include a 'Production Studio' for a portion of the lands as detailed previously. In addition, the Production Studio would be subject to further specific restrictions, regulations and holding provision requirements – discussed below.

Production Studio a Prohibited Use in certain properties

As a production studio may contain certain elements of an industrial use, the draft By-law includes a regulation prohibiting a Production Studio on certain lands located on Bay Street North, Stuart Street, and Tiffany Street to prevent the use from further encroaching nearby existing residential uses on the east side of Bay Street North (see Appendix "C" to Report PED18210(a)). Other commercial uses such as office, retail, commercial school, and artist studio are permitted on these lands.

Soundstage/Warehouse/Storage

The soundstage – which can be characterised as the warehouse structure/area in which the filming takes place, will be required to be located wholly within a

building and set back a minimum of 40 m from the Downtown Multiple Residential (D2) Zone located to the south of the subject lands and where sensitive land uses are located (see Appendix "C" to Report PED18210(a)). Development of the soundstage will also be required in conjunction with office and retail space to ensure a commercial campus is created such that for every 1.0 sq m of GFA dedicated to the soundstage, 1.0 sq m of GFA will be required to be dedicated for office and/or retail uses.

With regards to storage, this will only be permitted within a building with outdoor storage being prohibited.

Parking

With regards to parking, parking will not be permitted between a building façade and a public street. It is considered that this will enhance the pedestrian realm and foster appropriate urban design outcomes while allowing for pedestrians to be given access to the building from the sidewalk.

Further, acknowledging the potential amount of parking and loading associated with the production studio, a parking lot, including access driveways and manoeuvring spaces, shall not be located 4.0 m of a street line, and a 4.0 m wide planting strip be provided and maintained between the street line and the parking

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

spaces or aisles. This will provide some buffer between the pedestrian realm and the parking area.

#### Holding Provision

The existing zoning currently has a Holding symbol that would require both a vibration study and Urban Design Study. The Urban Design Study has been approved and therefore can be considered satisfied and removed as a requirement for the amending By-law.

The requirement of a Vibration Study remains and will be required in addition to additional holding provisions attached to the consideration of a Production Studio. These provisions include the following:

- i) Urban Design Brief and Campus Masterplan; and,
- ii) Traffic Impact Study.

It is considered that the Urban Design Brief and campus masterplan will provide the opportunity to consider the plan and design of the Production Studio, detailing the arrangement of buildings, materiality and building typology in line with the expectations and direction of the Urban Design Study. A Traffic

Management Plan will address site circulation and movement patterns within the localised infrastructure.

## 6. Constraints

### Contamination

Given the subject lands former industrial use, as well as the existing rail corridor, contamination remains a concern that would need to be addressed. Through the evaluation as recommended within this Report, it is considered that appropriate assessment and any necessary resolution of this issue would occur prior to the re-development of the lands.

### Rail Yard

Beyond contamination, adjacency to the existing CN Rail Line raises potential conflicts with noise and vibration related matters. These would need to be addressed, however, it is noted that the proposed studio use provides opportunity for intervening non-sensitive uses which may foster improved noise environments for existing and future residential and sensitive land uses.

Parcel Size

As a Production Studio may need a larger lot size to accommodate the various components of the use such as warehousing, filming set, parking and loading, land assembly of several smaller parcels may be required prior to the development of the subject lands. This is in addition to other commercial uses to be accommodated with the Production Studio.

7. Affordable Studio Space

As raised within the public consultation process, affordable studio space was identified as an opportunity to create not only a creative hub at this location but assist in providing much needed studio space to artists within the community.

It is considered that such a consideration has merit and is worthy of further consideration. While securing this intent is not appropriate through a zoning by-law, it is considered that given the City of Hamilton is a significant land owner in the area, such an opportunity exists within any potential future purchase and sale agreement. On this basis and given the considerable community benefit that could be secured, staff are recommending that this potential outcome be explored and secured through a future report (See Recommendation (c) to Report PED18210(a)).

8. Conclusion

It is considered that the addition of the Production Studio Use in addition to the regulations will ensure it is of a scale and character as to deliver on the planned vision for the area and be a catalyst for future development.

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed OPA and Zoning By-law Amendments be denied, the property would remain under the site specific Downtown Prime Retail Streets (D2) Zone, which permits a range of commercial uses.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and Participation**

*Hamilton* has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 20 of 20**

---

**Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

**Culture and Diversity**

*Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Official Plan Amendment

Appendix “C” – Proposed Zoning By-law

Appendix “D” – Secondary Plan Land-use Map

Appendix “E” – Public Submissions

EJ/mo

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*