



## **PLANNING COMMITTEE**

### **REPORT 19-004**

**9:30 a.m.**

**Tuesday, March 19, 2019**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

**Present:** Councillors M. Pearson (Chair), M. Wilson, J. Farr (1<sup>st</sup> Vice Chair), C. Collins, J.P. Danko, B. Clark, B. Johnson (2<sup>nd</sup> Vice Chair), T. Whitehead

**Absent with  
Regrets:** Councillor J. Partridge

### **THE PLANNING COMMITTEE PRESENTS REPORT 19-004 AND RESPECTFULLY RECOMMENDS:**

#### **1. Hamilton Municipal Heritage Committee Report 19-001 (Item 7.1)**

##### **1. Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Ward 2) (Item 9.2)**

That Heritage Permit Application HP2018-046, for the erection of a new single detached dwelling on the designated property at 47 Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" to Report PED19035, be approved subject to the following Heritage Permit conditions:

- (a) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas visible from the street, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (b) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,

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- (c) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2021. If the construction and site alterations are not completed by March 31, 2021, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and
- (d) That the proposed development shall comply with all of the applicable provisions of Zoning By-law No. 6593 and Minor Variance Application HM/A-18:431, to the satisfaction of the Director of Planning and Chief Planner.

**2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19034) (City Wide) (Item 7.2)**

That Report PED19034 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**3. Update to the Letter of Credit Policy for Site Plan Control Applications (PED19043) (City Wide) (Item 7.3)**

- (a) That approval be given to the updated Letter of Credit Policy attached as Appendix "A" to Planning Committee Report 19-004, to take effect April 1, 2019; and,
- (b) That approval be given to increase the base amounts in the lump sum payment method of the Letter of Credit Policy each year in accordance with the Consumer Price Index (CPI) for Toronto.

**4. Imagining New Communities Public Open Houses (November 2018) (PED19055) (City Wide) (Item 7.4)**

That Report PED19055 respecting Imagining New Communities Public Open Houses, be received.

**5. Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Court Ruling (2019) (PED19062) (City Wide) (Item 7.5)**

That Report PED19062 respecting Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Court Ruling (2019), be received.

**6. Business Licensing By-law 07-170 Update (PED19064) (City Wide) (Item 7.6)**

That Report PED19064 respecting Business Licensing By-law 07-170 Update, be received.

**7. Annual Report on Building Permit Fees (PED19069) (City Wide) (Item 7.7)**

That Report PED19069 respecting Annual Report on Building Permit Fees, be received.

**8. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) (Item 8.1)**

That Zoning By-law Amendment Application ZAA-18-052, by Neil Vanderkruk Holdings (Owner), for a modification to the Agricultural (A1) Zone in order to prohibit the construction of a single detached dwelling and residential care facility as required by the conditions of consent approval as shown on Appendix "A" to Report PED19042, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED19042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200;
- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP); and,
- (d) That there were no public submissions received regarding this matter.

**9. 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) (Item 8.2)**

- (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 Planning Committee Report 19-004 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:
  - (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; and,
- (d) That the public submissions received supported the approval of the proposed Zoning By-law Amendment.

**10. Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (Item 10.2)**

That approval be given to City Initiative CI-18-J, for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:

- (i) That the Draft By-law, as amended, attached as Appendix "A" to Report PED19029 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP);
- (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

**11. Urban Design Through Site Plan Control Authority (Item 11.1)**

WHEREAS, for more than 10 years, the *Planning Act* under Section 41 has given municipalities the authority through site plan control to address "matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design";

WHEREAS, careful attention to excellence in urban design and architecture in both the public and the private realm is essential to healthy, attractive and vibrant cities;

WHEREAS, the City of Hamilton Official Plan contains policies that encourages and promotes good urban design;

WHEREAS, to ensure excellence in urban design and architecture, the City has undertaken numerous initiatives including the creation of urban design guidelines, establishment of a Design Review Panel, and the hosting of a biannual Urban Design and Architecture Awards program;

WHEREAS, there is a clear and significant public interest in ensuring excellence in urban design and architecture;

WHEREAS, the Ontario Association of Architects has recently called upon the provincial government to exclude design as a matter that municipalities can address through site plan control; and,

WHEREAS, excluding matters of design from site plan control would essentially provide no means by which municipalities can ensure new development proposals adhere to principles of good urban design and architecture;

THEREFORE BE IT RESOLVED:

That the Mayor write to the Premier of Ontario, the Minister of Municipal Affairs and Housing, and the President of the Ontario Association of Architects to re-confirm the City of Hamilton's support for excellence in urban design and architecture and for retaining within the *Planning Act* a municipality's long-standing authority to address matters related to exterior design through the site plan process.

**12. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003)(Glanbrook) (Ward 11) (Item 14.2)**

That the direction to staff respecting the Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) be approved and remain private and confidential until approved by Council.

**FOR INFORMATION:**

**(a) APPROVAL OF THE AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

**1. COMMUNICATIONS (Item 5)**

- 5.2 Sue Milling and Jennifer Jonas, FilmOntario, respecting Item 8.2, Official Plan and Zoning By-law Amendments to Add a Production Studio Use Within the Barton and Tiffany Lands

Recommendation: Be received and referred to the consideration of Item 8.2

- 5.3 Stephen Fraser, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200

Recommendation: Be received and referred to the consideration of Item 10.2

**2. DELEGATION REQUESTS (Item 6)**

- 6.1 Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (for today's meeting)
- 6.2 Matt Johnston, UrbanSolutions, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting)
- 6.3 Franz Kloibhofer, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting)
- 6.4 Savan Chandaria, Tibro Group, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting)

**3. PRIVATE AND CONFIDENTIAL (Item 14)**

- 14.3 Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL180255) – Settlement Proposal (LS19012) (Ward 2)

The agenda for the March 19, 2019 meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

None declared.

**(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)**

**(i) February 19, 2019 (Item 4.1)**

The Minutes of the February 19, 2019 meeting were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

Communication Items 5.1 and 5.3 as follows, were received and referred to the consideration of Item 10.2:

5.1 James Webb, Webb Planning Consultants, respecting 118 Hatt Street, Dundas.

5.3 Stephen Fraser, AJ Clarke and Associates Ltd.

**(e) DELEGATION REQUESTS (Item 6)**

**(i) Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (for today's meeting) (Item 6.1)**

The Delegation Request from Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road, was approved for today's meeting.

**(ii) Delegation Requests respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Items 6.2, 6.3 and 6.4)**

The following Delegation Requests were approved for today's meeting:

6.2 Matt Johnston, UrbanSolutions;

6.3 Franz Kloibhofer, AJ Clarke and Associates Ltd.; and

6.4 Savan Chandaria, Tibro Group.

(f) **DELEGATIONS/PUBLIC HEARING (Item 8)**

(i) **Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) (Item 8.1)**

In accordance with the provisions of the *Planning Act*, Chair Pearson 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.

The public meeting was closed.

Ryan Ferrari, Planning Technician, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at [www.hamilton.ca](http://www.hamilton.ca).

The staff presentation was received.

Chris Van Berkle, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

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

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

For disposition of this matter, refer to Item 8.

(ii) **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) (Item 8.2)**

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 Amendment and 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.

Edward John, Director of Housing Services, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at [www.hamilton.ca](http://www.hamilton.ca).

The staff presentation was received.

**Written Comments:**

- 5.2 Sue Milling and Jennifer Jonas, FilmOntario, in support of the proposed Zoning By-law Amendment

The written comments were received.

**Delegations:**

**1. Caroline Puzinas, 20 Miles Court**

Caroline Puzinas addressed the Committee in support of the proposed Zoning By-law Amendment.

The delegation was received.

The public meeting was closed.

***That the recommendations be amended by adding the following sub-section (d):***

- (d) That the public submissions received supported the approval of the proposed Zoning By-law Amendment.***

For disposition of this matter, refer to Item 9.

- (iii) Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (Added Item 8.3)**

The Delegation from Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road, was received.

- (iv) **Matt Johnston, UrbanSolutions, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Item 8.4)**

Matt Johnston, UrbanSolutions, addressed the Committee respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 with the aid of a PowerPoint presentation. A copy of the presentation is available online at [www.hamilton.ca](http://www.hamilton.ca)

The Delegation from Matt Johnston, UrbanSolutions, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200, was received.

- (v) **Franz Kloibhofer, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Item 8.5)**

The Delegation from Franz Kloibhofer, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200, was received.

- (vi) **Savan Chandaria, Tibro Group, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Item 8.6)**

The Delegation from Savan Chandaria, Tibro Group, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200, was received.

**(g) DISCUSSION ITEMS (Item 10)**

- (i) **Durand Neighbourhood Character Study Review (PED19017) (Ward 2) (Item 10.1)**

Report PED19017 respecting the Durand Neighbourhood Character Study Review, was deferred to the April 16, 2019 Planning Committee Meeting.

- (ii) **Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (Item 10.2)**

Timothy Lee, Senior Planner, provided an overview of the proposed Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200.

The proposed changes to the C5A Zone in By-law No. 05-200 were deferred back to staff for further consultation with development industry key stakeholders.

Timothy Lee, Senior Planner, advised the Committee that a Motion from the February 19, 2019 Planning Committee meeting was approved, to add an additional land designated District Commercial within the Fruitland Winona Secondary Plan, to the C6 Zone, and to add a Special Exception to also permit offices on the ground floor.

- (i) Recommendation (i) of Report PED19029, respecting Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 was amended by adding the words “as amended”, to read as follows:
  - (i) That the Draft By-law, **as amended**, attached as Appendix “A” to Report PED19029 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (ii) Subsection 11.1.3.c)i) paragraph iii) TOC 1 Zone, in Appendix “A” to Report PED19020 was amended to delete wording, as indicated by the strikethrough text, to read as follows:

~~Notwithstanding Sub-sections i) and ii) a~~ **A** minimum 7.5 meters for lots abutting a ~~Residential Zone or Institutional Zone or lot containing a Residential Use~~ Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.

- (iii) Schedule “C” – Special Exception 581 affecting lands located at 51-55 Cootes Drive and 110 King Street East was amended to allow for a modification in the interior side yard setback of 1.3 metres along the southerly portion of the building facing Cootes Drive in Dundas.

Saff were directed to amend Zoning By-law 05-200 to add lands located at 394 Winona Road to District Commercial (C6, 727) Zone, with a Special Exception, on the following basis:

- 727. Within the lands zoned District Commercial (C6) Zone, identified on maps 1258 and 1311 of Schedule “A” – Zoning Maps and described as 394 Winona Road, the follow special provisions shall apply:
  - a) Notwithstanding Section 10.6.1.1i)2), Offices shall also be permitted on the ground floor.

Section 5.2h)ii) to Appendix “D” of Report 19029 was amended to add the words “square metres” under the “Proposed Revised Zone Regulation” column, to read:

Each landscaped Area and Landscaped Parking Island shall have a minimum are of 10.0 **square metres**.

Section 14 of By-law No. 05-200 was deleted in its entirety and the remainder numbered accordingly.

The request from James Webb, Webb Consulting (Item 5.1) to withdraw the property at 118 Hatt Street, Dundas from the housekeeping amendment and that the proposed zoning remain in abeyance until such time as site development is complete, was approved.

The request from Stephen Fraser, AJ Clarke and Associates Ltd., to amend Special Exception 310 of Zoning By-law 05-200 for the property at 906 Main Street West, to remove the minimum interior side yard setback requirement adjacent to an existing residential use that is within the TOC 1 Zone, was approved.

The request from Matt Johnston, UrbanSolutions, to amend the Special Exceptions applicable to the properties located at 43-51 King Street East and 60 King William Street, Hamilton was approved, as follows:

**Special Exception 626**

- (a) The drive aisle width for the 90 degree parking aisle width shall be a minimum of 5.5 metres;
- (b) The barrier free parking spaces shall be a minimum of 4.4. metres in width and 5.5 metres in length; and,
- (c) The minimum number of bicycle parking space units shall be at a rate of 0.35 spaces per unit.
- (d) 10% of the total number of bicycle parking spaces shall be for short term bicycle parking.

Section 45 (1.3) of the *Planning Act* shall not apply to City of Hamilton By-law No. 18-011, and the applicant can apply for a minor variance.

For further disposition of this matter, refer to Item 10.

**(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Outstanding Business List (Item 13.1)**

The following items were removed from the Outstanding Business List:

Item EE – Add a Production Studio Use Within the Barton Tiffany Lands  
(Addressed as Item 8.2 on this agenda)

**(i) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – February 19, 2019 (Item 14.1)**

- (a) The Closed Session Minutes of the February 19, 2019 Planning Committee meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the February 19, 2019 Planning Committee meeting, are remain confidential.

The Committee moved into Closed Session respecting Item 14.2 and 14.3, pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario 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.

**(ii) Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (Ward 11) (LS19003/PED19031) (Ward 11) (Item 14.2)**

Staff were provided with direction in Closed Session.

For disposition of the matter refer to Item 12.

**(iii) Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL180255) – Settlement Proposal (LS19012) (Ward 2) (Added Item 14.3)**

- (a) The direction provided to staff in Closed Session, was approved;
- (b) Report LS19012 respecting Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL18022) – Settlement Proposal and its recommendations are to remain confidential.

Due to the time-sensitivity of the matter, the item was referred to the March 20, 2019 Special Council meeting for approval.

**(j) ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 4:02 p.m.

Respectfully submitted,

Councillor M. Pearson  
Chair, Planning Committee

Lisa Chamberlain  
Legislative Coordinator  
Office of the City Clerk

## **LETTER OF CREDIT POLICY**

### **SITE PLAN SECURITIES**

For development proposals approved under Section 41 of the *Planning Act* (Site Plan Approval), the City may require the posting of performance securities, such as Letter of Credit, to be held against the completion of all on-site works (i.e. Landscaping and Engineering).

#### **1. ON-SITE WORKS**

There are two alternatives for calculating the amount of the required Letter of Credit for on-site works:

##### **a) Detailed Cost Estimates**

Complete an itemized cost estimate for 100% of the cost of the exterior works as per the Guides for Estimating Security Requirements for Landscaping and Engineering (see SCHEDULE “1” and “2”).

The applicant is to submit the cost estimates for review by the Planning Division. Securities will be required in the amount of 75% of the approved cost of the works.

An example of an Irrevocable Letter of Credit is attached as SCHEDULE “3 “.

##### **b) Lump Sum Payment**

The amount of the Letter of Credit is calculated based on the area and street frontage, and the type of land use. The following formulas shall be used for calculating the value of the required Letter of Credit:

For new development, the amount of the letter of credit shall be based on the following, which may or may not represent 75% of the estimated cost of exterior site works, but in no case shall the amount be less than \$70,000.00 (2019 dollars):

Residential:	\$105,000 per hectare + \$1,200 per metre frontage
Industrial:	\$35,000 per hectare + \$400 per metre frontage
Institutional:	\$42,000 per hectare + \$900 per metre frontage
Commercial:	\$105,000 per hectare + \$900 per metre frontage

For additions, alterations or additional buildings on developed sites, the amount of the letter of credit shall be based on the following, which may or may not represent 75% of the total cost of all site development works, but in no case shall the amount be less than \$35,000.00:

Residential:	\$53,000 per hectare + \$600 per metre frontage
Industrial:	\$18,000 per hectare + \$200 per metre frontage
Institutional:	\$21,000 per hectare + \$500 per metre frontage
Commercial:	\$53,000 per hectare + \$500 per metre frontage

Schedule “1”

**DRAFT City Hamilton Official Plan  
Amendment No. X**

The following text, together with:

Appendix “A”      Schedule M-2a: Barton-Tiffany Area General Land Use

attached hereto, constitutes Official Plan Amendment No. X to the City of Hamilton Official Plan.

**1.0    Purpose and Effect:**

The purpose and effect of this Amendment is to add a site specific policy area to lands designated Commercial within the Barton-Tiffany Special Policy Area to add the use of a Production Studio to the Commercial designation.

**2.0    Location:**

The lands affected by this Amendment are known municipally as:

Property Address
Part of 271 Bay Street North, Hamilton
Part of 128 Barton Street West, Hamilton
239 and 259 Caroline Street North, 175 Stuart Street, Hamilton
249 Hess Street North, Hamilton
Part of 242 Queen Street North, Hamilton
Part of 243, 245 Queen Street North, Hamilton
107 Stuart Street, Hamilton
Part of 232 Stuart Street, Hamilton
26 Tiffany Street, Hamilton
28 Tiffany Street, Hamilton
30 Tiffany Street, Hamilton
32 and 36 Tiffany Street, Hamilton

**3.0    Basis:**

The basis for permitting this Amendment is:

- The Amendment complies with Volume 1 of the Urban Hamilton Official Plan; and,

- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

#### 4.0 Actual Changes:

#### 4.1 Text Changes

4.1.1 That Section A.6.3.3.1.16 be amended by adding the following new policy:

A.6.3.3.1.16.1.19

For the lands designated Commercial and shown as Site Specific Policy Area 2 on Schedule M-2a Barton-Tiffany Area General Land Use, the following additional policies shall apply:

- i) In addition to Policy A.6.3.3.1.16.1.3, a *production studio* shall also be permitted;
- ii) A *production studio* shall mean the use of land, building or structure used for creation and production of motion pictures or audio or video recordings and the associated warehousing prop and set design and storage. Digital media uses, such as animation studio and associated software development and processing, but shall not include the mass reproduction of film;
- iii) In addition to Policy A.6.3.3.1.16.1.4, outdoor storage associated with a *production studio* shall be prohibited;
- iv) A *production studio* shall only be permitted if a) the site is developed as a campus setting; and b) if the Production Studios is combined with a range of commercial uses constructed as part of or prior to;
- v) Commercial uses shall be located close to the street to create a strong pedestrian orientation with the *production studio* located interior to the site;
- vi) The implementing Zoning By-law shall identify the following requirements:
  - a. appropriate setbacks for the *production studio* to regulate function and built form;
  - b. the location of parking;

- c. minimum gross floor area thresholds required for commercial development to ensure a range and variety of commercial uses are built at the same time or in advance of the *production studio*; and
  - d. Phasing and timing of commercial uses in association with the *production studio*.
- vii) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation of Volume 1, the urban design brief submitted as part of a development application shall include:
- a. A campus masterplan detailing the layout and arrangement of buildings associated with the *production studio* and commercial uses shall address matters such as the following:
    - 1. Vision as contained within the Urban Design Guidelines;
    - 2. Massing and articulation of all buildings;
    - 3. shadow and wind impacts;
    - 4. circulation;
    - 5. street animation;
    - 6. sustainability;
    - 7. Accessibility;
    - 8. Compatibility with adjacent land uses; and
    - 9. Publicly accessible open space areas.
  - b. A Traffic Impact Study.

## **4.2 Map/Schedule Changes:**

### **4.1.2 Schedule M-2a – Barton Tiffany Area General Land Use**

- a. That Schedule M-2a – Barton-Tiffany Area General Land Use – West Harbour Secondary Plan be amended by adding Site Specific Area X, as shown on Appendix “A”, attached to this Amendment.

## **5.0 Implementation:**

An implementing Zoning By-Law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. \_\_\_\_\_ passed on the \_\_\_\_<sup>th</sup> day of \_\_\_, 2019.

The  
City of Hamilton

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F. Eisenberger  
MAYOR

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J. Pilon  
Acting CITY CLERK

