



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 18, 2018
<b>SUBJECT/REPORT NO:</b>	Creative Industries and Film Production Studios on the Barton and Tiffany Lands (PED18210) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Edward John (905) 546-2424 Ext. 2359
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURES:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

**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.

**EXECUTIVE SUMMARY**

This Report proposes a review of the West Harbour (Setting Sail) Secondary Plan Vision and the vision put forward for the Barton Tiffany lands through the Barton Tiffany

Urban Design Study to consider whether creative cultural uses, including but not limited to a film production studio on the Barton Tiffany lands, align with the overall existing vision for those lands.

There is an increasing interest from creative cultural industries, including the film industry, to locate in Hamilton. The city-owned Barton Tiffany lands are currently vacant and, therefore, underutilized, and have been the subject of interest from several film production studios for purchase and redevelopment. The redevelopment of these lands presents a challenge with respect to proximity to the Canadian National Railway Company (CN) lands to the north. In 2014, Council adopted the Barton Tiffany Urban Design Study (PED14164) and directed staff to initiate Official Plan and Rezoning Applications to implement the changes to the land use vision for the Barton Tiffany lands, in part, to manage the issues of proximity to the CN lands.

Film production studios and other creative cultural uses were not anticipated uses for redevelopment on the Barton Tiffany lands at the time of the development of the West Harbour (Setting Sail) Secondary Plan or the more recent Barton Tiffany Urban Design Study. An evaluation of these uses in the context of existing visions for the Secondary Plan and Urban Design Study is required to determine if such uses are appropriate for these lands.

### ***Alternatives for Consideration – Page 9***

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

**Financial:** N/A

**Staffing:** The review proposed and any subsequent Official Plan and Zoning Amendments can be accommodated by staff in the Planning and Economic Development Department.

**Legal:** N/A

### **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).

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The Secondary Plan was the first of many initiatives in the ongoing planning required to realize the objectives for the West Harbour. It establishes the framework for public improvements and private development. Improvements are focused on enhancing the area to take advantage of the harbour setting and promote season-long and year-round enjoyment and appreciation of the Waterfront.

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.

More recently the vision of the lands has been considered through the Barton-Tiffany Urban Design Study approved by Planning Committee on September 19, 2014 (PED14164). 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 on the Barton-Tiffany lands and surrounding area. The study recommended future changes to the existing zoning and Secondary Plan in order to achieve the proposed preferred concept, a recommendation that was approved through Council direction to proceed with the necessary Official Plan Amendment and rezoning applications. These formal changes have yet to be implemented (See Appendix “C” to Report PED18210).

With respect to the Creative Cultural Industries, the City of Hamilton has developed cultural plans and strategies to promote creative cultural industries, including economic action strategies, cultural plans, and industry specific strategies (Economic Development Action Plan 2016-2020, Urban Hamilton Official Plan, Music Strategy etc.). In recognition of these initiatives, in October, 2017, staff brought forward a number of clarifications and permissions that sought to foster greater opportunity for the Creative Cultural Industries in Hamilton. The process included updating definitions within the existing zoning by-law (05-200) and adding uses within existing Industrial zones.

This Report seeks a review further foster and encourage the location of such uses, where appropriate, recognizing the potential opportunity available within the Barton-Tiffany area.

## **RELEVANT CONSULTATION**

Economic Development staff attended both Central and Strathcona Neighbourhood Association meetings to present the possibility of a production studio locating within the Barton-Tiffany lands 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;
- Relationship between studio and community;
- Appearance of potential warehousing and fencing;
- opportunities for live/work units;
- Creation of a positive public realm;
- Physical appearance of industrial uses;
- Years spent advancing the established vision; and,
- Reversal of the shift away from the industrial character.

These matters will be considered in the review of the visions for the Barton Tiffany lands. Additional consultation will also be undertaken as part of the review.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The Creative Cultural Industries have been an integral component of the economic and urban rejuvenation in Hamilton. The Arts and Culture scene has grown exponentially encompassing the whole spectrum of relatable industries. The importance of these industries have been recognized and encouraged through a number of strategic objectives and policy goals.

These industries are searching for locations that offer access to a varied and sizeable workforce, are close to transit, larger land holdings and available ancillary uses such as convenience retail and housing. Review of the West Harbour (Setting Sail) Secondary Plan and Barton Tiffany Urban Design Study visions will consider how such uses could support existing visions for the Barton Tiffany lands.

### **Film 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 new film studios and associated pre and post production activities. 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 been of interest 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. This work identified the numerous commercial and industrial activities associated with this industry and collectively created a new 'Production Studio' definition and amended the Zoning By-law to clarify this new definition and permit within existing industrial areas.

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Primarily an employment use with associated commercial operations, creative industries, and in particular film studios, often combine light industrial type uses and commercial (retail/office) uses. Modern film production studios focus on combining these various roles within a single site creating a campus like setting. Interested studios that have spoken with the City envision between 500 and 2,000 jobs on a 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. 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”.

Given the large contiguous pieces of land available, access to services, transit and population, land in the Barton-Tiffany area has proven attractive to those film industry representatives evaluating Hamilton as a potential location for a film production studio. Hamilton will also be competing with neighbouring municipalities also seeking to attract the film industry and, in particular, the creation of a film production studio. As such, should Committee and Council approve of the Recommendation contained within this Report, the Planning Division will seek to report back to Committee and Council in the first quarter of 2019.

#### 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 (See Appendix “B” to Report PED18210). They are designated within the Secondary Plan as Commercial and Medium Density Residential (See Appendix “A” to Report PED18210). 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 “A” attached to Report PED18210, the portion of the subject lands designated commercial serve as a buffer between the Canadian National Railway Company (CN) rail yard and the residential and open spaces identified along Barton Street West. Whereas the Medium Residential designation located along Barton Street

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West is intended to transition between the Commercial uses and the lower density residential uses existing within the neighbourhood.

### **Commercial Designation**

The Commercial designation is intended to serve the needs of the surrounding neighbourhoods, providing a range of retail shops and services through a variety of building typologies. The designation shall create a sense of place and shall not compete with the retail function of the downtown. Limitations are articulated through the policies of the plan in the form of maximum floor areas and restriction of residential and auto-oriented uses.

### **Medium Density Residential Designation**

The medium density residential designation immediately north of Barton Street West is intended for predominately low to mid rise residential uses, with an opportunity for commercial uses at grade. This area shall serve as an extension to the neighbourhood and provide for a transition between the existing neighbourhood on the south side of Barton and the Commercial area to the north. The Secondary Plan recognizes limitations on outdoor amenity given the location of the rail yard while similarly limiting general heights and density requirements.

The location of creative industries at this location would satisfy a number of general policy expectations of the area—that of the transition away from heavy industry, the creation of transition between the rail corridor, commercial area and potentially residential (Live/Work) possibilities. Notwithstanding this, careful review and evaluation would be required to ensure should this proposal proceed, that focus on the built form typology and overall design is one that fosters a positive pedestrian experience and community interaction.

### **Barton Tiffany Urban Design Study (2014)**

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. The Barton-Tiffany Urban Design Study 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.

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

### **Commercial Designation**

- 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.

### **Medium Density Residential Designation**

- Respect existing and or proposed grid patterns of streets, blocks and open space;
- Consistent minimum front yard setbacks;
- Locating parking at rear or underground; and,
- Buildings with direct access from the sidewalk.

Given the range and location of operations of a film studio, the Barton-Tiffany site could be programmed to achieve the global direction contained within the Urban Design Study and Guidelines. The arrangement of built form and strong street edge—particularly facing Barton Street West could be achieved through any associated provisions of any future site-specific By-law. Screening of parking and examination of any required truck traffic would form an integral part of the assessment.

### Existing Zoning By-law (No. 05-200)

The subject lands are currently split zoned in compliance with the split designation of the Secondary Plan. The commercially designated lands are zoned Downtown Prime Retail (D2 442 (H44)) Zone. The residential designated lands are zoned Downtown Multiple Residential (D6 443 (H45)) Zone.

The uses permitted within the commercial zoned portion of the lands would need to be amended to permit those more industrial related uses such as storage and soundstage. Through any future review, screening and massing could be addressed through any site-specific By-law provisions. Those more typical commercial uses associated with a film production studio (office/retail) are already permitted within the Zoning By-law and therefore—subject to careful design review, are intended to implement the existing policy framework.

Depending on the nature of the live-work units and short stay accommodations (if any are proposed) these residential uses could be located in combination with the campus of the film production studio. These uses could prove an important and complementary

transition into the neighbourhood as intended by the Secondary Plan. In order to permit this, a Zoning By-law Amendment and possible Official Plan Amendment would be required.

### 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 resolution of this issue would occur prior to the redevelopment of the lands.

#### **Rail Yard**

Adjacency to the existing CN Rail Line raises potential conflicts with noise 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 to the south.

### Considerations

#### **City Vision**

As detailed within this Report, aspects of the existing Secondary Plan policy regime would be required to be amended in order to permit the development of the lands for creative industry uses such as a film production studio. The general vision of an accessible mixed-use area, that is pedestrian friendly could be potentially protected and maintained provided careful consideration is given to the manner in which additional uses are approved.

The film production studio use is one that combines components are industrial in nature such as the soundstage and outdoor storage elements with those that are commercial in nature including pre and post production activities. There may be an opportunity to program and locate those elements more traditionally industrial in character in a manner which could form the transition between the existing rail yard and the commercial components of a film production studio.

In a campus like setting in which retail and residential uses – such as live/work accommodations and retail uses - are integrated together, it could potentially align with the vision contained within the Secondary Plan.

From a built form perspective, the pedestrian focused elements such as orientating buildings close to the street, with animated and well-articulated elevations, are

measures that can be incorporated within any amended future Site Specific By-law provisions.

### **Public interest**

The existing vision in the Secondary Plan and Barton-Tiffany Urban Design Study has been the outcome of significant stakeholder and community engagement. It will be essential for public engagement to continue as further consideration of changes to the vision is contemplated. To ensure adequate public consultation occurs, and given that consultation in the September and December months can cause difficulties for the community to participate given other commitments, it is preferable that staff report back by the first quarter of 2019.

To date, Councillors of Wards 1 and 2 have been advised of this potential opportunity, in addition, the public has been approached on two separate occasions in order to gauge an initial response. Both the Strathcona and Central Neighbourhood Associations were provided an overview of the film production studio potential on June 18, 2018 and July 16, 2018 respectively.

These matters will form part of the evaluation recommended in this Report.

### **Development interests**

Given the vision for the area and the numerous investments in services and infrastructure such as the new GO Station, staff must be cognizant that any future approval of a film production studio, complements and emboldens these existing and future investment opportunities. Impact on property values as well as the ability for alternative investors to bid on the property for their own objectives must be considered and evaluated.

### **Conclusion**

This Report highlights the potential opportunity of locating creative industry type uses on the Barton-Tiffany lands. The Barton-Tiffany lands provide both opportunities and challenges with respect to achieving local and City-wide objectives. As such, this Report recommends exploring this opportunity in greater detail through evaluating the necessary *Planning Act* applications necessary to facilitate this outcome.

## **ALTERNATIVES FOR CONSIDERATION**

Council may choose to not authorize staff to undertake a review of the Secondary Plan and Urban Design Study at this time to consider if creative cultural uses, including a film production studio, are consistent with the approved visions for the Barton Tiffany lands. Should Council choose this alternative, staff will proceed to implement the current council direction as approved in the staff recommendation for approval of the Barton Tiffany Urban Design Study through Report PED14164 (See Appendix "C" to Report

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PED18210). In that recommendation, staff was directed to prepare Official Plan and Zoning Amendments to implement the preferred development concept in the Barton Tiffany Urban Design Study.

Should this course of action be taken, any proposed changes in use for the Barton Tiffany lands can be evaluated through Development Applications. Thorough evaluation of consistency with the Secondary Plan and Urban Design Study, visions will be evaluated along with all supporting studies required under the Development Application process.

## **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.*

### **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*

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Barton-Tiffany Land Use Schedule

Appendix “B” – Subject Lands

Appendix “C” – Extract from Barton-Tiffany Urban Design Study

EJ:sd