**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

**Planning Division**

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<tr>
<th>TO:</th>
<th>Chair and Members Economic Development and Planning Committee</th>
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<td>WARD(S) AFFECTED:</td>
<td>WARD 2</td>
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<td>COMMITTEE DATE:</td>
<td>March 2, 2010</td>
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<td>SUBJECT/REPORT NO:</td>
<td>Heritage Permit Application (HP2010-011) Under Part IV of the Ontario Heritage Act for Alterations to 71 Main Street West, Hamilton (Hamilton City Hall) (PED10061) (Ward 2)</td>
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| SUBMITTED BY: | Tim McCabe  
General Manager  
Planning and Economic Development Department |
| PREPARED BY: | Meghan House  
(905) 546-2424, Ext. 1202 |
| SIGNATURE: |                                                            |

**RECOMMENDATION:**

That approval be given to **Heritage Permit Application (HP2010-011) by City of Hamilton Public Works**, to permit the installation of four interactive information kiosks on the ground floor of the designated property at 71 Main Street West, Hamilton (Hamilton City Hall), as shown on Appendix “A” to Report PED10061.

**EXECUTIVE SUMMARY**

The subject property, located at 71 Main Street West, Hamilton (Hamilton City Hall), is designated under Part IV of the **Ontario Heritage Act** by By-law No. 06-011. A heritage permit is required for alterations that affect, or are likely to affect, the property’s heritage attributes, as set out in the designation By-law (see the Reasons for Designation, attached as Appendix “B” to Report PED10061). The applicant, Public Works, has applied for consent to install four interactive information kiosks in the ground floor lobby.
of Hamilton City Hall. The Heritage Permit Review Subcommittee and the Hamilton Municipal Heritage Committee have reviewed this application, and have advised denial of the proposed work. Staff recommends approval of the subject application.

Alternatives for Consideration - See Pages 5 and 6.

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<tr>
<th>FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)</th>
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<tr>
<td><strong>Financial:</strong> None.</td>
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<td><strong>Staffing:</strong> None.</td>
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<td><strong>Legal:</strong> This heritage permit application has been processed and considered within the context of the applicable legislation, as well as Council’s delegated approval authority.</td>
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Section 33(1) of the Ontario Heritage Act states that: “No owner of property designated under Section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes that was required to be served and registered under Subsection 29 (6) or (14), as the case may be, unless the owner applies to the Council of the municipality in which the property is situate and receives consent, in writing, to the alteration.”

Section 33(4) of the Ontario Heritage Act states that: “Within 90 days after the notice of receipt is served on the applicant under Subsection (3), the Council, after consultation with its municipal Heritage Committee, if one is established,

(a) Shall,

(i) Consent to the application;

(ii) Consent to the application on terms and conditions; or,

(iii) Refuse the application; and,

(b) Shall give notice of its decision to the Owner of the property and to the Trust.”

With respect to the delegation of Council’s approval authority, Section 33(15) of the Ontario Heritage Act states that: “The power to consent to alterations to property under this Section may be delegated by By-law by
the Council of a municipality to an employee or official of the municipality if the Council has established a Municipal Heritage Committee, and has consulted with the Committee prior to delegating the power.” This power to consent to applications was granted to the Director of Planning by City of Hamilton By-law 05-364. However, Subsection 33(16) of the Ontario Heritage Act further defines the scope of this power as “Council’s power to consent to alterations”. Accordingly, By-law No. 05-364 states that “the delegated powers in Section 1 do not include the power to refuse an application”.

**HISTORICAL BACKGROUND**  (Chronology of events)

The subject property at 71 Main Street West, Hamilton (Hamilton City Hall) (see location map attached as Appendix “A” to Report PED10061) was designated under Part IV of the Ontario Heritage Act by City of Hamilton By-law 06-011. Under Section 33 of the Ontario Heritage Act, a permit is required for alterations that affect, or are likely to affect, the property’s heritage attributes, as set out in the designation By-law (see the Reasons for Designation, attached as Appendix “B” to Report PED10061). The power to consent to alterations to property designated under the Ontario Heritage Act was delegated by Council to the Director of Planning under City of Hamilton By-law No. 05-364. However, the Ontario Heritage Act and By-law No. 05-364 exclude the power to refuse an application (see Legal Implications). Furthermore, Council resolved on December 14, 2005, that “this delegated authority does not apply, nor is it extended to any proposed decision by the Director of Planning that is not in accordance with the recommendation of the Hamilton Municipal Heritage Committee, or the Heritage Permit Sub-committee, or any of the Conservation District Advisory Committees”.

The applicant has applied for consent to install four interactive information kiosks in the ground floor lobby of Hamilton City Hall (see plans and drawings attached as Appendix “C” to Report PED10061). The terrazzo floor, the central stairs, and the ground floor lobby space are included in the Reasons for Designation as designated features. The application, as submitted, contained several other alterations. As these alterations were recommended for approval by staff and the Heritage Permit Review Subcommittee, the applicant’s consent was obtained to withdraw the original application, and submit those items that could be subject to approval under the Director of Planning’s delegated authority as a separate application.

The Heritage Permit Review Subcommittee of the City of Hamilton Municipal Heritage Committee reviewed this application on January 27, 2010, and February 3, 2010, and advised denial of the proposed alterations due to the displacement effects to the terrazzo flooring and the disruption effects to the lobby space. The City of Hamilton Municipal Heritage Committee reviewed this application on February 25, 2010, and advised denial of the proposed alterations.
POLICY IMPLICATIONS

Ontario Heritage Act

See Legal Implications.

RELEVANT CONSULTATION

Pursuant to Subsection 28(1) of the Ontario Heritage Act, the City of Hamilton Municipal Heritage Committee (MHC) advises and assists Council on matters relating to Part IV and Part V of the Ontario Heritage Act. At its meetings of January 27, 2010, and February 3, 2010, the Heritage Permit Review Subcommittee of the City of Hamilton Municipal Heritage Committee considered this application and recommended to the Hamilton Municipal Heritage Committee and Council that the subject application be denied due to adverse impacts to the designated terrazzo flooring and to the overall character of the lobby space.

The City of Hamilton Municipal Heritage Committee considered this application on February 25, 2010, reaffirmed the advice of the Heritage Permit Review Subcommittee, and recommended to Council that the subject application be denied.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Heritage Considerations

According to the Ontario Heritage Act, Section 33(1), no owner of property designated under Section 29 of the Act shall alter the property, or permit the alteration of the property, if the alteration is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes, unless the owner applies to the council of the municipality in which the property is situate and receives consent, in writing, to the alteration.

The Council, after consultation with its Municipal Heritage Committee may, under Section 33(4):

(a) Consent to the application;

(b) Consent to the application, subject to such terms and conditions as may be specified by the Council; or,

(c) Refuse the application.
If Council refuses to approve the application, the owner can appeal the matter to the Conservation Review Board.

The applicant is proposing to install four interactive information kiosks, four feet, seven inches high, and one foot, seven inches wide, located at the base of the existing central stairs, and adjacent to the previously approved new reception desk.

Key factors that are considered in the evaluation of any change affecting a heritage building, or its setting, are consideration of “displacement effects” (those adverse actions that result in the damage, loss, or removal of valued heritage features) and “disruption effects” (those actions that result in detrimental changes to the setting or character of the heritage feature).

**Displacement:** The installation of each interactive information kiosk requires four \( \frac{3}{8} \)-inch diameter fasteners drilled into the existing terrazzo floor, and one 2-inch opening in the terrazzo floor for electrical and data conduit. This displaces heritage fabric included in the Reasons for Designation. Staff believes that this impact is minor, and that the resulting damage to the terrazzo may be acceptably repaired if the kiosks are removed in the future.

**Disruption:** The installation of the interactive information kiosks introduces new features into the lobby space where there are various heritage features, including the central stairs and terrazzo flooring, that have been identified as heritage features in the Reasons for Designation for the property. However, staff is of the opinion that the proposed design and the brushed stainless steel finish of the kiosks will produce minimal disruption to the character of the lobby space.

Accordingly, staff recommends that Heritage Permit Application HP2010-011 be approved.

**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

1. **Refuse the heritage permit application.**

   Council may deny this application, and there would be no interactive kiosks installed in the ground floor lobby of Hamilton City Hall. This alternative is not recommended as it does not meet the applicant’s objective to ensure an enhanced level of service to the public. However, this alternative would result in less impact to the designated heritage features of the property.
2. **Approve the heritage permit with conditions.**

Council may approve this application, with additional conditions, respecting the number of kiosks, the proposed kiosk design, and/or location of the kiosks. Additional conditions may produce an alternative that results in less impact to the designated heritage features of the property, but may not meet the applicant’s objectives.

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**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Skilled, Innovative & Respectful Organization**
- A culture of excellence.
- More innovation, greater teamwork, better client focus.
- An enabling work environment - respectful culture, well-being and safety, effective communication.
- Council and SMT are recognized for their leadership and integrity.

**Financial Sustainability**
- Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost effective manner.

**Growing Our Economy**
- Newly created or revitalized employment sites.
- Competitive business environment.
- An improved customer service.

**Healthy Community**
- Plan and manage the built environment.
- An engaged Citizenry.
APPENDICES / SCHEDULES

- Appendix “A” - Location Map.
- Appendix “B” - Schedule “B” to By-law No. 06-011.
- Appendix “C” - Photographs, plans, and drawings.

:MH
Attachs. (3)
71 Main Street West (Hamilton City Hall Complex)
City of Hamilton

REASONS FOR DESIGNATION

Cultural Heritage Value
The civic complex, located at 71 Main Street West, comprising Hamilton City Hall and surrounding landscaped grounds, possesses cultural heritage value, expressed in historical associations with the development of municipal administration, the 1950's urban renewal movement, evolution of City Hall architecture in the City of Hamilton, as well as its association with notable individuals including elected representatives of all levels of municipal, provincial, and federal government, visiting dignitaries and celebrities. Hamilton City Hall was built in 1960, by Pigott Construction Co., to a design by Stanley Roscoe, Canada’s first municipally-employed architect, and was Roscoe’s most significant work during his tenure as a City architect. City Hall is one of the few intact examples of modern civic architecture in Canada. The entire civic complex has value as a cultural heritage landscape.

The Reasons for Designation apply to the City Hall complex, together with all elevations and the roof of the main administration building, including all facades, entranceways, and windows, together with construction materials of steel, aluminium, marble, Italian glass tile, wood, building techniques, specific interior features, and features of the landscaped grounds as follows:

City Hall

North (Front Facade):
• Irregular, v-shaped rectilinear plan.
• Flat roof and roofline.
• Ramps and stairs approaching the front entrance.
• Glass curtain walls.
• All marble cladding.
• Council Chamber, together with twelve marble-clad stilts, glass curtain wall, metal balustrade, geodesic dome skylight, and Italian glass mosaic tiles on the underside of the Chamber.
• Spandrels with Italian glass mosaic tiles between the first and second storeys.
• Front entrance with glass doors transoms and surrounds, and “IN” and “OUT” inlaid on the terrazzo floor in front of the doors.
West (Side) Elevation:

- All marble cladding.
- Windows and metal mullions on the first and second storeys.
- Spandrels with Italian glass mosaic tiles between the first and second storeys.
- Connection between the main building and the Council Chamber, together with glass and metal mullions.
- Clock and lettering spelling "City Hall" located at the upper right corner of the main office tower.

South (Rear) Elevation:

- Irregular rectilinear plan.
- Service tower with marble cladding and glass curtain wall.
- Canopy over the rear entrance, together with flat roof, three metal roof supports, and Italian glass mosaic tile ceiling.
- Italian glass mosaic tiles above the ground floor entrance.
- All marble cladding.
- Glass curtain walls.
- Built-in canopies on the five-storey office tower.
- Elevated driveway and pedestrian bridge connecting Hunter Street and parking lot with the second level rear entrance of the building.
- First and second storey entrances with glass doors, transoms, surrounds, and letters spelling “IN” and “OUT” inlaid on the floor in front of the doors.

East (Side) Elevation:

- All marble cladding.
- Windows and metal mullions on the first and second storeys.
- Spandrels with Italian glass mosaic tiles between the first and second storeys.
- Clock and lettering spelling "City Hall" located at the upper right corner of the main office tower.

Interior:

- Cantilevered staircase connecting the first and second floors, together with aluminium treads and open risers, handrail, balustrade, and teak wood finish underneath.
- Double-storey mezzanine with clerestory.
- Double-storey glass partitions and doors with hardware.
- Exposed stilts supporting the upper six storeys.
- Domed skylight in the Council Chamber.
- Original continuous ceiling lighting on the second floor.
- Original metal lettering and clocks throughout the first and second floors.
- Italian glass mosaic tile walls throughout all eight floors of the building.
- Four murals in various locations throughout the second floor.
- Walnut and/or teak wood panelling and doors with hardware in various locations throughout the first and second floors.
- All Italian glass mosaic tile walls in the elevator area on all floors between the ground and eighth storeys.
- Enclosed fire stairs with aluminium treads, risers, and handrails.
- Continuous vertical balustrading from the ground floor to the eighth floor, as well as each floor indicated with aluminium lettering.
- Terrazzo floors on the first and second storeys, and “IN” and “OUT” inlaid on the floor at each entrance.
- All metal lettering on washroom and janitor room doors on all floors between the ground and eighth floors.

**Landscaped Grounds**

**Front (North):**
- Forecourt together with former reflecting pool, walkways, existing multiple levels and topography, retaining walls, coniferous and deciduous trees.
- Grassed lawn and sycamore trees at the northwest corner of the property.
- Public art installation at the northwest corner of the property.

**Side (West):**
- Existing multiple levels and topography together with all retaining walls, walkways, paved open spaces, grassed lawns, sycamore, willow and coniferous trees.
- All public art installations in situ.
Rear (South):

- Elevated vehicular and pedestrian bridge with metal railings supported by concrete piers, connecting Hunter Street and parking lot with the rear second level entrance of the City Hall building.
- Staircases connecting the ground floor with the driveway and pedestrian bridge.
- Garage structure together with overhang, rubble granite, and glazed yellow brick walls.
- Existing multiple levels and topography, together with retaining walls of rubble granite.
- Grassed lawn with willow and coniferous trees at the southwest corner of the property.
- Landscaped area on the east side together with all walkways, paved and grassy open spaces, terraces, and deciduous trees.
- Metal railings surrounding the second-level parking lot, and from the parking lot down the hill to MacNab Street.

Side (East):

- Existing multiple levels and topography, together with retaining walls and stairs.
- Paved open spaces, together with walkways.
- Grassed lawns.
- All deciduous trees.
Hamilton City Hall – Central Stairs and Ground Floor Lobby (2008)
Sample of kiosk design with brushed stainless steel finish
CONNECTION DETAILS FOR ANCHORING KIOSK