TO: Chair and Members  
Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 2

COMMITTEE DATE: April 6, 2010

SUBJECT/REPORT NO: 
Heritage Permit Application (HP2010-020) Under Part IV of the Ontario Heritage Act for the Installation of Sprinklers Under the Central Lobby Stairs at 71 Main Street West, Hamilton (Hamilton City Hall) (PED10054) (Ward 2)

SUBMITTED BY: 
Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY: 
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SIGNATURE:

RECOMMENDATION:

That approval be given to Heritage Permit Application (HP2010-020) by City of Hamilton Public Works, to permit the installation of sprinklers, as submitted, under the central lobby stairs of the interior of the designated property at 71 Main Street West, Hamilton (Hamilton City Hall), as shown on Appendix “A” to Report PED10054, subject to the following conditions:

(a) That the submitted sprinkler system design shall be approved, on a temporary basis only, subject to submission and review of alternative design for said sprinkler system within one year from the date of Council’s approval.

(b) That the finish type and colour of the pipe, sprinkler head, and guards for the temporary sprinkler system be submitted for the review and approval of the Director of Planning by April 23, 2010.
(c) That the finish type and colour of the pipe, sprinkler head, and guards, as approved by the Director of Planning, shall be implemented prior to May 6, 2010.

(d) That any damage to the terrazzo flooring shall be repaired and made good, to the satisfaction of the Director of Planning, prior to April 23, 2010.

**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 this report). The applicant, Public Works Department, has applied for consent to install sprinklers under the central lobby stairs. The Heritage Permit Review Sub-committee has reviewed this application, and has advised denial of the proposed sprinklers on either a temporary basis or as a permanent installation. The Hamilton Municipal Heritage Committee recommended, at its meeting of March 25, 2010, that the sprinkler design be referred back to the Heritage Permit Review Sub-committee and staff to work with the applicant to find a satisfactory design.

*Alternatives for Consideration - See Page 7.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

Financial: None.

Staffing: None.

Legal: This Heritage Permit application has been processed and considered within the context of the applicable legislation, as well as Council’s delegated approval authority.

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.”

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*Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.*

*Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork*
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)*

**Process**

The subject property at 71 Main Street West, Hamilton (Hamilton City Hall) (see location map attached as Appendix “A” to this report), 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 this report). 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, on December 14, 2005, Council resolved 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”.

**Heritage Permit Application (HP2010-020)**

The applicant has applied for consent to install sprinklers under the central lobby stairs at Hamilton City Hall. The cantilevered staircase connecting the first and second floors, including the aluminium stair treads and open risers, handrail, balustrade, and wood finish underneath, are included in the Reasons for Designation as designated features (see Appendix “B”).

Staff and the Heritage Permit Review Sub-committee first became aware of the need for sprinklers under the stairs in Spring 2009, through discussions on the information desk that was approved to be located under the stairs (Heritage Permit Application HP2009-002). The renderings of the information desk showed two columns to house sprinklers coming out of the information desk; at that time the Sub-committee did not comment on these columnar sprinklers as they were not within the scope of the requested approvals.

In February 2010, the applicant installed an unconnected, reversible mock-up of an alternative sprinkler system that would consist of a copper pipe running on the underside of the stairs and supported by the balustrade. However, in discussions with the Heritage Permit Review Sub-committee at their March 3, 2010 meeting, the applicant agreed to provide confirmation that a variance from the Building Code could not be obtained, and to present some other design options. A second meeting was convened for March 10, 2010, and the Sub-committee indicated that they preferred a columnar style sprinkler to be developed and designed to be compatible with the already approved information desk (as originally proposed). The applicant agreed to work on a design. However, in the meantime, the applicant has proceeded to install the copper pipe sprinkler system along the stair balustrade and through the terrazzo floor without the benefit of an approved Heritage Permit.

The Heritage Permit Review Sub-committee has recommended approval of 9 Heritage Permits that were subsequently approved by the Director of Planning under delegated approval. These permits have comprised a large proportion of the overall project, and the applicant and the Sub-committee have worked cooperatively together to arrive at satisfactory solutions.

**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 March 3, 2010, and March 10, 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 character of the main stair and damage to the terrazzo flooring. The Hamilton Municipal Heritage Committee considered this application, along with comments from staff and the applicant at its meeting of March 25, 2010, and recommended that the application should be referred back to the Heritage Permit Review Sub-committee and staff to work with the applicant to find a satisfactory design.

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 sprinklers under the central lobby stairs to protect the new information desk in the event of a fire (see Appendix “C” to this report). This is a requirement of the Ontario Building Code with the sprinklers being in place prior to occupancy of the buildings. The new sprinklers will consist of a 1-inch diameter copper pipe running along the underside of the stairs on the south side, and suspended from the balustrade. On the easterly flight of stairs, the pipe will run from the floor to the landing, and will have two sprinkler heads - one 5 feet, 2 inches above the floor, and one at the landing, approximately 6 feet, 6 inches above the floor. On the westerly flight of stairs, the pipe will run from the floor to approximately half-way, and will have one sprinkler head - 5 feet, 2 inches above the floor. The east sprinklers will require 3 brackets clamped to the existing balustrade, and the west sprinklers will require 2 brackets clamped to the existing balustrade. Each sprinkler head will require a guard to protect the sprinkler head from damage. The applicant has indicated that the finish of the copper pipe and joints can be painted to blend with the wood finish, and the sprinkler heads and guards are available in a variety of metals and finishes.

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 Effects:** The sprinkler will require two 2-inch openings in the terrazzo flooring for the water supply; however, the copper pipe, sprinkler heads, and guards will be suspended from the existing balustrade and will not produce displacement effects to the heritage materials.

**Disruption Effects:** Staff is of the opinion that attention to detail is critical to the sensitive installation of the sprinkler system and the minimization of disruption effects. Staff supports the alternate columnar system, in principle, as preferred by the Heritage Permit Review Sub-committee, if appropriately designed. The copper pipe system may also be an appropriate permanent system if adequate consideration is given to its design and implementation. The current copper pipe that has been installed is considered to be appropriate as a temporary installation, provided that the openings in the terrazzo flooring are made good, and that the pipe, sprinkler heads, and guards are finished to be discreet in appearance. The applicant and the Heritage Permit Review Sub-committee had discussed painting the pipe and hardware to match the wood and the selection of appropriate sprinkler head guards. Therefore, if this Heritage Permit is approved, staff recommends that, as a condition of approval, the applicant be required to submit these finishing details to the Director of Planning for review and approval.
Accordingly, staff recommends that Heritage Permit Application HP2010-020 be approved as a temporary installation only, and that the finishing details be reviewed and approved by the Director of Planning, and implemented prior to the City’s substantive occupancy of the building. This is all subject to the applicant submitting alternative design(s) for a permanent sprinkler system within one year of Council’s approval of Heritage Permit HP2010-020.

ALTERNATIVES FOR CONSIDERATION:
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

1. **Deny the Heritage Permit** - Council may deny the Heritage Permit, as submitted. This alternative would require the applicant to remove the existing sprinkler system that was installed without the benefit of an approved Heritage Permit.

2. **Approve the Heritage Permit as submitted** - Council may approve the Heritage Permit, as submitted. This alternative is not consistent with the advice of Planning staff, and the Hamilton Municipal Heritage Committee. Approval without the recommended conditions would allow the applicant to retain the existing sprinkler installation as a permanent system, and no further discussions regarding an alternative design for a permanent sprinkler system would occur.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


*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.

*Healthy Community*
- Plan and manage the built environment.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
APPENDICES / SCHEDULES

Appendix “A”: Location Map.
Appendix “B”: Schedule “B” to By-law No. 06-011.
Appendix “C”: Photographs.

: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.
View of the main stairs from the north side, prior to renovations

View of the sprinkler pipe from the south side.
Detail of the pipe and sprinkler head at the stair landing.

Detail of the pipe at the terrazzo floor and the lower pipe clamp.
Detail of sprinkler head (approximately 5 feet, 2 inches from the floor) and pipe clamp.