



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD AFFECTED: WARD 2
COMMITTEE DATE: August 13, 2013	
SUBJECT/REPORT NO: Heritage Permit Application HP2013-035, Under Part IV of the <u>Ontario Heritage Act</u> , for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton) (PED13147) (Ward 2)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Meghan House (905) 546-2424 Ext. 1202
SIGNATURE:	

RECOMMENDATION

That Heritage Permit Application HP2013-035 be approved for the installation of planters in the forecourt of the designated property at 71 Main Street West (Hamilton City Hall) (Hamilton), subject to the following condition:

- (a) That the planters shall be removed and/or relocated to the sides of the forecourt or elsewhere on the City Hall property, to the satisfaction and approval of Planning staff, prior to August 31, 2013.

EXECUTIVE SUMMARY

The subject property, located at 71 Main Street West (Hamilton City Hall) (Hamilton) (see location map, attached as Appendix "A"), 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”). The landscaping surrounding City Hall was included in the Reasons for Designation as a heritage feature. The applicant, City of Hamilton Public Works, has applied for consent to install planters in the forecourt of City Hall (see plans and photographs, attached as Appendix “C”). The Heritage Permit Review Sub-committee recommended denial of the application; however, at their meeting of July 28, 2013, the Hamilton Municipal Heritage Committee recommended approval of the Heritage Permit, as submitted, with no conditions. Staff is recommending conditional approval of the Heritage Permit, with the intent that the impact on the character and functionality of the forecourt could be reduced by installing fewer planters and/or installation of the planters in other locations around the City Hall property.

Alternatives for Consideration - See Page 5.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS
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Financial: None.

Staffing: None.

Legal: 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 Sub-section 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.”

In response to an application for a permit, Council may: consent to the permit applied for; provide notice that Council is refusing the application for the permit; or consent to the permit applied for, with terms and conditions attached.

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, Sub-section 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

The subject property at 71 Main Street West (Hamilton City Hall) (Hamilton) (see location map, attached as Appendix “A”), was designated under Part IV of the Ontario Heritage Act by City of Hamilton By-law No. 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”). The landscaping surrounding City Hall is included in the Reasons for Designation as a heritage feature. A comprehensive landscape restoration was undertaken during the recent City Hall renovations and was subject to the Heritage Permit process.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

City of Hamilton Official Plan:

Section C.6 - Heritage Resources of the former City of Hamilton Official Plan encourages the preservation, maintenance, reconstruction, restoration, and management of property considered to have historic, architectural, or aesthetic value (C.6.1). The recommendations of this Report meet the intent of this policy.

Urban Hamilton Official Plan:

Volume 1, Section 3.4 - Cultural Heritage Resources Policies of the Council-adopted (July 9, 2009) Urban Hamilton Official Plan states that the City shall “protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes” (Volume 1, 3.4.2.1(a)), and “identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources” (Volume 1, 3.4.2.1(b)). The policies also provide that the “City may, by By-law, designate individual and groups of properties of cultural heritage value under Parts IV and V, respectively, of the Ontario Heritage Act” (Volume 1, 3.4.2.3).

The Urban Hamilton Official Plan has been approved by the Ministry of Municipal Affairs and Housing, but has been appealed in its entirety to the Ontario Municipal Board (OMB) and, at the time of preparation of this Report, a decision on the appeals has not been made by the OMB. While the Plan is not in full force and effect, these policies demonstrate Council’s commitment to the identification, protection, and conservation of the cultural heritage resources, and the recommendations of this Report meet the intent of these policies.

RELEVANT CONSULTATION

Pursuant to Sub-section 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. At its meeting of June 26, 2013, the Heritage Permit Review Sub-committee 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. The Sub-committee indicated that the proposal disrupts the character of the forecourt, and is not consistent with the landscape plan that was approved as part of the renovations.

The Hamilton Municipal Heritage Committee has recommended that Council approve the application, as submitted, with no conditions.

ANALYSIS / RATIONALE FOR RECOMMENDATION

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: No heritage fabric will be displaced; however, there is the potential that the planters will cause damage to the pavers installed as part of the landscape restoration, such as water stains and unevenness from the weight of the planters.

Disruption: Twelve planters were installed in the forecourt in front of the main entrance/Council Chambers without a Heritage Permit. The forecourt of City Hall was designed to be a public assembly space and support the ideal of accessible and democratic government. The Reasons for Designation include the landscaped grounds and the forecourt as integral components of the City Hall design. The planters disrupt the character of the City Hall landscape through obstructing pedestrian traffic, limiting the assembly area in the forecourt, and hindering views of City Hall from Main Street.

Notwithstanding that the Heritage Permit Review Sub-committee has recommended denial of the application, staff is of the opinion that at least some of the planters could be installed towards the outside edges of the forecourt or towards the side/rear of the building, while maintaining the open space character and functionality of the forecourt. The Hamilton Municipal Heritage Committee recommended that the application be approved, as submitted, with no conditions.

**SUBJECT: Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton) (PED13147) (Ward 2)
- Page 5 of 6**

Staff recommends approval of the installation of planters on the City Hall site on the condition that none of the planters will be located in the area of the forecourt in front of the front entrance or break up assembly areas, as per the recommendations of this Report. The recommended condition of approval requires that the locations for the planters be provided for staff approval, and that the planters be removed and/or relocated by the end of August 2013.

ALTERNATIVES FOR CONSIDERATION

1. Refuse the Heritage Permit application.

Council may deny the application. This is not being recommended.

2. Approve the Heritage Permit with additional or amended conditions.

Council approve this application, with additional or amended conditions of approval other than the staff recommendations. This is not being recommended.

3. Approve the Heritage Permit with no conditions.

Council may approve this application with no conditions, as recommended by the Hamilton Municipal Heritage Committee. This alternative is not recommended by staff, as it would allow the planters to remain in their existing locations which, in staff's opinion, results in disruption effects to the character of the forecourt.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1 - A Prosperous and Healthy Community:

WE enhance our image, economy, and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

1.6 Enhance Overall Sustainability (financial, economic, social, and environmental).

Staff Comments:

The approval of the recommendations of this Report demonstrates Council's commitment to conserving cultural heritage resources, as directed by provincial and federal level policies.

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- Page 6 of 6**

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Schedule "B" to By-law No. 06-011
- Appendix "C": Plan and Photographs

:MH


Attachs. (3)



● Site of the Application



Ward 2 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
HP2010-012
HP2013-035


Date:
February 9, 2009

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MH/AL

Subject Property

 71 Main Street West

Schedule “B”
To By-law No. 06-011

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 1950s 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 the 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 Forecourt from Inside City Hall



View of Forecourt and City Hall from Main Street West



Detail of Planters