



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	April 19, 2018
SUBJECT/REPORT NO:	Recommendation to Designate 111 Kenilworth Access, Hamilton under Part IV of the <i>Ontario Heritage Act</i> (Ward 4) (PED18088)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Chelsey Tyers 905-546-2424 Ext.1202
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the designation of 111 Kenilworth Access, Hamilton (Barton and Kenilworth Reservoirs), shown in Appendix "A" to Report PED18088, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED18088, be approved;
- (c) That the City Clerk be directed to take appropriate action to designate 111 Kenilworth Access, Hamilton (Barton and Kenilworth Reservoirs) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18088;
- (d) That the Public Works Department be directed to report back to Council on the preparation of a combined heritage conservation plan and management plan in consultation with Development Planning, Heritage and Design, Heritage Resource Management, and Municipal Law Enforcement staff, to guide the short to long term protection and preferred conservation treatment of the east portion of the property and to explore options for the future use of the property;

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- (e) That Council direct the Tourism and Culture Division of the Planning and Economic Department to include the Barton Reservoir, the Pipeline Trail and the Hamilton Waterworks National Historic Site of Canada in the Cultural Heritage Landscape Assessment Study.

EXECUTIVE SUMMARY

On February 26, 2009, the Hamilton Municipal Heritage Committee requested that staff prepare a cultural heritage assessment to determine if the Barton and Kenilworth Reservoirs were worthy of designation (see location map attached as Appendix “A” to Report PED18088).

On September 16, 2009, Council added the property to the City of Hamilton Register of Property of Cultural Heritage Value or Interest (PED09241).

In April, 2016, the City of Hamilton’s Planning Division retained Golder Associates to prepare a comprehensive assessment of the cultural heritage value of 111 Kenilworth Access, Hamilton. The historical research, the evaluation of the significance of the property, and the detailed description of the heritage attributes, were completed by Golder Associates in August 2017 and are contained in the Cultural Heritage Assessment on Barton and Kenilworth Reservoirs 111 Kenilworth Access, Hamilton (August 2017), attached as Appendix “D” to Report PED18088. Additionally, the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes and the draft Notice of Intention to Designate are attached as Appendices “B” and “C”, respectively, to Report PED18088.

The subject property has been evaluated using both the City of Hamilton’s Framework for Evaluating the Cultural Heritage Value or Interest of Property for Designation under Part IV of the *Ontario Heritage Act*, and the Criteria for Determining Cultural Heritage Value or Interest, as defined in Ontario Regulation 9 / 06 of the *Ontario Heritage Act*, in accordance with the Council-approved Designation Process. It has been determined that 111 Kenilworth Access, Hamilton has design / physical value, historical / associative value and contextual value, and meets eleven of the City’s twelve criteria and eight of nine criteria as defined in Ontario Regulation 9 / 06. Therefore, staff recommends designation of the property under Part IV of the *Ontario Heritage Act*.

In addition to the recommendation to designate the subject property, because Barton Reservoir is no longer in use and subject to vandalism and further deterioration, there are a number of other short and long term actions that staff recommend to ensure long term conservation of the subject property.

Alternatives for Consideration – See Page 11

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There will be financial implications for the Public Works Department if Council directs them to retain consultants to complete a heritage conservation and management plan (approximately \$10,000). There would likely be additional financial implications (amount to be determined) from any recommendations resulting from the heritage conservation and management plan.

Staffing: There are no staffing implications at this time.

Legal: The designation process will follow the requirements of the *Ontario Heritage Act* and provide for adequate notice of Council's intention to designate the property. Formal objections may be made under the *Ontario Heritage Act* and heard before the Conservation Review Board prior to further consideration by Council of the designation By-law.

Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property's cultural heritage value or interest and to conserve and manage the property through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the Act.

Where alterations to designated properties are contemplated, a property owner is required to apply for, obtain, and comply with a Heritage Permit, for any alteration that "is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes" (Sub-section 33(1)). Designation does not restrict the use of a property, prohibit alterations or additions, or restrict the sale of a property. The City of Hamilton also provides heritage grant and loan programs to assist in the continuing conservation of properties, once they are designated.

HISTORICAL BACKGROUND

The subject property, municipally known as 111 Kenilworth Access, Hamilton (see Appendix "A" to Report PED18088) is known locally as the Barton and Kenilworth Reservoirs.

The origins of Hamilton's waterworks system can be traced back to 1833 where an increasing number of accidental fires led the Board of Police to provide five public wells. Notwithstanding the provision of wells, there was considerable public outcry for a comprehensive and reliable waterworks system. This prompted the Board of Police to

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make a call for tenders in 1835. Unfortunately, due to municipal funding constraints, the winning submission was never implemented.

It was not until a cholera outbreak in September 1854 that City Council reopened consideration of a waterworks system. In January, 1855, Thomas Coltrin Keefer was commissioned to assess the waterworks system options. Keefer determined that Lake Ontario was the most appropriate water source. The newly appointed Board of Water Commissioners (chaired by Adam Brown), engaged Keefer as Chief Engineer on January 28, 1857.

The Barton Reservoir was constructed between 1857 and 1859. It was constructed to Keefer's specifications with an oval-shaped basin, 7.6 m deep, and lined puddled clay on the base and sides. This clay was then covered by a layer of broken stones and a layer of rubble masonry on top. The reservoir was fed by a 0.46 m cast-iron main from the engine house at the beach and distributed water through a large main running along Main Street East to James Street South. The reservoir valve was officially turned on by Adam Brown in 1859.

After the Barton Reservoir was completed, a large residence and outbuildings were constructed for the on-site superintendent. The grounds were also the site of public gardens known as 'Reservoir Park'.

Between 1892 and 1903, a 0.51 m diameter standpipe, a turbine wheel, and two additional intake pipes were added to the reservoir to improve the pressure and output of the distribution system. In 1896, the James Street Reservoir was constructed and the Barton Reservoir function was downgraded to providing an emergency reserve capacity.

The use of the Barton Reservoir was discontinued when the growth of the City resulted in the need for the substantially larger Kenilworth Reservoir that was constructed in 1958 on the subject property, to the east of the Barton Reservoir. The Kenilworth Reservoir remains operational today. Collectively the Barton and Kenilworth Reservoirs represent the provision of water across the City of Hamilton for almost 160 years.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement:

Section 2.6 of the Provincial Policy Statement pertains to Cultural Heritage and Archaeology. Sub-section 2.6.1 states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved". The recommendations of this Report are consistent with this policy.

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Niagara Escarpment Plan:

Section 2.10 of the Niagara Escarpment Plan encourages the conservation of the Escarpment's cultural heritage resources including significant built heritage resources, cultural heritage landscapes and archaeological resources. The recommendations of this Report conform to this policy.

Urban Hamilton Official Plan:

Volume 1, Section B.3.4 - Cultural Heritage Resources Policies of the Urban Hamilton Official Plan (UHOP) 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" (B.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" (B.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*" (B.3.4.2.3).

The recommendations of this Report comply with these policies.

RELEVANT CONSULTATION

Pursuant to Sub-section 29 (2) of the *Ontario Heritage Act*, Council is required to consult with its Municipal Heritage Committee respecting designation of property under Sub-section (1) of the Act. As per the Council-adopted Heritage Designation Process (attached as Appendix "E" to Report PED18088), the Cultural Heritage Assessment prepared by Golder Associates was presented to the Inventory and Research Working Group of the Hamilton Municipal Heritage Committee at their meeting on July 24, 2017.

The Inventory and Research Working Group did not have quorum at the meeting. As such, staff emailed the Cultural Heritage Assessment to the members of the Inventory and Research Working Group on July 25, 2017. Staff did not receive any comments from the Inventory and Research Working Group on the Cultural Heritage Assessment for 111 Kenilworth Access.

Staff also informed the Ward Councillor of the request to designate and the recommendations of this Report. The Ward Councillor did not express any concerns with the recommendation to designate 111 Kenilworth Access, Hamilton.

Staff consulted with Tourism and Culture staff regarding the recommendation to include the Barton Reservoir, the Pipeline Trail and the Hamilton Waterworks National Historic

Site of Canada, in the Cultural Heritage Landscape Assessment Study. Tourism and Culture staff have no concerns with this recommendation.

Staff have consulted with the Public Works Department regarding the recommendations in this Report. As the Kenilworth Reservoir is still in active use, Public Works staff noted concerns with having the Kenilworth Reservoir open to the public and provided notice of their intention to provide a fence around the Kenilworth Reservoir. Planning staff confirmed that there are no plans as part of this Report to open Kenilworth Reservoir to the public, rather the recommendation to complete a combined heritage conservation plan and management plan will explore appropriate options for use of the whole site predominantly focusing on the Barton Reservoir as it is no longer in active use. There were no concerns with this approach.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The intent of municipal designation, under Part IV of the *Ontario Heritage Act*, is to enable a process for the management and conservation of cultural resources. Once a property is designated, the municipality is enabled to manage alterations to the property through the Heritage Permit process and to ensure that the significant features of the property are maintained through the provision of financial assistance programs and the enforcement of Property Standards By-laws.

Designation is guided by the process of cultural heritage evaluation and assessment. The evaluation process, as documented in the Cultural Heritage Assessment, attached as Appendix “D” to Report PED18088, attempts to clearly identify those heritage values associated with a property. The cultural heritage value of the Barton and Kenilworth Reservoirs are described together as their heritage is inextricably intertwined.

Council-Adopted Evaluation Criteria:

A set of criteria were endorsed by the City of Hamilton Municipal Heritage Committee on June 19, 2003, and were adopted by Council on October 29, 2008 (Appendix “B” of Report PED08211), as the Cultural Heritage Evaluation Criteria: A Framework for Evaluating the Cultural Heritage Value or Interest of Property for Designation under Part IV of the *Ontario Heritage Act*. The criteria are used to identify the cultural heritage values of a property and to assess their significance. This evaluation assists in determining a property’s merit for designation under the *Ontario Heritage Act*, as well as deriving a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.

Through the consultants’ evaluation, the property meets eleven of the City’s twelve criteria pertaining to built heritage value.

Ontario Regulation 9 / 06: Criteria for Determining Cultural Heritage Value or Interest:

Section 29 (1) of the *Ontario Heritage Act* permits the Council of a municipality to designate property to be of cultural heritage value or interest where property meets the criteria prescribed by provincial regulation. In 2006, the Province issued Ontario Regulation 9 / 06: Criteria for Determining Cultural Heritage Value or Interest. According to Sub-section 1(2) of Ontario Regulation 9 / 06, a property may be designated under Section 29 of the *Ontario Heritage Act* where it meets one or more of the identified criteria. Ontario Regulation 9 / 06 identifies criteria in three broad categories: Design / Physical Value, Historical / Associative Value and Contextual Value.

As outlined in the attached Cultural Heritage Assessment (see Appendix “D” to Report PED18088), the subject property satisfies eight of the nine criteria contained in Ontario Regulation 9 / 06 in all three categories.

1. Design / Physical Value:

- i. The property is rare as it is part of the City of Hamilton’s first waterworks system. Before the Barton Reservoir and larger waterworks system were constructed, the City was serviced by private and public wells. Additionally, it is likely that the Barton Reservoir is a rare and unusual example of not only a reservoir, but one of its age and construction for the entire country. The Kenilworth Reservoir is more typical of 20th century municipal works construction although decorative elements such as the brick pumphouse with metal strip art installation and brick reservoir access structure with roman relieving arches are unique features.
- ii. The property does demonstrate a high degree of craftsmanship in its combination of clay, stone and earthenworks in the Barton Reservoir.
- iii. The property does demonstrate a high degree of technical and scientific achievement for the Barton Reservoir. For the time period, and in its rural setting, installing the pipe, ditching and earthen embankment to defined specifications represented a mammoth engineering effort, especially considering the challenging site location along the escarpment.

2. Historical / Associative Value:

- i. The property does have direct associations with two persons of note, Adam Brown and Thomas Coltrin Keefer. It was under the leadership of Chairman of the Board of Water Commissioners, Adam Brown, that the

Barton Reservoir and larger waterworks system was completed. Thomas Coltrin Keefer, an influential and highly respected hydraulic engineer designed the waterworks system of which Barton Reservoir was a key component. The Barton and Kenilworth Reservoirs are also associated with the City of Hamilton's Public Works Department who have maintained the property, providing a reliable waterworks system for almost 160 years.

- ii. The property does not have the potential to yield an understanding of a community or culture.
- iii. The property does reflect the work of Thomas Coltrin Keefer as Barton Reservoir was built to his specified design. Following work in Hamilton, Keefer's reputation was solidified and he was a highly sought engineer across the City and assisted with waterworks systems in St. Catharines, Toronto, Ottawa, Quebec City, Halifax and Dartmouth. The Kenilworth Reservoir is typical of 20th century municipal works construction, but its existence is a reflection of the Barton Reservoir's design that was successful in aiding the growth of the City, necessitating the need for a new larger facility.

3. Contextual Value:

- i. The western portion of the property maintains and supports the natural character of the Escarpment. Within the property, intact artificial landforms and continuity of municipal water system elements between the Kenilworth and Barton Reservoirs continue to define the municipal works character of the immediate property.
- ii. The property is physically, functionally and historically linked to its location on the Escarpment. Despite the overgrown vegetation, the relationship with the topography and natural character of the Escarpment remains. Functionally, this location was chosen for its engineering merits and historically, this location has been part of the Hamilton waterworks systems since 1857.
- iii. The property is considered a landmark. Kenilworth Reservoir is the most visually recognizable landmark on the property due to its large size and cleared earthworks visible from the foot of the Escarpment and Kenilworth Access. In addition, until the 1980s, the Barton Reservoir was a prominent spot in Hamilton with lush gardens celebrated in postcards and published photographs.

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Additional Action Items

Unlike most of the designated properties in Hamilton, the Barton Reservoir is no longer functioning and has been out of commission for such a length of time that it is largely a ruin. As such, long term conservation of this cultural heritage resource will require additional action beyond a designation by-law. Staff do note, however, that the Kenilworth Reservoir is still functioning and while the designation includes some features from the Kenilworth Reservoir, it will not impede its continuing function.

As such, in addition to the evaluation of the property's cultural heritage, the consultants have made some relevant short and long term recommendations for action that warrant inclusion in this Report as they will require combined efforts from other Departments and agencies or further approval from Council.

The short term recommendations for Barton Reservoir are:

- Clear all vegetation currently impacting the stone and clay block lining of the Barton Reservoir;
- Increase security by Municipal Law Enforcement at the property to prevent vandalism to the surviving features of the Barton Reservoir; and,
- Initiate a combined heritage conservation plan and management plan to guide the protection and preferred conservation treatment (preservation, rehabilitation, or restoration) of the east portion of the property (Barton Reservoir and associated features, and the former Residence and public park), and to explore options for future use of the property. Options could include:
 - Re-opening the east portion of the property as a public park with walking trails connected to the Escarpment Trail;
 - Installing interpretive signage explaining the extant Barton Reservoir features;
 - Archaeological excavations to re-locate and partially expose or demarcate the foundations of the former Residence complex; and,
 - Provide opportunities for public events such as guided tours or experiences in public archaeology.

The long term recommendations for Barton Reservoir are:

- Submit a request that a description of the Barton Reservoir's character-defining elements be added to the entry for the Hamilton Waterworks National Historic Sites of Canada (NHSC) in the Canadian Register of Historic Places;
- Submit a request to the Historic Sites and Monuments Board of Canada that the Barton Reservoir and Pipeline Trail be added to the designated place of the Hamilton Waterworks NHSC as the earliest surviving example of a municipal water supply system in Canada;

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- Consider drafting policies for new construction in the east end of the City that protect the important sightlines and visual connections between the Barton Reservoir, the Pipeline Trail and the Hamilton Waterworks NHSC; and,
- Initiate a heritage evaluation of the Pipeline Trail as a substantial and well-preserved landscape component of the Hamilton waterworks system connecting the Barton Reservoir with the Hamilton Waterworks NHSC.

The first step to ensuring long term conservation of this cultural heritage resource will be for the Public Works Department, as the stewards of the property, to complete a combined heritage conservation plan and management plan in collaboration with Development Planning, Heritage and Design, and Heritage Resource Management staff. This plan will identify short to long term protection measures, explore the preferred conservation treatment (preservation, rehabilitation, or restoration) and identify future uses for the subject property. The Public Works Department has been consulted regarding this recommendation and has no concerns with this approach. With respect to the short term recommendations, the conservation and management plan should include direction for the vegetation to be removed, the extent of security and the graffiti removal required to protect this cultural heritage resource.

The recommendations to update the description for the Hamilton Waterworks NHSC on the Canadian Register of Historic Places and as part of the National Historic Site designation are already on Culture and Tourism Division's workplan for short term completion. The Cultural Heritage Assessment notes that together the Barton Reservoir, the Pipeline Trail and the Hamilton Waterworks facility are a relict cultural heritage landscape as part of the original waterworks system. To address the long term recommendations of the Cultural Heritage Assessment, staff propose that Council direct staff to include the Barton Reservoir, the Pipeline Trail and the Hamilton Waterworks facility in the Cultural Heritage Landscape Assessment Study across the City which is being led by the Tourism and Culture Division. Through the Cultural Heritage Landscape Assessment Study, the cultural heritage value of the Pipeline Trail will be conducted and the appropriate protection and / or development control measures will be addressed.

Conclusion:

The consultants have determined that the subject property, 111 Kenilworth Access, Hamilton is of cultural heritage value or interest, sufficient to warrant designation under Part IV of the *Ontario Heritage Act*. Staff concurs with the findings of the cultural heritage assessment and recommends designation of 111 Kenilworth Access, Hamilton under Part IV of the *Ontario Heritage Act* according to the Statement of Cultural Heritage Value or Interest and the Description of Heritage Attributes, attached as Appendix "B" to Report PED18088 and the draft Notice of Intention to Designate attached as Appendix "C" to Report PED18088.

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Additionally, staff concur with the additional recommendations for action to ensure long term conservation and active use of this cultural heritage resource which are addressed in recommendations (d) and (e) to Report PED18088.

ALTERNATIVES FOR CONSIDERATION

Under Part IV of the *Ontario Heritage Act*, the designation of property is a discretionary activity on the part of Council. Council, as advised by its Municipal Heritage Committee, may consider two alternatives: agree to designate property, or decline to designate property.

Decline to Designate:

By declining to designate, the municipality would be unable to provide long term, legal protection to these significant heritage resources (designation provides protection against inappropriate alterations, new construction and demolition), and would not fulfil the expectations established by existing municipal and provincial policies.

Designation does not restrict the use of property, prohibit alterations and additions, nor does it restrict the sale of a property, or affect its resale value. Staff do not consider declining to designate the property to be an appropriate conservation alternative.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes
- Appendix “C”: Notice of Intention to Designate
- Appendix “D”: Cultural Heritage Assessment Report on 111 Kenilworth Access (Barton and Kenilworth Reservoirs) by Golder Associates, dated August 28, 2017
- Appendix “E”: Council-Adopted Heritage Designation Process

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