



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	August 22, 2019
SUBJECT/REPORT NO:	Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the <i>Ontario Heritage Act</i> (PED19164) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	David Addington (905) 546-2424 Ext. 1214
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the designation of 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station), shown in Appendix “A” to Report PED19164, 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 PED19164, be approved;
- (c) That the City Clerk be directed to take appropriate action to designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED19164; and,
- (d) That Report PED19164 be forwarded to the Director of the Water and Wastewater Division of the Public Works Department for information.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

EXECUTIVE SUMMARY

On October 18, 2011, staff received a third party request for designation of the city owned property located at 231 Ferguson Avenue South, Hamilton under Part IV of the *Ontario Heritage Act*.

The property is the site of the Ferguson Avenue Pumping Station, a single storey, brick structure, built by the City of Hamilton's Engineering Department in 1912-13 and enlarged in 1929 to facilitate pumping of the municipal water supply. It is no longer in operation since its replacement in 2012 by a new Ferguson Avenue Water Booster Pumping Station, constructed on the property to the east of the existing building.

After staff completed a preliminary evaluation of the property and consultation with the Hamilton Municipal Heritage Committee, Council added the property on the City of Hamilton's Register of Property of Cultural Heritage Value or Interest as a non-designated property and also added the property to the Council-approved designation work program for completion in 2017 on May 23, 2012 (PED12039).

Staff retained Golder Associates to complete a Cultural Heritage Assessment of the subject property (final report dated July 10, 2019 and attached as Appendix "D" to Report PED19164). This comprehensive research and assessment work is intended to inform staff's recommendation and to provide Committee and Council with adequate information upon which to base a decision regarding designation under Part IV of the *Ontario Heritage Act*.

The Cultural Heritage Assessment evaluated the subject property using both the Council adopted heritage evaluation criteria and the Criteria for Determining Cultural Heritage Value or Interest, as defined in Ontario Regulation 9/06 of the *Ontario Heritage Act*. It has been determined that the Ferguson Avenue Pumping Station meets the criteria for designation, therefore, staff recommend the Ferguson Avenue Pumping Station for designation under Part IV of the *Ontario Heritage Act*. The recommended Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes and the Notice of Intention to Designate are attached as Appendices "B" and "C" respectively to Report PED19164.

The City of Hamilton has explored the potential of repurposing the former Ferguson Avenue Pumping Station building to accommodate a new use. Staff with the Water and Wastewater Division of the Public Works Department retained WSP to complete a condition assessment on the Ferguson Avenue Pumping Station, and to evaluate the suitability of repurposing the site. The final WSP report, dated March 2019, identified the conversion of the former Ferguson Avenue Pumping Station into office space as the most suitable repurposing option. The designation of the property will not prevent the future

SUBJECT: Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the Ontario Heritage Act (PED19164) (Ward 2) - Page 3 of 11

repurposing of the building. However, should the subject property be designated, staff recommend that any subsequent conversion to a new use will require further Cultural Heritage Impact Assessment and the issuance of a Heritage Permit to ensure that the impact to the heritage attributes as identified in the Description of Heritage Attributes (attached as Appendix “B” to Report PED19164) is mitigated.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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 grants and loan programs to assist in the continuing conservation of properties, once they are designated.

HISTORICAL BACKGROUND

The history of municipal waterworks at 231 Ferguson Avenue South, Hamilton, began in 1878 when a High Level Pumping Station was built to increase the water supply to the ‘High-Level District’ of Charlton Avenue, Forest Avenue, Herkimer Street, the Niagara Escarpment and a section of James Street. The pumping station initially used steam pumping machinery that was capable of lifting water up to 60 metres to a reservoir on the Mountain.

SUBJECT: Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the Ontario Heritage Act (PED19164) (Ward 2) - Page 4 of 11

The City's growing population and issues with the water supply prompted the construction of a new pumping station at the subject property. In 1912-13, the new Ferguson Avenue Pumping Station was built immediately to the north of the existing pumping station on the same site. The new building was designed by City engineer Andrew F. Macallum and was constructed by City workers. Andrew F. Macallum also co-designed the Hamilton Pumping Station at 900 Woodward Avenue, Hamilton with architect W.A. Edwards in 1913. The design of the new Ferguson Avenue Pumping Station is noted for its combination of functional engineering requirements with consideration of aesthetics, an Edwardian interpretation of classical style and effective siting. By the time the new pumping station was completed, four electric-driven turbine pumps were installed, substantially increasing the water supply to the 'High-Level District'.

Between 1929 and 1930, the 1912-13 building was expanded to the south and east to house three new electric pumps and a 400 horsepower backup generator under the leadership of then City Engineer, William L. McFaul. The original 1878 building was demolished at this time. An additional pump was installed in 1945-46 and five new pumps and electrical switching gear were installed in 1955. The new pumps replaced the now obsolete original pumps and further increased the volume of water that could be transported to serve the growing city. Housing new gear associated with the pumping station's expansion required a further enlargement of the building to the south in 1955.

By the early 21st century, the existing equipment was in poor condition and there were accessibility issues. The City chose to demolish an engine room on the east side of the building and a new facility was opened on the property in 2012. With the completion of the new facility, the Ferguson Avenue Pumping Station was decommissioned.

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 Report PED19164 are consistent with this policy as the property's designation under Part IV of the *Ontario Heritage Act* would formally protect the built heritage resource located at 231 Ferguson Avenue South, Hamilton.

Urban Hamilton Official Plan:

Volume 1, Section B.3.4 - Cultural Heritage Resources Policies of the Urban Hamilton Official Plan (UHOP) provide direction in the management of cultural heritage resources. The following policies are applicable to the recommendations in PED19164:

SUBJECT: Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the Ontario Heritage Act (PED19164) (Ward 2) - Page 5 of 11

“B.3.4.2.1 (a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.

B.3.4.2.1(b) Identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.

B.3.4.2.3 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*, including buildings, properties, cultural heritage landscapes, heritage conservation districts, and heritage roads or road allowances.”

The recommendations of Report PED19164 comply with these policies as the property is recommended for designation in order to formally protect and conserve the tangible built heritage of the Ferguson Avenue Pumping Station. The basis for the recommendation to designate the property is based on a comprehensive identification and evaluation of the heritage value of the subject property.

RELEVANT CONSULTATION

The City of Hamilton is the owner of the Ferguson Avenue Pumping Station property and staff with the Water and Wastewater Division of the Public Works Department were notified of the addition of the property to the designation work plan in 2012. Additionally, Water and Wastewater staff have reviewed and commented on a draft and revised version of the Cultural Heritage Assessment completed by Golder Associates Ltd. (attached as Appendix “D” to Report PED19164) and will be notified of Council's intent to designate through Report PED19164.

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. Typically, Cultural Heritage Assessments are reviewed by the Inventory and Research Working Group (IRWG) of the Hamilton Municipal Heritage Committee in accordance with the Council approved process, attached as Appendix “E” of Report PED19164. A draft Cultural Heritage Assessment prepared by Golder Associates Ltd. (dated October 18, 2018) was reviewed by the IRWG of the Hamilton Municipal Heritage Committee at their meeting on May 6, 2019. The IRWG received the draft report and recommended that equipment within the building be considered for inclusion as heritage features and for staff to further evaluate the merit of this prospect. Subject to receiving a satisfactory response to this consideration, the IRWG supported the recommendation to proceed with the property's designation. A final version of the Cultural Heritage Assessment was reviewed by the IRWG on July 22, 2019. The IRWG

SUBJECT: Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the Ontario Heritage Act (PED19164) (Ward 2) - Page 6 of 11

supported the Cultural Heritage Assessment's recommendation that the long-term management of the collection of non-designated artefacts and equipment internal to the building be detailed in a Conservation Plan to be completed prior to the future conversion of the building. The IRWG supported the property's designation under Part IV of the *Ontario Heritage Act*.

Staff also informed the Ward Councillor of the request to designate and the recommendations of Report PED19164.

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 change and alterations to the property through the Heritage Permit process and to ensure that the significant features of the property as identified in the designation by-law are maintained through the provision of financial assistance programs and the enforcement of Property Standards By-laws.

Cultural Heritage Evaluation:

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 PED19164, attempts to clearly identify those heritage values associated with a property.

Council-Adopted Evaluation Criteria:

A set of criteria were endorsed by the City of Hamilton's Municipal Heritage Committee on June 19, 2003 and were adopted by Council as The City of Hamilton: Cultural Heritage Evaluation Criteria on October 29, 2008. 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 consultant's evaluation, the property meets ten 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

SUBJECT: Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the Ontario Heritage Act (PED19164) (Ward 2) - Page 7 of 11

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 PED19164), the subject property satisfies seven of the nine criteria contained in Ontario Regulation 9/06 in all three categories.

1. Design / Physical Value:

- i. In its scale, massing, style, materials and decoration, the 1912-13 block of the Ferguson Avenue Pumping Station and 1929-30 extension of the building is representative of an early 20th century ‘Electric Era’ waterworks and the application of the Romanesque Revival style to public infrastructure buildings.
- ii. There is a relatively high degree of design competence and masonry craftsmanship on the fine brick Ferguson Street façade which also extends to the water table of the north wall, the cogging of the north and south side walls, and the gauged brick voussoir of the surviving window of the south wall. The 1929-30 extension addressed well the engineering challenge of breaching the 1912-13 block of the building by bracing the upper wall with an I-beam and large columns.
- iii. The functional merit of the Ferguson Avenue Pumping Station lies in its expert combination of brick, concrete, I-beam, and glass construction, which is representative of ‘Electric Era’ waterworks construction across Ontario. This construction could stand the vibration loads generated by the water pumping machinery.

2. Historical / Associative Value:

- i. The Ferguson Avenue Pumping Station is most closely related to the theme of Urban Development since it is directly related to Hamilton’s consolidation as an industrial centre in the first quarter of the 20th century and linked to Hamilton’s population explosion between 1911 and 1920.
- ii. The property is not considered to have significant potential to yield information that contributes to an understanding of a community or culture.

- iii. The 1912-13 block of the building is directly associated with Andrew F. Macallum who designed the Ferguson Avenue Pumping Station while serving as City Engineer between 1909 to 1916. The 1929-30 and 1955 extensions were built during the tenure of William L. McFaul, City Engineer for thirty six years. There is also a strong association between the Ferguson Avenue Pumping Station and staff from the City's Water Department, who constructed and operated the facility for over a century.

3. Contextual Value:

- i. The Ferguson Avenue Pumping Station maintains and supports the character of the area as it continues the two-storey height, massing, moderate setback and red-brick materials of the adjacent designated row housing and the semi-detached properties on Foster Street and further reinforces this sense of architectural cohesion with these earlier buildings through its semi-circular headed window openings.
- ii. The Ferguson Avenue Pumping Station is physically, functionally, visually and historically linked to its surroundings. The land use as a municipal waterworks has continued since 1878 when a repumping station was built to increase the supply of water to the immediate area and the Niagara Escarpment. Furthermore, the visual relationships with the Escarpment and the adjacent historic architecture on Ferguson Avenue and Foster Street have been retained.
- iii. The property is not considered a landmark.

Potential Repurposing:

As the Ferguson Avenue Pumping Station is no longer operational, City of Hamilton Water and Wastewater staff have explored the potential for repurposing the building to accommodate a new use. The consultant, WSP, was retained to conduct a Facility Repurposing Study, dated March 2019, which recommended converting the building into office space after reviewing eight different repurposing options. The study identified several measures that may be required to adapt the building for office use including removing interior elements, filling the basement, constructing an interior mezzanine, constructing suitable plumbing and HVAC systems and restoring select heritage features.

It is anticipated that a conversion of the Ferguson Avenue Pumping Station to an office use could have a positive overall impact on the preservation of the building's heritage features. Repurposing to office space may be accomplished with relatively limited physical impact to the building's heritage attributes, the majority of which are contained

SUBJECT: Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the Ontario Heritage Act (PED19164) (Ward 2) - Page 9 of 11

in the building's envelope which could be adapted to the new use. Furthermore, the building's reuse will spur the rehabilitation of the building and reanimate the space with new users, thereby contributing to the ongoing stewardship of the building.

The designation of the property will not prevent the future repurposing of the building. Further Cultural Heritage Impact Assessment is recommended to guide any future building conversion and to inform the review of a proposed conversion through the Heritage Permit process once the design details are prepared. The intent of the Cultural Heritage Impact Assessment will be to evaluate the impact of a proposed conversion on the building and to identify measures to mitigate the conversion's impact on designated heritage attributes and also to the building's non-designated features.

Non-designated features that may potentially be altered or removed to facilitate a conversion include the 1955 addition on the building's south side and many of the interior industrial artefacts such as the ten existing water pump trains, electrical equipment, basement piping and a control station. A conditions assessment of the pump trains has indicated that most were installed in 1960 or afterwards. The *Ontario Heritage Act* does not enable the heritage protection of moveable items that are not permanently attached to the property (ie. chattel), therefore, non-permanent fixtures such as the internal equipment have not been included as designated attributes. However, these non-designated features possess heritage value in that they contribute to an understanding of the 20th century evolution of a waterworks facility and are key components to its function. Consequently, it is recommended that a Conservation Plan be prepared to guide the long-term management and preservation of the collection of industrial artefacts as a condition to any Heritage Permit for the conversion of the building.

Conclusion:

The consultants have determined that the subject property, 231 Ferguson Avenue South, Hamilton is of cultural heritage value or interest, sufficient to warrant designation under Part IV of the *Ontario Heritage Act*. Staff concur with the findings of the Cultural Heritage Assessment report and recommends designation of 231 Ferguson Avenue South, 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 PED19164 and the draft Notice of Intention to Designate attached as Appendix "C" to Report PED19164.

With respect to the potential repurposing of the building, any proposal to convert the building to a new use will be subject to the approval of a Heritage Permit and any other required applications. Staff recommend that any future Heritage Permit application for the building's conversion be accompanied by a Cultural Heritage Impact Assessment and Conservation Plan to evaluate the impact to the building's designated heritage attributes

SUBJECT: Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the Ontario Heritage Act (PED19164) (Ward 2) - Page 10 of 11

and to guide the long-term management of the building's non-designated industrial artefacts.

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 this significant heritage resource (designation provides protection against inappropriate alterations and demolition) and would not fulfil the expectations established by existing municipal and provincial policies.

Without designation, the property would not be eligible for the City's heritage grant and loan programs. 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.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

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

SUBJECT: Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the Ontario Heritage Act (PED19164) (Ward 2) - Page 11 of 11

- Appendix "D": Cultural Heritage Assessment Report for 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station), July 10, 2019
- Appendix "E": Council-Adopted Heritage Designation Process