



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	July 19, 2018
SUBJECT/REPORT NO:	Recommendation to Designate 270 Sherman Avenue North, Hamilton (Cotton Factory) under Part IV of the <i>Ontario Heritage Act</i> (PED18167) (Ward 3)
WARD(S) AFFECTED:	Ward 3
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 270 Sherman Avenue North, Hamilton (Cotton Factory), shown in Appendix "A" to Report PED18167, 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 PED18167, be approved;
- (c) That the City Clerk be directed to take appropriate action to designate 270 Sherman Avenue North, Hamilton (Cotton Factory) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18167.

EXECUTIVE SUMMARY

In April, 2018, staff were made aware that the property owner of 270 Sherman Avenue North, Hamilton (Cotton Factory) was interested in pursuing designation under Part IV of the *Ontario Heritage Act*. The property owners opted to retain their own heritage consultant to do a Cultural Heritage Assessment for the purposes of designation rather than to wait for the City to add the property to the work plan for completion in 2034.

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The historical research, evaluation of the significance of the property and description of heritage attributes were prepared by mcCallumSather for the property owner and are contained in the Cultural Heritage Assessment for 270 Sherman Avenue North, Hamilton dated June 27, 2018 (Appendix “D” to Report PED18167). Additionally, 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 PED18167.

The subject property has been evaluated 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 property, comprised of 270 Sherman Avenue North, Hamilton, has design / physical value, historical / associative value, and contextual value, and meets twelve of the City’s twelve criteria and seven 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*.

Alternatives for Consideration – See Page 8

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 subject property, municipally known as 270 Sherman Avenue North, Hamilton (see Location Map attached as Appendix “A” to Report PED18167), also known as the “Cotton Factory” and formerly the “Imperial Cotton Company”, was originally constructed in 1900 but was subject to a number of additions until about the 1960s. The Cotton Factory was originally constructed as a one to three storey red-brick industrial building for the purposes of manufacturing cotton duck material, a heavy-duty canvas like material.

During the late 19th and early 20th century, Hamilton’s textile industry was one of the city’s largest industries, second only to the steel mill industry. The Imperial Cotton Company as the subject property was originally known, was constructed in 1900 and was the third textile mill in the Hamilton area. It came about because a bookkeeper from a cotton duck mill in Yarmouth, Nova Scotia came to Hamilton in 1887 to open a rival company. He contacted John Patterson, one of the persons responsible for opening the Cataract Power Company which brought inexpensive electricity to the City. Patterson already owned the land, and his brother Edmond Patterson was the architect.

The Young family, who also owned Hamilton Cotton Mills is associated with the Imperial Cotton Company as well. James M. Young was the first President, and may have been a part owner with John Patterson. The Young family was significant in the textile industry, as they also had holdings in a number of other textile mills in New Brunswick, Quebec and Ontario including the Hamilton Cotton Company which started in 1880.

In 1924, the Imperial Cotton Company was merged with the Cosmos Cotton Mills (located in Yarmouth, Nova Scotia). The site serviced the Cosmos-Imperial Mills Limited until 1958 when most of its machinery and workers were sent back to Nova Scotia.

The building has been adaptively reused and is currently a creative industries complex with space for workshops, small manufacturing, office space for creative professionals and studios for artists.

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.

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. Typically, Cultural Heritage Assessments are reviewed by the Inventory and Research working group in accordance with the Council approved process attached as Appendix “E” of Report PED18167. As a result of the upcoming municipal election this year and that there are no Council meetings between the old and new Councils, the recommendations had to be presented to the Hamilton Municipal Heritage Committee immediately to allow Council to pass a designation by-law prior to the municipal election.

Staff also informed the Ward Councillor of the request to designate and the recommendations of this Report. The Ward Councillor expressed support of the owner led designation of 270 Sherman Avenue North, Hamilton.

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.

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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 PED18167, 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 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 twelve 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 PED18167), the subject property satisfies seven of the nine criteria contained in Ontario Regulation 9 / 06 in all three categories.

1. Design / Physical Value:

- i. The property is a representative example of a complete historic textile mill in the Gothic interpretation of industrial architecture.

- ii. The property does not demonstrate a high degree of craftsmanship or artistic merit.
- iii. The property does not demonstrate a high degree of technical or scientific achievement.

2. Historical / Associative Value:

- i. The property does have direct associations with the early textile industry in Hamilton as it was the third textile mill constructed in Hamilton and continued to serve in the industry until 1958.
- ii. The property does have the potential to yield information about Hamilton's textile industry.
- iii. The property does reflect the work of architect Edmond Patterson who is attributed to the design of the original 1900 industrial complex. Edmond Patterson was a local architect who specialized in industrial buildings, private residences and walk-up apartment blocks. Examples of Edmond Patterson's work include the brick Turbine Hall at Decew Falls near St. Catharines and the Transformer Station for the power company that used to be on Victoria Avenue North, Hamilton.

3. Contextual Value:

- i. The property is considered to have contextual value as it defines, maintains and supports the industrial character of the area.
- ii. The property is considered to be physically, functionally and historically linked to its surroundings. Located in an early industrial area in Hamilton, the Cotton Factory supported Hamilton's early industrial history. Furthermore, the location and configuration of the site were functionally laid out to support the textile manufacturing around the railway line that at one time entered onto the property.
- iii. The property is considered a landmark due to its physical size, completeness of an early industrial complex and the tower and smokestack that are visually prominent in the area.

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Additional Recommendation in the Cultural Heritage Assessment by mcCallumSather

In addition to the recommendation to designate the subject property under the *Ontario Heritage Act*, the Cultural Heritage Assessment also provided the following recommendations:

1. Construction activities shall be planned to avoid impact to identified cultural heritage resources.
2. The City of Hamilton Heritage staff provide a Heritage Permit for similar ongoing window conservation work under the current ownership as part of the property's long-term conservation and maintenance program.
3. The City of Hamilton Heritage staff provide a Heritage Permit for similar ongoing minor masonry work (repointing, selective brick replacement, etc.) as part of the property's long-term conservation and maintenance program.
4. The infill between the original Mill and the Office buildings and the front loading dock addition (approximately 1946) not be considered as part of the heritage designation as they have no heritage value.
5. Should future work require an expansion and / or renovation to the property of 270 Sherman Ave North, a qualified heritage consultant shall be engaged to mitigate any potential impacts of the proposed work on potential cultural heritage resources.
6. Any significant conservation work beyond general building repair, the applicant must consult with the City of Hamilton's Heritage staff to confirm requirements and the approval process.

With respect to recommendation 1., 5., and 6., these items are in keeping with best practice and any construction work, expansion or renovation may require a Heritage Permit application. With respect to items 2., and 3., any ongoing window conservation or masonry work will require the approval of a Heritage Permit application in consultation with the Heritage Permit Review Subcommittee and / or Hamilton Municipal Heritage Committee. Lastly, with respect to recommendation 4., staff concur that the 1946 infill between the Mill and Office buildings has very little cultural heritage value and as such it is not included in the Statement of Cultural Heritage Value or Interest.

Conclusion:

The consultants have determined that the subject property, 270 Sherman Avenue North, 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

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Heritage Assessment Report and recommends designation of 270 Sherman Avenue North, 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 PED18167 and the draft Notice of Intention to Designate attached as Appendix “C” to Report PED18167.

With respect to the additional recommendations in the Cultural Heritage Assessment noted above, staff concur, however note that any alterations to the heritage attributes identified in the Statement of Cultural Heritage Value or Interest, including the masonry and original windows will require Heritage Permit approval.

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.

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. Staff does not consider declining to designate the property to be an appropriate conservation alternative.

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
- Appendix “D”: Cultural Heritage Assessment Report on the 270 Sherman Avenue North, Hamilton (Cotton Factory) dated June 27, 2018
- Appendix “E”: Council-Adopted Heritage Designation Process