



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	February 20, 2020
SUBJECT/REPORT NO:	Recommendation to Designate 127 Hughson Street North, Hamilton (Firth Brothers Building) under Part IV of the <i>Ontario Heritage Act</i> (PED20050) (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 127 Hughson Street North, Hamilton (Firth Brothers Building), shown in Appendix "A" to Report PED20050, 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 PED20050, be approved; and,
- (c) That the City Clerk be directed to take appropriate action to designate 127 Hughson Street North, Hamilton (Firth Brothers Building) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED20050.

EXECUTIVE SUMMARY

127 Hughson Street North, Hamilton is the site of the Firth Brothers Building. The Firth Brothers were a local, family-run manufacturer of textiles that operated at the subject property from approximately 1911 until 1974. More recently the building has housed Coppley Apparel in advance of moving to a new downtown manufacturing facility. The subject property consists of two buildings that are connected to each other – the west or interior section built circa 1911 and the east section facing Hughson Street North built in 1929.

In March 2019, staff were made aware that the property owner of 127 Hughson Street North, Hamilton was interested in pursuing designation under Part IV of the *Ontario Heritage Act*. The property owners opted to retain their own heritage consultant to complete a Cultural Heritage Assessment for the purposes of designation. As a result, staff have not had the opportunity to add the property to the City's work plan for designation. As the property is considered to be under immediate development pressure, it is considered a high priority for designation to ensure its heritage value is preserved.

The subject property was 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 127 Hughson Street North, Hamilton, has design/physical value, historical/associative value, and contextual value, and meets six of the City's twelve criteria and four 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*.

The final Cultural Heritage Assessment report completed by Letourneau Heritage Consulting Inc., dated January 21, 2020, is attached as Appendix "D" to Report PED20050 and the recommended Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes is attached as Appendix "B" to Report PED20050.

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.

PROJECT BACKGROUND

The subject property was added to the City of Hamilton's Register of Property of Cultural Heritage Value or Interest in September 2014 as part of the comprehensive Downtown Built Heritage Inventory Project (DBHI). Staff report PED14191, which included the recommendation to add 127 Hughson Street North, Hamilton to the Register among other downtown properties, was approved by Planning Committee on September 16, 2014 and ratified by Council on September 24, 2014.

The current property owner contacted staff in March 2019 to consider potentially designating the subject property under the *Ontario Heritage Act*. Since the subject property had not been included on the work plan for designation, the property owner elected to complete a Cultural Heritage Assessment to comprehensively assess the property's heritage merit including the preparation of a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes. The owner-initiated Cultural Heritage Assessment completed by Letourneau Heritage Consulting Inc. was initially submitted to the City by the owner in March 2019 and revised and resubmitted in January 2020.

The property owner indicated that the existing building on site is projected to be redeveloped to new, multi-tenant commercial uses. The redevelopment would involve mostly interior renovations to facilitate the new uses and the replacement of windows that are noted as having eroding steel muntin bars and frames in the Cultural Heritage

Assessment. The replacement windows are to be modern multi-panel replicas of the existing, early 20th century industrial-style windows.

The comprehensive research and cultural heritage assessment work that has been submitted 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 the *Ontario Heritage Act*.

The property's cultural heritage value was assessed using 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*. As outlined in the Cultural Heritage Assessment, it has been determined that the subject property meets six of the City's twelve criteria and four of nine criteria as defined in Ontario Regulation 9/06. Therefore, staff recommend the designation of the subject property under Part IV of the *Ontario Heritage Act*.

HISTORICAL BACKGROUND

Brothers Norman and John Firth purchased a storefront at 144 James Street North to be used as a tailoring store. It was to the rear of this storefront that they soon built the first tailoring workshop on the lot as a two storey brick building circa 1911 in order to supply the James Street storefront. This building had been enlarged with two additional storeys by 1927 and exists now as the western section of the Firth Brothers building. Subsequently, the brothers were able to acquire and consolidate adjacent lots that led to the 1929 construction of the larger manufacturing facility that currently fronts onto Hughson Street North. When the new building was built, not only did it vastly expand the Firth brothers' manufacturing operation but it received a great deal of attention and was credited with revitalizing the area.

The industrial adoption of the sewing machine towards the late 19th century enabled the production and popularization of ready-made clothing, an advancement that provided a new alternative to custom tailored clothing. By the early 20th century, tailors such as the Firth Brothers utilized the advancements in manufacturing practices to produce clothing in bulk as well as with special order garments to achieve cost savings. As Hamilton's industrial growth continued in the early 20th century, the area had established the infrastructure needed to support the wartime effort. It was in this context that the Firth Brothers gained their fortune, expanding rapidly to supply the Dominion and British Empire in both World Wars.

Through the first half of the 20th century, Norman and John ran the company together at the subject property and the company remained in the ownership of the Firth family until the operation closed in 1974 following an industrywide downturn in textile

manufacturing. The Firth Brothers employed hundreds of workers over the company's history, many of whom likely lived nearby.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement:

Section 2.6 of the Provincial Policy Statement pertains to Cultural Heritage and Archaeology and the following section applies, amongst others:

"2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved."

The recommendations to designate the subject lands under Part IV of the *Ontario Heritage Act* of Report PED20050 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) include the following policies related to cultural heritage, amongst others:

"B.3.4.2.1(a) The City of Hamilton shall, in partnership with others where appropriate, 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) The City of Hamilton shall, in partnership with others where appropriate, 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 to designate the subject lands under Part IV of the *Ontario Heritage Act* of Report PED20050 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 (IRWG) of the Hamilton Municipal Heritage Committee in accordance with the Council approved process attached as Appendix “E” of Report PED20050.

A draft Cultural Heritage Assessment prepared by Letourneau Heritage Consulting Inc. (dated March 2019) was reviewed by the IRWG at their meeting on May 6, 2019. The IRWG received the draft report and supported the Cultural Heritage Assessment’s recommendation for designation. The IRWG recommended that windows, particularly those on the Hughson Street North frontage and elements of the foyer be included in the Description of Heritage Attributes. Letourneau Heritage Consulting Inc. provided a revised Cultural Heritage Assessment (dated January 21, 2020) that incorporated these recommendations.

Staff have consulted with the property owner regarding the proposed adaptive reuse of the Firth Brothers building and in the drafting of the recommended Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.

Staff also informed the Ward Councillor of the request to designate and the recommendations of Report PED20050. The Ward Councillor expressed support of the designation of 127 Hughson Street 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 change and 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.

Adaptive Re-use:

The expected repurposing of the Firth Brothers building to new, multi-tenant commercial uses will ensure that the building remains utilized after Coppley Apparel vacates the site. The continued use of the building will animate this downtown space and help promote the ongoing stewardship of a valued heritage resource.

The property's designation will not prevent the anticipated repurposing of the building. In cases where impacts to heritage attributes are unavoidable, such as with the potential replacement and replication of windows, Heritage Permits will be required to ensure that there is minimal impact to the attribute through the application of appropriate mitigation measures.

The 1911 building on the interior portion of the site has not been included in the Description of Heritage Attributes at the request of the property owner who desires to maintain flexibility to alter this building in a potential future development phase. This will have the effect of allowing the owner to alter this building without requiring Heritage Permits.

Staff are of the opinion that the 1911 building retains heritage value that ideally would be included in the Description of Heritage Attributes to provide a similar level of protection as the 1929 building. However, staff acknowledge that the majority of the physical, exterior heritage attributes are featured on the 1929 building fronting on Hughson Street. These attributes on the 1929 building will be protected through inclusion in the Description of Heritage Attributes and subject to the Heritage Permit process for any proposed alterations. While the 1911 building does retain design elements of heritage value including its original window openings, some original windows and brickwork, its heritage value lies primarily in its contextual link to the tailor's storefront at 144 James Street North and association with the early development of the Firth Brothers' textile manufacturing legacy. Although the owner will have the ability to alter the features of the 1911 building, there are mechanisms within the *Ontario Heritage Act* that will provide protection of this building from demolition and therefore can assist in protecting its contextual and associative heritage value. As a result of this protection provided for designated properties in the *Ontario Heritage Act* and given that the property's designation has been initiated by the property owner, staff have agreed to the owner's request to have it excluded from the Description of Heritage Attributes.

In the event that an owner seeks to demolish the 1911 building, Section 34(1) of the *Ontario Heritage Act* requires that the owner apply and receive written consent from Council before any building or structure is demolished or removed from a designated property. Additionally, Council may set out any information it may require to inform their decision. Council's decision must be made within 90 days of serving a receipt to the applicant notifying them that all information has been received. Should there be an application for demolition, it will be recommended that a Cultural Heritage Impact Assessment (CHIA) be submitted by the applicant when any demolition application is submitted to help inform Council's decision. This same recommendation would also apply to the 1929 building.

Additionally, should significant alterations be proposed to any part of the building that would require an application under the *Planning Act*, a CHIA may be required by staff as part of the review process in accordance with Urban Hamilton Official Plan Policy B.3.4.2.12 for Cultural Heritage Impact Assessments.

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 PED20050, 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 (Appendix “B” to Report PED08211). 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 six of the City’s twelve criteria pertaining to built heritage value as outlined in the Cultural Heritage Assessment attached as Appendix “D” to Report PED20050.

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 PED20050), the subject property meets four 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 an early 20th century vernacular industrial building that has Art Deco influences. The scale, size, massing and large window openings are a representative example of an early 20th century industrial building. The decorative façade of the east section of the building displays brick pilasters, unique brickwork, stylized parapets and decorative entrance and foyer area which are influenced by the Art Deco style.
- ii. The property does not display a high degree of craftsmanship or artistic merit.
- iii. The property is not considered to have a high degree of technical or scientific achievement.

2. Historical / Associative Value:

- i. The property has a direct association with the Firth Brothers, Norman and John Firth. Norman Firth began the clothing business in 1909. The two brothers, with Norman acting as president, officially incorporated as Firth Brothers Limited in 1918. Members of the Firth family owned and operated the business from this location until 1974. As a result of the success and growth of the Firth Brothers clothing store, the property has associative value as a contributor to the growth of the textile industry of Hamilton during the turn of the century and throughout the wartime period. The building played a role in the economic revitalization of the neighbourhood when it was built. The Firth Brothers employed hundreds of workers throughout its lifetime, many of whom likely lived nearby.
- ii. The property does not have the potential to yield information that contributes to an understanding of a community.
- iii. The property does not reflect the work or ideas of an architect who is significant to the City of Hamilton as the architect and builder are unknown.

3. Contextual Value:

- i. The property is important in defining and maintaining the industrial heritage and character of the downtown Hamilton mixed-use downtown neighbourhood in which it is located. The property is one of the largest

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industrial buildings in the immediate area and a prominent building along this section of Hughson Street North.

- ii. The property is historically linked to 144 James Street North, which was the original storefront for the Firth Brothers clothing business.
- iii. The property is not considered a landmark.

Conclusion:

The consultants have determined that the subject property, 127 Hughson Street 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 Heritage Assessment report and recommend designation of 127 Hughson Street 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 PED20050 and the draft Notice of Intention to Designate attached as Appendix “C” to Report PED20050.

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. 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” - Letourneau Heritage Consulting Inc., Cultural Heritage Assessment Report for 127 Hughson Street North, Hamilton, January 21, 2020
- Appendix “E” - Council-Adopted Heritage Designation Process